Last date: 03/03/2023 Next date: **24.04.2023**

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

I.A. NO. 68 / 2023 (WZ)
IN
APPLICATION NO. 65 / 2019 (WZ)

Ajay Bhosale & Ors	.....	**Applicant**
VERSUS		
Union of India & Ors.	.....	**Respondents**

REPLY AFFIDAVIT BY RESPONDENT NO. 11
M/S. BRAMHACORP LTD.

IN RESPONSE TO I.A. 68/2023(WZ) FILED BY THE APPLICANT FOR RECALL OF THE DAILY ORDER DATED 11/09/2022 PASSED IN OA 65/2019 (WZ) BY HON'BLE TRIBUNAL;

UNDER RULE No. 24 OF THE NGT (P&P) RULES, 2011
R/W. SECTION 18(3) & 19(4) (K) OF NGT ACT, 2010
AND HEAR & DECIDE THE OA FINALLY ON MERIT AS WELL AS PRELIMINARY OBJECTION TOGETHER

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Pune, 21 April 2023

Reply filed by
Advocate for Respondent No. 11:



B-202 Chandravijay, Phule Road, Opp. Bansuri Hotel,
Mulund East, Mumbai - 400081, Maharashtra, India.
Phone: 7400116222 *email:* mahabal60@gmail.com

Raghunath Mahabal रघुनाथ महाबळ
BE (Mech), ME (Indl.Management) VJTI Mumbai
Chartered Engineer, FIE, LLM **ADVOCATE**

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LIST OF ABBREVIATIONS USED

Short-form	Full-form
C20	'Consent to Operate'
C2E	Continuous Comprehensive Evaluation
CC	Commencement Certificate
CPCB	Central Pollution Control Board
DC Rules DCPR 2034	Development Control Regulations Development Control & Promotion Regulation 2034
DOE	Department of Environment, Govt. of Maharashtra
EC	Environment Clearance
EIA	Environment Impact Assessment
MOEFCC	Ministry of Environment, Forest and Climate Change
MPCB	Maharashtra Pollution Control Board
MRTP	Maharashtra Regional and Town Planning Act of 1966
OC	Occupancy Certificate
PMC	Pune Municipal Corporation
PP	Project Proponent
SEAC	State Expert Appraisal Committee
SEIAA	State Environmental Impact Assessment Authority
ULB	Urban Local Body

LIST OF PARTIES

BETWEEN

AJAY JAYVANTRAO BHOSALE
Age: Adult, Occupation: Self-employed,
Nana Peth, Near Y.M.C. Club, Pune – 411011.

..... APPLICANT

VERSUS

..... RESPONDENTS

1. **UNION OF INDIA**
Through Secretary,
Ministry Of Environment and Forest
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi – 110001
E-mail: secy-moef@nic.in

2. **CHIEF SECRETARY,**
Government of Maharashtra,
Annex Building, Mantralaya, Mumbai – 400032
E-mail: chiefsecretary@maharashtra.gov.in

3. **THE PRINCIPAL SECRETARY, ENVIRONMENT DEPT.**
Government of Maharashtra,
Room No. 217, 2nd Floor, Annex Building,
Mantralaya, Mumbai -400032, Maharashtra
E-mail: pscc.env@maharashtra.gov.in

4. **STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY – MAHARASHTRA (SEIAA)**
Through Member Secretary
15th Floor, New Administrative Building,
Mantralaya, Mumbai-400032, Maharashtra

5. **STATE EXPERT APPRAISAL COMMITTEE (III)- MAHARASHTRA (SEAC-III)**
Through Member Secretary
15th Floor, New Administrative Building,
Mantralaya, Mumbai-400032, Maharashtra

6. **MAHARASHTRA POLLUTION CONTROL BOARD**
Through Member Secretary,
Kalptaru Point, 3rd floor, Near Sion Circle,
Opp. Cine Planet Cinema, Sion (E),
Mumbai- 400022, Maharashtra
E-mail: ms@mpcb.gov.in

7. **MAHARASHTRA POLLUTION CONTROL BOARD**
Through Regional Officer
Jog Centre, 3rd floor, Mumbai-Pune Old Highway,
Wakadewadi, Pune- 411003, Maharashtra
E-mail: ropune@mpcb.gov.in

8. **PUNE MUNICIPAL CORPORATION**
Through Municipal Commissioner
Main Building, Shivaji Nagar, Pune-411005
E-mail: pmcmco@gmail.com

9. **BUILDING PERMISSION DEPARTMENT – PMC**
Through City Engineer, Pune Municipal Corporation,
Shivaji Nagar, Pune – 411005
E-mail: rraut@punecorporation.org

10. **COLLECTOR OF PUNE**
As Collector and President of District Environment Protection Committee- Pune, Collector office, Bund Garden, Pune-411001, E-mail: rdc.pune-mh@gov.in

11. **M/s. BRAMHACORP LIMITED**
A Limited Company registered under Indian Company Act-1952 with (CIN) U70101PN2012PLC142705,
Having Registered office at
3, Queens Garden, Residency Club, Pune 411001,
E-mail: admin@bramhacorp.in
Through its Directors
11A. Ramkumar Bramhadutt Agrawal
11 B. Vinodkumar Bramhadutt Agrawal

AFFIDAVIT BY RESPONDENT NO. 11 M/S. BRAMHACORP LTD.

MOST RESPECTFULLY SUBMITTED:

1. I, Alka Mandar Rege, am working as Power of Attorney with **Respondent No. 11 M/s. BramhaCorp Limited**, the project proponent, having its registered office at Residency Club, 3, Queen's Garden Road, Pune - 411001, Maharashtra. (Hereafter referred as PP, as also referred by Applicant). I have the knowledge of the facts and authority to file this affidavit, for and on behalf of the respondent, which I hereby do, on solemn affirmation and oath.

2. The applicant has filed this IA for the recall of order u/s. 24 of the NGT Rules 2011, whereas there is no such power under this section.

3. The applicant has not mentioned whether it is u/s. 151 of the CPC or Order 18 Rule 17 of CPC. The grounds mentioned in the IA do not mention of any fraud OR misrepresentation done by the answering Respondent when the Daily Order dated 11/09/2022 was passed. **The application for the recall has been filed on 01/03/2023, after a delay of almost six months** after the passing of the impugned Daily Order dated 11/09/2022. Hence the same can't be entertained now. The earlier Daily Order has reached its finality.

4. The remedy will be only the formal statutory appeal to Hon'ble Supreme Court u/s. 22

of the National Green Tribunal Act 2010.

5. I have perused the various averments made under GROUNDS from Page No. 1170 to 1173, Point No.9 – sub-points from "A to O". Not a single ground qualifies for the recall of order. There is no allegation of any fraud or misguiding done by the answering respondent. The grounds mentioned are rebutted point-wise hereinbelow.

Page No. 1170 to 1173, Point No.9 – sub-points from "A to O" **9. Grounds to allow the recall of order dated 09.11.2022:**	
A) **BECAUSE**, the provisions of Section 18 (3) of NGT Act, 2010 is barrier on hearing of matters in part as environmental cases ought to be decided within six months from its filling with mandate of law on speedy disposal-"*expeditiously as possible and endeavor"* and mandates to hear the matter as whole at final stage only.	Not a valid ground for recall. This IA itself is filed after 6 months.
B) **BECAUSE**, the preliminary objection on issue of limitation is substantial mixed question of law and also based on disputed questions of facts and it has to be decided at final stage as its required to go through entire records & evidences in the matter and it has to be decided at the final hearing on merit only.	The buildings were completed and handed over in the year 2009, are clearly out of jurisdiction of Hon'ble Tribunal. This is only question of dates, vis-à-vis the satisfaction of 'cause of action first arose'. This being substantive right of the PP, if the Hon'ble Tribunal is not satisfied on this law point, PP has right to go in for an Appeal.
C) **BECAUSE**, the settled position of law to decided the case in which such mixed question of law & fact is involved is only at final stage and in such cases hearing the case in parts is not permissible.	
D) **BECAUSE**, the NGT is the special statute for expedious disposal of environmental cases to avoid the unbridled & uncontrolled situation of environmental degradation derived from the object behind the statute of NGT Act, 2010.	Not a valid ground for recall.

E) **BECAUSE**, the present case is the admitted case of violations, wherein Respondent No.11-PP have caused serious irreparable substantial damage to the environment and ecology and have not obtained a single mandatory environmental permission and MPCB have imposed compensation of Rs. 27 Crores for violation of Water Act, 1974 & Air Act, 1981 and Hazardous & Municipal Solid Waste (M&TM) Rules.	Hon'ble Tribunal in OA 34/2019(WZ) issued directions to frame SoP. MoEFCC issued SoP for handling cases of violation by OM 07/07/2021. PP has already filed the application to SEIAA for EC with computation of damage to environment. MPCB per se never had expertise to study and calculate dame to environment. As such appointment of MPCB for doing such damage assessment itself if wrong.
F) **BECAUSE**, the Respondent No.11-PP is trying to get escape from his strict & absolute liability of Environment Protection & its restitution & restoration by adopting such tactics of preliminary issue and Respondent No. 11-PP is abusing the process of this Hon'ble NGT.	
G) **BECAUSE**, if the issue is a mixed issue of law and fact, or issue of law depends upon the decision of fact, such issue cannot be tried as a preliminary issue. In other words, preliminary issues can be those where no evidence is required and on the basis of reading of the plaint or the applicable law, if the jurisdiction of the Court or the bar to the suit is made out, the Court may decide such issues with the sole objective for the expeditious decision. Thus, if the Court lacks jurisdiction or there is a statutory bar, such issue is required to be decided in the first instance so that the process of civil court is not abused by the litigants, who may approach the civil court to delay the proceedings on false pretext.	As far as deciding preliminary issues, including limitation is concerned, the issue is plain & simple issue related to dates. Other issues, e.g. plural causes in one single OA, 'substantial question related to environment' etc., it can be a mixed issue of facts. As such limitation ought to have been decided at the outset, even before passing order of appointing the Joint Committee.
H) **BECAUSE**, the in present case the facts surrounding the issue of limitation are disputed and the determination of the issue of limitation in this case is not a pure question of law. Therefore, it cannot be decided as a preliminary issue.	There may be a dispute raised by the applicant on the dates, but then that itself needs adjudication at the outset, based on the proof for such objections.
I) **BECAUSE**, this Hon'ble NGT have powers granted Under Rule No. 24 of The NGT (P&P) Rules, 2011 R/W. Section 18(3) & 19(4) (K) Of NNGT Act, 2010 to recall of its order to secure end of justice and to prevent	Hon'ble Tribunal doesn't have powers u/s.24 of the NGT Act to recall the order. This inherent power is under CPC, subject to

the abuse of its process being proenvironment court and onus of proof lies on the Polluter to prove his innocence as per the Vellore citizen forum case.	well settled principles of law. None of them exist in the present matter.
J) **BECAUSE**, this Hon'ble NGT required to strictly adhere to the procedures laid down in the NGT Act, 2010 & NGT (P&P) Rules, 2011 and shall not exercise inherent powers to support the polluters or suo moto powers dehors the specific provisions contained/not contained in the Act or rule. If, the case will be heard in part on the issue of limitation and then the outcome will be impugned orders will utter disregard of the objective behind NGT Act, 2010 & Rules for speedy disposal of Environment Cases and also said order will be against the settled legal position,	Not a valid ground for recall. The Applicant in the IA himself is praying not to exercise inherent powers. There is no such inherent power in NGT Act 2010 or Rules 2011.
K) **BECAUSE**, the applicant have made out prima-facie case and there will be unbridle uncontrolled situation is stay is not granted	No prima facie case has been made out.
L) **BECAUSE**, the PP cannot stare in the eyes of the law to continue his illegal operations and construction activity without any mandatory permission and in admitted case of violation.	Not a valid ground for recall.
M) **BECAUSE**, the Hon'ble NGT has to consider the settle position of law and ill intention of the Respondent No. 11-PP and shall decide the case finally at its requires full hearing, instead of deciding in part.	Not a valid ground for recall.
N) **BECAUSE**, this OA is filed on 19.08.2019 and same is pending since 19.08.2019 to till date even after completion of 42 months and pleadings are completed long back, therefore this OA has to be heard on merit as well as preliminary issued decided as whole at final stage.	Not a valid ground for recall. Substantive legal rights of any party can't be denied on such grounds.
O) Therefore, recall the order dated 09.11.2022 and hear the case finally.	Not a valid ground for recall.

6. The limitation clause u/s. 14 ('substantial question related to environment') and 15 (relief, compensation, restitution) are very loud and clear.

The plain and simple reading is sufficient to read and understand the meaning of the Act and the intent of the legislature. The limitation under these respective sections 14 and 15 of six months and five years, is applicable only to the consequential reliefs that are tenable under those respective sections. NGT Rule 2011 s. 14 specifically allows only one cause to be raised in one appeal or application. Each cause raised will have to be within the respective period of limitation.

7. As such the preliminary issues of maintainability, plural causes in once OA and limitation, will have to be decided at the outset, as per the earlier Daily Order. Denial of that shall raise the substantive right of appeal to the aggrieved party enabling them to go in for appeal before the Hon'ble Supreme Court.

Alka Rege
Respondent No. 11
BramhaCorp Ltd.

Place: **Pune**
Date: **21 April 2023**

AFFIDAVIT AND VERIFICATION

I, Alka Mandar Rege, am working as Power of Attorney with **Respondent No. 11 M/s. BramhaCorp Limited**, the project proponent, having its registered office at Residency Club, 3, Queen's Garden Road, Pune-411001, Maharashtra; hereby state that I have submitted this Affidavit on solemn affirmation and oath.

I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter.

×

Alka Rege
DEPONENT

Place:
Date:

Identified by & before me:
Advocate _____

STATE OF MAHARASHTRA ★ NOTARY ★ A. RASHID D. SAYED PUNE REGD. NO 679/1994 EXPIRY DATE 11/1/2028

BEFORE ME
A. Rashid D. Sayed
Notary, State of Maharashtra
PUNE
21 APR 2023

Noted & Registered
At Sr. No. A6298/2023

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Item No. 4 (Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

(By Video Conferencing)

Original Application No. 63/2019(WZ)
(I.A. No. 100/2019 & I.A. No. 86/2021)

Mr. Ajay Jayvantrao Bhosale

.....Applicant

Versus

Union of India through MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 01.12.2022

CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER

Applicant	:	Mr. Nitin Lonkar, Advocate
Respondent(s)	:	Ms. Manasi Joshi, Advocate for R-1, 6 & 7 Mr. Aniruddha Kulkarni, Advocate for R-3 to 5 Mr. S. Swaminathan, Advocate for R-8 & 9/PCMC Mr. Saket Mone along-with Mr. Abhishek Salian, Advocates for R-11/PP

ORDER

1. Today this matter is listed on the issue of limitation against which objection has been filed by the learned Counsel for the Applicant.

2. Heard the arguments of learned Counsel for the Applicant Mr. Nitin Lonkar and learned Counsel for Respondent No. 11/Project Proponent- Mr. Saket Mone along-with learned Counsel Mr. Abhishek Salian.

I.A. No. 86/2021(WZ)

3. This I.A. has been filed by the Respondent No. 11/Project Proponent (PP), praying for dismissal of the Original Application No. 63/2019(WZ). The main ground which has been set up in this application is that Original Application is time barred, therefore, it requires to be dismissed at the threshold itself. The core issue raised by the Applicant is

T.C

that the Respondent No. 11 did not obtain prior Environmental Clearance (EC) with respect to the project in question.

4. As per the Project Proponent (PP), he commenced the construction and excavation in the year, 2012, therefore, the cause of action in respect of the alleged construction first arose in the year, 2012 which is well over 07 years from the date of the filing of the present Original Application.

5. The Sections 14 and 15 of the National Green Tribunal Act, 2010 provide for 06 months from the date when the cause of action first arose within which the Original Application ought to have filed. Therefore, if the 06 months period is calculated from the year 2012, it would expire in the year 2013 and as regards Section 15, it provides for 05 years period from the date of cause of action first arose, which too would expire in the year, 2017, while the Original Application has been filed on 14.08.2019.

6. The learned Counsel for the Respondent No. 11 has drawn our attention to para no. 40 of the main petition, where-in it is stated by the Applicant that the Project Proponent carried out illegal construction on 0 sq. mtrs. to 18500 sq. mtrs. vide sanction dated 24.11.2016.

7. As per the Applicant in O.A., the Project Proponent had intention to go on beyond 36,500 sq. mtrs. vide sanction dated 31.03.2018. The civil construction activity is recurring process. The Project Proponent/Respondent No. 11 has increased the project capacity from 0 sq. mtrs to 18500 sq. mtrs. from 2011 to 19.05.2018, therefore, it is nothing but a recurring cause of action for building construction activity.

8. The Applicant in Original Application had obtained information through online search and under RTI Act from 2017 to 18.05.2018 and thereafter had sent legal notice through Counsel to the Respondents inviting their attention towards the violations committed by the Project

Proponent. Therefore, the cause of action first arose on 15.06.2019 when SEIAA issued a Show Cause Notice to the Project Proponent.

9. Therefore, 06 months period from 15.06.2019 should be counted, which would end on 14.12.2019, while the present application has been filed on 14.08.2019, therefore, it is within time.

10. As per Respondent No. 11/Project Proponent (PP), the above contention of the Applicant in Original Application is absolutely false because the Applicant is trying to establish the date 19.05.2019 as the date, when the first cause of action arose on the basis of his having obtained information under RTI. It is further argued by the learned Counsel for the Respondent No. 11 that any person may move an RTI application on a particular date of his choice in order to create cause of action so as to bring it within the period of limitation in order to initiate legal proceedings, which cannot be allowed to happen because that is not the intent of law.

11. The learned Counsel for the Respondent No. 11 has placed reliance of the Judgment *Jai Javan Jai Kisan and ors. v. Vidarbha Cricket Association and Ors. [MANU/GT/0006/2017],* where-in relevant para no. 11 is as follows:-

> *"11. Conjoint reading of Section 14 and 15 of the National Green Tribunal Act reveals that essentially any application moved for claiming reliefs there-under must necessarily present a Civil case wherein substantial question relating to environment or environmental damage arising under the enactments specified in the Schedule-I of the Act (including accident occurring while handling any hazardous substance) is involved. We are, therefore, of the considered opinion that it is the substantial question relating to the environment or environmental damage as aforesaid which gives rise to the cause for an action under the provisions of National Green Tribunal Act, 2010. In the present case, the question raised is about restoration of the environmental damage on account of injury to it as a result of raising VCA Stadium without EC or consent to operate under the provisions of Schedule-I Acts viz Environment (Protection) Act, 1986, the Air (Prevention and*

> *Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974. As stated herein above, the causes of injury are insufficiency of Effluent Treatment Plant (ETP), open species, parking spaces and tree cover. These facts were very much manifest when the VCA stadium became functional in the year 2008. In our opinion, therefore, the cause of action for the present Application arose first when the VCA stadium became functional. There is nothing in the Application to state that these injuries stood compounded further to actuate the Applicants to initiate the action in the present case as framed."*

12. Thereafter, the learned Counsel for the Respondent No. 11 has placed reliance on *Graminee Environment Development Foundation v. Balaji Infrastructure Ltd. & Ors. [(2017) SCC Online NGT 1098],* where-in relevant para nos. 11 to 13 are as follows:-

> *"**11.** Section 15 (3) of the NGT Act, 2010 in clear terms requires the Application for restitution of the property damaged to be made within the period of five (5) years from the date on which cause for such relief first arose, and provides for discretion to the Tribunal to condone delay for 'sufficient cause' if the application is filed within further period of sixty (60) days and no further. In the present case, the Applicant avers that the cause of action first arose on 24.2.2015, when the letter was addressed by the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) to the Collector, Raigad to take action in respect of the grievance made by the Applicant and yet no action was taken by the authorities. The Applicant has further revealed in her Application that she has been making several complaints to the Authorities about the said grievance, first such complaint being made on 15.9.2014 to the Divisional Commissioner, Konkan Division, Navi Mumbai. Reading of the letter dated 24.2.2015, Annexure ''I to the Application (Pg.81) reveals the nature of grievance made by the Applicant. In short, the Applicant was aggrieved by the alleged illegal blasting work, storage of minerals and reclamation by Dighi Port Ltd. Similarly, the grievance made with complaint dated 15.9.2014 is regarding alleged illegal work of reclamation of seashore and filling rocks at village Nanavali and intertidal land encroachment without EC by Dighi Port Ltd, and Balaji Infrastructure Ltd.*
>
> ***12.** In our considered opinion, making of grievance of the kind in the present case by writing a letter cannot be constituted as 'cause of action' but the actual act or its consequence constitutes 'cause of action' in any case. In the present case, cause of action has arisen as a result of blasting work as well as dumping of rocks etc. by Dighi Port Ltd and its holding Company Balaji Infrastructure Ltd in the said land.*

> ***13.*** *A perusal of the Application gives some clue as to when such acts of blasting of hills and dumping of material excavated started. The Applicant has pleaded in her Application that Respondent No.1 encroached upon 3km of seashore of village Nanavali and without permission of any Govt. Authority dumped soil and rocks there. It is further pleaded that Respondent No.1 has been doing illegal activities of levelling, blasting, excavation of land, filling of land space with soil, dumping huge rocks and artificial land spaces without any permission; and in spite of such illegalities going on, Respondent Nos. 2 to 7- Govt. Authorities did nothing. The Applicant in her pleadings referred to EC granted in the name of Dighi Port Ltd on 30th September, 2005 for construction of Port at village Dighi, Taluka Shrivardhan, District Raigad and states that she does not challenge or dispute anything about such EC or any work at Dighi Port and her only grievance is that Respondent No.1 has encroached upon the property and extended various kinds of constructions beyond consented area. These facts as pleaded if read in conjunction with the plaint in Regular Civil Suit No.4 of 2009 filed by the Applicant in the Court of Civil Judge, Junior Division, Shrivardhan, do make sense as to when alleged activity had started. At para-7 of the said plaint, the Applicant has categorically stated that on 26.12.2008 the defendant (therein) i.e. Dighi Port Ltd came at the land adjacent to the house of the Applicant in order to make encroachment and reclaimed the land, and this highhanded activity of Dighi Port Ltd was resisted by the Applicant with objection that they cannot reclaim land by blasting the hills and dumping rocks at the said land. A clear fact emerges that the act of blasting the hill sides, dumping materials illegally and reclamation of land, first started in or about December, 2008. Thus, cause of action for the present Application clearly arose in or about December, 2008."*

13. Based on the above provisions of law, it is vehemently argued by the learned Counsel for the Respondent No. 11/Project Proponent that the present application is time barred and needs to be dismissed on that ground alone.

14. During argument, the learned Counsel for the Applicant in Original Application has pointed out that he is relying on para no. 18.25 & 18.26 of the reply affidavit dated 26.10.2021, mentioned at page nos. 981 to 986 of the paper book, which are as follows:-

> *"**18.25.** I state that, this Hon-ble Tribunal in the matter of "Forward Foundation, A Charitable Trust and Ors. Vs. State of Karnataka and Ors. (OA No. 222/2014) Judgment dated*

7th May, 2015", reported in 2015 SCC Online NGT 5 in dealing with the issue of limitation and cause of action has specifically held as follows-

"24. The expression 'cause of action' as normally understood in civil jurisprudence has to be examined with some distinction, while construing it in relation to the provisions of the NGT Act. Such 'cause of action' should essentially have nexus with the matters relating to environment. It should raise a substantial question of environment relating to the implementation of the statutes specified in Schedule I of the NGT Act. A 'cause of action' might arise during the chain of events, in establishment of a project but would not be construed as a 'cause of action' under the provisions of the Section 14 of the NGT Act, 2010 unless it has a direct nexus to environment or it gives rise to a substantial environmental dispute. For example, acquisition of land simplicitor or issuance of notification under the provisions of the land acquisition laws, would not be an event that would trigger the period of limitation under the provisions of the NGT Act, 'being cause of action first arose'. A dispute giving rise to a 'cause of action' must essentially be an environmental dispute and should relate to either one or more of the Acts stated in Schedule I to the NGT Act, 2010. If such dispute leading to 'cause of action' is alien to the question of environment or does not raise substantial question relating of environment, it would be incapable of triggering prescribed period of limitation under the NGT Act, 2010. [Ref Liverpool and London S.P. and I Asson. Ltd: v. M.V. Sea Success I and Anr., (2004) 9 SCC 512, J. Mehta v. Union of India, 2013 ALL (I) NGT REPORTER (2) Delhi, 106, Kehar Singh v. State of Haryana, 2013 ALL (I) NGT REPORTER (DELHI) 556, Goa Foundation v. Union of India, 2013 ALL (I) NGT REPORTER DELHI 234].

25. In contradistinction to 'cause of action first arose', there could be 'continuing cause of action', 'recurring cause of action' or 'successive cause of action'. These diverse connotations with reference to cause of action are not synonymous. They certainly have a distinct and different meaning in law, 'Cause of action first arose' would refer to a definite point of time when requisite ingredients constituting that 'cause of action' were complete, providing applicant right to invoke the jurisdiction of the Court or the Tribunal. The Right to Sue' or 'right to take action' would be subsequent to an accrual of such right. The concept of continuing wrong which would be the foundation of continuous cause of action has been accepted by the Hon'ble Supreme Court in the case of Bal Krishna Savalram Pujari & Ors. v. Sh. Dayaneshwar Maharaj Sansthan & Ors., AIR 1959 SC 798.

***18.26** Further I state that, the **Forward Foundation** Judgment was challenged before the FIon'b1e Supreme Court in the matter of **Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016 reported in (2019) 18 SCC 494** has specifically held vide judgment dated 5th March, 2019 and has confirmed the said judgment*

of Forward Foundation and even the Review petition of the same has been dismissed vide order dated 06/08/2019 and has thus become final and binding.

> *"In fact, in the original application before the Tribunal there was no mention of the provision under which it was being filed. It is well settled principal of law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass an order. It would be mere irregularity and would not vitiate the application or the judicial order of the Tribunal"*
>
> *The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading. (See Kishsore Lal v. Chairman, Employees' State Insurance Corpn. (2007) 4 SCC 579, para 17). The existence of the Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of the Act, would render it ineffective and toothless, and shall betray the legislative intent in setting up a specialized Tribunal specifically to address environmental concerns. The Tribunal, specially constituted with Judicial Members as well as with Experts in the field of environment, has a legal obligation to provide for preventive and restorative measures in the interest of the environment"*
>
> *"The Tribunal has also jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. Further, under Section 15(1)(b) and 15(1)(c) the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. It is noteworthy that Section 15(1)(b) & (c) have not been made relatable to Schedule I enactments of the Act. Rightly so, this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment."*
>
> *"Section 15(1)(c) of the Act is an entire island of power and jurisdiction read with Section 20 of the Act. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment."*

15. The Applicant in Original Application has also placed reliance upon the important dates and events, which have been quoted by him in para

14 of the reply affidavit, mentioned at page nos. 926 to 928 of the paper book, which are as follows:-

"14. IMPORTANT DATES AND EVENTS:

I state that, the following events and dates are very important to understand the collusion between the Government Authorities and Respondent No. 11-PP and tactics, favouring practices adopted by the Joint Committee Members and Respondent No. 11-PP;

"

Sr. No.	Events	Date
1.	*1st Application for EC*	*07.09.2013*
2.	*1st Show Cause Notice by SEIAA & PS- DoE*	*30.08.2014*
3.	*1st Withdrawal Communication for SCN*	*10.03.2015*
4.	*1st Consent to Establish*	*10.03.2015*
5.	*2nd Application for EC*	*30.06.2016*
6.	*2nd Consent to Establish*	*12.10.2017*
7.	*3rd Application for EC*	*06.10.2018*
8.	*Notice/Complaint of Original Applicant*	*19.05.2019*
9.	*MPCB 1st Site Visit by Field Officer*	*10.06.2019*
10.	*2nd Show Cause Notice by SEIAA & PS- DoE*	*15.06.2019*
11.	*MPCB 2nd Site Visit by SRO-2*	*27.06.2019*
12.	*Filing of OA*	*14.08.2019*
13.	*First Order of NGT*	*22.10.2019*
14.	*Service to Joint Committee of SEIAA & MPCB*	*02.11.2019*
15.	*Personal hearing given to PP by PS-DoE*	*11.11.2019*
16.	*2nd Withdrawal Communication for SCN*	*16.11.2019*
17.	*Second Order of NGT*	*10.12.2019*
18.	*Joint Committee Visit to project site*	*15.12.2019*
19.	*Architect Certificates prepared on*	*20.12.2019*
20.	*Joint Committee Report filed to NGT*	*07.01.2020*
21.	*Third Order of NGT issuing Notice 86 Show cause to PP*	*05.02.2020*
22.	*Service to the Respondent No. 11-PP*	*15.02.2020*
23.	*Grant of ex-post facto EC*	*18.02.2020*
24.	*Appeal No. 26/2020 filed on*	*19.03.2020*
25.	*Fourth Order of NGT*	*13.07.2020*
26.	*Respondent No. 11-PP Reply Affidavit Sworn on*	*24.09.2020*
27.	*Respondent No. 11-PP filed*	*24.09.2020*
28.	*Fifth Order of NGT*	*03.09.2021*
29.	*Respondent No. 11-PP filed 86/2020 filed on*	*06.10.2021*
30.	*Respondent No. 11-PP Corrected Reply Affidavit served on Original*	*09.10.2021*

	Applicant	

"

16. He has argued that in this case, there is recurring cause of action and therefore, the date which has stated in his application i.e. 15.06.2019, when the SEIAA issued a Show Cause Notice to the Project Proponent, should be treated to be the date of cause of action.

17. We have heard the arguments of the parties and perused the record and also have gone through the Judgments, which have been relied upon by both the parties, we find that as far as legal position is concerned, Sections 14 & 15 of the National Green Tribunal Act, 2010 provide as follows:-

> *"Section 14:- Tribunal to settle disputes.-*
>
> *(1) .....*
>
> *(2) .....*
>
> *(3) No application for adjudication of dispute under this Section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:*
>
> *Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."*
>
> *Section 15:- Relief, compensation and restitution –*
>
> *(1) .....*
>
> *(2) .....*
>
> *(3) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:*
>
> *Provided that the Tribunal, may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."*

18. According to the Applicant in Original Application, as per his own pleadings which are stated in para no. 40, it is clear that construction of the project by the Project Proponent was started in the year 2011 and continued till 19.05.2018. He states that he had obtained information

through online search and under RTI from 2017 to 18.05.2018. Thereafter, he had sent legal notice through Counsel on 19.05.2019. According to him, the SEIAA had issued first Show Cause Notice on 15.06.2019. Therefore, that date should be taken to be the date of cause of action, which first arose.

19. We are not inclined to accept this argument because according to his pleading, he had full knowledge in the year 2011 itself when the construction had started. The pretext of having come to know about this project being constructed through RTI on a later date as stated above appears to be only in order to bring the present Original Application within limitation period. We agree with the learned Counsel for the Project Proponent (PP) that it is very easy for any person to use RTI to seek information for any project on any date chosen by him. We are of the considered opinion that such kind of practice cannot be allowed. We are not inclined to accept the argument made by the learned Counsel for the Applicant in Original Application and are convinced with the argument raised by the learned Counsel for the Respondent No. 11/Project Proponent. We find that this Original Application is time barred, hence this Original Application stands dismissed as time barred.

20. All connected I.A.s also stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 01, 2022
Original Application No. 63/2019(WZ)
(I.A. No. 100/2019 & I.A. No. 86/2021)
P.Kr

T.C

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 456 OF 2023
(Under Section 22 of National Green Tribunal Act, 2010)
[Arising out of impugned judgment and final order dated 01.12.2022 passed by the National Green Tribunal, Western Zone Bench, Pune in OA No. 63/2019 (WZ)]

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE ...APPELLANT

VERSUS

UNION OF INDIA THROUGH MoEF&CC & ORS.

.... RESPONDENTS

WITH
I.A. NO._____OF 2022

[APPLICATION SEEKING EXEMPTION FROM FILING CERTIFIED COPY OF IMPUGNED ORDER]

WITH
I.A. NO._____OF 2022

[APPLICATION SEEKING EXEMPTION FROM FILING OFFICIAL TRANSLATION OF ANNEXURES]

WITH
I.A. NO._____OF 2022

[APPLICATION FOR STAY ON CONSTRUCTION AT SITE I.E. "BRAMHA UZURI" UNDERTAKEN RESP. NO. 11-PP-M/S. BRAMHA LEISURE'S PVT. LTD. SITUATED AT SURVEY NO. 103/129B 209/A/2 CTS NO. 4702, AT PIMPRI CHOWK, TALUKA-HAVELI, DISTRICT-PUNE WITHIN THE LIMIT & JURISDICTION OF PCMC TILL DISPOSAL OF THIS MATTER AND PROCEEDINGS IN CONNECTED APPEAL NO. 26/2020(WZ) BEFORE LD. NGT]

WITH
PAPER-BOOK
(Kindly see inside for index)
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AOR FOR APPELLANT: PULKIT AGARWAL

T.C

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022

IN THE MATTER OF:-

MR. AJAY JAYVANTRAO BHOSALE ...APPELLANT

VERSUS

UNION OF INDIA THROUGH MoEF&CC & ORS.

.... RESPONDENTS

OFFICE REPORT ON LIMITATION

1. The Petition is/are within time.

2. The Petition is barred by time and there is delay of _____ days in filing the same against order dated 01.12.2022 and Petition for Condonation of _____ days delay has been filed.

3. There is delay of _____ days in refilling the Petition and Petition for Condonation of ____ days delay in refilling has been filed.

(BRANCH OFFICER)

Place : New Delhi
Date : 29.12.2022

A1

SECTION: XVII

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☐	Section		:	N.A.
☐	Central Rule		:	N.A.
☐	Rule No(s)		:	N.A.
☐	State Act		:	N.A.
☐	Section		:	N.A.
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☐	Rule No(s)		:	N.A.
☐	Impugned Interim Order		:	N.A.
☐	Impugned Final Order/Decree		:	01.12.2022
☐	High Court: (Name)		:	N.A.
☐	Name of Judges		:	Hon'ble Mr. Justice Dinesh Kumar Singh, Judicial Member Hon'ble Dr. Vijay Kulkarni, Expert Member
☐	Tribunal/Authority		:	Hon'ble National Green Tribunal, Western Zone Bench, Pune
1.	Nature of matter		:	Civil
2.	(a)	Petitioner/Appellant No. 1	:	Ajay Jayvantrao Bhosale
	(b)	Email ID	:	ajaybhosale2772@gmail.com
	(c)	Mobile phone number	:	9673902727
3.	(a)	Respondent No.1	:	Union Of India MoEF & CC
	(b)	Email ID	:	secy.moef@nic.in
	(c)	Mobile phone number	:	Not Known
4.	(a)	Main category classification	:	15–Appeal Against Orders Of Statutory Bodies
	(b)	Sub classification	:	1503-Appeal against Orders Of Statutory Bodies: Tribunals
5.		Not to be listed before	:	N. A.
6.	(a)	Similar/Pending matter	:	No similar matter pending
	(b)	Similar disposed of matter	:	1. Mantri Techzone Pvt. Ltd. Vs. Forward Foundation & Ors., Civil Appeal No. 5016/2016 decided on 05.03.2019, **(2019) 18 SCC 494** 2. MCGM Vs. Ankita Sinha, Civil Appeal No. 12122/2018 decided

				on 07.10.2021, **2021 SCC OnLine SC 897**. 3. Hanuman Laxman Aroskar Vs. Union of India, Civil Appeal No. 1053/2019 decided on 29.03.2019, **(2019) 15 SCC 401**
7.		**Criminal Matters**	:	NO
	(a)	Whether accused/convict has surrendered	:	N.A.
	(b)	FIR No. Date	:	N.A.
	(c)	Police Station	:	N.A.
	(d)	Sentence Awarded	:	N.A.
	(e)	Period of Sentence Undergone including Period of Detention/Custody Undergone	:	N.A.
8.		Land Acquisition Matters		N.A.
	(a)	Date of Section 4 notification	:	N.A.
	(b)	Date of Section 6 notification	:	N.A.
	(c)	Date of Section 17 notification	:	N.A.
9.		Tax Matters:	:	State the tax effect: N.A.
10.		Special Category (first petitioner/appellant only)	:	N.A.
		Senior citizen>65 years	:	N.A.
		SC/ST	:	N.A.
		WOMAN	:	N.A.
		Disabled Legal Aid case	:	N.A.
		In custody	:	N.A.
11.		Vehicle Number (in case of Motor Accident Claim matters)	:	N.A.
	Date: 29.12.2022			PULKIT AGARWAL Advocate on Record Supreme Court of India Code: 2892; pulkit@jplegal.in 30, Tower-1, Supreme Enclave, Mayur Vihar Ph-1, New Delhi-91 Mob.: 9971001141, 8076099954 **[PULKIT AGARWAL]** AOR for Appellant(s) Registration No. : 2892 Mobile: 9971001141 Email: pulkit@jplegal.in

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SYNOPSIS

The present Civil Appeal is filed by the Appellant herein U/s. 22 of the National Green Tribunal Act, 2010 (NGT Act, 2010) against the impugned Order dated 01.12.2022 passed by the Hon'ble National Green Tribunal, Western Zone Bench, Pune in Original Application No. 63 of 2019 (WZ), wherein the Ld. NGT erroneously dismissed the Original Application as time barred.

The Ld. NGT have dismissed the Original Application with erroneously observations as below;

> *"**18**. According to the Applicant in Original Application, as per his own pleadings which are stated in para no. 40, it is clear that construction of the project by the Project Proponent was started in the year 2011 and continued till 19.05.2018. He states that he had obtained information through online search and under RTI from 2017 to 18.05.2018. Thereafter, he had sent legal notice through Counsel on 19.05.2019. According to him, the SEIAA had issued first Show Cause Notice on 15.06.2019. Therefore, that date should be taken to be the date of cause of action, which first arose.*
>
> ***19**. We are not inclined to accept this argument because according to his pleading, he had full knowledge in the year 2011 itself when the construction had started. The pretext of having come to know about this project being constructed through RTI on a later date as stated above appears to be only in order to bring the present Original Application within*

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limitation period. We agree with the learned Counsel for the Project Proponent (PP) that it is very easy for any person to use RTI to seek information for any project on any date chosen by him. We are of the considered opinion that such kind of practice cannot be allowed. We are not inclined to accept the argument made by the learned Counsel for the Applicant in Original Application and are convinced with the argument raised by the learned Counsel for the Respondent No. 11/Project Proponent. We find that this Original Application is time barred, hence this Original Application stands dismissed as time barred.

***20**. All connected I.A.s also stand disposed of. "*

That, the OA No. 63/2019 (WZ) is the admitted case of violation filed U/s. 14, 15, 18 & 20 of NGT Act, 2010 for the restitution, restoration of the environment with imposition of environmental compensation on Respondent No. 11-PP for the serious irreparable damage caused to environment on account of public health, public property and ecological imbalance due to carrying his illegal building construction project without mandatory prior Environmental Clearance (EC) under EIA Notification, 2006, violation of terms and conditions of Consent to Establish (CTE) etc.

Ld. NGT have conveniently ignored the settled position of law as well as admitted facts from the pleading and passed the impugned order erroneously, which have counter blasted the basic structure of pro-environmental jurisprudence

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adopted by our nation and also counter blasted the objectives of the NGT Act, 2010;

1) Ld. NGT failed to consider that, the EIA Notification, 2006 have imposed restriction & prohibitions on the building construction projects/activity having total proposed covered construction built-up area of more than 20000 Sq. Mtrs. without obtaining prior Environment Clearance (EC).

2) Ld. NGT failed to consider that, the Respondent No. 11-PP procured the first building sanctions from PCMC vide dated 28.03.2008 for the total proposed BUA of less than 20000 Sq. Mtrs. and carried out the small excavation on the Project land in the year 2011-12 & it was stopped in the year 2012 itself as admitted by the PP as second revised sanction procured vide dated 04.09.2013 was going to cross the threshold limit mandating prior EC under EIA Notification, 2006 and applied for the prior EC on 05.09.2013.

3) Ld. NGT failed to consider the show cause notice issued by the Additional Chief Secretary for Environment Department vide dated 30.08.2014 were withdrawn vide letter/communication dated 10.03.2015 {**P@112**} with observations that the no case of violation is made out as the PP have stopped excavation in the year 2012 and also, initial sanction built-up area is less than the threshold limits of EIA Notification, 2006 as following;

"In view of the documents submitted by your representative vide letter dtd. 28.9.2014, comprising the approved plans, additional information during

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the course of personal hearing followed by Architect's Certificate dtd. 16.02.2015 and their detailed scrutiny, it is hereby concluded that there is no case of violation as prescribed in the EIA Notification, 2006 and accordingly the Proposed Directions issued vide above ref. (1) is hereby withdrawn"

4) Ld. NGT failed to consider the above fact is admitted by the Respondent No. 11-PP in its affidavit sworn on 24.09.2020 & filed on 21.09.2021 in Para-6.12 {**P@460**}. That there is no violation case prior to 10.03.2015.

"6.12. On March 2015, the environment department, government of Maharashtra was pleased to withdraw the show cause notice dated 30th August 2014 and declared that the Respondent no. 11's proposal is not a violation case. Such conclusion was arrived at after carefully considering and verifying the reply preferred by the Respondent No. 11, physical presentation made by the Respondent No. 11 and the architect certificate submitted by the Respondent No. 11. The environment department withdrew the show cause notice on verifying the fact that the Respondent No. 11 had carried out excavation/construction activity in furtherance of commencement certificate issued in the year 2008. As per the said commencement certificate, permission was below the threshold limit, the respondent No. 1 was not required to obtain an EC. Hereto annexed and marked as Exhibit-I is a copy of the letter issued by the environment department dated 10th March 2015."

5) Ld. NGT failed to consider that, the Letter/Communication dated 10.03.2015 is attached to the Original Application as ANNEXURE-A-5.

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6) Ld. NGT failed to consider the entire pleading of the matter ought to be consider while adjudicating the environmental cases under NGT Act, 2010. However, by just pick & choose method relied on the Para-40 (b) of the OA and ignored that the pleadings at Para-40 of the OA are the results of pleading made at earlier Para-9(c), 11 (f), 14 (a), 16 (a), 39 (f), 40 (a) & 40 (b) of the OA. Therefore, entire pleading ought to be considered to reach the final conclusion and Para-40 is the true disclosure of the fact derived from above Paras of the OA.

7) Ld. NGT failed to consider the pleading from reply affidavit of this Appellant to the IA No. 86/2021 at "Para-16; admitted facts by Respondents including PP" {P@489-496} and "Para-17, 17.6 to 17.15: Grounds for rejection of IA No. 86/2021", {**P@498-502**}showing the misleading conduct of the PP as well as proving that the OA is well within limitation as the serious injury is caused to the environment & ecology of the area as the Respondent No.11-PP have under taken his illegal construction activity without prior EC. However, these pleadings are conveniently ignored by the Ld. NGT for the reasons best known to them.

8) Ld. NGT also failed to consider that, their own judgment & final Order passed in Original Application No. 222/2014 vide dated 07.05.2015 in the matter of "Forward Foundation & Ors ***Versus*** State of Karnataka & Ors", holding that there are restrictions and prohibitions on new projects or activities, or on the

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expansion or modernization of existing projects or activities due to their potential environmental impacts as indicated in the Schedule to the under EIA Notification, 2006 and same cannot be continued without mandatory prior EC. Also, failed to consider, that any such activity is continued without prior EC will be considered as recurring cause of action first arose and it is not impact the letter & spirit of the cause of action first arose as observed in Para- 30 to 33 and Para-72 of the Order dated 07.05.2015.

9) Ld. NGT also failed to consider that, above judgment was challenged before this Hon'ble Court and this Hon'ble Court have settled the law on the maintainability & limitation of Original Application in "Mantri Techzone Pvt. Ltd. ***Versus*** Forward Foundation & Ors., Civil Appeal No. 5016/2016 decided on 05.03.2019, **(2019) 18 SCC 494**" on the issue of maintainability of Original Application on account of limitation to file the Original Applications U/s. 14 & 15 of NGT Act, 2010 r/w. Sec. 20. Therefore, Ld. NGT has failed to consider the settled position of law as laid down by this Hon'ble Court as below;

> ***"49****. The OA No. 222 of 2014 was not an application simpliciter under Section 14 of the Act. It was an application where a specific prayer has been made with reference to Lake Development Authority's ("LDA") Report dated 12.06.2013 and the Ministry of Environment, Forest and Climate Change ("MoEF") Monitoring Committee Report dated 14.08.2013 for*

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restoration of ecologically sensitive land and for maintaining the sensitive in its natural condition so that the ecological balance of the area is not disturbed. It is clear from the documentary evidence supported by data, that the project proponents have committed breaches and the implementation of the project is bound to have serious adverse impact on the ecology, hydrology and the environment in the catchment area of Bellandur Lake. The environmental degradation as established from the documents would give rise to an independent cause of action. Therefore, this was a petition under Section 15 of the Act and thus it could be filed within 5 years from the date on which the cause for such compensation or relief first arose.

50**. In fact, in the original application before the Tribunal there was no mention of the provision under which it was being filed. It is well settled principle of law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass an order. It would be a mere irregularity and would not vitiate the application or the judicial order of the Tribunal."**

10) Therefore, this impugned Order is bad in the eyes of law and same cannot stare in the eyes of law passed without application of mind. Further this impugned Order is an end of environmental cause having negative impact on the large number of cases and not end of justice, also impugned Order is violating principles of

natural justice as it is without reasoning & not speaking order, without justification and best example of non-application of mind by Ld. NGT.

11) That the impugned Order dated 01.12.2022 is arbitrary, illegal, unreasonable, capricious, product of non-application of mind, contrary, passed in mechanical manner with prejudice mind and against the mandate & objective of the NGT Act, 2010 and EIA Notification, 2006. Therefore, it need to be quashed & set aside.

Hence this Appeal.

LIST OF DATES AND EVENTS

Date	Events
14.09.2006	MoEF & CC issued S.O.1553(E), EIA Notification-2006 mandating prior environment clearance to building construction projects having total BUA more than 20000 M^2
28.03.2008	First Commencement Certificate issued by PCMC to PP having total proposed BUA less than 20000 M^2
09.04.2013	Second Commencement Certificate issued by PCMC to PP having total proposed BUA of more than 21368.30 M^2 without condition for obtaining prior EC
05.09.2013	First Application for Environment Clearance (EC) submitted by PP before SEAC Maharashtra

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04.07.2014	First Application for Consent to Establish (CTE) submitted by PP before Member Secretary MPCB
15.07.2014	Minutes of 13th Meeting of SEAC-III considering proposal of PP and forwarding same for consideration of violation case
30.08.2014	First Show Cause Notice (SCN) & proposed directions U/s 5 of Environment (Protection) Act, 1986 issued by Additional Chief Secretary, Environment Department (DoE) of Government of Maharashtra (GoM)
25.09.2014	Reply of PP to show cause notice issued by Additional Chief Secretary of Environment Department
10.03.2015	Letter/Communication for withdrawal of above show cause notice & proposed directions U/s 5 of Environment (Protection) Act, 1986 vide dated 30.08.2014 by Principal Secretary, DoE of GoM recoding the statement on stoppage of excavation in the year 2012 and no case for violation is made out as per the Commencement Certificate dated 28.03.2008
10.03.2015	First Consent to Establish (CTE) granted by MPCB on condition no. 12 for not initiating construction work without obtaining prior EC
30.09.2015	Third Commencement Certificate issued by PCMC to PP having total proposed BUA of more than 22010.30 M^2 with condition no. 26 for obtaining prior EC

30.06.2016	Second Application for EC to MoEFCC, Report, Form-1 & 1A
24.11.2016	Fourth Commencement Certificate issued by PCMC to PP having total proposed BUA of more than 21213.90 M^2 with condition no. 27 for obtaining prior EC
12.10.2017	Second Consent to Establish (CTE) granted by MPCB on condition no. 12 for not initiating construction work without obtaining prior EC
31.03.2018	Fifth Commencement Certificate issued by PCMC to PP having total proposed BUA of more than 19991.40 M^2 (not obtained for full potential sanction of BUA) with condition no. 25 for obtaining prior EC
06.10.2018	Third Application for EC before containing Form-1 & 1A before SEIAA Maharashtra
05.12.2018	Minutes of 77th SEAC-III Meeting
16.05.2019	Sixth Commencement Certificate issued by PCMC to PP having total proposed BUA of more than 19978.40 M^2 (not obtained for full potential sanction of BUA) with condition no. 25 for obtaining prior EC
19.05.2019	Notice/Complaint sent by Appellant to Respondent Government Authority including PP
15.06.2019	Second Show cause notice (SCN) issued by Principal Secretary-DoE & Member Secretary of SEIAA, Maharashtra to PP on above complaint of Appellant

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26.07.2019	Minutes of 91st SEAC-III Meeting
14.08.2019	Original Application (OA) No. 63/2019 filed by Appellant before Hon'ble NGT, Western Zone Bench, Pune
22.10.2019	First Order of Ld. NGT passed in OA No. 63/2019 appoint Joint Committee of Experts from SEIAA & MPCB
02.11.2019	Proof of service to the Joint Committee of SEIAA & MPCB
04.11.2019	Service affidavit of Appellant confirming service to the Joint Committee
26.11.2019	Letter/Communication for withdrawal of Show Cause Notice by Principal Secretary of DoE
10.12.2019	Second Order of Ld. NGT passed in OA No. 63/2019 issuing show cause notice to PP on prohibition on further construction
10.12.2019	Minutes of 99th SEAC-III Meeting
20.12.2019	Architect Certificate submitted by PP to the Joint Committee
07.01.2020	Joint Committee Report submitted to the Ld. NGT in OA No. 63/2019(WZ)
08.01.2020	Seventh Commencement Certificate issued by PCMC to PP
05.02.2020	Third Order of Ld. NGT passed in OA No. 63/2019 issuing notice of Respondents
06.02.2020	Minutes of 186th SEIAA Meeting
18.02.2020	Ex-post facto Environment Clearance issued by SEIAA

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13.03.2020	Appellant Service affidavit for confirming service on Respondents prior to 17.02.2020
18.03.2020	Appellant filed Appeal No. 26/2020 challenging ex-post facto EC
13.07.2020	Fourth Order of Ld. NGT passed in OA No. 63/2019 (WZ)
13.11.2020	Third Consent to Establish (CTE) granted by MPCB
03.09.2021	Fifth Order of Ld. NGT passed in OA No. 63/2019(WZ)
10.06.2021	I. A. No. 86/2021 sworn on 24.09.2020 raising preliminary objection of maintainability of OA No. 63/2019(WZ) filed by PP
10.06.2021	Reply Affidavit of PP sworn on 24.09.2020 in OA No. 63/2019 (WZ) filed by PP
26.10.2021	Appellant Reply to IA No. 86/2021
26.10.2021	Appellant Rejoinder in OA No. 63/2019(WZ)
28.10.2021	Sixth Order of Ld. NGT passed in OA No. 63/2019
28.01.2022	SEIAA Reply Affidavit in OA No. 63/2019(WZ)
23.05.2022	MPCB Reply Affidavit in OA No. 63/2019(WZ)
2009 to 2019	Google Earth Images showing development in construction
01.12.2022	Ld. NGT dismissed of the OA with following erroneous observation; *"**19**. We are not inclined to accept this argument because according to his pleading, he had full knowledge in the year 2011 itself when the construction had started. The pretext of having come to know about this project being constructed*

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	through RTI on a later date as stated above appears to be only in order to bring the present Original Application within limitation period. We agree with the learned Counsel for the Project Proponent (PP) that it is very easy for any person to use RTI to seek information for any project on any date chosen by him. We are of the considered opinion that such kind of practice cannot be allowed. We are not inclined to accept the argument made by the learned Counsel for the Applicant in Original Application and are convinced with the argument raised by the learned Counsel for the Respondent No. 11/Project Proponent. We find that this Original Application is time barred, hence this Original Application stands dismissed as time barred.
29.12.2022	Hence this Appeal

IMPUGNED ORDER

Item No. 4 (Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

(By Video Conferencing)

Original Application No. 63/2019(WZ)
(I.A. No. 100/2019 & I.A. No. 86/2021)

Mr. Ajay Jayvantrao Bhosale

.....Applicant

Versus

Union of India through MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 01.12.2022

CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER

Applicant	:	Mr. Nitin Lonkar, Advocate
Respondent(s)	:	Ms. Manasi Joshi, Advocate for R-1, 6 & 7 Mr. Aniruddha Kulkarni, Advocate for R-3 to 5 Mr. S. Swaminathan, Advocate for R-8 & 9/PCMC Mr. Saket Mone along-with Mr. Abhishek Salian, Advocates for R-11/PP

ORDER

1. Today this matter is listed on the issue of limitation against which objection has been filed by the learned Counsel for the Applicant.

2. Heard the arguments of learned Counsel for the Applicant Mr. Nitin Lonkar and learned Counsel for Respondent No. 11/Project Proponent- Mr. Saket Mone along-with learned Counsel Mr. Abhishek Salian.

I.A. No. 86/2021(WZ)

3. This I.A. has been filed by the Respondent No. 11/Project Proponent (PP), praying for dismissal of the Original Application No. 63/2019(WZ). The main ground which has been set up in this application is that Original Application is time barred, therefore, it requires to be dismissed at the threshold itself. The core issue raised by the Applicant is

that the Respondent No. 11 did not obtain prior Environmental Clearance (EC) with respect to the project in question.

4. As per the Project Proponent (PP), he commenced the construction and excavation in the year, 2012, therefore, the cause of action in respect of the alleged construction first arose in the year, 2012 which is well over 07 years from the date of the filing of the present Original Application.

5. The Sections 14 and 15 of the National Green Tribunal Act, 2010 provide for 06 months from the date when the cause of action first arose within which the Original Application ought to have filed. Therefore, if the 06 months period is calculated from the year 2012, it would expire in the year 2013 and as regards Section 15, it provides for 05 years period from the date of cause of action first arose, which too would expire in the year, 2017, while the Original Application has been filed on 14.08.2019.

6. The learned Counsel for the Respondent No. 11 has drawn our attention to para no. 40 of the main petition, where-in it is stated by the Applicant that the Project Proponent carried out illegal construction on 0 sq. mtrs. to 18500 sq. mtrs. vide sanction dated 24.11.2016.

7. As per the Applicant in O.A., the Project Proponent had intention to go on beyond 36,500 sq. mtrs. vide sanction dated 31.03.2018. The civil construction activity is recurring process. The Project Proponent/Respondent No. 11 has increased the project capacity from 0 sq. mtrs to 18500 sq. mtrs. from 2011 to 19.05.2018, therefore, it is nothing but a recurring cause of action for building construction activity.

8. The Applicant in Original Application had obtained information through online search and under RTI Act from 2017 to 18.05.2018 and thereafter had sent legal notice through Counsel to the Respondents inviting their attention towards the violations committed by the Project

Proponent. Therefore, the cause of action first arose on 15.06.2019 when SEIAA issued a Show Cause Notice to the Project Proponent.

9. Therefore, 06 months period from 15.06.2019 should be counted, which would end on 14.12.2019, while the present application has been filed on 14.08.2019, therefore, it is within time.

10. As per Respondent No. 11/Project Proponent (PP), the above contention of the Applicant in Original Application is absolutely false because the Applicant is trying to establish the date 19.05.2019 as the date, when the first cause of action arose on the basis of his having obtained information under RTI. It is further argued by the learned Counsel for the Respondent No. 11 that any person may move an RTI application on a particular date of his choice in order to create cause of action so as to bring it within the period of limitation in order to initiate legal proceedings, which cannot be allowed to happen because that is not the intent of law.

11. The learned Counsel for the Respondent No. 11 has placed reliance of the Judgment *Jai Javan Jai Kisan and ors. v. Vidarbha Cricket Association and Ors. [MANU/GT/0006/2017],* where-in relevant para no. 11 is as follows:-

> *"11. Conjoint reading of Section 14 and 15 of the National Green Tribunal Act reveals that essentially any application moved for claiming reliefs there-under must necessarily present a Civil case wherein substantial question relating to environment or environmental damage arising under the enactments specified in the Schedule-I of the Act (including accident occurring while handling any hazardous substance) is involved. We are, therefore, of the considered opinion that it is the substantial question relating to the environment or environmental damage as aforesaid which gives rise to the cause for an action under the provisions of National Green Tribunal Act, 2010. In the present case, the question raised is about restoration of the environmental damage on account of injury to it as a result of raising VCA Stadium without EC or consent to operate under the provisions of Schedule-I Acts viz Environment (Protection) Act, 1986, the Air (Prevention and*

Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974. As stated herein above, the causes of injury are insufficiency of Effluent Treatment Plant (ETP), open species, parking spaces and tree cover. These facts were very much manifest when the VCA stadium became functional in the year 2008. In our opinion, therefore, the cause of action for the present Application arose first when the VCA stadium became functional. There is nothing in the Application to state that these injuries stood compounded further to actuate the Applicants to initiate the action in the present case as framed."

12. Thereafter, the learned Counsel for the Respondent No. 11 has placed reliance on *Graminee Environment Development Foundation v. Balaji Infrastructure Ltd. & Ors. [(2017) SCC Online NGT 1098],* where-in relevant para nos. 11 to 13 are as follows:-

*"**11.** Section 15 (3) of the NGT Act, 2010 in clear terms requires the Application for restitution of the property damaged to be made within the period of five (5) years from the date on which cause for such relief first arose, and provides for discretion to the Tribunal to condone delay for 'sufficient cause' if the application is filed within further period of sixty (60) days and no further. In the present case, the Applicant avers that the cause of action first arose on 24.2.2015, when the letter was addressed by the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) to the Collector, Raigad to take action in respect of the grievance made by the Applicant and yet no action was taken by the authorities. The Applicant has further revealed in her Application that she has been making several complaints to the Authorities about the said grievance, first such complaint being made on 15.9.2014 to the Divisional Commissioner, Konkan Division, Navi Mumbai. Reading of the letter dated 24.2.2015, Annexure ''I to the Application (Pg.81) reveals the nature of grievance made by the Applicant. In short, the Applicant was aggrieved by the alleged illegal blasting work, storage of minerals and reclamation by Dighi Port Ltd. Similarly, the grievance made with complaint dated 15.9.2014 is regarding alleged illegal work of reclamation of seashore and filling rocks at village Nanavali and intertidal land encroachment without EC by Dighi Port Ltd, and Balaji Infrastructure Ltd.*

***12.** In our considered opinion, making of grievance of the kind in the present case by writing a letter cannot be constituted as 'cause of action' but the actual act or its consequence constitutes 'cause of action' in any case. In the present case, cause of action has arisen as a result of blasting work as well as dumping of rocks etc. by Dighi Port Ltd and its holding Company Balaji Infrastructure Ltd in the said land.*

> ***13.*** *A perusal of the Application gives some clue as to when such acts of blasting of hills and dumping of material excavated started. The Applicant has pleaded in her Application that Respondent No.1 encroached upon 3km of seashore of village Nanavali and without permission of any Govt. Authority dumped soil and rocks there. It is further pleaded that Respondent No.1 has been doing illegal activities of levelling, blasting, excavation of land, filling of land space with soil, dumping huge rocks and artificial land spaces without any permission; and in spite of such illegalities going on, Respondent Nos. 2 to 7- Govt. Authorities did nothing. The Applicant in her pleadings referred to EC granted in the name of Dighi Port Ltd on 30th September, 2005 for construction of Port at village Dighi, Taluka Shrivardhan, District Raigad and states that she does not challenge or dispute anything about such EC or any work at Dighi Port and her only grievance is that Respondent No.1 has encroached upon the property and extended various kinds of constructions beyond consented area. These facts as pleaded if read in conjunction with the plaint in Regular Civil Suit No.4 of 2009 filed by the Applicant in the Court of Civil Judge, Junior Division, Shrivardhan, do make sense as to when alleged activity had started. At para-7 of the said plaint, the Applicant has categorically stated that on 26.12.2008 the defendant (therein) i.e. Dighi Port Ltd came at the land adjacent to the house of the Applicant in order to make encroachment and reclaimed the land, and this highhanded activity of Dighi Port Ltd was resisted by the Applicant with objection that they cannot reclaim land by blasting the hills and dumping rocks at the said land. A clear fact emerges that the act of blasting the hill sides, dumping materials illegally and reclamation of land, first started in or about December, 2008. Thus, cause of action for the present Application clearly arose in or about December, 2008."*

13. Based on the above provisions of law, it is vehemently argued by the learned Counsel for the Respondent No. 11/Project Proponent that the present application is time barred and needs to be dismissed on that ground alone.

14. During argument, the learned Counsel for the Applicant in Original Application has pointed out that he is relying on para no. 18.25 & 18.26 of the reply affidavit dated 26.10.2021, mentioned at page nos. 981 to 986 of the paper book, which are as follows:-

> *"**18.25.** I state that, this Hon-ble Tribunal in the matter of "Forward Foundation, A Charitable Trust and Ors. Vs. State of Karnataka and Ors. (OA No. 222/2014) Judgment dated*

7th May, 2015", reported in 2015 SCC Online NGT 5 in dealing with the issue of limitation and cause of action has specifically held as follows-

"24. The expression 'cause of action' as normally understood in civil jurisprudence has to be examined with some distinction, while construing it in relation to the provisions of the NGT Act. Such 'cause of action' should essentially have nexus with the matters relating to environment. It should raise a substantial question of environment relating to the implementation of the statutes specified in Schedule I of the NGT Act. A 'cause of action' might arise during the chain of events, in establishment of a project but would not be construed as a 'cause of action' under the provisions of the Section 14 of the NGT Act, 2010 unless it has a direct nexus to environment or it gives rise to a substantial environmental dispute. For example, acquisition of land simplicitor or issuance of notification under the provisions of the land acquisition laws, would not be an event that would trigger the period of limitation under the provisions of the NGT Act, 'being cause of action first arose'. A dispute giving rise to a 'cause of action' must essentially be an environmental dispute and should relate to either one or more of the Acts stated in Schedule I to the NGT Act, 2010. If such dispute leading to 'cause of action' is alien to the question of environment or does not raise substantial question relating of environment, it would be incapable of triggering prescribed period of limitation under the NGT Act, 2010. [Ref Liverpool and London S.P. and I Asson. Ltd: v. M.V. Sea Success I and Anr., (2004) 9 SCC 512, J. Mehta v. Union of India, 2013 ALL (I) NGT REPORTER (2) Delhi, 106, Kehar Singh v. State of Haryana, 2013 ALL (I) NGT REPORTER (DELHI) 556, Goa Foundation v. Union of India, 2013 ALL (I) NGT REPORTER DELHI 234].

25. In contradistinction to 'cause of action first arose', there could be 'continuing cause of action', 'recurring cause of action' or 'successive cause of action'. These diverse connotations with reference to cause of action are not synonymous. They certainly have a distinct and different meaning in law, 'Cause of action first arose' would refer to a definite point of time when requisite ingredients constituting that 'cause of action' were complete, providing applicant right to invoke the jurisdiction of the Court or the Tribunal. The Right to Sue' or 'right to take action' would be subsequent to an accrual of such right. The concept of continuing wrong which would be the foundation of continuous cause of action has been accepted by the Hon'ble Supreme Court in the case of Bal Krishna Savalram Pujari & Ors. v. Sh. Dayaneshwar Maharaj Sansthan & Ors., AIR 1959 SC 798.

***18.26** Further I state that, the **Forward Foundation** Judgment was challenged before the FIon'b1e Supreme Court in the matter of **Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016 reported in (2019) 18 SCC 494** has specifically held vide judgment dated 5th March, 2019 and has confirmed the said judgment*

of Forward Foundation and even the Review petition of the same has been dismissed vide order dated 06/08/2019 and has thus become final and binding.

> *"In fact, in the original application before the Tribunal there was no mention of the provision under which it was being filed. It is well settled principal of law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass an order. It would be mere irregularity and would not vitiate the application or the judicial order of the Tribunal"*
>
> *The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading. (See Kishsore Lal v. Chairman, Employees' State Insurance Corpn. (2007) 4 SCC 579, para 17). The existence of the Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of the Act, would render it ineffective and toothless, and shall betray the legislative intent in setting up a specialized Tribunal specifically to address environmental concerns. The Tribunal, specially constituted with Judicial Members as well as with Experts in the field of environment, has a legal obligation to provide for preventive and restorative measures in the interest of the environment"*
>
> *"The Tribunal has also jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. Further, under Section 15(1)(b) and 15(1)(c) the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. It is noteworthy that Section 15(1)(b) & (c) have not been made relatable to Schedule I enactments of the Act. Rightly so, this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment."*
>
> *"Section 15(1)(c) of the Act is an entire island of power and jurisdiction read with Section 20 of the Act. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment."*

15. The Applicant in Original Application has also placed reliance upon the important dates and events, which have been quoted by him in para

14 of the reply affidavit, mentioned at page nos. 926 to 928 of the paper book, which are as follows:-

"14. IMPORTANT DATES AND EVENTS:

I state that, the following events and dates are very important to understand the collusion between the Government Authorities and Respondent No. 11-PP and tactics, favouring practices adopted by the Joint Committee Members and Respondent No. 11-PP;

"

Sr. No.	Events	Date
1.	*1st Application for EC*	*07.09.2013*
2.	*1st Show Cause Notice by SEIAA & PS- DoE*	*30.08.2014*
3.	*1st Withdrawal Communication for SCN*	*10.03.2015*
4.	*1st Consent to Establish*	*10.03.2015*
5.	*2nd Application for EC*	*30.06.2016*
6.	*2nd Consent to Establish*	*12.10.2017*
7.	*3rd Application for EC*	*06.10.2018*
8.	*Notice/Complaint of Original Applicant*	*19.05.2019*
9.	*MPCB 1st Site Visit by Field Officer*	*10.06.2019*
10.	*2nd Show Cause Notice by SEIAA & PS- DoE*	*15.06.2019*
11.	*MPCB 2nd Site Visit by SRO-2*	*27.06.2019*
12.	*Filing of OA*	*14.08.2019*
13.	*First Order of NGT*	*22.10.2019*
14.	*Service to Joint Committee of SEIAA & MPCB*	*02.11.2019*
15.	*Personal hearing given to PP by PS-DoE*	*11.11.2019*
16.	*2nd Withdrawal Communication for SCN*	*16.11.2019*
17.	*Second Order of NGT*	*10.12.2019*
18.	*Joint Committee Visit to project site*	*15.12.2019*
19.	*Architect Certificates prepared on*	*20.12.2019*
20.	*Joint Committee Report filed to NGT*	*07.01.2020*
21.	*Third Order of NGT issuing Notice 86 Show cause to PP*	*05.02.2020*
22.	*Service to the Respondent No. 11-PP*	*15.02.2020*
23.	*Grant of ex-post facto EC*	*18.02.2020*
24.	*Appeal No. 26/2020 filed on*	*19.03.2020*
25.	*Fourth Order of NGT*	*13.07.2020*
26.	*Respondent No. 11-PP Reply Affidavit Sworn on*	*24.09.2020*
27.	*Respondent No. 11-PP filed*	*24.09.2020*
28.	*Fifth Order of NGT*	*03.09.2021*
29.	*Respondent No. 11-PP filed 86/2020 filed on*	*06.10.2021*
30.	*Respondent No. 11-PP Corrected Reply Affidavit served on Original*	*09.10.2021*

	Applicant	

"

16. He has argued that in this case, there is recurring cause of action and therefore, the date which has stated in his application i.e. 15.06.2019, when the SEIAA issued a Show Cause Notice to the Project Proponent, should be treated to be the date of cause of action.

17. We have heard the arguments of the parties and perused the record and also have gone through the Judgments, which have been relied upon by both the parties, we find that as far as legal position is concerned, Sections 14 & 15 of the National Green Tribunal Act, 2010 provide as follows:-

> *"Section 14:- Tribunal to settle disputes.-*
>
> *(1) .....*
>
> *(2) .....*
>
> *(3) No application for adjudication of dispute under this Section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:*
>
> *Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."*
>
> *Section 15:- Relief, compensation and restitution –*
>
> *(1) .....*
>
> *(2) .....*
>
> *(3) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:*
>
> *Provided that the Tribunal, may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."*

18. According to the Applicant in Original Application, as per his own pleadings which are stated in para no. 40, it is clear that construction of the project by the Project Proponent was started in the year 2011 and continued till 19.05.2018. He states that he had obtained information

through online search and under RTI from 2017 to 18.05.2018. Thereafter, he had sent legal notice through Counsel on 19.05.2019. According to him, the SEIAA had issued first Show Cause Notice on 15.06.2019. Therefore, that date should be taken to be the date of cause of action, which first arose.

19. We are not inclined to accept this argument because according to his pleading, he had full knowledge in the year 2011 itself when the construction had started. The pretext of having come to know about this project being constructed through RTI on a later date as stated above appears to be only in order to bring the present Original Application within limitation period. We agree with the learned Counsel for the Project Proponent (PP) that it is very easy for any person to use RTI to seek information for any project on any date chosen by him. We are of the considered opinion that such kind of practice cannot be allowed. We are not inclined to accept the argument made by the learned Counsel for the Applicant in Original Application and are convinced with the argument raised by the learned Counsel for the Respondent No. 11/Project Proponent. We find that this Original Application is time barred, hence this Original Application stands dismissed as time barred.

20. All connected I.A.s also stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 01, 2022
Original Application No. 63/2019(WZ)
(I.A. No. 100/2019 & I.A. No. 86/2021)
P.Kr

TRUE COPY

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022

(Under Section 22 of National Green Tribunal Act, 2010)

[Arising out of impugned judgment and final order dated 01.12.2022 passed by the Hon'ble National Green Tribunal, Western Zone Bench, Pune in OA No. 63/2019(WZ)]

		POSITION OF PARTIES	
	BETWEEN:	Before Hon'ble NGT	In this Hon'ble Court
	MR. AJAY JAYVANTRAO BHOSALE Age: Adult, Occupation: Self-employed, R/o: 25B, Cycle Society, Nana Peth, Near Y. M. C. Club, Pune-411011 (MH) Mobile No. 9673902727, Email: ajaybhosale2772@gmail.com	Original Applicant	Appellant
	VERSUS		
1.	UNION OF INDIA Through Secretary, Ministry of Environment and Forest Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi –110001 Email: secy-moef@nic.in	Respondent No. 1	Contesting Respondent No. 1
2.	CHIEF SECRETARY Government of Maharashtra, Annex Building, Mantralaya, Mumbai, Maharashtra-400032, Email: chiefsecretary@maharashtra.gov.in	Respondent No. 2	Contesting Respondent No. 2
3.	THE PRINCIPAL SECRETARY, ENVIRONMENT DEPARTMENT Government of Maharashtra, Room No. 217, 2nd Floor, Annex Building, Mantralaya, Mumbai, Maharashtra-400 032,	Respondent No. 3	Contesting Respondent No. 3

	Email: psec.env@maharashtra.gov.in		
4.	STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY-MAHARASHTRA (SEIAA) Through Member Secretary, 15th Floor, New Administrative Building, Mantralaya, Mumbai, Maharashtra-400032 Email: psec.env@maharashtra.gov.in	Respondent No. 4	Contesting Respondent No. 4
5.	STATE EXPERT APPRAISAL COMMITTEE (III)-MAHARASHTRA (SEAC-III) Through Member Secretary, 15th Floor, New Administrative Building, Mantralaya, Mumbai, Maharashtra-400032, Email: Nil	Respondent No. 5	Contesting Respondent No. 5
6.	MAHARASHTRA POLLUTION CONTROL BOARD Through Member Secretary, Kalptaru Point, 3rd Floor, Near Sion Circle, Opp. Cine Planet Cinema, Sion (E), Mumbai, Maharashtra -400 022 Email: ms@mpcb.gov.in	Respondent No. 6	Contesting Respondent No. 6
7.	MAHARASHTRA POLLUTION CONTROL BOARD Through Regional Officer, Jog Centre, 3rd Floor, Mumbai-Pune Old Highway, Wakadewadi, Pune, Maharashtra-411003, Email: ropune@mpcb.gov.in	Respondent No. 7	Contesting Respondent No. 7
8.	MUNICIPAL COMMISSIONER-PCMC Pimpri-Chinchwad Municipal Corporation, PCMC Building, Old Mumbai-Pune Highway, Pimpri, Pune, Maharashtra-411018, Email: commissioner@pcmcindia.gov.in	Respondent No. 8	Contesting Respondent No. 8
9.	CITY ENGINEER-PCMC Pimpri-Chinchwad Municipal Corporation, PCMC Building, Old Mumbai-Pune Highway, Pimpri, Pune, Maharashtra-411018, Email: bldp@pcmcindia.gov.in	Respondent No. 9	Contesting Respondent No. 9

10.	COLLECTOR OF PUNE As Collector & President of District Environment protection Committee Pune Collector office, Bund Garden, Pune, Maharashtra-411001, Email: rdc.pune-mh@gov.in, collector.pune@maharashtra.gov.in	Respondent No. 10	Contesting Respondent No. 10
11.	M/s. BRAMHA LEISURES PRIVATE LIMITED A Limited Company registered under Indian Company Act-1952 with (CIN) U55101PN2009PTC134096, Having Registered Office At– "Bramha House", 250/251 M. G. Road, Camp, Pune, Maharashtra-411001. Email: vishal574@yahoo.co.in Through its Directors 11A. Surendrakumar Bramhadutta Agrawal 11B. Vishal Surendrakumar Agrawal	Respondent No. 11	Contesting Respondent No. 11

AN APPEAL U/S. 22 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010

TO:
THE HON'BLE THE CHIEF JUSTICE OF
INDIA AND HIS COMPANION JUDGES
OF THE SUPREME COURT OF INDIA

THE HUMBLE APPEAL OF
THE APPELLANT ABOVENAED

MOST RESPECTFULLY SUBMITS:

1. It is most respectfully submitted, that the present Statutory Civil Appeal is being filed U/s. 22 of the National Green Tribunal Act, 2010 (in short "NGT Act, 2010") against the impugned order dated 01.12.2022

passed by the Ld. NGT, Western Zone Bench, Pune via Hybrid Mode in Original Application (OA) No. 63 of 2019 (WZ), whereby the Ld. NGT held that the OA is time barred and dismissed as time barred.

1A. That the impugned Order passed on 01.12.2022 and uploaded on 20.12.2022 in evening around 8.00 PM on NGT Website and thereafter, it become possible to file this appeal. Also, the OA No. 63/2019(WZ) is heard by Ld. NGT Principal Bench on 22.10.2019, 10.12.2019, 05.02.2020, 13.07.2020 due to non-availability/non-appointment of Members at NGT Western Zone Bench, Pune and thereafter, OA is heard by NGT Western Zone Bench, Pune on 09.03.2021, 28.10.2021, 01.12.2021 and this is just informative to avoid any confusion.

2. **QUESTION OF LAW:**

That the following substantial question of law arises for the consideration of this Hon'ble Court:

2.1 Whether the OA No. 63/2019(WZ) is time barred?

2.2 Whether the Ld. NGT can form his opinion by applying pick & chose of pleadings in narrow manner and not bound to consider the entire pleading to reach the scientific conclusion of the crucial issue of public importance like Environment & its protection?

2.3 Whether the Ld. NGT can pass an appropriate Order having jurisdiction to protect the environment, if the substantial question of environment is established?

3. **FACTS LEADING TO THE FILING OF THE PRESENT APPEAL:**

3.1 That, the Original Applicant-Appellant herein is the common man, vigilant citizen, whistle blower, informer of environmental cause to the court of law performing his fundamental duties casted by constitution and by this Hon'ble Court and acted punctually, diligently & promptly.

3.2 That, this Appellant has filed OA No. 63/2019 (WZ) vide dated 14.08.2019 before Hon'ble National Green Tribunal, Western Zone Bench at Pune (Ld. NGT) against the serious irreparable damage to the environment & ecology due to ongoing illegal construction undertaken by PP without prior Environment Clearance (EC), in violation of terms & conditions of Consent to Establish (CTE) and further for gross intentional violation of EIA Notification, 2006 r/w Environment (Protection) Act, 1986, the Water (P & CP) Act, 1974, the Air (P & CP) Act, 1981 for carrying out illegal building construction of residential and commercial project "**Bramha Uzuri**" by Respondent No. 11-PP-M/s. Bramha Leisure's Private Limited in their commercial project situated at Survey No. 103/129B 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation (in short "PCMC"). These illegality have given rise to substantial question relating to

implementation of environment protection & improvement enactment.

3.3 That, the MoEF&CC issued Environment Impact Assessment Notification on 14.09.2006 i.e. EIA Notification-2006 under Environment (Protection) Act, 1986 mandating prior EC for the building construction projects activity listed at item-8 of the schedule to the notification having total built up area more than 20000 M^2 for the covered construction. That, as per the EIA notification, 2006, it is mandatory on part of the Respondent No. 11-PP to obtain the prior EC from SEIAA or MoEF before commencement of any construction work. **ANNEXURE-A-1** {Page No. 43 to 84}

3.4 That, on 28.03.2008 PCMC issued first Commencement Certificate approving building layout & building sanction plans to the Respondent No. 11-PP. **ANNEXURE-A-2** {Page No. 85 to 94}

3.5 That, on 09.04.2013, PCMC issued second Commencement Certificate approving building layout & building sanction plans to the Respondent No. 11-PP. **ANNEXURE-A-3** {Page No. 95 to 105}

3.6 That, on 05.09.2013, PP submitted first application for obtaining prior EC before SEIAA, Maharashtra. **ANNEXURE-A-4** {Page No. 106}

3.7 That, on 04.07.2014, PP submitted first application for obtaining prior CTE before Member Secretary of Maharashtra Pollution Control Board (MPCB). **ANNEXURE-A-5** {Page No. 107}

3.8 That, on 15th-18th.07.2014, SEAC-III Maharashtra apprised the application of PP for prior EC in its 13th meeting and observed that the PP have initiated the construction work of first phase i.e. excavation. **ANNEXURE-A-6** {Page No. 108}

3.9 That, on 30.08.2014, Additional Chief Secretary of DoE issued first Show Cause Notice (SCN) cum proposed directions U/s. 5 of the Environment (Protection) Act, 1986 to the Respondent No. 11-PP for violation of EIA Notification, 2006. **ANNEXURE-A-7** {Page No. 109}

3.10 That, on 25.09.2014, Respondent No. 11-PP filed his reply to the above first show cause notice. **ANNEXURE-A-8** {Page No. 110 to 111}

3.11 That, on 10.03.2015, Principal Secretary of Environment Department, Government of Maharashtra, withdrawal the above first Show Cause Notice (SCN) and held that there is no violation i.e. prior to 10.03.2015. **ANNEXURE-A-9** {Page No. **112**}

3.12 That, on 10.03.2015, MPCB granted first CTE to the Respondent No. 11-PP on Condition No. 12 of not to proceed with construction without prior EC. **ANNEXURE-A-10** {Page No. 113 to 119}

3.13 That, on 30.09.2015, PCMC issued third Commencement Certificate approving building layout & building sanction plans to the Respondent No. 11-PP. **ANNEXURE-A-11** {Page No. 120 to 130}

3.14 That, on 30.06.2016, Respondent No. 11-PP submitted his second application for EC before

MoEF&CC through online portal. **ANNEXURE-A-12** {Page No. 131 to 164}

3.15 That, on 24.11.2016, PCMC issued fourth Commencement Certificate approving building layout & building sanction plans to the Respondent No. 11-PP. **ANNEXURE-A-13** {Page No. 165 to 176}

3.16 That, on 12.10.2017, MPCB granted second CTE to the Respondent No. 11-PP on Condition No. 12 of not to proceed with construction without prior EC. **ANNEXURE-A-14** {Page No. 177 to 182}

3.17 That, on 31.03.2018, PCMC issued fifth Commencement Certificate approving building layout & building sanction plans to the Respondent No. 11-PP. **ANNEXURE-A-15** {Page No. 183 to 194}

3.18 That, on 06.10.2018, Respondent No. 11-PP submitted his third application for EC before SEIAA through online portal. **ANNEXURE-A-16** {Page No. 195 to 225}

3.19 That, on 05.12.2018, SEAC-III Maharashtra has considered the proposal of PP for appraisal in its 77th meeting, wherein PP was absent. **ANNEXURE-A-17** {Page No. 226 to 235}

3.20 That, on 16.05.2019, PCMC issued sixth Commencement Certificate approving building layout & building sanction plans to the Respondent No. 11-PP. **ANNEXURE-A-18** {Page No. 236 to 247}

3.21 That, on 19.05.2019, Appellant-Original Applicant brought the entire environmental violations to the notice of Respondents-Government Authorities

amongst Respondent Nos. 1 to 10 for investigation and further strongest action against Respondent No. 11-PP with a hope that the further illegalities would be prevented by the said authorities vide its legal notice/complaint. **ANNEXURE-A-19** {Page No. 248 to 267}

3.22 That, on 15.06.2019, Principal Secretary of DoE & Member Secretary of SEIAA issued show cause notice cum proposed directions U/s. 5 of the Environment (Protection) Act, 1986 to the Respondent No. 11-PP on the basis of above notice/complaint of the Appellant-Original Applicant for violation of EIA Notification, 2006. **ANNEXURE-A-20** {Page No. 268 to 269}

3.23 That, on 26.07.2019, SEAC-III Maharashtra has considered the proposal of PP for appraisal in its 91st meeting, wherein SEAC-III observed that the PP is misguiding the committee and act of PP is fraudulent. **ANNEXURE-A-21** {Page No. 270 to 280}

3.24 That, on 14.08.2019, Appellant-Original Applicant being aggrieved & dissatisfied with the non-actions of the Respondent authorities, filed OA before the Ld. NGT, Western Zone Bench, Pune and same was numbered as OA No. 63/2019(WZ). **ANNEXURE-A-22** {Page No. 281 to 313}.

3.25 That, on 22.10.2019, Ld. NGT on its first hearing in the case appointed the Joint Committee of Experts from SEIAA & MPCB to verify the allegations from AO and to submit the action taken report. **ANNEXURE-A-23** {Page No. 314 to 316}.

BUA as on 20.12.2019. **ANNEXURE-A-29** {Page No. 337 to 338}

3.32 That, on 08.01.2020, Joint Committee submitted their report to NGT for site inspection conducted on 15.12.2019. **ANNEXURE-A-30** {Page No. 339 to 343}

3.33 That, on 08.01.2020, PCMC issued seventh Commencement Certificate approving building layout & building sanction plans to the Respondent No. 11-PP. **ANNEXURE-A-31** {Page No. 344 to 355}

3.34 That, on 05.02.2020, Ld. NGT issued notices to all the respondents and show cause notice to the Respondent No. 11-PP on prohibiting further construction. **ANNEXURE-A-32** {Page No. 356 to 357}

3.35 That, on 06.02.2020, SEIAA Maharashtra has considered the proposal of PP for impact assessment in its 186th meeting and decided to grant EC. **ANNEXURE-A-33** {Page No. 358 to 368}

3.36 That, the 18.02.2020, SEIAA Maharashtra granted ex-post facto EC to the Respondent No. 11-PP for his project in violation. **ANNEXURE-A-34** {Page No. 369 to 382}

3.37 That, on 13.03.2020, Appellant filed the service affidavit confirming service on all respondents. **ANNEXURE-A-35** {Page No. 383 to 393}

3.38 That, on 18.03.2020, Appellant-Original Applicant challenged the above ex-post facto EC. **ANNEXURE-A-36** {Page No. 394 to 421}

3.39 That, on 13.07.2020, Ld. NGT heard the matter, wherein it is pointed out mala-fide grant of ex-post

facto EC by SEIAA despite the pendency of the proceedings in OA. However, the matter was adjourned on adjournments sought by PP on account of Covid-19. **ANNEXURE-A-37** {Page No. 422 to 425}

3.40 That, on 13.11.2020, MPCB granted third CTE to the Respondent No. 11-PP for the project already in violation. **ANNEXURE-A-38** {Page No. 426 to 431}

3.41 That, on 03.09.2021, Ld. NGT passed an Order in OA No. 63/2019 (WZ) along with Appeal No. 26/2020 (WZ) for issue notices to the Respondents and also recorded the submission of the Joint Committee Report. **ANNEXURE-A-39** {Page No. 432 to 434}

3.42 That, on 06.10.2021, Respondent No. 11-PP filed Interlocutory Application No. 86/2021, which was sworn on 24.09.2020 and registered on 07.10.2021. **ANNEXURE-A-40** {Page No. 435 to 455}

3.43 That, on 06.10.2021, Respondent No. 11-PP filed his reply to the OA No. 63/2019(WZ) and same was sworn on 24.09.2020. **ANNEXURE-A-41** {Page No. 456 to 479}

3.44 That, on 26.10.2021, Appellant-Original Applicant have filed detailed reply affidavit to the IA No. 86/2021 of PP. **ANNEXURE-A-42** {Page No. 480 to 581}

3.45 That, on 26.10.2021, Appellant-Original Applicant have filed detailed Rejoinder affidavit to the replies of the Respondents who filed their replies. **ANNEXURE-A-43** {Page No. 582 to 714}

3.46 That, on 28.10.2021, Ld. NGT adjourned the matter on account of request of advocates and also for filing

of replies to the other parties. **ANNEXURE-A-44** {Page No. 715 to 716}

3.47 That, on 28.01.2022, SEIAA filed their reply affidavit in OA No. 63/2019. **ANNEXURE-A-45** {Page No. 717 to 720}

3.48 That, on 23.05.2022, MPCB filed their reply affidavit in OA No. 63/2019. **ANNEXURE-A-46** {Page No. 721 to 724}

3.49 That, the Google Earth images from 2009 to 2019 showing the development of construction. In the year from 2009 to 2012 trees were cut, From the year 2013 to 2017 excavation were carried out and from November, 2017 construction were started at site and this was the source of knowledge of the development of the construction to the Appellant-Original Applicant. **ANNEXURE-A-46** {Page No. 725 to 742}

3.50 That the Ld. NGT vide its Order dated 01.12.2022 have dismissed the OA on the basis of the fancy arguments & misleading facts of PP, overlooking the admitted facts by PP and without looking into the settled position of law as per the various judgments passed by this Hon'ble Court.

3.51 The Appellant crave leaves of this Hon'ble Court in future to alter, amend, edit, add and delete the pleading as and when required.

3.52 The Appellant have not filed any other Civil Appeal before this Hon'ble Court or any other High Court regarding this matter against the impugned judgment and order passed by Ld. Tribunal.

3.53 The Annexures produced alongwith the Civil Appeal are true copies of the pleadings/documents which formed part of the records of the case in the Court / Tribunal below against whose order the appeal is filed.

3.54 The Appellant craves the leave of this Hon'ble Court to refer and rely upon the documents, grounds, facts mentioned in OA No. 63/2019 (WZ) and I. A. No. 100/2019 (WZ) filed thereunder and subsequent documents filed and its annexures.

3.55 The Appellant submits that, the appellant is not in receipt of caveat notice.

GROUNDS

4. The present Civil Appeal is being filed on the following main grounds:

A. **BECAUSE**, that the impugned Order dated 01.12.2022 is arbitrary, illegal, unreasonable, capricious, product of non-application of mind, contrary, passed in mechanical manner with prejudice mind and against the mandate & objective of the NGT Act, 2010 and EIA Notification, 2006. Therefore, it need to be quashed & set aside.

B. **BECAUSE**, the Ld. NGT failed to consider the fact admitted by PP himself in his reply affidavit as there was no case of violation is made out prior to 10.03.2015 due to withdrawal of Proposed direction issued vide letter dated 30.08.2014 by Additional Chief Secretary of DoE vide letter/communication

dated 10.03.2015 {**P@112**} on account of no case of violation as prescribed in EIA Notification, 2006. Therefore, no cause of action is made out prior to the 10.03.2015 and same fact is misconceived, caused miscourage of environmental justice at the hands of Ld. NGT by not considering the pleading in entirety. Quote from the said letter is reproduced below;

"In view of the documents submitted by your representative vide letter dtd. 28.9.2014, comprising the approved plans, additional information during the course of personal hearing followed by Architect's Certificate dtd. 16.02.2015 and their detailed scrutiny, it is hereby concluded that there is no case of violation as prescribed in the EIA Notification, 2006 and accordingly the Proposed Directions issued vide above ref. (1) is hereby withdrawn"

C. **BECAUSE**, Ld. NGT failed to consider the admitted fact relied by PP in his own reply affidavit sworn on 24.09.2020 and filed on 06.10.2021, stating that there was no case of violation prior to 10.03.2015 as show cause notice & proposed directions are withdrawn. Therefore, forceful connecting the cause of action to the year 2011 is absolutely wrong, misconceived on part of Ld. NGT. Para-6.12 of the said affidavit is reproduced here below {**P@460**};

"6.12. On March 2015, the environment department, government of Maharashtra was pleased to withdraw the show cause notice dated 30th August 2014 and declared that the Respondent no. 11's proposal is not a violation case. Such conclusion was arrived at after carefully considering and verifying

the reply preferred by the Respondent No. 11, physical presentation made by the Respondent No. 11 and the architect certificate submitted by the Respondent No. 11. The environment department withdrew the show cause notice on verifying the fact that the Respondent No. 11 had carried out excavation/construction activity in furtherance of commencement certificate issued in the year 2008. As per the said commencement certificate, permission was below the threshold limit, the respondent No. 1 was not required to obtain an EC. Hereto annexed and marked as Exhibit-I is a copy of the letter issued by the environment department dated 10th March 2015."

D. **BECAUSE**, the Ld. NGT failed consider the pleadings at Para-40 of the OA are the results of pleading made at Para- 9(c), 11 (f), 14 (a), 16 (a), 39 (f), 40 (a) & 40 (b) of the OA. Therefore, entire pleading ought to be considered to reach the final conclusion. These pleadings are given below {**P@281-313**};

Para of OA	Pleadings from OA
9 (c)	That the PP has undertaken the excavation activity in 2012 and construction activity on December-2017
11 (f)	Thereafter SEAC-III was considered the project in its 51st meeting held on 26.07.2016 and it was noted that, work initiated below 20000 Sq. Mtrs., therefore withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015. Copy of withdrawal of show cause notice by DoE GoM dated 10.03.2015 is attached herewith and marked as **ANNEXURE-A-5 (Page-88)**.
14 (a)	It is submitted that, the PP has filed the application for EC again on second time before SEIAA on 06.10.2018 and same was considered in 77th SEAC-III meeting held on 05.12.2018, wherein the PP was

	remain absent. But PP never stopped the construction as directed by DoE vide its order of show cause withdrawal in 10.03.2015.
16 (a)	As per EIA Notification-2006, no activity related to construction is allowed without prior Environment Clearance, but the PP has started excavation on 06.04.2012 and after substantial excavation, said activity was stopped till end of 2016 and said activity again resumed in September-2017 and completed the excavation on December-2018.
39 (f)	It is submitted that, the PP has carried out the construction from **0** Sq. Mtrs. to **18500** Sq. Mtrs. till today and further PP has intention to go on beyond **36500** Sq. Mtrs. and civil construction activity is the recurring cause of action. Therefore Hon'ble NGT have clear jurisdiction to deal with the present application.
40 (a)	It is submitted that, the cause of action is bundle of actions, therefore entire pleadings of the original application shall be considered
40 (b)	It is submitted that, the PP has carried out the illegal construction from **0** Sq. Mtrs. to **18500** Sq. Mtrs. vide sanction no. BP/Pimpri/76/2016 dated 24.11.2016 and further PP has intentional to go on beyond **36500** Sq. Mtrs. vide sanction no BP/Pimpri/36/2018 dated 31.03.2018 and civil construction activity is the recurring process. Therefore PP has increased the project capacity from **0** Sq. Mtrs to **18500** Sq. Mtrs. from 2011 to 19.05.2018, it is nothing but recurring cause of action for building construction activity and further PP has proposed to go increase the capacity of project.

E. **BECAUSE**, Ld. NGT ought to consider the entire pleading of the case and pleading shall not be read in isolation. Also, Ld. NGT have not considered the pleading specifically mentioned at Para-9(c) and 16(a), categorically mentioning that the excavation is carried

out in 2012 and excavation & construction activity is resumed in September, 2017. However, Ld. NGT has misunderstood the real meaning of Para-40(b) by convenient ignorance of admitted facts from the reply affidavit of the PP himself for no violation prior to 10.03.2015 thereby withdrawal of show cause notice/ proposed direction by Additional Secretary vide its communication dated 10.03.2015.

F. **BECAUSE**, the Ld. NGT failed to consider the pleading from reply affidavit of this Appellant to the IA No. 86/2021 at "Para-16; admitted facts by Respondents including PP" {P@489-496} and "Para-17, 17.6 to 17.15: Grounds for rejection of IA No. 86/2021", {**P@498-502**}showing the misleading conduct of the PP as well as proving that the OA is well within limitation as the serious injury is caused to the environment & ecology of the area as the Respondent No.11-PP have under taken his illegal construction activity without prior EC. However, these pleadings are conveniently ignored by the Ld. NGT for the reasons best known to them.

G. **BECAUSE**, Ld. NGT is failed to consider their own finding from "Forward Foundation, A Charitable Trust and Ors. Vs. State of Karnataka and Ors. (OA No. 222/2014) vide its Judgement dated 07.05.2015", reported in **2015 SCC Online NGT 5** in dealing with the issue of limitation and cause of action has specifically held at Para-30 to 33 and same is uphold by this Hon'ble Court in **(2019) 18 SCC 494**.

*"**30**. Now, we would deal with the concept of recurring cause of action. The word 'recurring' means, something happening again and again and not that which occurs only once. Such reoccurrence could be frequent or periodical. The recurring wrong could have new elements in addition to or in substitution of the first wrong or when 'cause of action first arose'. It could even have the same features but its reoccurrence is complete and composite. The recurring cause of action would not stand excluded by the expression 'cause of action first arose'. In some situation, it could even be a complete, distinct cause of action hardly having nexus to the first breach or wrong, thus, not inviting the implicit consequences of the expression 'cause of action first arose'. ....*

***31**. The recurring cause of action would have an element of fresh cause which by itself would provide the applicant the right to sue. It may have even be de hors the first cause of action or the first wrong by which the right to sue accrues.....*

***32**. The principle that emerges from the above discussion is that the 'cause of action' satisfying the ingredients for an action which might arise subsequently to an earlier event give result in accrual of fresh right to sue and hence reckoning of fresh period of limitation. A recurring or continuous cause of action may give rise to a fresh cause of action resulting in fresh accrual of right to sue. In such cases, a subsequent wrong or injury would be independent of the first wrong or injury and a subsequent, composite and complete cause of action would not be hit by the expression 'cause of action first arose' as it is independent accrual of right to sue. In other words, a recurring cause of action is a distinct and completed occurrence made of a fact or blend of composite facts giving rise to a fresh legal*

injury, fresh right to sue and triggering a fresh lease of limitation. It would not materially alter the character of the preposition that it has a reference to an event which had occurred earlier and was a complete cause of action in itself. In that sense, recurring cause of action which is complete in itself and satisfies the requisite ingredients would trigger a fresh period of limitation. To such composite and complete cause of action that has arisen subsequently, the phraseology of the 'cause of action first arose' would not effect in computing the period of limitation. The concept of cause of action first arose must essentially relate to the same event or series of events which have a direct linkage and arise from the same event. To put it simply, it would be act or series of acts which arise from the same event, may be at different stages. This expression would not de bar a composite and complete cause of action that has arisen subsequently. ....."

H. **BECAUSE**, the Ld. NGT have also conveniently ignored the law laid down by this Hon'ble Court in **(2019) 18 SCC 494** in the matter of "Mantri Technoze Pvt. Ltd. Vs. Forward Foundation", that the illegal construction undertaken by the PP without mandatory prior EC and in violation of terms & condition of CTE;

*"**49**. ..... The environmental degradation as established from the documents would give rise to an independent cause of action. Therefore, this was a petition under Section 15 of the Act and thus it could be filed within 5 years from the date on which the cause for such compensation or relief first arose."*

***50**. In fact, in the original application before the Tribunal there was no mention of the provision under which it was being filed. It is well settled principle of*

law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass an order. It would be a mere irregularity and would not vitiate the application or the judicial order of the Tribunal."

I. **BECAUSE**, the Ld. NGT failed to consider the report dated 08.01.2020 {P@**339-343**} of the Joint Committee clearly stating that the PP have not obtained the prior EC and has carried out the illegal construction without EC and in violation of terms and condition of CTE. As per the EIA Notification, 2006 present activity is restricted & prohibited to protect the environment & ecology from potential environment impact without prior EC.

J. **BECAUSE**, Ld. NGT is failed to consider the filing of OA on 14.08.2019 u/s. 14, 15, 18 & 20 of NGT Act, 2010 for restitution & restoration of the area under environmental degradation is well prior to the procurement of ex-post facto EC dated 18.02.2020 by PP in collusion & hands in gloves with ill intended SEIAA officials. Therefore, treatment of OA only u/s. 14 of the NGT Act, 2010 by convenient ignorance of Sec. 15 & 20 of NGT Act, 2010 is total miscourage of justice & contrary to the object of NGT Act, 2010.

K. **BECAUSE,** the Ld. NGT has not applied their mind in passing impugned Order and failed to consider that the OA is not simplicitor U/s. 14 of the NGT Act, 2010, but also it is also filed U/s. 15 of the said Act along with Sec. 20 seeking restitution & restoration of the Area under principles of sustainable development and

Ld. NGT have made blatant error while passing this impugned Order causing grave set back to the environmental jurisprudence and therefore, this impugned order is pro-polluter against precautionary principles as well as bad in the eyes of law and needs to be set as side immediately.

L. **BECAUSE**, Ld. NGT have misunderstood the concept of "Cause of Action First Arose" by applying their limited knowledge of civil jurisprudence to the matters of environmental jurisprudence evolved after crucial phases of development from various judicial pronouncement of Apex Court and sacrifices of our citizens.

M. **BECAUSE**, Ld. NGT has succumb to the false & misleading statements of the Respondent No. 11-PP during the course of arguments and conveniently ignored the admitted facts of Respondent No. 11 on withdrawal of show cause notice for violations prior to the 10.03.2015 and prohibition on further construction till obtaining prior EC.

N. **BECAUSE**, Ld. NGT has failed to consider that mere obtaining various building sanctions/other permissions or starting of construction/activity does not constitute the cause of action first arose. But there must be case establishing substantial question of environment indicating or resulting into threat/damage/adverse impact to the environment, ecology or area to seek relief, compensation or

restoration by way of order or decision or award from Ld. NGT.

O. **BECAUSE**, despite there being condition imposed on PP in two CTE by MPCB for obtaining prior EC, PP failed to obtain the prior EC till filing of OA on 14.08.2019.

Sr.	CTE	Land Area (M^2)	TBA (M^2)	Condition for EC	Reference Annexure
1.	10.03.2015	9337.66	36611.49	No. 12	A/10, **P@115**
2.	12.10.2017	9337.66	51358.46	No. 12	A/14, **P@178**

P. **BECAUSE**, despite there being condition imposed by PCMC on PP in their PCMC Commencement Certificate (CC) after 24.11.2016 for obtaining prior EC due to total BUA potential of proposed construction was more than 20000 M^2 attracting prior EC under EIA Notification, 2006. However, PP intentionally avoided to obtain the prior EC and till filing of OA on 14.08.2019.

Sr.	CC Date	TBA (M^2)	Condition for EC	Reference Annexure
1.	28.03.2008	17995.00	No condition for EC	
2.	09.04.2013	21368.30	No condition for EC, Excavation stopped as per DoE Letter dated 10.03.2015 and PP applied for the EC on 09.05.2013	
3.	30.09.2015	22010.30	No. 26	A/11, **P@125**
4.	24.11.2016	21213.90	No. 27	A/13, **P@170**
5.	31.03.2018	19991.40	No. 25	A/15, **P@188**
6.	16.05.2019	19978.40	No. 27	A/18, **P@241**
7.	08.01.2020		No. 27	A/31, **P@349**

Q. **BECAUSE**, Ld. NGT ought to consider that the OA No. 63/2019 is filed on 14.08.2019 {**P@281-313**}, whereas PP have procured the ex-post facto EC on 18.02.2020 {**P@369-382**} in collusion & hand in gloves with PS-DoE. Therefore, the OA No. 63/2019 is well within the limitation as based on the single cause of action of issuing Show Cause Notice (SCN) dated 15.06.2019.

R. **BECAUSE**, Ld. NGT ought to consider that the PP is failed to obtain the prior EC despite filing of three Applications dated 05.09.2013 {**P@106**}, 30.06.2019 {**P@131-164**} & 06.10.2018 {**P@195-225**} for obtaining EC and initiated substantial illegal construction till filing of OA dated 14.08.2019 {**P@281-313**}.

S. **BECAUSE**, Ld. NGT ought to consider that the Original Applicant has placed on record the Google images showing the excavation & construction progress status and therefore, it cannot be said the Applicant had knowledge of the exaction was started in the year 2011.

T. **BECAUSE**, Ld. NGT failed to consider that the bonafide of the Applicants in environmental cases cannot be doubted as held by this Hon'ble Court in **(2019) 15 SCC 401**, in the matter of Hanuman Laxman Aroskar Vs. Union of India at Para-164.

U. **BECAUSE**, Ld. NGT failed to consider that the Respondent No. 11-PP is playing fraud on the Ld.

NGT. But, Ld. NGT blindly favored the Respondent No. 11-PP, for the reasons best known to them.

V. Therefore, the impugned Order dated 01.12.2022 needs to be set aside and matter may kindly be remanded back to the Ld. NGT to adjudicate the matter with time bound manner to avoid any further delay & also to avoid the unbridle & uncontrolled situation at project site.

PRAYERS

5. In the light of the facts and circumstances above stated, it is prayed that this Hon'ble Court may please to pass following order –

A. Admit and Allow the Civil Appeal filed by the Appellant and set aside the impugned Order dated 01.12.2022 passed by the National Green Tribunal, Western Zone Bench, Pune in OA No. 63/2019 (WZ); and.

B. Any other appropriate orders considering the facts, grounds and circumstances of the case in the larger environment interest and justice.

FOR THIS ACT OF KINDNESS THE APPLICANT AS IS DUTY BOUND SHALL EVER PRAYS.

Filed by:

PULKIT AGARWAL
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Supreme Court of India
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PULKIT AGARWAL
Advocate for the Appellant

Drawn on: 27.12.2022
Filed on: 29.12.2022
Place: New Delhi

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

CIVIL APPEAL NO. _____ OF 2022

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE ....APPELLANT

Versus

UNION OF INDIA & ORS. ....RESPONDENTS

CERTIFICATE

Certified that the Civil Appeal is confined only to the pleadings before the Court/Tribunal whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken therein or relied upon in the Civil Appeal. It is further certified that the copies of the documents/annexures attached to the Civil Appeal are necessary to answer the question of law raised in the Petition or to make out grounds urged in the Civil Appeal for consideration of this Hon'ble Court. This certificate is given by the Petitioner whose Affidavit is filed in support of this Civil Appeal.

Filed by



Advocate for the Appellant

Place: New Delhi
Date : 29.12.2022

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

CIVIL APPEAL NO. _____ OF 2022

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE ....APPELLANT

VERSUS

UNION OF INDIA THROUGH MoEF&CC & ORS.

....RESPONDENTS

AFFIDAVIT

I, Mr. Ajay BhosaleS/o Jayvantrao BhosaleAge: Adult, Occupation: Self-employed, R/o: 25B, Cycle Society, Nana Peth, Near Y. M. C. Club, Pune-411011 presently at Punedo hereby solemnly affirm and state on oath as follows:

1. That I am Appellant in the above Appeal and I am well conversant with the facts and circumstances of the present caseand I am as such competent to swear this affidavit.
2. That I have read and understood the contents of synopsis and list of dates & events at Page No."**B**" to "**N**" as well as contents of Civil Appeal with prayers from paragraphs **"1"** to **"5"** and. I State that the contents of said Civil Appeal are true and correct to my knowledge and belief.
3. I have also read and understood the contents of the I.A.s and state that the averments made therein are true and correct.
4. That the Annexures filed herewith are true and correct copies of their respective originals.

NOTARY
ADVOCATE
Miss K. D.GIDWANI
REGD No. 7555
Lic. Renewal on
14/01/2024
GOVERNMENT OF INDIA

DEPONENT

NOTARY ADVOCATE Miss K. D.GIDWANI REGD No. 7555 Lic. Renewal on 14/01/2024 GOVERNMENT OF INDIA

VERIFICATION:

Verified at Pune on this 28 th day of December, 2022 that the contents of the aforesaid affidavit 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

NOTARY ADVOCATE Miss K. D.GIDWANI REGD No. 7555 Lic. Renewal on 14/01/2024 GOVERNMENT OF INDIA

BEFORE ME

Miss. K. D. Gidwani
Advocate & Notary
Govt. of India

NOTED & REGISTERED AT.SR.NO. 254 / 2022

28 NOV 2022

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APPENDIX

SECTION-14, 15, 18, 19, 20 AND 22 OF NGT ACT, 2010:

14 Tribunal to settle disputes. -

(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose: Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

15. Relief, compensation and restitution.- (*1*) The Tribunal may, by an order, provide,—

(*a*) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);

(*b*) for restitution of property damaged;

(*c*) for restitution of the environment for such area or areas, as the Tribunal may think fit.

(*2*) The relief and compensation and restitution of property and environment referred to in clauses (*a*), (*b*) and (*c*) of sub-section (*1*) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).

(*3*) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within

the said period, allow it to be filed within a further period not exceeding sixty days.

(*4*) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

(*5*) Every claimant of the compensation or relief under this Act shall intimate to the Tribunal about the application filed to, or, as the case may be, compensation or relief received from, any other court or authority.

18 Application or appeal to Tribunal. -

(1) Each application under sections 14 and 15 or an appeal under section 16 shall, be made to the Tribunal in such form, contain such particulars, and, be accompanied by such documents and such fees as may be prescribed.

(2) Without prejudice to the provisions contained in section 16, an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by-

(a) the person, who has sustained the injury; or

(b) the owner of the property to which the damage has been caused; or

(c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or

(d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or

(e) any person aggrieved, including any representative body or organisation; or

(f) the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 (29 of 1986) or any other law for the time being in force:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation or relief or settlement of dispute, the application shall be made on behalf of, or, for the benefit of all the legal representatives of the deceased and the

legal representatives who have not so joined shall be impleaded as respondents to the application: Provided further that the person, the owner, the legal representative, agent, representative body or organisation shall not be entitled to make an application for grant of relief or compensation or settlement of dispute if such person, the owner, the legal representative, agent, representative body or organisation have preferred an appeal under section 16.

(3) The application, or as the case may be, the appeal filed before the Tribunal under this Act shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the application, or, as the case may be, the appeal, finally within six months from the date of filing of the application, or as the case may be, the appeal, after providing the parties concerned an opportunity to be heard.

19 Procedure and powers of Tribunal. -

(1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice.

(2) Subject to the provisions of this Act, the Tribunal shall have power to regulate its own procedure.

(3) The Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872 (1 of 1872).

(4) The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office;

(e) issuing commissions for the examination of witnesses or documents;

(f) reviewing its decision;

(g) dismissing an application for default or deciding its ex parte;

(h) setting aside any order of dismissal of any application for default or any order passed by it ex parte;

(i) pass an interim order (including granting an injunction or stay) after providing the parties concerned an opportunity to be heard, on any application made or appeal filed under this Act;
(j) pass an order requiring any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I;
(k) any other matter which may be prescribed.
(5) All proceedings before the Tribunal shall be deemed to be the judicial proceedings within the meaning of sections 193, 219 and 228 for the purposes of section 196 of the Indian Penal Code (45 of 1860) and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

20. Tribunal to apply certain principles.-The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.

22. Appeal to Supreme Court. -Any person aggrieved by any award, decision or order of the tribunal, may, file an appeal to the Supreme Court, within ninety days from the date of communication of the award, decision or order of Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908): Provided that the Supreme Court may, entertain any appeal after the expiry of ninety days, if it is satisfied that the appellant was prevented by sufficience cause from preferring the appeal.

//TRUE COPY//

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ANNEXURE-A-1

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India[1], unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September ,2005 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;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

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

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, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

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[1]Includes the territorial waters

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 Terns 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 be 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	≥ 50 ha. of mining lease area Asbestos mining irrespective of mining area	<50 ha ≥ 5 ha .of mining lease area.	General Condition shall apply Note Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		Note Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	General Condition shall apply
1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphta & gas based); ≥ 50 MW (Pet coke diesel and all other fuels -)	< 500 MW (coal/lignite/naptha & gas based); <50 MW ≥ 5MW (Pet coke ,diesel and all other fuels)	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 ≥ 200TPD c)Secondary metallurgical processing industry All toxic and heavy metal producing units ≥ 20,000 tonnes /annum -	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry i.)All toxic andheavymetal 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 capacityor a unit located out side 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 out side 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 form 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	Lead to development of supporting. lities, 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		
9.2	Lead to after-use of the site, which could havean 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 *(hospitals, schools, places of worship, community facilities)*		
10	Areas containing important, high quality or scarce resources *(ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)*		
11	Areas already subjected to pollution or environmental damage. *(those where existing legal environmental standards are exceeded)*		
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*)		

(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 ASSESSENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	• 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	• 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: • 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	• 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	• 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)	• 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	• 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	• Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	• 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	• 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)	• Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	• 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.

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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.

TRUE COPY

ANNEXURE-A-2

PIMPRI CHINCHWAD MUNICIPAL CORPORATION, PIMPRI-411018

(Following numbers and dates may be mentioned in the correspondence hereinafter)

(This certificate is issued to the applicant without taking into consideration title of the property or building)

(Commencement Certificate)

Certificate for commencement of Construction

Revised

Subject to the following printed terms, said commencement certificate and consent letter for construction is being issued in accordance with provisions in sections 45 and 29 of the Maharashtra Regional and Town Planning Act, 1966 and (Sections) 253 and 254 of the Bombay Municipal Corporation Act, 1949.

Pimpri Chinchwad Municipal Corporation, Pimpri-411018
Number- B.P./Pimpri/19/2008
Date: 28/03/2008

To, **M/s. Crompton Greaves Ltd.** through **M/s. Vaishnavdevi Construction (PAH)** through **Rajkumar Agrawal** (PAH) through L. A. **Shri. Sachin Sutar**, Address: Sigma House Basement, Senapati Bapat Road, Shivaji Nagar, Pune-16".

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in accordance with Sec. 45 of the Maharashtra Regional and Town Planning Act, 1966 and Section 253 and 254 of the Bombay Provincial Municipal Corporation Act, 1949 seeking permission for commencement of construction on the land within the limits of Pimpri Chinchwad Municipal Corporation bearing At **Pimpri**, Survey No. **209/A/2**, CTS No. **4702**, Plot No. _____, which was received by us on **12/07/2007**. Accordingly, a consent letter for

carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to _____ hereunder.

1) The construction is to be carried out as shown in the new / revised plan.
2) If the proposed construction is falling on the control line of the road then such construction may be removed at your cost and without any complaint in accordance with the direction of the municipal officer.
3) When the work of construction done upto the plinth, the set-back may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
4) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
5) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.
6) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.
7) If there are trees on the concerned land where new construction is to be initiated then such trees should not be

cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.

8) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction or for making construction without obtaining completion certificate.

9) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate if Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.

10) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.

11) Before obtaining completion certificate, the plot holder, promoter/ builder or contractor of the construction of project should furnish all affidavit (with the signature of special executive officer) to the Municipal Corporation stating therein that the municipal corporation will not be responsible for any complaint being lodged hereinafter from the proposed residential/ commercial unit holders. No. objection

certificates from the Water Supply, Drainage, Garden, Fire and Health Department may be furnished in this office.

12) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.

13) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.

14) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.

15) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.

16) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.

17) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.

18) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map may be furnished to this office before obtaining part of full

completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.

19) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.

20) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.

21) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.

22) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that regard. The corporation should not be suffered for same. This

consent letter for commencement for construction is being sanctioned on this term.

23) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

Sd/-
City Engineer
Pimpri Chinchwad Municipal
Corporation
Pimpri-18

Copy for information

1) Hon'ble Collector, Pune District R. B. (Pune) For Information
2) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/ Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/ Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple Saudagar/ Wakad/ Rahatani/ Thergaon for information and further action.
3) Tax Collection Department, Head Office.

-SOME IMPORTANT INSTRUCTIONS-

Commencement of construction need to convey to the municipal Corporation before 10 days, otherwise applicant will be responsible for that,

-REGARDING COMMENCEMENT OF USE OF SPACE-

1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
2) The municipal corporation is not responsible for moving conservative balcony in the new space, electric or other mechanical wires. In this regard, the applicant should make provision for obtaining permission from the concerned officers in advance.
3) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing though the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
4) The scaffolding required for the construction of house is not allowed to keep within the limits of the municipal corporation without obtaining permission from the municipal corporation by paying fees thereof. Making scaffolding without permission will amount to crime.
5) If the area which is to be for construction of house and which was subject to agricultural assessment erstwhile, then first of all non-agricultural permission is require to be obtained

from the Hon'ble Collector, Pune District and then construction may be done. Any construction should not be cause without obtaining such permission.

6) It the municipal corporation found that the open public area is unauthorized incorporated, then construction will be immediately demolished and such place get open again. This consent letter will not prejudice for acting accordingly and the municipal corporation will not be responsible for any loss caused in such event.

7) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.

8) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities (Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.

9) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. It the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and construction may be commenced after obtaining such consent letter.

10) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.

11) The water meter may get set to the tap through the municipal corporation before commencement of construction.

12) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. It the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner himself could not use the building for himself or could not allow other to the same.

13) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall be place neatly in such a manner that any dirt should not go

inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.

14) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.

15) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.

16) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.

17) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.

Developer/ Owner Address: -
Shri. Ramkumar Agrawal,
No. 3, Queen Garden Road,
Residency Club, Pune-1

Construction Site Address:-
Sr. No. 209/A/2, CTS-4702.
Nr. Hotel Jinjar, Pimpri, Pune-17

//TRUE TRANSLATION//

ANNEXURE-A-3

PIMPRI CHINCHWAD MUNICIPAL CORPORATION, PIMPRI-411018

(Following numbers and dates may be mentioned in the correspondence hereinafter)

(This certificate is issued to the applicant without taking into consideration title of the property or building)

(Commencement Certificate)

Certificate for commencement of Construction

Revised *For* Original Building Sanction *B.P./Pimpri/19/2008*, *Dt. 28/03/08*

Subject to the following printed terms, said commencement certificate and consent letter for construction is being issued in accordance with provisions in sections 45 and 29 of the Maharashtra Regional and Town Planning Act, 1966 and (Sections) 253 and 254 of the Bombay Municipal Corporation Act, 1949.

Pimpri Chinchwad Municipal Corporation, Pimpri-411018
Number- B.P./Pimpri/15/2013
Date: 09/04/2013

To, **M/s. Crompton Greaves Ltd.** through **M/s. Vaishnavdevi Construction (PAH)** through **Rajkumar Agrawal** (PAH) through L. A. **Shri. Sachin Sutar**, Address: A-1, Nature View Society, Senapati Bapat Road, Shivaji Nagar, Pune-16.

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in accordance with Sec. 45 of the Maharashtra Regional and Town Planning Act, 1966 and Section 253 and 254 of the Bombay Provincial Municipal Corporation Act, 1949 seeking permission for commencement of construction on the land within the limits of Pimpri Chinchwad Municipal Corporation bearing At **Pimpri**, Survey No. **209/A/2**, CTS No. **4702**, Plot No. _____, which was

received by us on **18/05/2011**. Accordingly, a consent letter for carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to _____ hereunder.

1) The construction is to be carried out as shown in the new / revised plan.
2) If the proposed construction is falling on the control line of the road then such construction may be removed at your cost and without any complaint in accordance with the direction of the municipal officer.
3) When the work of construction done upto the plinth, the set-back may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
4) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
5) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.
6) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.

7) If there are trees on the concerned land where new construction is to be initiated then such trees should not be cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.

8) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction or for making construction without obtaining completion certificate.

9) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate if Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.

10) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.

11) Before obtaining completion certificate, the plot holder, promoter/ builder or contractor of the construction of project should furnish all affidavit (with the signature of special executive officer) to the Municipal Corporation stating therein that the municipal corporation will not be responsible for any complaint being lodged hereinafter from the proposed

residential/ commercial unit holders. No. objection certificates from the Water Supply, Drainage, Garden, Fire and Health Department may be furnished in this office.

12) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.

13) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.

14) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.

15) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.

16) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.

17) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.

18) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map

may be furnished to this office before obtaining part of full completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.

19) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.

20) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.

21) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.

22) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that

regard. The corporation should not be suffered for same. This consent letter for commencement for construction is being sanctioned on this term.

23) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

24) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.

Sd/-
City Engineer
Pimpri Chinchwad Municipal Corporation
Pimpri-18

Copy for information

1) Hon'ble Collector, Pune District R. B. (Pune) For Information
2) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/ Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/ Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple Saudagar/ Wakad/ Rahatani/ Thergaon for information and further action.
3) Tax Collection Department, Head Office.

-SOME IMPORTANT INSTRUCTIONS-

Commencement of construction need to convey to the municipal Corporation before 10 days, otherwise applicant will be responsible for that,

-REGARDING COMMENCEMENT OF USE OF SPACE-

1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
2) The municipal corporation is not responsible for moving conservative balcony in the new space, electric or other mechanical wires. In this regard, the applicant should make provision for obtaining permission from the concerned officers in advance.
3) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing though the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
4) The scaffolding required for the construction of house is not allowed to keep within the limits of the municipal corporation without obtaining permission from the municipal corporation by paying fees thereof. Making scaffolding without permission will amount to crime.
5) If the area which is to be for construction of house and which was subject to agricultural assessment erstwhile, then first of all non-agricultural permission is require to be obtained

from the Hon'ble Collector, Pune District and then construction may be done. Any construction should not be cause without obtaining such permission.

6) It the municipal corporation found that the open public area is unauthorized incorporated, then construction will be immediately demolished and such place get open again. This consent letter will not prejudice for acting accordingly and the municipal corporation will not be responsible for any loss caused in such event.

7) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.

8) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities (Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.

9) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. It the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and construction may be commenced after obtaining such consent letter.

10) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.

11) The water meter may get set to the tap through the municipal corporation before commencement of construction.

12) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. It the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner himself could not use the building for himself or could not allow other to the same.

13) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall be place neatly in such a manner that any dirt should not go

inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.

14) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.

15) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.

16) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.

17) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.

18) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.

19) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost,

In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,

20) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.

21) It is mandatory to install solar water heating system of size more and more than 50% of roof area and least to least of 250 liters / bathroom for the project having built-up area of 150 Sq. Mtrs. in residential building and housing project.

Developer/ Owner Address: -	**Construction Site Address:-**
203, Queen Garden Road,	Sr. No. 209/A/2, CTS-4702,
Residency Club, Pune, 411001	Pimpri, Pune

//TRUE TRANSLATION//

ANNEXURE-A-4

BRAMHA LEISURES PVT. LTD.

BRAMHA
REALTY & INFRASTRUCTURE

Shaping dreams to realty

Ref. No.

September 05, 2013

To

The Member Secretary SEAC
Environment Department,
Government of Maharashtra,
New Administration Building,
15th Floor, Mantralaya,
Mumbai- 400032

Sub: Application for prior Environmental Clearance for Proposed Construction of 5-Star Hotel namely "Le Meridien, Pimpri" at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha Leisures Pvt. Ltd; Pune.

Dear Sir,

We are proposing **Construction of a 5-Star Hotel namely "Le Meridien, Pimpri" at Survey no. 209/A/2, CTS no. 4702 at Pimpri by Bramha Leisures Pvt. Ltd; Pune.** We are herewith submitting the application for the Environmental Clearance of the said project.

Please find enclosed application along with Form-1, 1A and Conceptual plan for your kind perusal.

Hope the above is in line with the requirement and we now look forward to further action in this regard.

Thanking you,

Yours faithfully,
For Bramha Leisures Pvt. Ltd

Vishal S. Agarwal
Managing Director

Encl.: A/a

BRAMHA LEISURES PVT. LTD.

Received on
7 / 9 /2013
Clerk
S.E.A.C. Cell I

NOTARY A. RASHID SAYED REG. NO. MAHARASHTRA

TRUE COPY

BRAMHA LEISURES PVT. LTD.

BRAMHA
REALTY & INFRASTRUCTURE

Shaping dreams to realty

Date: 04/07/2014

To
The Member Secretary,
Maharashtra Pollution Control Board,
Kalpataru Point,3rd and 4th Floor,
Sion – Matunga Scheme Road No 8,
Opp. Cine Planet Cinema,
Near Sion Circle (E)
Mumbai:- 400022

(Through)

The Regional Officer (Pune Region)
Maharashtra Pollution Control Board,
Jog Center, Old Mumbai-Pune Road
Pune- 411003.

Subject: - Submission of Application for obtaining Consent to Establish from MPCB for **the construction of 5 Star Hotel at Survey No. 209/A/2, CTS No. 4702 at Pimpri by Bramha Leisures Pvt.Ltd., Pune**

Dear Sir,

We are submitting herewith the application for Consent to Establish under under section 25 and 26 of the Water (Prevention & Control of Pollution) Act, 1974 as amended , under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended and under Authorization under rule 5 of the Hazardous Wastes (Management and Handling) Rules, 1989, as amended in January 2000.

We are submitting herewith the DD of **Rs. 2,34,144/-** (Rupees Two Lakh, Thirty Four Thousand, One Hundred and Forty Four only) **bearing No. 018456 Dated 04/07/2014** drawn on Axis Bank Limited Payable at Pune as a consent fees for consent to establish and application fees.

We request you to kindly acknowledge the receipt of the same and issue the Consent to Establish at the earliest & oblige.

Thanking You.
Authorized Signatory
For: - **Bramha Leisures Pvt. Ltd**

BRAMHA LEISURES PVT. LTD.

Vishal Agrawal
Director
Enclosed:- A/A
Pan No. AAECB3480E

TRUE COPY

ANNEXURE-A-6

Minute of the 13th meeting of the State Level Expert Appraisal Committee III (Non-MMR) held from 15th to 18th July 2014 at Maharashtra Ecortomic Development Council, Board Room, Y. B. Chavan Centre, Gen. Jagannathrao Bhosale Marg, Mumbai-400020.

The following members were present

Shri. Jagdish Joshi	Chairman	15th to 18th July 2014
Dr. Shankar Vishwanath	Member	15th to 18th July 2014
Prof. Prakash P. Bakre	Member	15th to 18th July 2014
Shri. Sudhir Yashwant Ghate	Member	15th to 18th July 2014
Shri. Pradeepkumar Pandurang Joshi	Member	15th to 18th July 2014
Shri. P. G. Chavan	Member	15th to 18th July 2014
Dr. Rajesh B. Biniwale	Member	16th to 17th July 2014
Shri. Abhay M. Pimparkar	Secretary	15th to 18th July 2014

Chairman welcomed the members to the 13th SEAC III meeting.

Item No. 32. M/s. Bramha Leisure Pvt. Ltd.
Environment Clearance for Proposed Construction of 5-Star Hotel "Le Meridian Pimpri" at S. No. 209/A/2, CTS No. 4702 at Pimpri, Pune
It is noticed that the project proponent has initiated construction work of first phase without obtaining the prior environment clearance. As per MoEF, OM dated 12/12/2012 and OM issued by Department of Environment Government of Maharashtra, dated 31/10/2013, there appears to be violation of EIA Notification, 2006 requirements.

Environment Department/SEIAA, May initiate credible action after due verification, for violation under Environment (Protection) Act, 1986 and as per the paragraph 5 of the OM dated 12th December, 2012 issued by MoEF. The proposal will be appraised only after due examination and appropriate action taken by the SEIAA/Environment Department.

//TRUE COPY//

ANNEXURE-A-7

GOVERNMENT OF MAHARASHTRA

Tel. No. : 2279 3132
Fax No. : 2281 3947

No. SEAC-2013/CR-449/TC-2
Environment Department,
217(Annex), Mantralaya, Mumbai - 400 032.

Date : 30 /08/ 2014

By Fax/ RPAD/ Speed Post

To,

M/s. Bramha Leisure Pvt. Ltd.
"Bramha House" 250/251
M.G. Road, Camp,
Pune 411 001.

Sub. :- Proposed Directions u/s 5 of the Environment (P) Act, 1986 r.w. EIA Notification dtd. 14.9.2006

WHEREAS, it was obligatory on your part to obtain prior Environment Clearance from the Competent Authority, as per the EIA Notification dtd. 14.9.2006, before starting any building construction activity.

AND WHEREAS, you have applied for Environment Clearance for Proposed Construction of 5-Star Hotel "Le Meridien Pimpri" at S.No. 209/A/2, CTS No. 4702 at Pimpri, Pune. During the 13th meeting of the State Expert Appraisal Committee - III held on 15th to 18th July, 2014 it was observed that you have started the construction activity without obtaining prior Environment Clearance from the Government of Maharashtra. This amounts to violation of the EIA Notification 2006.

NOW THEREFORE, in view of the above non-compliance, you are hereby directed to show cause as under :-

a) Why your building construction activity shall not be stopped forthwith for the violation of Environment Impact Assessment Notification dtd. 14.9.2006, issued by the Ministry of Environment & Forest, Government of India, for not obtaining prior Environmental Clearance from the Competent Authority / Government of Maharashtra?

b) Why further legal action shall not be initiated against you under the provisions of the Environment (Protection) Act, 1986 and Rules made there under?

You are also directed to submit your reply within 15 days from the receipt of this Proposed Directions, failing which, this office has no option than to initiate stringent legal action against you including stoppage of your construction activity, which please be noted.

(Medha Gadgil)
Addl. Chief Secretary,
Environment Department

NOTARY
A. RASHID
D. SAYED
REG. No.679
STATE OF MAHARASHTRA

TRUE COPY

ANNEXURE-A-8

BRAMHA LEISURE PVT. LTD

BRAMHA
Reality & infrastructure
Shaping dreams to reality

To,
The principal secretary
Environment department
Government of Maharashtra
Room No. 217
Mantralaya, Mumbai: 400032

25/9/2014

Sub : Reply to show cause for the proposed project '5 Star Hotel' By Bramha Leisure Pvt. Ltd. S. No. 209/A/2, CTS No. 4702 at Pimpri, Pune

Ref : SEAC-2013/CR-449/TC-2 Dated 30/08/2014

Respected Sir/ Madam,

This is reference to the Show Cause notice mentioned above. We would like to submit point wise clarification on the matter as below:-

Point No. a

In the initial stage, we had planned construction of a mall at aforesaid location and initiated excavation vide sanction form PCMC and stopped excavation immediately and subsequently plans were revised and we proposed to construct a 5 star hotel (Commercial Project) and accordingly applied for environmental clearance to SEAC cell dated 7/8/2013 amounting to as total proposed built up area 44695.94 SqM (FSI+NonFSI)

Point No. b

With prior approval from PCMC as referred above, we have excavated some area as per the sanctioned area and have not exceeded 20000 M^2 as per EIA Notification 2006 dated September 14, 2006 & the excavated area does not entail environment clearance.

This is to bring to your kind notice that we do understand the gravity of the laps/default committed in not securing Environment Clearance for the said total project and have stopped excavation activity in 2012 before applying environment clearance.

We assure you that we will observe strict adherence to the terms and conditions mentioned in the Environment Clearance letter, once we secure it from authority.

We are a law abiding organisation & hence this is to request you to kindly consider our project for hearing on priority basis.

Thanking you

Yours faithfully
For Bramha Leisures Pvt. Ltd.

Sd/-

Vishal Agarwal
Managing Director

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ANNEXURE-A-9

GOVERNMENT OF MAHARASHTRA

Tel. No. : 2279 3132
Fax No. : 2281 3947

SEAC-2013/CR-449/TC-2
Environment Department
217, Annex Building, Mantralaya
Madam Cama Road, Mumbai – 400 032
Date : 19/03/2015

By Speed Post/ RPAD / Hand Delivery
To,

M/s. Bramha Leisure Pvt. Ltd.
"Bramha House" 250/251
M.G. Road, Camp,
Pune - 411 001

Sub : Withdrawal of Proposed Directions issued u/s 5 of the Environment (P) Act, 1986. r.w. Environment Impact Assessment Notification dtd. 14.9.2006.

Ref :1. Proposed Directions issued vide no. SEAC-2013/CR-449/TC-2 dtd. 30.8.2014.
2. Your reply dtd 28.9.2014
3. Personal hearing extended on 13.2.2015.
4. Architect's certificate dtd. 16.2.2015

We refer to the minutes of the 13th meeting of SEAC-III held on 15th to 18th July, 2014, wherein your proposed project at S. No. 209/A/2, CTS No. 4702 at Pimpri, Pune, was referred to the Environment Department to verify the issue of violation.

Accordingly, the Proposed Directions were issued vide above ref.(1). We also refer to your reply submitted vide above ref. (2), which was scrutinized and followed by personal hearing extended to you on 13.2.2015 before the Principal Secretary, Environment Department.

During the course of hearing, it was noted that :

1) The first plan was sanctioned by Pimpri Chinchwad Municipal Corporation on 28.3.2008 for construction of proposed total BUA admeasuring 19428.41 m2 of a mall.
2) As per sanctioned plan from PCMC dtd. 28.3.2008 Non-FSI was not included in BUA.
3) You have started the excavation only in 2011 as per the sanction dtd. 28.3.2008 and stopped excavation in 2012 before applying for EC.
4) You have stopped the excavation work at site and revised the plans for proposed to construct a 5 star hotel (Commercial project) on 9.4.2013 for proposed total BUA of 25603.32 m2.
5) Accordingly you have applied for EC on 7.9.2013 for proposed total BUA of 36611.49 m2.
6) You have applied for Consent to Establish from the MPCB on 5.7.2014 for proposed total BUA of 36611.49 m2.

In view of the documents submitted by your representative vide letter dtd. 28.9.2014, comprising the approved plans, additional information during the course of personal hearing followed by Architect's Certificate dtd. 16.2.2015 and their detailed scrutiny, it is hereby concluded that there is no case of violation as prescribed in the EIA Notification, 2006 and accordingly the Proposed Directions issued vide above ref.(1) is hereby withdrawn.

In case, any discrepancies are observed in these documents, necessary action will be initiated against you under the provisions of Environment (Protection) Act, 1986 read with EIA Notification dt. 14.09.2006, which please be noted.

(Ajoy Mehta)
Principal Secretary,
Environment Department

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ANNEXURE-A-10

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 4010437/4010781/
4037124/4035273
Fax: 24044532/24024068/4023516
Email: enquiry@ mpcb.gov.in
Visit At: http://mpcb.gov.in

Kalpataru Point, 3rd & 4th Floor, Sion-Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai-400022

Consent order No. Format1.0/BO/CAC-cell/EIC-PN-22272-14/E/CAC-2664
Date: 10/03/2015

To,
Director,
M/S. Bramha Leisures Pvt. Ltd.
"Bramha House",
250/251, M. G. Road Camp, Pune

Sub: Consent to Establish to 5 Star Hotel (139 Rooms) with commercial project in Red Category.
Ref. 1. Your Application Approved in 26th CAC meeting of 2014-15 held on 24.02.2015

Your Application CE1407000630 Dated 7.5.2014

For: 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 under Rule 5 of the Hazardous & Other Wastes (M, H & T M) Rules 2008 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 is granted for a period up to **commissioning of the Hotel or 5 years whichever is earlier**.
2. The actual capital investment of the Industry is Rs. 117.02 Crs. (As per undertaking submitted by hotel Authority)
3. The Consent to Establish is valid for construction of 5 Star Hotel (139 Rooms) with commercial project of **M/S. Bramha Leisures Pvt. Ltd. Sr. no. 209/A/2**, **CTS no. 4702**, **at Pimpri**, **Tal-Haveli**, **Dist-Pune** on total plot area of 9737.66 Sq.m. and total construction area (FSI+Non-FSI) of 36611.49 sq.m. including utilities and services as per construction commencement certificate issued by local body.
4. **Conditions Under Water (P&CP), 1974 Act for discharge of effluent:**

Sr. no.	Description	Permitted quantity of discharge (CMD)	Standards to be achieved	Disposal
1.	Trade Effluent	34.5	As per Schedule-I	After primary treatment in ETP sent in STP

2.	Domestic effluent	242.5	As per Schedule-I	60% recycle for secondary purpose such as flushing, gardening, AC Cooling and remaining discharged in municipal sewer

5. Conditions Under Air (P&CP) Act, 1981 for air emission:

Sr. No.	Description of stack/ source	Number of Stack	Standards to be achieved
1.	DG Set 65 KVA	1	As per Schedule-II
2.	DG Set 1000 KVA x 2	2	As per Schedule-II

6. Conditions Under Solid Waste (Management and Handling) Rule, 2000:

Sr. No.	Type of waste	Quantity	UOM	Treatment	Disposal
1.	Biodegradable Waste	1101	Kg/Day	composting	Used as manure
2.	Non-biodegradable Waste	789	Kg/Day	---	Sent for recycling

7. Conditions under Hazardous Waste (MH&TM) Rules, 2008 for treatment and disposal of hazardous waste:

Sr. No.	Type of waste	Category	Quantity & UOM	Treatment	Disposal
Nil					

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 submit an affidavit within 15 days in the prescribed format regarding the compliance of conditions of EC and C to E.

11. PP shall submit Board Resolution from company's Board stating that they have started construction work without obtaining consent to establish from the MPC Board and Environmental Clearance thus violated the provisions of Environmental Laws and they assure that they will not do such violations in future and shall submit BG of Rs. 2 Lakh towards submission of Board Resolution within one month.

12. PP shall submit an affidavit within 15 days of issue of consent towards not taking further effective steps prior to obtaining EC and shall submit BG of Rs. 10 lakh within 15 days of issue of consent, for ensuring the compliances. As per Para 2 of EIA notification dated-14/09/2006, the effective steps include starting of any construction work or preparation of land by project management. However as clarified by the MoEF vide office memorandum no. J-1103/41/2006-IA.II(I); Dated 19/8/2010, fencing of the site to protect it from getting encroached & construction of temporary shed(s) for the guard(s) & acquisition of land shall not be treated as an affective steps.

13. Hotel Authority shall not carry out any expansion of the hotel without prior permission of the Board.

For and on behalf of the
Maharashtra Pollution Control Board
Sd/-
(Dr. P. Anbalagan, IAS)
Member Secretary

Received consent fees of -

Sr. No.	Amount (Rs.)	DD No.	Date	Drawn On
1.	234144/-	018456	4.7.2014	Axis Bank

Copy to:
1. Regional Officer, Pune and Sub-Regional Officer, Pimpri-Chinchwad, MPCB, They are directed to ensure compliance of the consent conditions.
2. Chief Accounts Officer, Mumbai, MPCB
3. CC/CAC desk-for record & website updation purpose

Schedule-I

Terms & Conditions For Compliance Of Water Pollution Control:

1) **A]** As per your application, you have proposed to provide primary ETP of capacity 35 CMD for treatment of laundry effluent before sending to Sewage Treatment Plants (STP) with 200 CMD design capacity.

B] The Applicant shall operate the sewage treatment plant (STP) to treat the trade and 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	Standards prescribed by Board
		Limiting Concentration in mg/l, except for pH
1.	BOD (3 days 27 oC)	30
2.	Suspended Solids	50
3.	COD	100
4.	Residual Chlorine	1ppm

C] The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, firefighting, on land for gardening and remaining shall be discharged to municipal sewer 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 should obtain consent of the Board to take steps to establish the unit or establish any treatment and disposal system or extension or addition thereto.

3) The firm should ensure replacement of pollution control system or its prats after expiry of its expected life as defined by the manufacturer so as to ensure the compliance of standards and safety of the operation thereof.

4) In case the water consumption of the project is not covered under the water consumption of local body, in that situation project proponent shall submit the

CESS Returns in the prescribed format given under the provision of Water (prevention & control of the Pollution) Cess Act, 1977 and rules made there under for various categories of water consumption.

If the water consumption is duly assessed under the quality of water consumption of local body, the project proponent shall submit the certificate to that effect from the concern local body with the request not to assess CESS on their water consumption, being already assesses on the water consumption of local body.

Sr. No	Purpose for Water consumed	Water Consumption quantity (CMD)
1.	Domestic Purpose	127
2.	Water get polluted and pollutants are biodegradable	37
3.	Water get polluted and pollutants are not biodegradable and toxic	Nil

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/Environment Clearance.

Schedule-II

Terms & Conditions of Air Pollution Control:

1. As per your application, you have proposed to install the Air pollution control (APC) system and also proposed to erect following stack(s) and to observe the following fuel pattern-

Sr. No	Stack Attached to	APC System	Height in Mtrs.	Type of fuel	Quantity & UOM	S %	SO_2 Kg/day
1.	DG Set (65 KVA)	Acoustic Enclosure	3.5*	HSD	27.5 Lit/Hr	1%	13.2
2.	DG Set (1000 KVA x 2 nos)		6.5*	HSD	200	--	--

*Above roof of the building in which it is installed.

2. The applicant should operate and maintain above mentioned air pollution control system, so as to achieve the level of pollutants to the following standards.

Particulate matter	Not to exceed	150 mg/Nm^3

3. The Applicant should 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. Ambient noise level should be confirmed to prescribe standards both during day and night time. The ambient air and noise quality should be closely monitored during any construction phase in the premises.

Schedule-III

Details of Bank Guarantees

Sr. No.	Consent (C to E/O/R)	Amt of BG imposed	Submission period	Purpose of BG	Compliance period	Validity Date
1.	Consent to Establish	Rs. 10 Lakh	Within 15 Days of issue of consent	Towards not taking further effective steps prior to obtaining revised EC	Up to commissioning or 5 years whichever is earlier	Five years from date of issue of consent
2.		Rs. 5 Lakh		Towards compliance consent conditions	Up to commissioning or 5 years whichever is earlier	Five years from date of issue of consent
3.		Rs. 2 Lakh		Towards submission of board resolution with 30 days of issue of consent	30 days from issue of consent	Five years from date of issue of consent

Schedule-IV

Conditions during construction phase

a	During construction phase, applicant shall provide temporary sewage disposal and MSW facility for staff and worker quarters.
b	During construction phase, the ambient air and noise quality should be closely monitored to achieve Ambient Air Quality Standards and noise by the project proponent through MoEF approved laboratory.
c	Noise generating activity shall be carried out during day time only

General Conditions:

1. The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Boards staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
2. Industry shall monitor effluent quality, stack emissions and ambient air quality monthly/quarterly.
3. The applicant shall provide ports in the chimney(s) and facilities such as ladder, platforms etc. for monitoring the air emissions and the same shall be open for the inspection to/and for use of the Board's staff. The chimney(s) vents attached to the various sources of emission shall be designated by the numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
4. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned police station, office of the directorate of the health services, Department of explosives, Inspector of

factories and Local Body, In case of failure of pollution control equipments, the production process connected to it shall be stopped.

5. The applicant shall provide an alternate electric power source sufficient to operate all pollution control facilities installed to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms and conditions of this consent.

6. 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 of the Environment (Protection) Second Amendment Rule, 1992.

7. The industry shall recycle/reprocess/reuse/recover Hazardous Waste as per the provision contain in the HW (MH&TM) Rules 2008, which can be recycled /reprocessed/reused/recovered and only waste which is incinerated shall go to incineration and waste which can be used for land filling and cannot be recycled /reprocessed etc should go for that purpose, in order to reduce load on incineration and landfill site/environment.

8. The industry shall comply with Hazardous Waste (M, H & TM) Rules, 2008 and submit the Annual Returns as per Rule 5(6) & 22(2) of Hazardous Waste (M, H & TM) Rules, 2008 for the preceding year April to March in Form-IV by 30th June of every year

9. An inspection book shall be opened and made available to the Board's officers during their visit to the applicant.

10. The Applicant shall obtain consent to operate from Maharashtra Pollution Control Board before actual commissioning of the Unit/Activity.

11. The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981, and Environment Protection Act, 1986 and industry specific standard under EP Rules 1986 which are available on MPCB website (www. mpcb.gov.in).

12. The industry shall constitute an Environmental cell with qualified staff/personnel/agency to see the day to day compliance of consent condition towards Environment Protection.

13. Separate 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.

14. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

15. The applicant shall install a separate meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

16. Conditions for DG Set

a) Noise from DG Sets shall be controlled by providing 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 shall 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 shall 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 the premises with ambient noise level requirements by proper setting 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 shall be set and followed in consultation with DG manufacturers which would help to prevent noise levels of DG Sets from deteriorating with use

f) The DG set shall be operated only in case of power failure.

g) The applicant shall not cause any nuisance in the surrounding area due to operation of DG Sets.

h) The Applicant shall comply with the notification of MoEF dated 17.05.2002 regarding noise limit for generator sets run with diesel.

17. The applicant shall not cause any nuisance in the surrounding area

18. The Applicant shall take adequate measures for control of noise levels from its own sources within the complex (residential cum commercial) in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during the night time. Day time is reckoned as between 6 a.m. to 10 p. m. night time is reckoned between 10 p.m. to 6 a.m.

19. The applicant shall maintain good housekeeping.

20. The applicant shall bring minimum 33% of the available open land under green coverage/plantation. The applicant shall submit a statement on available open plot area, number of trees surviving as on 31st March of the year and number of trees planted by September end, with the Environment Statement.

21. The non-hazardous solid waste arising in the factory premises, sweepings, etc. be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal of solid waste.

22. The applicant shall not change or alter the quantity, quality, the rate of discharge, temperature or mode of the effluent/emissions or hazardous wastes or control equipments provided for without previous written permission of the Board. The industry will not carry out any activity, for which this consent has not been granted/without prior consent of the Board.

23. The industry shall submit official e-mail address and any change will be duly informed to the MPCB.

24. The industry shall achieve the National Air Quality Standards prescribed vide Government of India, Notification dt. 16.11.2009 as amended.

//TRUE COPY//

ANNEXURE-A-11

PIMPRI CHINCHWAD MUNICIPAL CORPORATION, PIMPRI-411018

(Following numbers and dates may be mentioned in the correspondence hereinafter)

(This certificate is issued to the applicant without taking into consideration title of the property or building)

(Commencement Certificate)

Certificate for commencement of Construction

Revised *For* Original Building Sanction *B.P./Pimpri/15/2013*, *Dt. 09/04/2013*

Subject to the following printed terms, said commencement certificate and consent letter for construction is being issued in accordance with provisions in sections 45 and 29 of the Maharashtra Regional and Town Planning Act, 1966 and (Sections) 253 and 254 of the Bombay Municipal Corporation Act, 1949.

Pimpri Chinchwad Municipal Corporation, Pimpri-411018
Number- B.P./Pimpri/64/2015
Date: 30/09/2015

To, **M/s. Crompton Greaves Ltd.** through **M/s. Vaishnavdevi Construction (PAH)** through **Shri. Rajkumar Agrawal** (PAH) through L. A. **Shri. Sachin Sutar**, Address: A-1, Nature View Society, Senapati Bapat Road, Shivaji Nagar, Pune-16.

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in accordance with Sec. 45 of the Maharashtra Regional and Town Planning Act, 1966 and Section 253 and 254 of the Bombay Provincial Municipal Corporation Act, 1949 seeking permission for commencement of construction on the land within the limits of Pimpri Chinchwad Municipal Corporation bearing At **Pimpri**, Survey No. **209/A/2**, CTS No. **4702**, Plot No. _____, which was

received by us on ___/____/_____. Accordingly, a consent letter for carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to _____ hereunder.

1) The construction is to be carried out as shown in the new / revised plan.
2) If the proposed construction is falling on the control line of the road then such construction may be removed at your cost and without any complaint in accordance with the direction of the municipal officer.
3) When the work of construction done upto the plinth, the set-back may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
4) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
5) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.
6) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.

7) If there are trees on the concerned land where new construction is to be initiated then such trees should not be cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.

8) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction or for making construction without obtaining completion certificate.

9) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate if Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.

10) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.

11) Before obtaining completion certificate, the plot holder, promoter/ builder or contractor of the construction of project should furnish all affidavit (with the signature of special executive officer) to the Municipal Corporation stating therein that the municipal corporation will not be responsible for any complaint being lodged hereinafter from the proposed

residential/ commercial unit holders. No. objection certificates from the Water Supply, Drainage, Garden, Fire and Health Department may be furnished in this office.

12) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.

13) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.

14) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.

15) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.

16) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.

17) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.

18) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map

may be furnished to this office before obtaining part of full completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.

19) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.

20) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.

21) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.

22) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that

regard. The corporation should not be suffered for same. This consent letter for commencement for construction is being sanctioned on this term.

23) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

24) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.

25) Construction will not be carried out without submission of Class-1 land confirmation and "No Objection Certificate" for class-2 land to Municipal Corporation from Hon'ble Sub-divisional officer / Hon'ble Additional District Collector/ Hon'ble Collector.

26) Total Built-up area (FSI+NONFSI) of plot excessed 20000 Sq. Mtrs., construction will not be started without submission of NOC from environment department.

Sd/-
City Engineer
Pimpri Chinchwad Municipal Corporation
Pimpri-18

Copy for information

1) Hon'ble Collector, Pune District R. B. (Pune) For Information
2) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/ Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/ Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple Saudagar/ Wakad/ Rahatani/ Thergaon for information and further action.
3) Tax Collection Department, Head Office.

-SOME IMPORTANT INSTRUCTIONS-

Commencement of construction need to convey to the municipal Corporation before 10 days, otherwise applicant will be responsible for that,

-REGARDING COMMENCEMENT OF USE OF SPACE-

1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
2) The municipal corporation is not responsible for moving conservative balcony in the new space, electric or other mechanical wires. In this regard, the applicant should make provision for obtaining permission from the concerned officers in advance.
3) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing though the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
4) The scaffolding required for the construction of house is not allowed to keep within the limits of the municipal corporation without obtaining permission from the municipal corporation by paying fees thereof. Making scaffolding without permission will amount to crime.
5) If the area which is to be for construction of house and which was subject to agricultural assessment erstwhile, then first of all non-agricultural permission is require to be obtained

from the Hon'ble Collector, Pune District and then construction may be done. Any construction should not be cause without obtaining such permission.

6) It the municipal corporation found that the open public area is unauthorized incorporated, then construction will be immediately demolished and such place get open again. This consent letter will not prejudice for acting accordingly and the municipal corporation will not be responsible for any loss caused in such event.

7) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.

8) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities (Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.

9) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. It the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and construction may be commenced after obtaining such consent letter.

10) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.

11) The water meter may get set to the tap through the municipal corporation before commencement of construction.

12) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. It the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner himself could not use the building for himself or could not allow other to the same.

13) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall be place neatly in such a manner that any dirt should not go

inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.

14) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.

15) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.

16) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.

17) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.

18) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.

19) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost,

In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,

20) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.

21) It is mandatory to install solar water heating system of size more and more than 50% of roof area and least to least of 250 liters / bathroom for the project having built-up area of 150 Sq. Mtrs. in residential building and housing project.

Developer/ Owner Address: - **Construction Site Address:-**

_____ _____

_____ _____

//TRUE TRANSLATION//

ANNEXURE-A-12

BRAMHA LEISURES PVT. LTD.

BRAMHA
REALTY & INFRASTRUCTURE

Shaping dreams to realty

Date: 30/06/2016

To

The Member Secretary
State Expert Appraisal Committee-III
15th Floor, New Administration Building,
Environment Department, Mantralaya,
Mumbai, Maharashtra- 400 032.

Sub : Submission of Application for Environmental Clearance for the Proposed Commercial development project at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha Leisures Pvt. Ltd., Pune, Maharashtra.

Dear Sir,

We are proposing a new Commercial development project at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha Leisures Pvt. Ltd., Pune, Maharashtra. As per the EIA notification 14th September 2006 as amended on 1st December 2009 we are herewith submitting the application for the Environmental Clearance.

Please find enclosed herewith the Form I and IA with relevant annexure for your reference and further processes for Environmental Clearance.

We kindly request you to consider our application at your earliest for the grant of Environmental Clearance.

Thanking You,

Yours faithfully,

For, Brahma Leisures Pvt. Ltd.

BRAMHA LEISURES PVT. LTD.

Vishal Agarwal
Director

Encl.: A/a

EC Report

1. Project Details

i. Proposal No. : SIA/MH/NCP/56899/2016

ii. File No. : SEIAA/2016/III/CR399/TC-3

iii.Short narrative of the project: Proposed Commercial development project namely “BRAMHA UZURI” by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

iv. Project Sector : New Construction Projects and Industrial Estates

v. Subcategory : B2

vi. Company/Proponent : BRAMHA LEISURES PVT LTD

vii.Details of State of the project

Details of State of the project			
S.no.	**State Name**	**District Name**	**Tehsil Name**
1.	Maharashtra	Pune	Haveli

viii.Date of TOR Granted N/A

Important Dates

Important Dates		
Accepted by SEIAA and forwarded to SEAC	**Accepted by SEAC**	**EC Granted**
04 Aug 2016	**N/A**	**N/A**

2. Uploaded Documents of EIA/EMP, Risk Assessment, GPS, Toposheet, Form - 1, Pre Feasibility Report, Form - 1(A)

i.EIA/EMP: Annexure-EIA/EMP

ii.Risk Assessment: Annexure-Risk Assessment

iii.Shape of the project land: Strip

iv.GPS file: Annexure-GPS File

v.Toposheet file: Annexure-Toposheet file

vi. Form - 1: Annexure- Form - 1

vii.Pre Feasibility Report / Conceptual Plan : Annexure-Pre Feasibility Report/Conceptual Plan

viii.Form - 1(A): Annexure-Form - 1(A)

ix. Uploaded Cover Letter: Annexure-Cover Letter

x. Uploaded Additional Report/Study/Document as desired by Ministry/EAC: Annexure-Additional Report/Study/Document

xi. Remarks: NIL

3. Additional Detail Sought: NIL

4. Accredited Consultant Details

i. Accreditation status : Yes

ii. Accreditation No. : Sr. No. 17 as of List of Accredited consultant org

iii. Name of Consultant: Building Environment (India) Pvt. Ltd.

iv. Address : Dakshina Building, 401,4th Floor, Plot No. 2, Sector-11, Near Raigad Bhavan, C.B. D. Belapur, Navi Mumbai-400614

v. Mobile No.: 9766912753

vi. Landline No.: 02227578554

vii. Email Id: beiplpune@gmail.com

5. Undertaking

The aforesaid application and documents furnished here with are true to my knowledge

i. Name : BRAMHA LEISURES PVT LTD

ii. Designation : Director

iii. Company : BRAMHA LEISURES PVT LTD

iv. Address : Bramha House, 250/251, M.G. Road, Camp, Pune 411001

6. Recommendation by SEAC/SEIAA : NIL

Form 1 – Proposed Commercial development project namely "BRAMHA UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

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APPENDIX I
(See paragraph – 6)

F O R M – 1

(I) Basic Information

S. N.	Item	Details
1	Name of the Project	**"BRAMHA UZURI"**
2	S No. in the schedule	8 (a)
3	Proposed capacity/ area/ length/ tonnage to be handled /command area / lease area number if wells to be drilled	**Total Plot Area = 10447.99 m^2** **Total Construction Area – 24555.67 m^2** Master Plan enclosed as an **Annexure -1 and** Area Statement as an **Annexure -2**
4	New / Expansion /Modernization	Proposed Commercial development
5	Existing Capacity /Area etc.	NA
6	Category of project i.e. A or B	Category B
7	Does it attract the general condition? If yes, Please specify	NA
8	Does it attract the specific condition? If yes, Please specify	No
9	Location	Haveli, Pune
	Plot/Survey/Khasara No.	Survey No. 209/A/2
	Village	Pimpri,
	Tehsil	Haveli
	District	Pune
	State	Maharashtra
10	Nearest railway station /airport along with distance in Kms	Pimpri railway station at- 500 m from proposed site, Pune Airport is at about 13 Km from the site
11	Nearest Town ,city, District Headquarters along with distance in kms	Pune
12	Village panchayats ,Zilla parished ,Municipal Corporation, local body (complete postal addresses with telephone nos. to be given)	Pimpri - Chinchwad Municipal Corporation Mumbai - Pune Road, Pimpri, Pune-411018, Maharashtra, INDIA Phone: 91-020-27425511 / 12 / 13 / 14

Form 1 – Proposed Commercial development project namely "BRAMHA UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

13	Name of the applicant	Mr. Vishal Agarwal
14	Registered address	**Bramha Leisures Pvt. Ltd.** Bramha House, 250-251, M.G Road, Pune - 411001,
15	Address for correspondence	**Bramha Leisures Pvt. Ltd.** Bramha House, 250-251, M.G Road, Pune - 411001,
	Name	Mr. Vishal Agarwal
	Designation (Owner /Partner/CEO)	Director
	Address	Same as in Point no 14
	pin code	411001
	E-mail	vishal574@yahoo.co.in
	Telephone No.	Tel: 020-26330485/86
	Fax No.	Fax:020-26945656
16	Details of alternatives sites examined if any location of these sites should be shown on a toposheet	NA
17	Interlinked projects	NA
18	Whether separate application of interlinked project has been submitted?	NA
19	If Yes ,date of submission	NA
20	If no reason	NA
21	Weather the proposal; involved approval /clearance under is yes details of the same and their status to be given a. the forest (conservation)act 1980 b. The wild life (protection)act 1972 c. The CRZ Notification 1991?	No
22	Weather there is any Government order / policy relevant / relating to the site?	NA
23	Forest land involved (hectares)	NA

Form 1 – Proposed Commercial development project namely "BRAMHA UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

24	Whether there is any litigation pending against the project and / or land in which the project is propose to be set up? a. Name of the court' b. case no. c. Orders/directions of the court if any and its relevance with the proposed project	No

(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
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	Basically the land is a barren land. The proposed project site is for Commercial purpose.
1.2	Clearance of existing land, vegetation and buildings?	No	NA
1.3	Creation of new land uses?	Yes	Commercial development
1.4	Pre-construction investigations e.g. bore houses, soil testing?	Yes	The geo-technical study for the Project site has been carried out. As per the study, the soil profile of the Project site is comprise of 4 layers: 1. Soil + Weathered Rock (shallow aquifer) 2. Fractured Rock 3. Moderately Fractured Rock (Deeper aquifer) 4. Hard Rock
1.5	Construction works?	Yes	The major construction works for the proposed project would involve excavation and site preparation for levelling of the land. The proposed Project would involve construction of Commercial buildings

Form 1 – Proposed Commercial development project namely "BRAMHA UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

Sr. No.	Information/Checklist confirmation	Yes/ No	Details Thereof (with approximate quantities /rates, wherever possible) with Source of Information
1.6	Demolition works?	No	NA
1.7	Temporary sites used for construction works or housing of construction workers?	Yes	Temporary hutments with facilities like drinking water, mobile toilets etc. are provided.
1.8	Above ground buildings, structures or Earthworks including linear structures, cut and fill or excavations	Yes	Excavated material during construction will be used for backfilling therefore there will not be any solid waste problem from the generation of construction-excavated earth.
1.9	Underground works including mining or tunneling?	No	NA
1.10	Reclamation works?	No	NA
1.11	Dredging?	No	NA
1.12	Offshore structures?	No	NA
1.13	Production and manufacturing processes?	No	NA
1.14	Facilities for storage of goods or materials?	Yes	For the temporary storage of the construction material on the one side of the plot.

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Sr. No.	Information/Checklist confirmation	Yes/ No	Details Thereof (with approximate quantities /rates, wherever possible) with Source of Information
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	**A) <u>Sewage Generation</u>** Sewage Generation from STP will be 38 KLD. This will be treated in Sewage treatment Plants of capacity of 50 KLD. STP treated water will be reused for flushing and gardening and HVAC. **B) <u>Solid Waste management</u>** • The type of solid waste generated from the project activity will be only the domestic. • The sludge generated from sewage treatment plant will be dried and can be used as manure for gardening purposes. • The non-biodegradable garbage shall be put into separate bins and shall be handed over to PCMC. • Biodegradable garbage shall be treated in OWC and shall be used as manure. • Biodegradable & Non-Biodegradable waste will be segregated at source in accordance with MSW (M&H) Rules, 2000.
1.16	Facilities for long term housing of operational workers?	No	No long term housing will be provided to Workers/ staff at site during operation phase.
1.17	New road, rail or sea traffic during construction or operation?	No	NA
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	NA
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	NA
1.20	New or diverted transmission lines or pipelines?	No	NA

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Sr. No.	Information/Checklist confirmation	Yes/ No	Details Thereof (with approximate quantities /rates, wherever possible) with Source of Information
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?	No	NA
1.22	Stream crossings?	No	NA
1.23	Abstraction or transfers of water from ground or surface waters?	Yes	During Construction Phase tanker water will be used for construction.
1.24	Changes in water bodies or the land surface affecting drainage or runo-ff?	Yes	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	There will be transport of construction materials. Precautions will be 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	NA
1.27	Ongoing activity during decommissioning which could have an impact on the environment?	No	NA
1.28	Influx of people to an area in either temporarily or permanently?	Yes	Approximately 930 No. of persons will be Commercial Users.
1.29	Introduction of alien species?	No	Mainly native tree species will be selected for green belt and landscape development of site. The Project will ensure that the plantation undertaken in the project area is in line with the local ecological coverage.
1.30	Loss of native species or genetic diversity?	No	NA
1.31	Any other actions?	No	NA

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):

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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	The land is in developed infrastructure area.
2.2	Water (expected source & competing users) unit: LIT.	Yes	**C) Water Management–** **a) During Construction Phase** Water source - **Tankers** **b) During Operation Phase** Water source – From PCMC **Water Demand During Operation Phase** **Commercial:** **Source: Pimpri Chinchawad Municipal Corporation** • Domestic water (CMD): 14 • Recycled water (CMD) (Flushing):- 28 • Recycled water (Gardening): 15 • HVAC Makeup: N.A. • Total Fresh Water Requirement (CMD):-14 • Excess treated water: - • Firefighting (CMD):- 10
2.3	Minerals (MT)	No	NA
2.4	Construction material -stone, aggregates, sand/soil (expected source – MT)	Yes	Construction material will be procured from the authorized vendors.
2.5	Forests and timber (source – MT)	No	There is no use of any forest materials during the construction and operation phase of the project.
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	Yes	**Source:** Maharashtra State Electricity Distribution Company Limited. **(MSEDCL)** Maximum Demand: 1031 KW

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			D.G. set :250 KVA x 1 Type of fuel used: LSD. Alternative Back Up: - Diesel Generator (DG) Set for lifts, Common Lighting, Water pumps & other essential services.
2.7	Any other natural resources (use appropriate standard units)	Yes	Solar energy will be used for water heating

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.N.	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	This is a Commercial development project hence does not involve use of any hazardous materials to human and environment.
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)	No	The chances for occurrence of diseases are unlikely. Adequate sanitation and hygiene facilities will be maintained onsite at all times.
3.3	Affect the welfare of people e.g. by changing living conditions?	Yes	The proposed manufacturing facility will increase employment opportunities during construction and operation phases and enhance the infrastructure development in the area. Local people will be given priority for Skilled/semi-skilled /unskilled employment.
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,	No	Not Applicable
3.5	Any other causes	No	Not envisaged

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

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Sr. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities / rates, wherever possible) with source of information data
4.1	Soil, overburden or mine wastes	No	The Project is Commercial development
4.2	Municipal waste (domestic and or commercial wastes)	Yes	**D) Solid Waste Management** **a) During Operation Phase –** • Non-Biodegradable waste (Kg/day): 140 • Biodegradable waste (Kg/day): - 93 Total Solid Waste Generation (Kg/day): - 233 • The type of solid waste generated from the project activity will be only the domestic. • The sludge generated from sewage treatment plant will be dried and can be used as manure for gardening purposes. • The non-biodegradable garbage shall be put into separate bins and shall be handed over to PCMC. • Biodegradable garbage shall be treated in vessel composting and shall be used as manure. • Biodegradable & Non-Biodegradable waste will be segregated at source in accordance with MSW (M&H) Rules, 2000.
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	No	NA
4.4	Other industrial process wastes	No	NA
4.5	Surplus product	No	NA
4.6	Sewage sludge or other sludge from effluent treatment	Yes	Sewage from STP will be treated through filter bed and used as manure in own premises
4.7	Construction or demolition wastes	Yes	Construction waste will be used for backfilling
4.8	Redundant machinery or equipment	No	NA
4.9	Contaminated soils or other materials	No	No such waste would be generated in the project.
4.10	Agricultural wastes	No	No agricultural activity is envisaged in the project.

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4.11	Other solid wastes	No	No other solid waste is anticipated.

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

S.N.	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 will be used during power failure in Common areas only.
5.2	Emissions from production processes	No	NA
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 minimize 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 during construction phase: • Maximum use of RMC will eliminate the handling of cement, sand and concrete thus dust emission will be minimized. • RMC use will also reduce the trucks trips. • Tarpaulins will be used to cover trucks carrying debris. • Water sprinkling will be done at regular intervals to reduce control of dust generation
5.5	Dust or odors from handling of materials including construction materials, sewage and waste	Yes	Dust generation will be controlled as described above. Proper ventilation will be provided around STP.
5.6	Emissions from incineration of waste	No	No incineration activity is envisaged in the project.
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	NA
5.8	Emissions from any other sources	No	No other type of air emission is anticipated.

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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 with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers	Yes	Sources of noise Pollution during construction phase are machinery like compressor, Compactors, Concrete Plant, Cranes and transportation materials For control of noise following measures shall be adopted: • Properly maintained equipments with mufflers will be used. • High noise generating construction activities would be carried out only during day time. • Workers working near high noise construction machinery would be supplied with ear muffs/ear plugs.
6.2	From industrial or similar processes	No	NA
6.3	From construction or demolition	Yes	Noise Pollution Control : Noise pollution will be due to operation of machinery as well as transportation vehicles. This may cause nuisance to the nearby area. Following precautions shall be taken to control noise pollution : • High noise generating construction activities would be 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.
6.4	From blasting or piling	No	No blasting or piling activity is proposed in the project.
6.5	From construction or operational traffic	Yes	**During Construction phase:** There will be transport of materials for construction work. Precautions will be taken to reduce the impact of the vehicular movement such as vehicular trips will not be at peak traffic hours.

Form 1 – Proposed Commercial development project namely "BRAMHA UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

			Operation Phase : The vehicular parking will be restricted only in the adequate parking area provided, which would help in reducing noise pollution due to traffic congestion. Adequate tree plantation will also help to reduce the noise level and enhance air quality.
6.6	From lighting or cooling systems	No	NA
6.7	From any other sources	No	No other sources are envisaged.

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	NA
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	No	Sewage will be treated and reused for flushing & gardening. Hence there is no risk of contamination due to release of sewage or effluent.
7.3	By deposition of pollutants emitted to air into the land or into water	No	Dust will be generated during construction phase from earthworks & movement of vehicles. Appropriate fugitive dust control measures, including water sprinkling of exposed areas and dust covers for trucks, will be provided to minimize any impacts. DG exhaust will be discharged at stipulated height by providing adequate stack height to the DG sets.
7.4	From any other sources	No	No other source is identified.
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	No	NA

Form 1 – Proposed Commercial development project namely "BRAMHA UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

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

S.N.	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	The proposed project is Commercial development does not involve use of hazardous waste at any phase of the project
8.2	From any other causes	Yes	There is a risk of accident during construction however proper safety measures will be taken.
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. Floods, earthquakes, landslides, cloudburst etc)?	No	Floods and landslides are not expected in the area. **Earthquake** proneness: The area falls under **Zone III as per IS- 1893-2002**. Hence relevant design parameters as per zone III have been considered for RCC design of the buildings. Dynamic analysis will be done by Response spectrum method. Importance factor 1 special moment resisting frame R-5, Zone factor Z- 0.16.

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, utilities, 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	No	Supporting infrastructure is already in existence.

Form 1 – Proposed Commercial development project namely "BRAMHA UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

	• other		
9.2	Lead to after-use of the site, which could have an impact on the environment	No	NA
9.3	Set a precedent for later developments	Yes	Will create job opportunity for support staff like Security, Maintenance, household workers etc.
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.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	No	NA
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	No	NA
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	No	NA
4	Inland, coastal, marine or underground waters	No	NA
5	State, National boundaries	No	NA
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	Pune - Mumbai highway NH-4	Approx.25 m
7	Defence installations	No	NA
8	Densely populated or built-up area	Yes	Site is within the developing part of Pune city

Form 1 – Proposed Commercial development project namely "BRAMHA UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

9	Areas occupied by sensitive man-made land uses *(hospitals, schools, places of worship, community facilities)*	Yes	Site is present in the developing part of the city and various hospitals are present in the proximity.
10	Areas containing important, high quality or scarce resources *(ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)*	No	NA
11	Areas already subjected to pollution or environmental damage. *(those where existing legal environmental standards are exceeded)*	No	NA
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*)	No	NA

(IV) Proposed Terms of Reference for EIA studies

I hereby given 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 information submitted us found to be false or misleading at any stage the project will be rejected and clearance give if any to the project will be revoked at our risk and cost.

Date:30.06.2016

Place: Pune

For Bramha Leisures Pvt. Ltd

Vishal S. Agarwal

Form 1A – Proposed Commercial development project namely "BRAMHA UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

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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.

Land Use Pattern:

The project site under reference is located at Survey no. 209/A/2, CTS No. 4702 at Pimpri District – Pune, Maharashtra. The nearest Railway Station is Pimpri Railway station. The land is open & shall be developed as Commercial Development. The project site is an area under commercial development as per the local development plan.

As per the Contour Survey conducted, the project Site and its surrounding area are flat and undulating.

Study area has Commercial Development.

Agriculture / Livestock:
There is no agricultural activity in the vicinity of the proposed area.

Please refer Annexure 1 Master layout Plan

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. Project details:
Total Plot Area = 10447.99 m^2
Total Construction Area – 24555.67 m^2

Landscape area: 1567.05 m^2

Parking Area:
Total area provided for parking: 7478.59 m^2
No. of car parking provided: 182
Type of parking (Open/Podium/Stilt/Basement): Yes
Area per car including driveway provided for car parking: 30.0 m^2
Width of all internal roads (m): 9.00 & 6.00M.

B. Water consumption- Total Water Requirement (Domestic, Flushing and gardening) – 42 KLD for Commercial Building .Water Source – From PCMC

C. Power Requirement -
Source: Maharashtra State Electricity Distribution Company Limited. **(MSEDCL)**

Number and capacity of the DG sets to be used:
For Commercial Building– 1No. 250 kVA

Type of fuel used: LSD.

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 land use, disturbance to the local ecology).

The project falls under the Commercial zone as per the DP. There will not be any change in the land use pattern of the area. Project site will be developed into commercial development hence shall have some impact on air quality, water quality, noise and soil will not be notable. As a matter of fact this activity will have positive impact on socio-economic culture of people residing in the vicinity of the proposed area. There will not be any disturbance to the local ecology as the selected site for the construction is a barren land.

The project site and the surrounding area have Commercial buildings. The open area will be occupied by vegetation, which will be helpful in increasing green cover of the area. Proposed project will require manpower during construction phase and operational phase thereby creating job opportunities. Local skilled and unskilled laborers will have an opportunity for employment directly or indirectly.

There will be additional employment for the poor strata of society by way of domestic helpers, drivers, cleaners etc.

Due to the proposed project, facilities are likely to grow in line with the development. As during the construction and operational phases of the project a workforce will be needed this will be including both skilled and unskilled people. The introduction of workers from

areas outside the region, could introduce a potential effect on the local culture, habits and economics.

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).
Details of Soil quality and slope

No, as per the Seismic Zoning Map of India Pune region falls under Zone- III. Stability Certificate, as per prevalent IS Code will be obtained for these buildings from registered Consulting Structural Engineer considering the seismic forces and wind forces etc.

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)
No, the proposal won't involve alteration of natural drainage systems.

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?)

Earthwork will be generated only from the foundation activity. Whatever volume of soil generated from the foundation activity will be again use for the backfilling of land. Top Soil will be used for the landscaping purpose.

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

Water will be supplied through the Pimpri Chinchwad Municipal Corporation for operation phase and for construction phase water will be provided through tankers.
The Biodegradable waste will be composted at site and non-biodegradable solid waste will be sent recycling. The construction debris will be used for development of Landscape.
All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.

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)

No wetland or low laying areas are altered.

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

The construction debris will be used for backfilling of land in the project itself. The other waste generated includes the solid waste which will be disposed through the Smart Composter and sludge generated will be used as manure after treatment.

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.
Source: Pimpri Chinchawad Municipal Corporation

- Domestic water (CMD): 14
- Recycled water (CMD) (Flushing):- 28
- Recycled water (Gardening): 15
- HVAC Makeup: N.A.
- Total Fresh Water Requirement (CMD):-14
- Excess treated water: -
- Firefighting (CMD):- 10

2.2. What is the capacity (dependable flow or yield) of the proposed source of water?

Water Source will be Pimpri Chinchwad Municipal Corporation.

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)

Assured water supply will be from Pimpri Chinchwad Municipal Corporation

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)

All Secondary requirements like flushing and gardening would be fulfilled by treated sewage water 28 KLD from STP.

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)

No, Not Applicable.

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)

Sewage generation from Commercial will be 42 KLD will be treated in Sewage Treatment Plant of capacity 50 KLD. Treated sewage water will be reused for flushing, gardening and HVAC.

Parameters	Inlet	Outlet
pH	7.5-8.5	6.5-7.5
Total Suspended Solid (ppm)	<200 - 250	<10
Chemical Oxygen Demand (COD) ppm	<400	<50
Biological Oxygen Demand (BOD) ppm	<300	<20

All units are in mg/l except pH.

2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.

- Terrace water and floor water will be as per site conditions, diverted with the help of down take pipes to Rain water tank & internal SW Drain respectively.
- Harvesting units will be constructed at various locations in between or near to SWD.
- Necessary obstacles will be designed prior to harvesting; excess water will overflow to external SWD.
- Surface run off along with the terrace runoff will be recharged to ground through 6 Nos. of recharge pits with recharge bores located within the site premises.

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?

Runoff on the site will have positive impact on the rain water harvesting potential For surface rain water recharging through recharge bores will be done.

Management plan for Flood is as follows:

- Storm water drains shall be cleaned at regular interval.
- Mark areas within or leading in or out of the building that may be water logged, flooded or isolated due to the flood.
- The areas will be marked after completion of the project (as final ground levels etc. will be available after completion).

- The vulnerability of the basements should be worked out. Dewatering pumps shall be installed at vulnerable locations.

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)

- Terrace water and floor water will be as per site conditions diverted with the help of down take pipes to Rain water tank & internal SW Drain respectively.
- Harvesting units will be constructed at various locations in between or near to SWD. Necessary obstacles will be designed prior to harvesting; excess water will overflow to external SWD.
- Surface run off along with the terrace runoff will be recharged to ground through 6 Nos. of recharge pits with recharge bores located within the site premises.

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 general ground water level of the project site will not be elevated. The runoff from the site will be filtered mechanically through recharge bores and then will reach aquifers thereby preventing direct pollution of land or aquifers.

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 will be recharged to maximum extent and excess water will be discharged to the nearby storm water line.

2.12. Will the deployment of construction laborers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)

a. During construction phase, temporary toilets will be provided. Hence there is no possibility of unsanitary conditions around the project site.
b. Regular segregation and disposal of solid waste generated by these workers as per PCMC practices.
c. First aid and medical facilities will be provided to all the concerned people working on the site.
d. Proper housekeeping will be maintained throughout the premises.

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)

Sewage will be collected from the closed pipe circuit and transported to the sewage treatment plant and disposal of sewage will be through the biological treatment.

2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

The wastewater generated from the proposed activity shall be domestic. Sewage will be treated in the Sewage Treatment Plants having capacity 50 KLD for Commercial bldgs. The treated sewage water will be used for flushing & gardening.

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)

There will not be any threat of the project to the biodiversity. The selected site for project is barren land. The Project proponents have proposed a landscape development plan, which includes planting of flowering and shady trees, shrubs and lawn within the plot.
Flowering plants, shrubs and lawns shall be planted. So, Biodiversity will in turn increase.

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

New Tree plantation shall be done as per norms. Total 155 nos. of trees on ground. The landscape layout explain the location of trees which are to be planted on ground with respect to location of buildings.

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?)

New Tree plantation shall be done as per norms. Total 155 Nos. of trees will be Planted.

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.

The floristic component of the area does not include any rare or endangered species. Thus, impact on rare and endangered species of flora is nil. There are no potential sources of impacts on terrestrial biological environment during operation phase of said project.

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

The plantations, which would be grown on the site, will be helpful in increasing green cover which enhances aesthetic value to the habitation, also increase avifauna in the area.

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

The proposed project will not have any adverse impact on the flora or 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)

As this will be a Commercial project, air pollution is not expected to be a major concern. There will not be notable increase in pollution therefore dispersion model calculations are not done.

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.

During construction phase, Dust, Particulate Matter is the main pollutant, which may be generated during construction activities. Other emission sources are intermittent and include emissions of SO_2 NOx and CO from materials transport of heavy vehicles on site etc. Proper upkeep and maintenance of vehicles, sprinkling of water on roads and construction site are some of the measures that would reduce the impact during construction phase.

Sources of Air pollution During Operational phase:

- The gaseous emissions from vehicles
- Emissions from DG sets while in operation only during power failure

Mitigation Measures:

- The traffic congestion will be avoided by proper parking arrangement and maintaining smooth traffic flow
- Regular PUC checkup for vehicles
- CPCB approved DG sets only will be used.
- Proper maintenance of DG sets shall be done and Low sulphur fuel shall be used.

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.

Proper arrangement of parking and traffic management is proposed to avoid the traffic congestion.

Total area provided for parking: 7478.59 m^2
No. of car parking provided: 182
Type of parking (Open/Podium/Stilt/Basement): Yes
Area per car including driveway provided for car parking: 30.0 m^2
Width of all internal roads (m): 9.00 & 6.00M.

Measures proposed for traffic management at the entry and exit to the project site are:

- Maintaining flow of traffic for approach roads
- Entry and Exit points carefully placed so as not to disturb this flow
- Easy movement of fire tender in and around the complex ensuring accessibility to every building.

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

The project proponents have proposed to provide adequate well organized parking arrangement

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.

The proposed activity being of Commercial development type will not cause a notable increase in the noise and vibration during operation. However, use of heavy machinery is inevitable during construction phase of the project. Sources of noise Pollution during construction phase are machinery like Earthmoving Machinery Mini Hoist Crane, Hoist Crane, Concrete mini mixer, Weigh batcher, Compressors and transportation materials.

Noise has various adverse effects on workers and their activities. The first and foremost effect of noise on workers exposed to high noise level over a long period of severe impulsive noise of short duration is 'Loss of Hearing'. This effect is either temporary or permanent in nature depending upon the length and severity of noise exposure.

Other effects of noise are such as blood pressure, cardiovascular problems and ulcers. Some studies also point to noise related learning difficulties, reduced work efficiency, irritation, fatigue, increased accidents and errors and socially undesirable behavior.

Mitigative Measures:

The project proponents have agreed to take precautions to control noise pollution as mentioned under:

- Use of equipment generating noise of not greater than 90 dB (A).

- High noise generating construction activities would be carried out only during daytime. Also, adequate parking space will be provided to avoid crowding and noise pollution
- Installation, use and maintenance of mufflers on equipment.
- Workers working near high noise construction machinery would be supplied with ear muffs/ear plugs.

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. Sets will be operated only in case of power failures during operational phase. The Pollutants like SPM, 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?

Proposed construction will not result in obstruction of a view, scenic amenity or landscapes. The open spaces have been picturesquely landscaped to capture the variety of flowers and plants.

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

The development will not cause adverse impact on the existing structure rather the project will cause positive impact on the infrastructural and transport facility.

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

No, Not Applicable.

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, Not Applicable.

7. SOCIO-ECONOMIC ASPECTS

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

It could be seen that the overall impact on Socio-Economic Environment is positive and permanent in nature. The impacts on socio-economic environment due to the proposed project are listed below:

- Proposed project will require manpower during construction phase and operational phase thereby creating job opportunities. Local skilled and unskilled laborers will have an opportunity for employment directly or indirectly.
- There will be additional employment for the poor strata of society by way of helpers, drivers, cleaners etc.
- Due to the proposed project, facilities are likely to grow in line with the development.

As during the construction and operational phases of the project a workforce will be needed this will be including both skilled and unskilled people. The introduction of workers from areas outside the region, could introduce a potential effect on the local culture, habits and economics. Those effects have both positive and negative elements and will be managed by the project proponents and developers. The construction phase induces employment opportunities for the local people.

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

The project is situated in the developing part of Pimpri Chinchwad and it is well surrounded by the various facilities like school, hospital, fire station etc.

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

It could be seen that the overall impact on Socio-Economic Environment is positive and permanent in nature. The impacts on socio-economic environment due to the proposed project are listed below:

Positive Aspects of the Projects are as follows

- Improvement in lifestyle and social status, etc.
- Increase in revenue generation.
- Due to the proposed project, facilities are likely to grow in line with the development.

- Possible sources of income for this community are direct like Construction and various job works in Commercial complex.
- As during the construction phases of the project a workforce will be needed which will be including both skilled and unskilled people. The introduction of workers from areas outside the region, could introduce a potential effect on the local culture, habits and economics. Those effects have both positive and negative elements and will be managed by the project proponents and developers. The construction phase induces employment opportunities for the local people. About 50 persons will be employed during peak period.

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)

The construction material to be used will include both renewable and nonrenewable resources including gravel, stones, aggregates, sand, steel, concrete, fly ash mix cement, clay and flyash bricks, paints, tiles, electrical wares, adhesives etc. The materials will be procured from reputed manufacturers with test certificates as per BIS specifications.

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

Transport will be only from the closed vehicles and those vehicles will be regularly checked for their emissions to reduce the pollution load on the environment.

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

Yes, during construction excavated material will be used for backfilling.
Locally available materials and materials with recycled content would be considered to the extent possible.

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

Segregation	**segregation of dry and wet waste at source**
Collection	**Segregated waste will be collected by cleaning staff and taken to Garbage room in parking area**

Treatment	**Biodegradable waste: Through composting machine**
Disposal	**Biodegradable: Used as manure for gardening** **Recyclable : Sold to vendors** **Inert: Handover to PCMC for disposal**

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?

Source – Maharashtra State Electricity Distribution Company Limited (MSEDCL)

D.G.set – For Commercial Building A, B, C, D, E, F, G, H – 1No. 250 kVA
Type of fuel used: LSD.

Alternative Back Up: - Diesel Generator (DG) Set for lifts, Common Lighting, Water pumps & other essential services.

ENERGY CONSERVATION MEASURES :

Daylight cum occupancy sensors in parking area lighting
~ Maximum use of daylight by providing appropriate window sizing
~ ECBC norms compliance: yes
~ Purchase of energy efficient appliances (LED FITTINGS)
~ Constant monitoring of energy consumption, Energy monitoring will be done with the help of Energy meters
~ Design based on Lux level calculations
~ Use of compact fluorescent lamps and low wattage lighting
~ Awareness on energy conservation will be raised among the users of the buildings in the complex
~ Solar power used for solar Hot water system

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

D.G.set – For Commercial Building– 1No. 250 kVA

Type of fuel used: LSD.

Alternative Back Up: - Diesel Generator (DG) Set for lifts, Common Lighting, Water pumps & other essential services.

D.G. set Calculation includes all Pollution Control devices (STP, Composting machine and WTP), Water Supply pumps, Lift and Fire fighting

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 used for the windows will be single glazed glass and U value glass less than 0.4 will be used.

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

In **passive solar building design**, windows, walls, and floors are made to collect, store, and distribute solar energy in the form of heat in the winter and reject solar heat in the summer.

- Placement of room-types, internal doors & walls, & equipment in the house.
- Orienting the building to face the equator
- Extending the building dimension along the east/west axis
- Adequately sizing windows to face the midday sun in the winter, and be shaded in the summer.
- Minimizing windows on other sides, especially western windows
- Erecting correctly sized, latitude-specific roof overhangs, or shading elements (shrubbery, trees, trellises, fences, shutters, etc.)
- Using the appropriate amount and type of insulation including radiant barriers and bulk insulation to minimize seasonal excessive heat gain or loss
- Using thermal mass to store excess solar energy during the winter day (which is then re-radiated during the night)

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.

We are proposing solar water heating system

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?

We are proposing a 155 no. of trees around the building for the shading effect and to reduce the load of cooling systems.

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.

As this is the Commercial development, we are not proposing any cooling system which will use CFC and HCFC.

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 construction project is the Commercial development and developed on a very small area hence does not create any heat island effect or inversion effect.

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.

Building material used will be environment friendly. Fly ash will be used for the construction work in the concentration of (80:20) to reduce the load of the cement. Glass used will be having less U value and R value to reduce the energy consumption and absorption of solar radiation.

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

Proper fire fighting plan is prepared as well as we are proposing fire line and the water storage only for the fire fighting is proposed.

- Water Storage tank with pumping, wet riser, and Hose reel
- Fire Alarm system will be provided for the entire building & main control panel should be installed in the Parking.
- The Main Line from the pump room is Laid in the ring main system & also connected with Fire Brigade inlet connection post.
- Hydrants are placed along the compound of the Building at 45m distance.
- Active Fire protection system (i.e. Hoses, Fire Alarms) should be installed.
- Fire extinguishers are provided in lobby area.
- External & internal Hydrant are also provided.
- Sprinkler System for basement floors.

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

Glass is used are only for the windows as this is a commercial development. And glass will not be used as a wall material.

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

It has not been studied.

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.

Solar Water heating system is 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. **(Please Refer Annexure – 5 for EMP)**

LIST OF ANNEXURES

SR. NO.	DESCRIPTION
1	Master Plan
2	Area Statement
3	Location Map
4	Environmental Management Plan

TRUE COPY

ANNEXURE-A-13

PIMPRI CHINCHWAD MUNICIPAL CORPORATION, PIMPRI-411018

(Following numbers and dates may be mentioned in the correspondence hereinafter)

(This certificate is issued to the applicant without taking into consideration title of the property or building)

(Commencement Certificate)

Certificate for commencement of Construction

Revised for B.P./Pimpri/64/2015, Date: 30/09/2015

Subject to the following printed terms, said commencement certificate and consent letter for construction is being issued in accordance with provisions in sections 45 and 29 of the Maharashtra Regional and Town Planning Act, 1966 and (Sections) 253 and 254 of the Bombay Municipal Corporation Act, 1949.

Pimpri Chinchwad Municipal Corporation, Pimpri-411018
Number- B.P./Pimpri/76/2016
Date: 24/11/2016

To, **M/s. Crompton Greaves** through **Vaishnavdevi Construction (PAH)** through **Rajkumar Agrawal** (PAH) through L. A. **Shri. Sachin Sutar**, address: A-1, Nature View Society, Senapati Bapat Road, Shivaji Nagar, Pune-16".

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in accordance with Sec. 45 of the Maharashtra Regional and Town Planning Act, 1966 and Section 253 and 254 of the Bombay Provincial Municipal Corporation Act, 1949 seeking permission for commencement of construction on the land within the limits of Pimpri Chinchwad Municipal Corporation bearing Survey No. 209/A/2, CTS No. 4702, Plot No. _____ Pimpri, which was received by us on **18.07.2016**. Accordingly, a consent letter for

carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to _____ hereunder.

1) The construction is to be carried out as shown in the new / revised plan.
2) If the proposed construction is falling on the control line of the road then such construction may be removed at your cost and without any complaint in accordance with the direction of the municipal officer.
3) When the work of construction done upto the plinth, the set-back may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
4) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
5) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.
6) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.
7) If there are trees on the concerned land where new construction is to be initiated then such trees should not be

cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.

8) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction or for making construction without obtaining completion certificate.

9) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate if Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.

10) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.

11) Before obtaining completion certificate, the plot holder, promoter/ builder or contractor of the construction of project should furnish all affidavit (with the signature of special executive officer) to the Municipal Corporation stating therein that the municipal corporation will not be responsible for any complaint being lodged hereinafter from the proposed residential/ commercial unit holders. No. objection

certificates from the Water Supply, Drainage, Garden, Fire and Health Department may be furnished in this office.

12) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.

13) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.

14) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.

15) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.

16) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.

17) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.

18) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map may be furnished to this office before obtaining part of full

completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.

19) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.

20) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.

21) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.

22) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that regard. The corporation should not be suffered for same. This

consent letter for commencement for construction is being sanctioned on this term.

23) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

24) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.

25) Construction will not be carried out without submission of Class-1 land confirmation and "No Objection Certificate" for class-2 land to Municipal Corporation from Hon'ble Sub-divisional officer / Hon'ble Additional District Collector/ Hon'ble Collector.

26) Flats to be given to be MHADA with due completion and only after transfer to MHADA, remaining buildings will receive part/ full completion certificate.

27) Total Built-up area (FSI+NONFSI) of plot excessed 20000 Sq. Mtrs., construction will not be started without submission of NOC from environment department.

28) Building permission is issued in relation with the undertaking given by developers in respect of the ULC.

29) To control dengue, chicken gunny, malaria etc. mosquito, water collection tanks at construction site will mandatorily be covered. Developer will make arrangement to dispose off the water collected around the water collection tanks mandatorily. Also it will be responsibility of the developer to make anti-mosquito spraying of malaria oil, abet etc.

30) It is mandatory on part of all construction entrepreneur / developers/ land owners to fulfill the official provisions of laws related to Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,

1996 and The Contract Labour (Regulation and Abolition) Act, 1970 for their safety, health and welfare measures.

31) It is mandatory on part of all construction entrepreneur / developers/ land owners to obtain insurance of all labors working at construction site and plinth check will not be issued without submission of related documents.

Sd/-	Sd/-
Dy. City Engineer	City Engineer
Pimpri-Chinchwad Municipal Corporation	Pimpri Chinchwad Municipal Corporation
Pimpri, Pune-411018	Pimpri-18

Copy for information

1) Hon'ble Collector, Pune District R. B. (Pune) For Information
2) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/ Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/ Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple Saudagar/ Wakad/ Rahatani/ Thergaon for information and further action.
3) Tax Collection Department, Head Office.
4) Hon'ble CEO, Pune Housing and Area Development Authority, Agarkar Nagar, Pune 411001 (MHADA)

-SOME IMPORTANT INSTRUCTIONS-

Commencement of construction need to convey to the municipal Corporation before 10 days, otherwise applicant will be responsible for that,

-REGARDING COMMENCEMENT OF USE OF SPACE-

1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
2) The municipal corporation is not responsible for moving conservative balcony in the new space, electric or other mechanical wires. In this regard, the applicant should make provision for obtaining permission from the concerned officers in advance.
3) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing though the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
4) The scaffolding required for the construction of house is not allowed to keep within the limits of the municipal corporation without obtaining permission from the municipal corporation by paying fees thereof. Making scaffolding without permission will amount to crime.
5) If the area which is to be for construction of house and which was subject to agricultural assessment erstwhile, then first of all non-agricultural permission is require to be obtained

from the Hon'ble Collector, Pune District and then construction may be done. Any construction should not be cause without obtaining such permission.

6) It the municipal corporation found that the open public area is unauthorized incorporated, then construction will be immediately demolished and such place get open again. This consent letter will not prejudice for acting accordingly and the municipal corporation will not be responsible for any loss caused in such event.

7) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.

8) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities (Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.

9) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. It the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and construction may be commenced after obtaining such consent letter.

10) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.

11) The water meter may get set to the tap through the municipal corporation before commencement of construction.

12) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. It the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner himself could not use the building for himself or could not allow other to the same.

13) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall be place neatly in such a manner that any dirt should not go

inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.

14) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.

15) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.

16) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.

17) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.

18) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.

19) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost,

In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,

20) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.

21) It is mandatory to install solar water heating system of size more and more than 50% of roof area and least to least of 250 liters / bathroom for the project having built-up area of 150 Sq. Mtrs. in residential building and housing project.

Developer/ Owner Address: -
Sr. No. 209/A/2, Pimpri Pune,

Construction Site Address:-
Pimpri Sr. No. 209/A/2,
CTS-4702.

//TRUE TRANSLATION//

ANNEXURE-A-14

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24010781
/24037124/24035273
Fax: 24044532/24024068
/24023516
Email: rohq@ mpcb.gov.in
Visit At: http://mpcb.gov.in

Kalpataru Point, 3rd & 4th floor, Sion-Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai-400022

Infrastructure/LSI Date: 12/10/2017

Consent order No.Format1.0/BO/RO-HQ/CC-1710000347

To,

M/S. Bramha Leisures Pvt Ltd,
Plot No. 209/A/2, Pimpri, Taluka: Haveli, Dist: Pune

Sub: **Consent to Establish for Commercial project in Red Category.**

Ref.

1. Previous consent to establish granted for vide no. Format1.0/BO/CAC-cell/EIC-PN-22272-14/E/CAC-2604 Date: 10/03/2015
2. Minutes of consent committee meeting held on 05/08/2017
   Your Application MPCB-CONSENT-0000025901 dated 28/04/2017

For: Consent to Establish for Commercial project 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 under Rule 5 of the Hazardous & Other Wastes (M & TM) Rules 2016 and Municipal Solid Waste (Management & Handling) Rule, 2000 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 is granted for a period up to commissioning of the project or 5 years whichever is earlier.

2. The proposed capital investment of the project is Rs. 132.68 Crs. (as per C. A. Certificate submitted by project proponent)

3. The Consent to Establish is valid for commercial development by **M/S. Bramha Leisures Pvt. Ltd. at Plot No. 209/A/2, Pimpri, Tal: Haveli, Dist. Pune** for total plot area of 9337.67 Sq.Mtrs. and total construction built up area 51358.46 Sq.Mtrs including utilities and Services as per construction commencement certificate issued by local body.

4. Conditions Under Water (P&CP), 1974 Act for discharge of effluent:

Sr. No.	Description	Permitted quantity of discharge (CMD)	Standards to be achieved	Disposal
1.	Trade Effluent	NIL	NA	NA

2.	Domestic effluent	188.2	As per Schedule-I	60% should be reused & recycled and remaining should be discharged in municipal sewer

5. Conditions Under Air (P&CP) Act, 1981 for air emission:

Sr. No.	Description of stack/ source	Capacity	Number of Stack	Standards to be achieved
1.	DG Set	320 KVA	1	As per Schedule-II

6. Conditions Under Solid Waste Management Rules, 2016:

Sr. No.	Type of waste	Quantity & UOM	Treatment	Disposal
1.	Biodegradable Waste	454.7 Kg/Day	OWC	Used as manure
2.	Non-biodegradable Waste	459.6 Kg/Day	--	Handed over to Authorised
3.	STP Sludge	Kg/Day	--	Used as manure

7. Conditions under Hazardous and other wastes (M&TM) Rules, 2016 for treatment and disposal of hazardous waste; NIL

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. Project Proponent shall comply the construction and Demolition Waste Management Rules, 2016 which is notified by Ministry of Environment Forest and Climate Change dtd. 29/03/2016.

11. Project Proponent shall submit an affidavit in Board's prescribed format within 15 days regarding the compliance of conditions of EC/CRZ Clearance and C to E.

12. The applicant shall not take any effective steps for implementation of the project before obtaining Environment Clearance as per EIA Notification 2006 and amendments thereto.

As per Para 2 of EIA notification dated-14/09/2006, the effective steps include starting of any construction work or preparation of land by project management. However as clarified by the MoEF vide office memorandum no. J-1103/41/2006-IA.II(I); Dated 19/8/2010, fencing of the site to protect it from getting encroached & construction of temporary shed(s) for the guard(s) & acquisition of land shall not be treated as an affective steps.

13. This consent is granted vide No. Format1.0/BO/ CAC-cell/EIC-PN-22272-14/E/CAC-2664 date: 10/03/2015 is hereby revoked.

For and on behalf of the
Maharashtra Pollution Control Board
Sd/-
(Dr. P. Anbalagan, IAS)
Member Secretary

Received consent fees of -

Sr. No.	Amount (Rs.)	Transaction No.	Date	Drawn On
1.	265360/-	ANBH17119726277	29/04/2017	Andhra Bank

Copy to:
1. Regional Officer, MPCB, Pune and - Sub Regional Officer, MPCB, Pimpri-Chinchwad
   They are directed to ensure compliance of the consent conditions.
2. Chief Accounts Officer, Mumbai, MPCB
3. CC/CAC desk-for record & website updation purpose

Schedule-I

Terms & Conditions For Compliance Of Water Pollution Control:

1) **A]** As per your application, you have proposed to install of Sewage Treatment Plants (STP) with the design capacity of 200 CMD

B] The Applicant shall operate the effluent 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	Standards prescribed by Board
		Limiting Concentration in mg/l, except for pH
1.	BOD (3 days 27 oC)	30
2.	Suspended Solids	50
3.	COD	100
4.	Residual Chlorine	1ppm

C] The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, fire fighting, on land for gardening and remaining shall be discharged to Municipal sewer.

D] Project Proponent shall operate STP for five years from the date of obtaining Occupancy Certificate.

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 should obtain consent of the Board to

take steps to establish the unit or establish any treatment and disposal system or extension or addition thereto.

2) Project Proponent shall install the online monitoring systems for BOD, TSS, and flow at the outlet of STP.

3) The industry should ensure replacement of pollution control system or its prats after expiry of its expected life as defined by the manufacturer so as to ensure the compliance of standards and safety of the operation thereof.

4) In case the water consumption of the project is not covered under the water consumption of local body, in that situation project proponent shall submit the CESS Returns in the prescribed format given under the provision of Water (prevention & control of the Pollution) Cess Act, 1977 and rules made there under for various categories of water consumption.

If the water consumption is duly assessed under the quality of water consumption of local body, the project proponent shall submit the certificate to that effect from the concern local body with the request not to assess CESS on their water consumption, being already assesses on the water consumption of local body.

Sr. No	Purpose for Water consumed	Water Consumption quantity (CMD)
1.	Domestic Purpose	209.1

Schedule-II

Terms & Conditions of Air Pollution Control:

1. As per your application, you have proposed to install the Air pollution control (APC) system and also proposed to erect following stack(s) and to observe the following fuel pattern-

Sr. No	Stack Attached to	APC System	Height in Mtrs.	Type of fuel	Quantity	UOM	S%	SO_2
1.	DG Set (320 KVA) x 2	Acoustic Enclosure	5	HSD	40	Lit/Hr	--	--

*Above roof of the building in which it is installed.

2. The applicant should operate and maintain above mentioned air pollution control system, so as to achieve the level of pollutants to the following standards.

Particulate matter	Not to exceed	150 mg/Nm^3

3. The Applicant should 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.

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)

Schedule-III

Details of Bank Guarantees

Sr. No.	Consent (C to E/O/R)	Amt of BG imposed	Submission period	Purpose of BG	Compliance period	Validity Date
1.	Consent to Establish	Rs. 10 Lakh	15 Days	Towards not taking further effective steps prior to obtaining EC and Compliance of the consent conditions	COU or 5 Years	5 Years

Schedule-IV

General Conditions:

The following general conditions shall apply as per the type of the industry.

1. The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Boards 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 environment protection Act, 1986, and solid waste Management Rules, 2016 and E-waste (Management) Rules, 2016.
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 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 DG Set**
   a) Noise from DG Sets shall be controlled by providing 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 shall 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 shall be done at different points at 0.5 meters from acoustic enclosure/ room and then average.

c) The Industry shall take adequate measures for control of noise levels from its own sources within the complex (residential cum commercial) in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during the night time. Day time is reckoned as between 6 a.m. to 10 p. m. night time is reckoned between 10 p.m. to 6 a.m.

d) Industry should make efforts to bring down noise level due to DG Set, outside the premises with ambient noise level requirements by proper setting and control measures.

e) A proper routine and preventive maintenance procedure for DG set shall be set and followed in consultation with DG manufacturers which would help to prevent noise levels of DG Sets from deteriorating with use

f) The DG set shall be operated only in case of power failure.

g) The applicant shall not cause any nuisance in the surrounding area due to operation of DG Sets.

h) The Applicant shall comply with the notification of MoEF dated 17.05.2002 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 Rules, 2016 and E-waste (M) Rules, 2016.

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 website of the MPCB.

8. The treated sewage shall be disinfected using suitable disinfection method.

9. 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 of the Environment (Protection) Second Amendment Rule, 1992.

10. The Applicant shall obtain consent to operate from Maharashtra Pollution Control Board before commissioning of the project.

//TRUE COPY//

ANNEXURE-A-15

PIMPRI CHINCHWAD MUNICIPAL CORPORATION, PIMPRI-411018

(Following numbers and dates may be mentioned in the correspondence hereinafter)

(This certificate is issued to the applicant without taking into consideration title of the property or building)

(Commencement Certificate)

Certificate for commencement of Construction

Revised for B.P./Pimpri/76/2016, Date: 24/11/2016

Subject to the following printed terms, said commencement certificate and consent letter for construction is being issued in accordance with provisions in sections 45 and 29 of the Maharashtra Regional and Town Planning Act, 1966 and (Sections) 253 and 254 of the Bombay Municipal Corporation Act, 1949.

Pimpri Chinchwad Municipal Corporation, Pimpri-411018
Number- B.P./Pimpri/36/2018
Date: 31/03/2018

To, **M/s. Crompton Greaves Ltd.** through M/s. **Vaishnavdevi Construction** through **Rajkumar Agrawal** (PAH) through L. A. **Shri. Abhijit Gaikwad**, address: Gaikwad Avenue Building, ITI Road Aundh.

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in accordance with Sec. 45 of the Maharashtra Regional and Town Planning Act, 1966 and Section 253 and 254 of the Bombay Provincial Municipal Corporation Act, 1949 seeking permission for commencement of construction on the land within the limits of Pimpri Chinchwad Municipal Corporation bearing Survey No. 209/A/2, CTS No. 4702, Plot No. _____ Pimpri, which was

received by us on **29.11.2017**. Accordingly, a consent letter for carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to _____ hereunder.

1) The construction is to be carried out as shown in the new / revised plan.
2) When the work of construction done upto the plinth, the set-back may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
3) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
4) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.
5) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.
6) If there are trees on the concerned land where new construction is to be initiated then such trees should not be cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.

7) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction or for making construction without obtaining completion certificate.

8) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate if Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.

9) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.

10) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.

11) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.

12) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.

13) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.

14) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.

15) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.

16) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map may be furnished to this office before obtaining part of full completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit

the expenses for such stones as per the prevailing rate of the corporation in that regard.

17) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.

18) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.

19) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.

20) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that regard. The corporation should not be suffered for same. This consent letter for commencement for construction is being sanctioned on this term.

21) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.
22) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.
23) Construction will not be carried out without submission of Class-1 land confirmation and "No Objection Certificate" for class-2 land to Municipal Corporation from Hon'ble Sub-divisional officer / Hon'ble Additional District Collector/ Hon'ble Collector.
24) Flats to be given to be MHADA with due completion and only after transfer to MHADA, remaining buildings will receive part/ full completion certificate.
25) Total Built-up area (FSI+NONFSI) of plot excessed 20000 Sq. Mtrs., construction will not be started without submission of NOC from environment department.
26) Building permission is issued in relation with the undertaking given by developers in respect of the ULC.
27) It is mandatory on part of all construction entrepreneur / developers/ land owners to fulfill the official provisions of laws related to Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and The Contract Labour (Regulation and Abolition) Act, 1970 for their safety, health and welfare measures.
28) It is mandatory on part of all construction entrepreneur / developers/ land owners to obtain insurance of all labors working at construction site and plinth check will not be issued without submission of related documents.
29) It is mandatory on part of developer that required minor minerals for the building construction will be purchased

from officially published and licensed holders permitted to stone, metal, aggregate, soil, sand as per the notification no. mining/KV/877/2016 dated 31.03.2016 issued by Hon'ble Collector of Pune.

30) It is mandatory to obey the terms and conditions stipulated in notification dated 09 December 2016 issued by ministry of environment and forest and climate change, if construction area of plot is more than 5000 Sq. Mtrs.

Sd/-	Sd/-
Dy. City Engineer	City Engineer
Pimpri-Chinchwad Municipal Corporation	Pimpri Chinchwad Municipal Corporation
Pimpri, Pune-411018	Pimpri-18

Copy for information

1) Hon'ble Collector, Pune District R. B. (Pune) For Information
2) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/ Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/ Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple Saudagar/ Wakad/ Rahatani/ Thergaon for information and further action.
3) Tax Collection Department, Head Office.
4) Hon'ble CEO, Pune Housing and Area Development Authority, Agarkar Nagar, Pune 411001 (MHADA)

-SOME IMPORTANT INSTRUCTIONS-

Commencement of construction need to convey to the municipal Corporation before 10 days, otherwise applicant will be responsible for that,

-REGARDING COMMENCEMENT OF USE OF SPACE-

1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
2) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing though the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
3) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.
4) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities (Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.

5) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. It the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and construction may be commenced after obtaining such consent letter.

6) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.

7) The water meter may get set to the tap through the municipal corporation before commencement of construction.

8) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City

Engineer or concerned officer in that regard. It the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner himself could not use the building for himself or could not allow other to the same.

9) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall be place neatly in such a manner that any dirt should not go inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.

10) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.

11) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.

12) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.

13) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.

14) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.

15) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost, In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,

16) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.

17) To control dengue, chicken gunny, malaria etc. mosquito, water collection tanks at construction site will mandatorily be covered. Developer will make arrangement to dispose off the water collected around the water collection tanks mandatorily. Also it will be responsibility of the developer to make anti-mosquito spraying of malaria oil, abet etc.

18) It is mandatory on part of all construction entrepreneur / developers/ land owners to obtain insurance of all labors working at construction site and plinth check will not be issued without submission of related documents.

Developer/ Owner Address: -
Sr. No. 209/A/2, Pimpri Pune,

Construction Site Address:-
Pimpri Sr. No. 209/A/2,
CTS-4702.

//TRUE TRANSLATION//

195 ANNEXURE-A-16

Form 1 – Proposed Commercial development project namely "BRAMHA SKY UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

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APPENDIX I
(See paragraph – 6)

F O R M – 1

(I) Basic Information

S. N.	Item	Details
1	Name of the Project	**"BRAMHA SKY UZURI"**
2	S No. in the schedule	8 (a)
3	Proposed capacity/ area/ length/ tonnage to be handled /command area / lease area number if wells to be drilled	**Total Plot Area = 7729.66 m^2** **Total Construction Area – 54667.89 m^2** Master Plan enclosed as an **Annexure -1 and** Area Statement as an **Annexure -2**
4	New / Expansion /Modernization	Proposed Commercial development
5	Existing Capacity /Area etc.	NA
6	Category of project i.e. A or B	Category B
7	Does it attract the general condition? If yes, Please specify	NA
8	Does it attract the specific condition? If yes, Please specify	No
9	Location	Haveli, Pune
	Plot/Survey/Khasara No.	Survey No. 209/A/2
	Village	Pimpri,
	Tehsil	Haveli
	District	Pune
	State	Maharashtra
10	Nearest railway station /airport along with distance in Kms	Pimpri railway station at- 500 m from proposed site, Pune Airport is at about 13 Km from the site
11	Nearest Town ,city, District Headquarters along with distance in kms	Pune
12	Village panchayats ,Zilla parished ,Municipal Corporation, local body (complete postal addresses with telephone nos. to be given)	Pimpri - Chinchwad Municipal Corporation Mumbai - Pune Road, Pimpri, Pune-411018, Maharashtra, INDIA Phone: 91-020-27425511 / 12 / 13 / 14

Form 1 – Proposed Commercial development project namely "BRAMHA SKY UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

13	Name of the applicant	Mr. Vishal Agarwal
14	Registered address	**Bramha Leisures Pvt. Ltd.** Bramha House, 250-251, M.G Road, Pune - 411001,
15	Address for correspondence	**Bramha Leisures Pvt. Ltd.** Bramha House, 250-251, M.G Road, Pune - 411001,
	Name	Mr. Vishal Agarwal
	Designation (Owner /Partner/CEO)	Director
	Address	Same as in Point no 14
	pin code	411001
	E-mail	vishal574@yahoo.co.in
	Telephone No.	Tel: 020-26330485/86
	Fax No.	Fax:020-26945656
16	Details of alternatives sites examined if any location of these sites should be shown on a toposheet	NA
17	Interlinked projects	NA
18	Whether separate application of interlinked project has been submitted?	NA
19	If Yes ,date of submission	NA
20	If no reason	NA
21	Weather the proposal; involved approval /clearance under is yes details of the same and their status to be given a. the forest (conservation)act 1980 b. The wild life (protection)act 1972 c. The CRZ Notification 1991?	No
22	Weather there is any Government order / policy relevant / relating to the site?	NA
23	Forest land involved (hectares)	NA

24	Whether there is any litigation pending against the project and / or land in which the project is propose to be set up? a. Name of the court' b. case no. c. Orders/directions of the court if any and its relevance with the proposed project	No

(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
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	Basically the land is a barren land. The proposed project site is for Commercial purpose.
1.2	Clearance of existing land, vegetation and buildings?	No	NA
1.3	Creation of new land uses?	Yes	Commercial development
1.4	Pre-construction investigations e.g. bore houses, soil testing?	Yes	The geo-technical study for the Project site has been carried out. As per the study, the soil profile of the Project site is comprise of 4 layers: 1. Soil + Weathered Rock (shallow aquifer) 2. Fractured Rock 3. Moderately Fractured Rock (Deeper aquifer) 4. Hard Rock
1.5	Construction works?	Yes	The major construction works for the proposed project would involve excavation and site preparation for levelling of the land. The proposed Project would involve construction of Commercial buildings

Form 1 – Proposed Commercial development project namely "BRAMHA SKY UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

Sr. No.	Information/Checklist confirmation	Yes/ No	Details Thereof (with approximate quantities /rates, wherever possible) with Source of Information
1.6	Demolition works?	No	NA
1.7	Temporary sites used for construction works or housing of construction workers?	Yes	Temporary facilities like drinking water, mobile toilets etc. are provided.
1.8	Above ground buildings, structures or Earthworks including linear structures, cut and fill or excavations	Yes	Excavated material during construction will be used for backfilling and remaining will be sold to authorized vendor therefore there will not be any solid waste problem from the generation of construction-excavated earth.
1.9	Underground works including mining or tunneling?	No	NA
1.10	Reclamation works?	No	NA
1.11	Dredging?	No	NA
1.12	Offshore structures?	No	NA
1.13	Production and manufacturing processes?	No	NA
1.14	Facilities for storage of goods or materials?	Yes	For the temporary storage of the construction material on the one side of the plot.

Form 1 – Proposed Commercial development project namely "BRAMHA SKY UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

Sr. No.	Information/Checklist confirmation	Yes/ No	Details Thereof (with approximate quantities /rates, wherever possible) with Source of Information
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	**A) <u>Sewage Generation</u>** Sewage Generation from STP will be 282.250 KLD. This will be treated in Sewage treatment Plants of capacity of 130 and 160 KLD. STP treated water will be reused for flushing and gardening and HVAC. **B) <u>Solid Waste management</u>** • The type of solid waste generated from the project activity will be only the domestic. • The sludge generated from sewage treatment plant will be dried and can be used as manure for gardening purposes. • The non-biodegradable garbage shall be put into separate bins and shall be handed over to Swach. • Biodegradable garbage shall be treated in OWC and shall be used as manure. • Biodegradable & Non-Biodegradable waste will be segregated at source in accordance with MSW (M&H) Rules, 2000.
1.16	Facilities for long term housing of operational workers?	No	No long term housing will be provided to Workers/ staff at site during operation phase.
1.17	New road, rail or sea traffic during construction or operation?	No	NA
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	NA
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	NA

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Sr. No.	Information/Checklist confirmation	Yes/ No	Details Thereof (with approximate quantities /rates, wherever possible) with Source of Information
1.20	New or diverted transmission lines or pipelines?	No	NA
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?	No	NA
1.22	Stream crossings?	No	NA
1.23	Abstraction or transfers of water from ground or surface waters?	Yes	During Construction Phase tanker water will be used for construction.
1.24	Changes in water bodies or the land surface affecting drainage or runo-ff?	Yes	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	There will be transport of construction materials. Precautions will be 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	NA
1.27	Ongoing activity during decommissioning which could have an impact on the environment?	No	NA
1.28	Influx of people to an area in either temporarily or permanently?	Yes	Approximately 4267 No. of persons will be Commercial Users.
1.29	Introduction of alien species?	No	Mainly native tree species will be selected for green belt and landscape development of site. The Project will ensure that the plantation undertaken in the project area is in line with the local ecological coverage.
1.30	Loss of native species or genetic diversity?	No	NA
1.31	Any other actions?	No	NA

Form 1 – Proposed Commercial development project namely "BRAMHA SKY UZURI" by Bramha Leisures Pvt. Ltd. at Survey no. 209/A/2, CTS No. 4702 at Pimpri by Bramha leisures Pvt. Ltd., Pune

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	The land is in developed infrastructure area.
2.2	Water (expected source & competing users) unit: LIT.	Yes	**C) Water Management–** **a) During Construction Phase** Water source - **Tankers** **b) During Operation Phase** Water source – From PCMC **Water Demand During Operation Phase** **Commercial:** **Source: Pimpri Chinchawad Municipal Corporation** • Fresh water (CMD): 313.890 • Recycled water (CMD) (Flushing):- 78.815 • Recycled water (Gardening): 6 • Total Fresh Water Requirement (CMD):-313.89 • Excess treated water: -163.436 • Firefighting (CMD):- 400
2.3	Minerals (MT)	No	NA
2.4	Construction material -stone, aggregates, sand/soil (expected source – MT)	Yes	Construction material will be procured from the authorized vendors.
2.5	Forests and timber (source – MT)	No	There is no use of any forest materials during the construction and operation phase of the project.

2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	Yes	**Source:** Maharashtra State Electricity Distribution Company Limited. **(MSEDCL)** Maximum Demand: 3356 kVA Connected Load: 4686.12 kVA D.G. set : 1 x 320 kVA, 2 x750 kVA Type of fuel used: HSD. Alternative Back Up: - Diesel Generator (DG) Set for lifts, Common Lighting, Water pumps & other essential services.
2.7	Any other natural resources (use appropriate standard units)	Yes	Solar energy will be used for water heating

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.N.	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	This is a Commercial development project hence does not involve use of any hazardous materials to human and environment.
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)	No	The chances for occurrence of diseases are unlikely. Adequate sanitation and hygiene facilities will be maintained onsite at all times.
3.3	Affect the welfare of people e.g. by changing living conditions?	Yes	The proposed commercial developement will increase employment opportunities during construction and operation phases and enhance the infrastructure development in the area. Local people will be given priority for Skilled/semi-skilled /unskilled employment.
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,	No	Not Applicable

3.5	Any other causes	No	Not envisaged

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	Soil, overburden or mine wastes	No	The Project is Commercial development
4.2	Municipal waste (domestic and or commercial wastes)	Yes	**D) Solid Waste Management** **a) During Operation Phase –** • Non-Biodegradable waste (Kg/day):757 • Biodegradable waste (Kg/day): - 894 Total Solid Waste Generation (Kg/day): - 1651 • The type of solid waste generated from the project activity will be only the domestic. • The sludge generated from sewage treatment plant will be dried and can be used as manure for gardening purposes. • The non-biodegradable garbage shall be put into separate bins and shall be handed over to PCMC. • Biodegradable garbage shall be treated in vessel composting and shall be used as manure. • Biodegradable & Non-Biodegradable waste will be segregated at source in accordance with MSW (M&H) Rules, 2000.
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	No	NA
4.4	Other industrial process wastes	No	NA
4.5	Surplus product	No	NA
4.6	Sewage sludge or other sludge from effluent treatment	Yes	Sewage from STP will be treated through FMBR and used as manure in own premises
4.7	Construction or demolition wastes	Yes	Construction waste will be sold to Authorized vendor

4.8	Redundant machinery or equipment	No	NA
4.9	Contaminated soils or other materials	No	No such waste would be generated in the project.
4.10	Agricultural wastes	No	No agricultural activity is envisaged in the project.
4.11	Other solid wastes	No	No other solid waste is anticipated.

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

S.N.	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 will be used during power failure in Common areas only.
5.2	Emissions from production processes	No	NA
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 minimize 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 during construction phase: • Maximum use of RMC will eliminate the handling of cement, sand and concrete thus dust emission will be minimized. • RMC use will also reduce the trucks trips. • Tarpaulins will be used to cover trucks carrying debris. • Water sprinkling will be done at regular intervals to reduce control of dust generation
5.5	Dust or odors from handling of materials including construction materials, sewage and waste	Yes	Dust generation will be controlled as described above. Proper ventilation will be provided around STP.
5.6	Emissions from incineration of waste	No	No incineration activity is envisaged in the project.

5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	NA
5.8	Emissions from any other sources	No	No other type of air emission is anticipated.

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 with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers	Yes	Sources of noise Pollution during construction phase are machinery like compressor, Compactors, Concrete Plant, Cranes and transportation materials For control of noise following measures shall be adopted: • Properly maintained equipments with mufflers will be used. • High noise generating construction activities would be carried out only during day time. • Workers working near high noise construction machinery would be supplied with ear muffs/ear plugs.
6.2	From industrial or similar processes	No	NA
6.3	From construction or demolition	Yes	Noise Pollution Control : Noise pollution will be due to operation of machinery as well as transportation vehicles. This may cause nuisance to the nearby area. Following precautions shall be taken to control noise pollution : • High noise generating construction activities would be 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.

6.4	From blasting or piling	No	No blasting or piling activity is proposed in the project.
6.5	From construction or operational traffic	Yes	**During Construction phase:** There will be transport of materials for construction work. Precautions will be taken to reduce the impact of the vehicular movement such as vehicular trips will not be at peak traffic hours. **Operation Phase :** The vehicular parking will be restricted only in the adequate parking area provided, which would help in reducing noise pollution due to traffic congestion. Adequate tree plantation will also help to reduce the noise level and enhance air quality.
6.6	From lighting or cooling systems	No	NA
6.7	From any other sources	No	No other sources are envisaged.

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	NA
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	No	Sewage will be treated and reused for flushing & gardening. Hence there is no risk of contamination due to release of sewage or effluent.
7.3	By deposition of pollutants emitted to air into the land or into water	No	Dust will be generated during construction phase from earthworks & movement of vehicles. Appropriate fugitive dust control measures, including water sprinkling of exposed areas and dust covers for trucks, will be provided to minimize any impacts. DG exhaust will be discharged at stipulated height by providing adequate stack height to the DG sets.

7.4	From any other sources	No	No other source is identified.
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	No	NA

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

S.N.	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	The proposed project is Commercial development does not involve use of hazardous waste at any phase of the project
8.2	From any other causes	Yes	There is a risk of accident during construction however proper safety measures will be taken.
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. Floods, earthquakes, landslides, cloudburst etc)?	No	Floods and landslides are not expected in the area. **Earthquake** proneness: The area falls under **Zone III as per IS- 1893-2002**. Hence relevant design parameters as per zone III have been considered for RCC design of the buildings. Dynamic analysis will be done by Response spectrum method. Importance factor 1 special moment resisting frame R-5, Zone factor Z- 0.16.

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, utilities, ancillary development or	No	Supporting infrastructure is already in existence.

	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		
9.2	Lead to after-use of the site, which could have an impact on the environment	No	NA
9.3	Set a precedent for later developments	Yes	Will create job opportunity for support staff like Security, Maintenance, household workers etc.
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.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	No	NA
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	No	NA
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	No	NA
4	Inland, coastal, marine or underground waters	No	NA
5	State, National boundaries	No	NA

6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	Pune - Mumbai highway NH-4	Approx.25 m
7	Defence installations	No	NA
8	Densely populated or built-up area	Yes	Site is within the developing part of Pune city
9	Areas occupied by sensitive man-made land uses *(hospitals, schools, places of worship, community facilities)*	Yes	Site is present in the developing part of the city and various hospitals are present in the proximity.
10	Areas containing important, high quality or scarce resources *(ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)*	No	NA
11	Areas already subjected to pollution or environmental damage. *(those where existing legal environmental standards are exceeded)*	No	NA
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*)	No	NA

(IV) Proposed Terms of Reference for EIA studies

I hereby given 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 information submitted us found to be false or misleading at any stage the project will be rejected and clearance give if any to the project will be revoked at our risk and cost.

Date:06.10.2018

Place: Pune

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.

Land Use Pattern:

The project site under reference is located at Survey no. 209/A/2, CTS No. 4702 at Pimpri District – Pune, Maharashtra. The nearest Railway Station is Pimpri Railway station. The land is open & shall be developed as Commercial Development. The project site is an area under commercial development as per the local development plan.

As per the Contour Survey conducted, the project Site and its surrounding area are flat and undulating.

Study area has Commercial Development.

Agriculture / Livestock:
There is no agricultural activity in the vicinity of the proposed area.

Please refer Annexure 1 Master layout Plan

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. Project details:
Total Plot Area = 7729.66 m^2
Total Construction Area – 54667.89 m^2

Landscape area: 1083.26 m^2

Parking Area:
Total area provided for parking: 9544.03 m^2
No. of car parking provided: 207, Mechanical parking : 100
Type of parking (Open/Podium/Stilt/Basement): Yes
Area per car including driveway provided for car parking: As per NBC
Width of all internal roads (m): 9.00 & 6.00M.

B. Water consumption- Total Water Requirement (Domestic, Flushing and gardening) – 313.890 KLD for Commercial Building .Water Source – From PCMC

C. Power Requirement -
Source: Maharashtra State Electricity Distribution Company Limited. **(MSEDCL)**

Number and capacity of the DG sets to be used:
For Commercial Building– 1 x 320 kVA, 2 x 750 kVA

Type of fuel used: HSD.

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 land use, disturbance to the local ecology).

The project falls under the Commercial zone as per the DP. There will not be any change in the land use pattern of the area. Project site will be developed into commercial development hence shall have some impact on air quality, water quality, noise and soil will not be notable. As a matter of fact this activity will have positive impact on socio-economic culture of people residing in the vicinity of the proposed area. There will not be any disturbance to the local ecology as the selected site for the construction is a barren land.

The project site and the surrounding area have Commercial buildings. The open area will be occupied by vegetation, which will be helpful in increasing green cover of the area. Proposed project will require manpower during construction phase and operational phase thereby creating job opportunities. Local skilled and unskilled laborers will have an opportunity for employment directly or indirectly.

There will be additional employment for the poor strata of society by way of domestic helpers, drivers, cleaners etc.

Due to the proposed project, facilities are likely to grow in line with the development. As during the construction and operational phases of the project a workforce will be needed this will be including both skilled and unskilled people. The introduction of workers from

areas outside the region, could introduce a potential effect on the local culture, habits and economics.

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).
Details of Soil quality and slope

No, as per the Seismic Zoning Map of India Pune region falls under Zone- III. Stability Certificate, as per prevalent IS Code will be obtained for these buildings from registered Consulting Structural Engineer considering the seismic forces and wind forces etc.

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)
No, the proposal won't involve alteration of natural drainage systems.

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?)

Earthwork will be generated only from the foundation activity. Whatever volume of soil generated from the foundation activity will be again use for the backfilling of land. Top Soil will be used for the landscaping purpose.

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

Water will be supplied through the Pimpri Chinchwad Municipal Corporation for operation phase and for construction phase water will be provided through tankers.
The Biodegradable waste will be composted at site and non-biodegradable solid waste will be sent to Swach. The construction debris will be sold to authorized vendor.
All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.

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)

No wetland or low laying areas are altered.

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

The construction debris will be sold to authorized vendor. The other waste generated includes the solid waste which will be disposed through the Smart Composter and sludge generated will be used as manure after treatment.

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.
Source: Pimpri Chinchawad Municipal Corporation

- Fresh water (CMD): 313.890
- Recycled water (CMD) (Flushing):- 78.815
- Recycled water (Gardening): 6
- Total Fresh Water Requirement (CMD):-313.89
- Excess treated water: -163.436
- Firefighting (CMD):- 400

2.2. What is the capacity (dependable flow or yield) of the proposed source of water?

Water Source will be Pimpri Chinchwad Municipal Corporation.

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)

Assured water supply will be from Pimpri Chinchwad Municipal Corporation

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)

All Secondary requirements like flushing and gardening would be fulfilled by treated sewage water 130 and 160 KLD from STP.

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)

No, Not Applicable.

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)
Sewage generation from Commercial will be 282.250 KLD will be treated in Sewage Treatment Plant of capacity 130 and 160 KLD from STP. Treated sewage water will be reused for flushing and gardening.

2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.

- Terrace water and floor water will be as per site conditions, diverted with the help of down take pipes to Rain water tank & internal SW Drain respectively.
- Harvesting units will be constructed at various locations in between or near to SWD.
- Necessary obstacles will be designed prior to harvesting; excess water will overflow to external SWD.
- Surface run off along with the terrace runoff will be recharged to ground through 8 Nos. of recharge pits with recharge bores located within the site premises.

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?

Runoff on the site will have positive impact on the rain water harvesting potential For surface rain water recharging through recharge bores will be done.

Management plan for Flood is as follows:

- Storm water drains shall be cleaned at regular interval.
- Mark areas within or leading in or out of the building that may be water logged, flooded or isolated due to the flood.
- The areas will be marked after completion of the project (as final ground levels etc. will be available after completion).
- The vulnerability of the basements should be worked out. Dewatering pumps shall be installed at vulnerable locations.

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)

- Terrace water and floor water will be as per site conditions diverted with the help of down take pipes to Rain water tank & internal SW Drain respectively.
- Harvesting units will be constructed at various locations in between or near to SWD. Necessary obstacles will be designed prior to harvesting; excess water will overflow to external SWD.
- Surface run off along with the terrace runoff will be recharged to ground through 8 Nos. of recharge pits with recharge bores located within the site premises.

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 general ground water level of the project site will not be elevated. The runoff from the site will be filtered mechanically through recharge bores and then will reach aquifers thereby preventing direct pollution of land or aquifers.

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 will be recharged to maximum extent and excess water will be discharged to the nearby storm water line.

2.12. Will the deployment of construction laborers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)

a. During construction phase, temporary toilets will be provided. Hence there is no possibility of unsanitary conditions around the project site.
b. Regular segregation and disposal of solid waste generated by these workers as per PCMC practices.
c. First aid and medical facilities will be provided to all the concerned people working on the site.
d. Proper housekeeping will be maintained throughout the premises.

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)

Sewage will be collected from the closed pipe circuit and transported to the sewage treatment plant and disposal of sewage will be through the biological treatment.

2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

The wastewater generated from the proposed activity shall be domestic. Sewage will be treated in the Sewage Treatment Plants having capacity 50 KLD for Commercial bldgs. The treated sewage water will be used for flushing & gardening.

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)

There will not be any threat of the project to the biodiversity. The selected site for project is barren land. The Project proponents have proposed a landscape development plan, which includes planting of flowering and shady trees, shrubs and lawn within the plot.
Flowering plants, shrubs and lawns shall be planted. So, Biodiversity will in turn increase.

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

New Tree plantation shall be done as per norms. Total 78 nos. of trees on ground. The landscape layout explain the location of trees which are to be planted on ground with respect to location of buildings.

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?)

New Tree plantation shall be done as per norms. Total 78 Nos. of trees will be Planted.

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.

The floristic component of the area does not include any rare or endangered species. Thus, impact on rare and endangered species of flora is nil. There are no potential sources of impacts on terrestrial biological environment during operation phase of said project.

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

The plantations, which would be grown on the site, will be helpful in increasing green cover which enhances aesthetic value to the habitation, also increase avifauna in the area.

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

The proposed project will not have any adverse impact on the flora or 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)

As this will be a Commercial project, air pollution is not expected to be a major concern. There will not be notable increase in pollution therefore dispersion model calculations are not done.

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.

During construction phase, Dust, Particulate Matter is the main pollutant, which may be generated during construction activities. Other emission sources are intermittent and include emissions of SO_2 NOx and CO from materials transport of heavy vehicles on site etc. Proper upkeep and maintenance of vehicles, sprinkling of water on roads and construction site are some of the measures that would reduce the impact during construction phase.

Sources of Air pollution During Operational phase:

- The gaseous emissions from vehicles
- Emissions from DG sets while in operation only during power failure

Mitigation Measures:

- The traffic congestion will be avoided by proper parking arrangement and maintaining smooth traffic flow
- Regular PUC checkup for vehicles
- CPCB approved DG sets only will be used.
- Proper maintenance of DG sets shall be done and Low sulphur fuel shall be used.

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.

Proper arrangement of parking and traffic management is proposed to avoid the traffic congestion.

Total area provided for parking: 9544.03 m^2
No. of car parking provided: 207 + 100 mechanical parking
Type of parking (Open/Podium/Stilt/Basement): Yes
Area per car including driveway provided for car parking: As per NBC
Width of all internal roads (m): 9.00 & 6.00M.

Measures proposed for traffic management at the entry and exit to the project site are:

- Maintaining flow of traffic for approach roads
- Entry and Exit points carefully placed so as not to disturb this flow
- Easy movement of fire tender in and around the complex ensuring accessibility to every building.

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

The project proponents have proposed to provide adequate well organized parking arrangement

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.

The proposed activity being of Commercial development type will not cause a notable increase in the noise and vibration during operation. However, use of heavy machinery is inevitable during construction phase of the project. Sources of noise Pollution during construction phase are machinery like Earthmoving Machinery Mini Hoist Crane, Hoist Crane, Concrete mini mixer, Weigh batcher, Compressors and transportation materials.

Noise has various adverse effects on workers and their activities. The first and foremost effect of noise on workers exposed to high noise level over a long period of severe impulsive noise of short duration is 'Loss of Hearing'. This effect is either temporary or permanent in nature depending upon the length and severity of noise exposure.

Other effects of noise are such as blood pressure, cardiovascular problems and ulcers. Some studies also point to noise related learning difficulties, reduced work efficiency, irritation, fatigue, increased accidents and errors and socially undesirable behavior.

Mitigative Measures:

The project proponents have agreed to take precautions to control noise pollution as mentioned under:

- Use of equipment generating noise of not greater than 90 dB (A).
- High noise generating construction activities would be carried out only during daytime. Also, adequate parking space will be provided to avoid crowding and noise pollution
- Installation, use and maintenance of mufflers on equipment.
- Workers working near high noise construction machinery would be supplied with ear muffs/ear plugs.

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. Sets will be operated only in case of power failures during operational phase. The Pollutants like SPM, 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?

Proposed construction will not result in obstruction of a view, scenic amenity or landscapes. The open spaces have been picturesquely landscaped to capture the variety of flowers and plants.

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

The development will not cause adverse impact on the existing structure rather the project will cause positive impact on the infrastructural and transport facility.

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

No, Not Applicable.

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, Not Applicable.

7. SOCIO-ECONOMIC ASPECTS

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

It could be seen that the overall impact on Socio-Economic Environment is positive and permanent in nature. The impacts on socio-economic environment due to the proposed project are listed below:

- Proposed project will require manpower during construction phase and operational phase thereby creating job opportunities. Local skilled and unskilled laborers will have an opportunity for employment directly or indirectly.

- There will be additional employment for the poor strata of society by way of helpers, drivers, cleaners etc.
- Due to the proposed project, facilities are likely to grow in line with the development.

As during the construction and operational phases of the project a workforce will be needed this will be including both skilled and unskilled people. The introduction of workers from areas outside the region, could introduce a potential effect on the local culture, habits and economics. Those effects have both positive and negative elements and will be managed by the project proponents and developers. The construction phase induces employment opportunities for the local people.

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

The project is situated in the developing part of Pimpri Chinchwad and it is well surrounded by the various facilities like school, hospital, fire station etc.

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

It could be seen that the overall impact on Socio-Economic Environment is positive and permanent in nature. The impacts on socio-economic environment due to the proposed project are listed below:

Positive Aspects of the Projects are as follows

- Improvement in lifestyle and social status, etc.
- Increase in revenue generation.
- Due to the proposed project, facilities are likely to grow in line with the development.
- Possible sources of income for this community are direct like Construction and various job works in Commercial complex.
- As during the construction phases of the project a workforce will be needed which will be including both skilled and unskilled people. The introduction of workers from areas outside the region, could introduce a potential effect on the local culture, habits and economics. Those effects have both positive and negative elements and will be managed by the project proponents and developers. The construction phase induces employment opportunities for the local people.

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)

The construction material to be used will include both renewable and nonrenewable resources including gravel, stones, aggregates, sand, steel, concrete, fly ash mix cement, clay and flyash bricks, paints, tiles, electrical wares, adhesives etc. The materials will be procured from reputed manufacturers with test certificates as per BIS specifications.

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

Transport will be only from the closed vehicles and those vehicles will be regularly checked for their emissions to reduce the pollution load on the environment.

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

Yes, during construction excavated material will be used for backfilling and remaining will be sold to authorized vendor.
Locally available materials and materials with recycled content would be considered to the extent possible.

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

Segregation	**segregation of dry and wet waste at source**
Collection	**Segregated waste will be collected by cleaning staff and taken to Garbage room in parking area**
Treatment	**Biodegradable waste: Through composting machine** **Non- Biodegradable waste: Collected by Swach**
Disposal	**Biodegradable: Used as manure for gardening** **Recyclable : Sold to vendors** **Inert: Handover to PCMC for disposal**

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?

Source – Maharashtra State Electricity Distribution Company Limited (MSEDCL)

D.G.set – 1 x 320 kVA, 2 x750 kVA
Type of fuel used: HSD.

Alternative Back Up: - Diesel Generator (DG) Set for lifts, Common Lighting, Water pumps & other essential services.

ENERGY CONSERVATION MEASURES :

- Using high efficient equipment & BEE Certified Motors for Water pumps
- Use of Variable speed drives for Lifts
- Use of CFL / T-5 Fittings & Electronic Ballast in Common area
- Use of LED Fittings in Lighting of lift lobby or passages
- Use of solar based lighting systems in common areas.
- Using VFD for Fan and pump for STP
- Using high efficient equipment & BEE Certified Motors for Basement ventilation

Solar based Hot water systems

- Using high efficient equipment & BEE Certified Motors for Water pumps

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

D.G.set – For Commercial Building– 1 x 320 kVA, 2 x750 kVA

Type of fuel used: HSD.

Alternative Back Up: - Diesel Generator (DG) Set for lifts, Common Lighting, Water pumps & other essential services.

D.G. set Calculation includes all Pollution Control devices (STP, Composting machine), Water Supply pumps, Lift and Fire fighting

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 used for the windows will be single glazed glass and U value glass less than 0.4 will be used.

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

In passive solar building design, windows, walls, and floors are made to collect, store, and distribute solar energy in the form of heat in the winter and reject solar heat in the summer.

- Placement of room-types, internal doors & walls, & equipment in the house.
- Orienting the building to face the equator

- Extending the building dimension along the east/west axis
- Adequately sizing windows to face the midday sun in the winter, and be shaded in the summer.
- Minimizing windows on other sides, especially western windows
- Erecting correctly sized, latitude-specific roof overhangs, or shading elements (shrubbery, trees, trellises, fences, shutters, etc.)
- Using the appropriate amount and type of insulation including radiant barriers and bulk insulation to minimize seasonal excessive heat gain or loss
- Using thermal mass to store excess solar energy during the winter day (which is then re-radiated during the night)

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.

We are proposing solar water heating system

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?

We are proposing a 78 no. of trees around the building for the shading effect and to reduce the load of cooling systems.

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.

As this is the Commercial development, we are not proposing any cooling system which will use CFC .

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 construction project is the Commercial development and developed on a very small area hence does not create any heat island effect or inversion effect.

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.

Building material used will be environment friendly. Fly ash will be used for the construction work in the concentration of (80:20) to reduce the load of the cement. Glass used will be having less U value and R value to reduce the energy consumption and absorption of solar radiation.

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

Proper fire fighting plan is prepared as well as we are proposing fire line and the water storage only for the fire fighting is proposed.

- Water Storage tank with pumping, wet riser, and Hose reel
- Fire Alarm system will be provided for the entire building & main control panel should be installed in the Parking.
- The Main Line from the pump room is Laid in the ring main system & also connected with Fire Brigade inlet connection post.
- Hydrants are placed along the compound of the Building at 45m distance.
- Active Fire protection system (i.e. Hoses, Fire Alarms) should be installed.
- Fire extinguishers are provided in lobby area.
- External & internal Hydrant are also provided.
- Sprinkler System for basement floors.

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

Glass is used are only for the windows as this is a commercial development. And glass will not be used as a wall material.

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

It has not been studied.

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.

Solar Water heating system is 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. **(Please Refer Annexure – 4 for EMP)**

LIST OF ANNEXURES

SR. NO.	DESCRIPTION
1	Master Plan
2	Area Statement
3	Location Map
4	Environmental Management Plan

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ANNEXURE-A-17

Agenda for 77th Meeting of SEAC-3	
SEAC Meeting number: 77 **Meeting Date** December 5, 2018	
Subject: Environment Clearance for Proposed Commercial development Project namely Bramha Sky Uzuri by Bramha leisures Pvt.Ltd.	
Is a Violation Case: No	
1.Name of Project	BRAMHA SKY UZURI
2.Type of institution	Private
3.Name of Project Proponent	Mr. Vishal Agarwal
4.Name of Consultant	Building Environment India Pvt. Ltd.
5.Type of project	Commercial Project
6.New project/expansion in existing project/modernization/diversification in existing project	New Project
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Not applicable
8.Location of the project	Sr.No. 209/A/2
9.Taluka	Haveli
10.Village	Pimpri
Correspondence Name:	Bramha Leisures Pvt.Ltd.
Room Number:	NA
Floor:	1st
Building Name:	250-251, Bramha House
Road/Street Name:	M.G.Road
Locality:	Camp
City:	Pune
11.Area of the project	PCMC
12.IOD/IOA/Concession/Plan Approval Number	Applied to PCMC for IOD
	IOD/IOA/Concession/Plan Approval Number: Applied to PCMC for IOD
	Approved Built-up Area: 54668
13.Note on the initiated work (If applicable)	Work initiated below 20000 sq.m., withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	NA
15.Total Plot Area (sq. m.)	7729.66 Sq.M.
16.Deductions	0
17.Net Plot area	7729.66 Sq.M.
18 (a).Proposed Built-up Area (FSI &Non-FSI)	**a) FSI area (sq. m.):** 21689.80
	b) Non FSI area (sq. m.): 32969.09
	c) Total BUA area (sq. m.): 54667.89
18 (b).Approved Built up area as per DCR	**Approved FSI area (sq. m.):** 21689.80
	Approved Non FSI area (sq. m.): 32969.09
	Date of Approval: 01-01-1900
19.Total ground coverage (m2)	3881.71
20.Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	50.2 % of net plot area

21.Estimated cost of the project	1326800000
22.Number of buildings & its configuration	

Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)
1	Wing A	3 B+GF+UG+10 Floor	38.25
2	Wing B	3B+LG+UG+11 Floor	39.95
3	Wing C	3B+LG+UG+11 Floor	39.95
4	Club House	G+1	6.65

23.Number of tenants and shops	Wing A & B- Total No. of Shops - 71 nos. and Office - 259 nos. Wing C-127 Rooms
24.Number of expected residents / users	Shops & Offices - 1932 Nos, Restaurants - 2081 Nos., Service Apartment -254 Nos. Total- 4267 Nos.
25.Tenant density per hectare	5520.29
26.Height of the building(s)	
27.Right of way (Width of the road from the nearest fire station to the proposed building(s)	18 M
28.Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9 M
29.Existing structure (s) if any	NA
30.Details of the demolition with disposal (If applicable)	NA

31.Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable

32.Total Water Requirement

Dry season:	**Source of water**	PCMC
	Fresh water (CMD):	313.890
	Recycled water - Flushing (CMD):	78.815
	Recycled water - Gardening (CMD):	6
	Swimming pool make up (Cum):	4
	Total Water Requirement (CMD) :	313.890
	Fire fighting - Underground water tank(CMD):	400
	Fire fighting - Overhead water tank(CMD):	60

	Excess treated water	163.436
Wet season:	**Source of water**	PCMC
	Fresh water (CMD):	313.890
	Recycled water - Flushing (CMD):	78.815
	Recycled water - Gardening (CMD):	0
	Swimming pool make up (Cum):	4
	Total Water Requirement (CMD) :	313.890
	Fire fighting - Underground water tank(CMD):	400
	Fire fighting - Overhead water tank(CMD):	60
	Excess treated water	169.436
Details of Swimming pool (If any)	C wing- swimming pool(6.81 x 9.35)+ jaccuzi (6.29 x 4.00) + kids pool(6.29 x 4.00) at fourthfloor Open space - swimming pool (10.00 x 4.70)+ kids pool area(3.00x 4.70) The average depth of Swimming Pool: 1) Main pool of C-Wing 750mm 2) Kids pool 600mm and 3) Main pool of Open Space 1200mm	

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	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

34.Rain Water Harvesting (RWH)	**Level of the Ground water table:**	12 m BGL
	Size and no of RWH tank(s) and Quantity:	39 M3 and 1 No.
	Location of the RWH tank(s):	Near Wing B
	Quantity of recharge pits:	8
	Size of recharge pits :	2 m x 2 m x 2 m
	Budgetary allocation (Capital cost) :	382560
	Budgetary allocation (O & M cost) :	40000
	Details of UGT tanks if any :	1 no. for Wing A & B 413.345 KLD1 no. for Wing C 473.490 KLD

35.Storm water drainage	**Natural water drainage pattern:**	East To West
	Quantity of storm water:	39 m3
	Size of SWD:	600 mm x 600 mm

Sewage and Waste water	**Sewage generation in KLD:**	282.250
	STP technology:	FMBR TECHNOLOGY
	Capacity of STP (CMD):	2 NOS. 1 FOR Wing A & B - 130 KLD AND 1 FOR Wing C -160 KLD
	Location & area of the STP:	Near Wing C , Area - 130 Sq.m.
	Budgetary allocation (Capital cost):	7824000
	Budgetary allocation (O & M cost):	391200

36.Solid waste Management

Waste generation in the Pre Construction and Construction phase:	**Waste generation:**	Total excavation generated during pre construction and construction phase - 78961 Cum out of which reused at site 10156 Cum and remaining 68805 Cum handed over to Authorized vendor
	Disposal of the construction waste debris:	Construction waste includes waste concrete, excavated soil, broken bricks, waste plaster, metallic scrap etc. Construction debris will beused for base course preparation and excess will be hand over to Autorized vendor
Waste generationin the operation Phase:	**Dry waste:**	757 Kg/day
	Wet waste:	894 Kg/day
	Hazardous waste:	Negligible
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	40 Kg
	Others if any:	NA
Mode of Disposalof waste:	**Dry waste:**	Collected & Disposed by local body (swach)
	Wet waste:	Treated in organic waste composting and used as manure.
	Hazardous waste:	Send to Authorized vendor
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	Used as manure for gardening purposes
	Others if any:	NA
Area requirement:	**Location(s):**	Near Wing C
	Area for the storage of waste & other material:	12 m2
	Area for machinery:	27 m2
Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	2575000
	O & M cost:	523391

37.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

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	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

40.Details of Fuel to be used

Serial Number	Type of Fuel	Existing	Proposed	Total
1	Not applicable	Not applicable	Not applicable	Not applicable

41.Source of Fuel	Not applicable
42.Mode of Transportation of fuel to site	Not applicable

43.Green Belt Development	**Total RG area :**	1083.26 m2
	No of trees to be cut :	0
	Number of trees to be planted :	78 Nos.
	List of proposed native trees :	78 nos.
	Timeline for completion of plantation :	2 Years

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	Nyctanthes Arbor-Tortis	Parijatak	5	Small deciduous fast growing
2	Bahunia Variegata	Mountain Ebony	7	Flowering plant,Deciduous
3	Michellia Champa	Sonchaffa	8	Medium Evergreen Tree
4	Anthocephalus Kadamba	Kadamba	7	Shady,deciduous Fast Growing
5	Dalbergia Sisoo	Shisoo	6	Fast growing medium to large hardy deciduous rosewood.
6	Azadirakta Indica	Neem	2	Fast growing large tree, evergreen good for roadside plantation, draught resistant, shade giving tree.

7	Mangifera Indica	Mango	8	Flowering and Fruit growing tree, dense, nesting for avi fauna.. Suitable for all types of soil. Medium logging to water tolerence.
8	Cassia Fistula	Bahawa	3	Medium sized deciduous tree. Beautiful yellow flowers, Butterfly host plant.
9	Ailanthus Excelsa	Maharukh	3	Softwood tree. one of the best tree used to trap Suspended Particulate Matter (SPM)
10	Lagerstromia Speciosa	Tamhan	8	Medium sized Tree, Beatuful Purple flower
11	Ficus Microcarpa	Nandruk	4	Shady Tree
12	Syzygium cumuni	Jambhul	4	Evergreen, Slow growing
13	Murraya koenigii	Curry Leaves	8	Butterfly Host Plant
14	Phyllanthus emblica	Amla	5	Deciduous tree with edible fruits
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	NA	NA	NA

47.Energy

Power requirement:	**Source of power supply :**	MSEDCL
	During Construction Phase: (Demand Load)	200 kW
	DG set as Power back-up during construction phase	2 x 82.5 kVA
	During Operation phase (Connected load):	4686.12 kVA
	During Operation phase (Demand load):	3356 kVA
	Transformer:	3 x 630 kVA, 1 x 315 kVA, 1 x 1.5 MVA
	DG set as Power back-up during operation phase:	1 x 320 kVA , 2 x 750 kVA
	Fuel used:	HSD
	Details of high tension line passing through the plot if any:	NA

48.Energy saving by non-conventional method:

- Using high efficient equipment & BEE Certified Motors for Water pumps
- Use of Variable speed drives for Lifts
- Use of CFL / T-5 Fittings & Electronic Ballast in Common area
- Use of LED Fittings in Lighting of lift lobby or passages
- Use of solar based lighting systems in common areas.
- Using VFD for Fan and pump for STP
- Using high efficient equipment & BEE Certified Motors for Basement ventilation
- Solar based Hot water systems

49.Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Solar Water Heating System, solar based lighting systems in common areas , CFL / T-5 Fittings & Electronic Ballast in Common area	46 %

50.Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Waste water generation from Proposed project	Not applicable	Proposed STP having capacity 130 KLD and 160 KLD with FMBR Technology
Wet Waste from the proposed project	Not applicable	Proposed OWC having capacity 894 kg/day

Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	6000000
	O & M cost:	1500000

51.Environmental Management plan Budgetary Allocation

a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Water for Dust Suppression	-	3
2	Site Sanitation & Safety	-	5
3	Environmental Monitoring	-	3
4	Drinking water facility	-	2
5	Personnel Protective Equipment & Health Checks-Ups	-	5
6	Total	-	18

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	Rain Water harvesting	-	382560	40000
2	STP	-	7824000	391200
3	Landscape & Tree Plantation	-	2097035	628952
4	Energy Saving	-	6000000	1500000
5	Solar Water Heating	-	2000000	300000
6	Swimming Pool	-	2114970	105748
7	Environmental monitoring	-	0	800000
8	Total	-	22993565	4289291

51.Storage of chemicals (inflamable/explosive/hazardous/toxicsubstances)

Description	Status	Location	Storage Capacity in MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month inMT	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:	NA
Parking details:	**Number and area of basement:**	3 Nos. 9544.03 Sq.M.
	Number and area of podia:	NA
	Total Parking area:	9544.03 Sq.M.
	Area per car:	Provided as per NBC
	Area per car:	Provided as per NBC
	Number of 2-Wheelers as approved by competent authority:	637
	Number of 4-Wheelers as approved by competent authority:	207 + 100 (Mechanical parking)
	Public Transport:	NA
	Width of all Internal roads (m):	Min.6 M
	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	Category B
	Court cases pending if any	NA
	Other Relevant Informations	Withdrawal of Violation from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
	Have you previously submitted Application online on MOEF Website.	Yes

	Date of online submission	30-06-2016
SEAC DISCUSSION ON ENVIRONMENTAL ASPECTS		
Environmental Impacts of the project	-	
Water Budget	-	
Waste Water Treatment	-	
Drainage pattern of the project	-	
Ground water parameters	-	
Solid Waste Management	-	
Air Quality & Noise Level issues	-	
Energy Management	-	
Traffic circulation system and risk assessment	-	
Landscape Plan	-	
Disaster management system and risk assessment	-	
Socioeconomic impact assessment	-	
Environmental Management Plan	-	
Any other issues related to environmental sustainability	-	
Brief information of the project by SEAC		
PP remained **absent**. The proposal was **deferred.**		
DECISION OF SEAC		
PP remained **absent**. The proposal was **deferred.** **Specific Conditions by SEAC:** **1)** Nil.		
FINAL RECOMMENDATION		
Kindly find SEIAA decision above.		

//TRUE COPY//

ANNEXURE-A-18

PIMPRI CHINCHWAD MUNICIPAL CORPORATION, PIMPRI-411018

(Following numbers and dates may be mentioned in the correspondence hereinafter)

(This certificate is issued to the applicant without taking into consideration title of the property or building)

(Commencement Certificate)

Certificate for commencement of Construction

Revised to B.P./Pimpri/36/18, Dt. 31/3/18

Subject to the following printed terms, said commencement certificate and consent letter for construction is being issued in accordance with provisions in sections 45 and 29 of the Maharashtra Regional and Town Planning Act, 1966 and (Sections) 253 and 254 of the Bombay Municipal Corporation Act, 1949. *(Token No. 103318190014867)*

Pimpri Chinchwad Municipal Corporation, Pimpri-411018
Number- B.P./Pimpri/38/2019
Date: 16/05/2019

To, **M/s. Brahma Leisures Private Limited** through director **Shri. Vishal Surendrakumar Agrawal** through L. A. **Shri. Sangram Salunkhe**, address: **Gaikwad Avenue Building, Aundh, Pune-07**.

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in accordance with Sec. 45 of the Maharashtra Regional and Town Planning Act, 1966 and Section 253 and 254 of the Bombay Provincial Municipal Corporation Act, 1949 seeking permission for commencement of construction on the land within the limits of Pimpri Chinchwad Municipal Corporation bearing Survey No. **209/A/2**, CTS No. **4702**, Plot No. **2/3/B** Pimpri, which was received by us on **26.03.2019**. Accordingly, a consent letter for

carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to _____ hereunder.

1) The construction is to be carried out as shown in the new / revised plan.
2) When the work of construction done upto the plinth, the set-back may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
3) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
4) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.
5) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.
6) If there are trees on the concerned land where new construction is to be initiated then such trees should not be cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.
7) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the

aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction or for making construction without obtaining completion certificate.

8) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate if Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.

9) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.

10) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.

11) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.

12) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.

13) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the

building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.

14) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.

15) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.

16) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map may be furnished to this office before obtaining part of full completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.

17) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.

18) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.

19) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.

20) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that regard. The corporation should not be suffered for same. This consent letter for commencement for construction is being sanctioned on this term.

21) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.

22) Construction will not be carried out without submission of Class-1 land confirmation and “No Objection Certificate” for class-2 land to Municipal Corporation from Hon’ble Sub-divisional officer / Hon’ble Additional District Collector/ Hon’ble Collector.

23) Flats to be given to be MHADA with due completion and only after transfer to MHADA, remaining buildings will receive part/ full completion certificate.

24) Building permission is issued in relation with the undertaking given by developers in respect of the ULC.

25) It is mandatory on part of all construction entrepreneur / developers/ land owners to fulfill the official provisions of laws related to Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and The Contract Labour (Regulation and Abolition) Act, 1970 for their safety, health and welfare measures.

26) It is mandatory on part of developer that required minor minerals for the building construction will be purchased from officially published and licensed holders permitted to stone, metal, aggregate, soil, sand as per the notification no. mining/KV/877/2016 dated 31.03.2016 issued by Hon'ble Collector of Pune.

27) In case, if construction area of plot is more than 5000 Sq. Mtrs, then it is mandatory to obey the terms and conditions stipulated in notification dated 28 June 2017 issued by Ministry of Environment, Forest and Climate Change and if the construction area of plot more than 20000 Sq. Mtrs., then it is mandatory to obey the terms and conditions stipulated in circular dated 29 January 2018 and in said case construction will not be started without submission of NOC from Environment Department.

28) It is mandatory on part of developers to register under Real Estate Regulation and Development Act, 2016 (RERA) within stipulated time.

29) Developer has to install and operate the WATER RECYCLE UNIT in case the plot area more than 2000 Sq. Mtrs. or total flats more than 50.

Sd/-	Sd/-	Sd/-

Dy. City Engineer Pimpri-Chinchwad Municipal Corporation Pimpri, Pune-411018	Executive Engineer Pimpri-Chinchwad Municipal Corporation Pimpri, Pune-411018	City Engineer Pimpri Chinchwad Municipal Corporation Pimpri-18

Copy for information

1) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/ Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/ Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple Saudagar/ Wakad/ Rahatani/ Thergaon for information and further action.
2) Tax Collection Department, Head Office.
3) Hon'ble CEO, Pune Housing and Area Development Authority, Agarkar Nagar, Pune 411001 (MHADA)

-SOME IMPORTANT INSTRUCTIONS-

-REGARDING COMMENCEMENT OF USE OF SPACE-

1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
2) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing though the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
3) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.
4) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities (Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.
5) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. It the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and

construction may be commenced after obtaining such consent letter.

6) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.

7) The water meter may get set to the tap through the municipal corporation before commencement of construction.

8) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. It the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner

himself could not use the building for himself or could not allow other to the same.

9) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall be place neatly in such a manner that any dirt should not go inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.

10) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.

11) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.

12) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.

13) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.

14) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.
15) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost, In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,
16) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.
17) To control dengue, chicken gunny, malaria etc. mosquito, water collection tanks at construction site will mandatorily be covered. Developer will make arrangement to dispose off the water collected around the water collection tanks mandatorily. Also it will be responsibility of the developer to make anti-mosquito spraying of malaria oil, abet etc.
18) It is mandatory on part of all construction entrepreneur / developers/ land owners to obtain insurance of all labors working at construction site and plinth check will not be issued without submission of related documents.
19) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

Developer/ Owner Address: - **Construction Site Address:-**

Mobile No. 9049215729
Sr. No. 209/A/2, Pimpri Pune,

Mauje Pimpri Sr. No. 209/A/2,
CTS-4702.

//TRUE TRANSLATION//

4th Floor, E-71, Preet Vihar, New Delhi-110092. Contact No. 9560466009,
E-mail: nitinlonkar@gmail.com

ADVOCATE

NITIN LONKAR
ADVOCATE

NOTICE/ COMPLAINT

(R.P.A.D/SPEED POST)

Dated: - 19/05/2019

To,

1. **UNION OF INDIA**
   Through Secretary,
   Ministry Of Environment and Forest
   Paryavaran Bhawan, CGO Complex,
   Lodhi Road, New Delhi –110001

2. **CHIEF SECRETARY,**
   Government of Maharashtra,
   Annex Building, Mantralaya, Mumbai - 400 032

3. **THE PRINCIPAL SECRETARY, ENVIRONMENT DEPARTMENT**
   Government of Maharashtra,
   Room No. 217, 2nd Floor, Annex Building,
   Mantralaya, Mumbai-400 032

4. **STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY- MAHARASHTRA (SEIAA)**
   Through Member Secretary
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai-400 032

5. **STATE EXPERT APPRAISAL COMMITTEE-III MAHARASHTRA (SEAC-III)**
   Through Member Secretary
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai-400 032

6. **MAHARASHTRA POLLUTION CONTROL BOARD**
   Through Member Secretary,
   Kalptaru Point, 3rd Floor, Near Sion Circle,
   Opp. Cine Planet Cinema, Sion (E), Mumbai-400 022

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7. MAHARASHTRA POLLUTION CONTROL BOARD
Through Regional Officer
Jog Centre, 3rd Floor, Mumbai-Pune Old Highway,
Wakadewadi, Pune-411 003

8. MUNICIPAL COMMISSIONER-PCMC
Pimpri-Chinchwad Municipal Corporation,
PCMC Building, Old Mumbai-Pune Highway,
Pimpri, Pune-411 018

9. CITY ENGINEER-PCMC
Pimpri-Chinchwad Municipal Corporation,
PCMC Building, Old Mumbai-Pune Highway,
Pimpri, Pune-411 018

10. COLLECTOR OF PUNE
As Collector and President of District Environment protection Committee-Pune, Collector office, Bund garden, Pune-411001

11. M/s. BRAMHA LEISURES PRIVATE LIMITED
A Limited Company registered under Indian Company Act-1952 with (CIN) U55101PN2009PTC134096,
Having registered office at– "Bramha House", 250/251 M. G. Road, Camp, Pune 411001.
E-mail: vishal574@yahoo.co.in
Through its Directors
11A. Surendrakumar Bramhadutta Agrawal
11B. Vishal Surendrakumar Agrawal

SUBJECT: - EIA Notification-2006 r/w Environment (Protection) Act-1986 along with Water (Prevention and Pollution Control) Act-1971 and Air (Prevention and Pollution Control) Act-1984 for carrying out illegal building construction in project "**Bramha Uzuri**" without prior Environmental Clearance and Consent to

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E-mail: nitinlonkar@gmail.com

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Establish by M/s. Bramha Leisures Pvt. Ltd. in their commercial project situated at Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation (PCMC).

Sir/ Madam,

1. Under the instruction of my client **Mr. Ajay Jayvantrao Bhosale**, R/o- 25B, Cycle Society, Nana Peth, Near Y. M. C. Club, Pune-411011, I have to address you by this notice as under;
2. That my client is Social Activist and Environment Protection Activist residing in Pune. It is important to bring to your notice that very serious violations various act causing damage to natural resources, Air Pollution, Water Pollution and various permissions are obtained by from government authority by misleading them are committed by the Project Proponent (PP). These acts have caused and are still causing irreparable damage and degradation to environment and ecology in substantial manner. My client would like to inform this entire scam to your knowledge & notice for investigation and further strongest action against the Noticee No. 11 -Builder/ Developer/ Project Proponent with earnest intention to prevent such illegal activities in view to stop further damage to the environment and ecology.

3. **PARTICULARS OF PROJECT UNDER CHALLENGE AND PROJECT PROPONENT: -**

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a. That, the project under challenge is the purely commercial project situated at the Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation as local authority / sanctioning authority.

b. That the present development of the project is undertaken by M/s. Bramha Leisures Pvt. Ltd. on piece of land admeasuring an area of 10447.99 Sq. Mtrs. and present development is traded in name and style of "**Bramha Uzuri**".

c. That the project proponent is beneficiary and profit making company registered under Indian Company Act and PP is also responsible for all illegal activity committed during the construction phase as well as for the damage caused to environment and ecology due to this project activity.

4. CONSTRUCTION BEING CARRIED OUT WITHOUT ANY ENVIRONMENTAL CLEARANCE AND CONSENT TO ESTABLISH IN BLATANT VIOLATION OF THE ENVIRONMENTAL LAWS, POLLUTION CONTROL ACT AND EIA NOTIFICATION, 2006.

a. As per the EIA notification 2006 dated 14.09.2006, it is mandatory to obtain the prior environment clearance from SEIAA and consent to establish from MPCB before commencement of any construction work on part of Project proponent. But the project proponent has started and completed most of the construction activity.

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Table No.1: - Actual Construction carried out at site without Environmental Clearance and Consent to Establish.

Description	EC Permission	Completed	Under Construction	Total Proposal
Shops	0	71	0	71
Offices	0	50	250	259
Rooms	0	0	127	127
No of Commercial Buildings	0	0	3	3
Floors	0	4 Basements +G+1	2 to 11 Floors	4B+G+10/11
Built-Up Area (Sq. Mtrs)	0	18000	36500	54600

5. VIOLATIONS OF PROJECT PROPONENT & AUTHORITIES: -

a. That the PP has undertaken the excavation activity in 2012 and construction activity on December-2017

b. That, the project proponent has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.

c. PP has not obtained Environment Clearance and also has not obtained prior Consent to Establish from MPCB (ex-post fact consent to establish dated 10.03.2015).

d. Non-compliance to the terms & condition of C to E dated 10.03.2015.

e. Construction activity is undertaken without Environment Impact Assessment

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f. Illegally extraction of Ground water without any permission for extraction of ground water from competitive authority.

g. Huge quantity of fresh water is consumed by this project

h. No soil is preserved and no soil test is conducted.

i. Illegal operation of DG set for construction and causing air pollution

j. Construction Solid waste is generated and no scientific disposal

k. Sewage water is generated and no scientific treatment and STP is not installed

l. Illegal burden on the public facilities

m. Substantial damage to environment and ecology to the tune of Rs. 150 Crores.

n. PP is unapologetic and PP has adopted careless and reckless attitude towards the environment protection.

o. Thus it is mandatory to stop the project construction permanently till the compliance / rectification of the above illegal act and removal of the defects from the construction.

6. PCMC SANCTIONS AND BUA OF PROPOSED CONSTRUCTION IS MORE THAN 20000 SQ. MTRS:

a. That the PP obtained first (original) sanction vide no. B.P./Pimpri/64/2015 dated 30.09.2015, then revised vide no. B.P./Pimpri/76/2015 dated 24.11.2016 and latest revision vide B.P./Pimpri/36/2015 dated 31.03.2018.

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b. That the total construction BUA proposed by the PP for this project vide sanction dated 30.09.2015 was 24555.67 Sq. Mtrs.,

c. That the total construction BUA proposed by the PP for this project vide sanction dated 24.11.2016 was 21558.60 Sq. Mtrs.

d. That the total construction BUA proposed by the PP for this project vide sanction dated 31.03.2018 was 19991.36 Sq. Mtrs. and this area of 19991.36 Sq. Mtrs. and this BUA is false and misleading & suppressed to overcome the illegality of EC & Consent.

e. That, the project land is demarcated in the residential zone as per the development plan for the. But the activity under taken by the PP is purely commercial activity and just very small existing residential activity.

f. That the change demarcated occupancy in DP Sanction from residential to commercial is going to increase in the drastic traffic load of the area, increase in the population, increase in the electricity consumption, fresh water consumption, load on the local infrastructure. It is important to note that, this type of changes in the development plans are not permitted without prior permission from the state government. Therefore the present development is not permissible in the area.

g. It is to be noted that, the illegal change in the development from residential to commercial and total revisions are made only with ulterior motive to give illegal benefits to the PP.

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this illegal act is done by the PCMC officers intentionally defiantly for getting benefits other than remuneration.

h. This conduct of government servants is completely against the interest of public at large and it is completely failure of the local authority at the cost of corruption.

7. PP HAVE NOT OBTAINED ANY ENVIRONMENT CLEARANCE AND COMMITTED VIOLATION OF EIA NOTIFICAITON-2006:

a. That, the MoEF & CC issued Environment Impact Assessment Notification on 14.09.2006 i.e. EIA Notification-2006 mandating prior environment clearance for the building construction project activity listed at item-8 in the schedule of notification having total built up area more than 20000 Sq. Mtrs.

b. That the total construction BUA proposed by the PP for this project vide sanction dated 30.09.2015 was 24555.67 Sq. Mtrs.,

c. That the total construction BUA proposed by the PP for this project vide sanction dated 24.11.2016 was 21558.60 Sq. Mtrs.

d. That the total construction BUA proposed by the PP for this project vide sanction dated 31.03.2018 was 19991.36 Sq. Mtrs. and this area of 19991.36 Sq. Mtrs. is intentionally shown less to suppressing actual BUA to overcome the requirement of the EC and Consent to establish and other required permissions.

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e. That the PP applied for EC in 2015 and wherein DoE issued show cause notice to PP and SEAC-III noted that the PP has initiated the construction prior to EC and this is violation case.

f. Thereafter SEAC-III was considered the project in its 51st meeting held on 26.07.2016 and it was noted that, work initiated below 20000 Sq. Mtrs., therefore withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015.

g. That the prior EC is mandatory as per EIA notification-2006 and no construction is allowed except fencing at the site. But PP completed the excavation work prior to application and started the construction before EC application to SEAC.

h. That the PP did not stopped the construction and but the again applied online for the EC on 30.06.2016. This online application shows that, the PP have proposed the construction of three buildings with one club house. That the total BUA of the proposed construction is 54667.89 Sq. Mtrs. and total shops proposed are 71 numbers, total offices proposed are 259 numbers and total rooms proposed are 127 numbers.

i. That the proposal was considered in 77th SEAC-III meeting held on 05.12.2018, wherein the PP was remain absent and finally PP have withdrawn the proposal for the EC.

j. That the PP is failed to obtain the prior environment clearance in the preset case and carried out activity of

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excavation, felling of trees without permission and unscientific disposal of debris.

k. Therefore PP has committed violation of EIA Notification-2006.

8. VIOLATION OF TERMS AND CONDITION OF PRIOR CONSENT TO ESTABLISH DATED: 10.03.2015 : -

a. It is mandatory to obtain the prior 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.

b. That the PP has made applied for the consent to establish on 05.07.2014, but started construction without such consent from the board.

c. That the said application was considered in 26th CAC Meeting held on 24.02.2015 decided to grant Consent to Establish for 5 Star Hotel (139 Rooms) with commercial project of M/s. Bramha Leisures Pvt. Ltd., at Survey No. 209/A/2, CTS No. 4702 at Pimpri, Tal-Haveli, Dist-Pune on total plot area of 9337.66 Sq. Mtrs. and Total Construction Area (FSI + Non-FSI) of 36611.49 Sq. Mtrs. including utilities and services as per construction commencement certificate issued by Local body and granted the consent to establish dated 10.03.2015 which is nothing but ex-post facto consent.

d. That the MPCB was recorded the violation of PP in its consent condition no. 10, "***PP shall submit the affidavit***

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within 15 days in the prescribed format regarding the compliance of conditions of EC and C to E".

e. That the MPCB was recorded the violation of PP in its consent condition no. 11, ***"PP shall submit Board Resolution from company's board stating that they have started construction work without obtaining consent to establish from MPC Board and Environment Clearance thus violated the provisions of Environmental Laws and they assure that they will not do such violations in future and shall submit BG of Rs. 2 lakh towards submission of Board resolution within one month."*** Therefore PP himself has admitted the violation.

f. That the MPCB was recorded the violation of PP in its consent condition no. 12, ***"PP shall submit an affidavit within 15 days of issue of consent towards not taking further effective steps prior to obtaining EC and shall submit BG of Rs. 10 lakh within 15 days of issue of consent, for ensuring the compliances. As per para-2 of EIA notification dated 14/09/2006, the effective steps include starting of any construction work or preparation of land by the project management. However as clarified by MoEF vide office Memorandum no. J-1103/41/2006-IA.II (I); dated 19.08.2010, fencing of site to protect it from getting enrichment & construction of temporary shed(s) for guard (s) &***

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acquisition of land shall not be treated as an effective steps."

g. That the PP is extracting the ground water for construction and also discharging polluted water to the sever line of PCMC.

h. That the PP have not made arrangement for the disposal of sewage and solid waste generated from the labour camp.

i. There is huge air pollution and noise pollution due to this construction as this construction is creating traffic congestion in the area and noise due the heavy vehicles & equipments operated for the construction

j. That the dust from the project is also spreading on the road and creating obstacle for the street passer.

k. That the sewage generated from Construction worker camp is directly connected to the PCMC sever line.

l. That the PP is using DG sets of capacity more than 100 KVA which are emitting gases with particulate matters rate of 200 mg/Nm^3 causing pollution of the air.

m. Thus the PP has committed intentional violation under Water (Prevention & Control of Pollution) Act, 1974 & under Air (Prevention & Control of Pollution) Act, 1981 and caused damage to the environment and ecology.

n. There is no online monitoring system installed by PP for BOD, TSS, and flow at the outlet of STP.

o. There is no treatment of the sewage water and also there no disinfection of the said water.

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p. Therefore PP have committed violations of terms and conditions of this consent to establish.

9. ILLEGAL FELLING OF TREES ON PROJECT SITE:-

a. That the project site had more than 60 fully grown tress of various types and it was duty of PP to protect those trees.

b. But PP has cut more than 50 trees in illegal manner without any permission from the concern authority and even not made any plan for replantation.

c. That the air pollution of the PCMC is increasing day to day and these trees were playing very important role of CO consumer, providing shelter & shadow to the birds and for maintaining ground water level etc.

d. Therefore PP has caused damage to the environment due to illegal cutting of trees without any replantation and without any permission from concern authority.

10. ILLEGAL EXCAVATION, NO SOIL PRESERVATION AND NO SOIL TEST AND CONSTRUCTION AT PROJECT SITE AND FURTHER UNSCIENTIFIC DISPOSAL OF CONSTRUCTION WASTE: -

a. As per EIA Notification-2006, no activity related to construction is allowed without prior Environment Clearance, but the PP has started excavation on 06.04.2012 and after substantial excavation, said activity was stopped till end of 2016 and said activity again resumed in

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September-2017 and completed the excavation on December-2018.

b. That the surface area of the excavation is 1926.27 Sq. Mtrs. (Ground Coverage) and depth of excavation is 18 Mtrs., therefore quantity of the exaction material is 34672.86 Cu. Mtrs. this quantity of huge excavation is due to four basements are constructed by the PP.

c. That the PP has disposed the excavated waste of 34672.86 Cu. Mtrs. in illegal manner and no scientific approached is adopted. Also the quantity of the said material is disclosed in the Form-1 of EC Application.

d. That the earth structure at the project site is 4 Mtrs soil, 5 Mtrs Murum and 9 Mtrs. basalt.

e. That the PP has carried out excavation of soil to the tune of 1926.27 Sq. Mtrs x 4 Mtrs = 7705.08 Sq. Mtrs.. and that the soil excavated must be used for development of recreational space and for plantation of the trees.

f. But the PP has not preserved the soil for development of recreational open space.

g. That the PP has to make soil test for various analysis, but PP has not made any soil test.

h. That the PP has made the illegal excavation prior to the application of EC and not preserved any soil and also not tested soil for contamination.

i. That the PP has also not disclosed the quantity of solid waste generated during the construction phase.

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j. That the PP has also not disclosed the quantity of the building material to be used.

11. ILLEGAL GROUND WATER EXTRACTION FROM BORE WELLS, NO GROUND WATER TEST AND NO PERMISSION FOR CONSTRUCTION OF BASEMENTS: -

a. That the PP has not obtained prior permission to draw ground water and construction of basement from the Competent Authority. In fact there is no permission for ground water extraction and for construction of basements.

b. That the PP should use the PCMC water supply as per his disclosure in form-1, but PP is using water for construction from two bore wells drilled at the project site.

c. That the quantity of ground extracted for the construction is more than 75000 litres per day and its damaging ground water table in the area.

d. That the PP have not obtained any permission for extraction of ground water from competent authority.

e. That the illegal extraction of ground water and illegal construction of four basement have depleted the ground water level in the area. That the PP has to obtain the permission for construction of basements, as it damages the ground water level. But there is also no permission for basements.

f. That the PP has constructed four (4) basements, instead of none basement permitted by PCMC & SEIAA.

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g. That the PP has drilled 2 bore wells from which PP is extracting water for construction without any permission from the authority.

h. That the PP has to test the ground water, but PP has not made test of ground water.

12. ILLEGAL OPERATION OF DG SETS AND AIR & NOISE POLLUTION:-

a. That the PP have undertaken to operate the DG Set of 250 KVA only for back up, but PP is using this DG sets continuously without using the power from MSDCL even for construction purpose.

b. That the use of DG sets is causing Air pollution due to release of the various pollutant gases in the area and also clearing noise in the area.

c. That the DG sets and construction equipments used at project site are creating heavy noise of more than 70 dB in the area.

d. That the energy consumption for the construction phase is not disclosed by PP, but at actual energy demand is increased to 200 Kw and same is generated from the DG sets operations.

e. Therefore the PP is illegally operating DG sets for more energy generation and causing air pollution and noise pollution due to construction equipments.

13. DAMAGE TO ENVIRONMENT AND ECOLOGY:

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a. That the grant of environment clearance is not the mechanical exercise and it need meticulous examination of the project on account of various environmental parameters.

b. But the PP and SEIAA, SEAC, MPCB have callous attitude towards the protection of environment, which is resulted into substantial environmental damage on account of non-obtaining of EC and prior Consent to Establish, illegal exaction of basement, no top soil is preserved, illegal extraction of ground water, illegal cutting of tree & non-transplantation, non-treatment of sewage water, non-treatment of construction waste, no scientific disposal of solid waste, operation of DG sets in illegal manner, traffic congestion in the area, non-safety of construction worker, death of construction worker, suppression of facts, illegal construction of basements pollution from the construction vehicles, illegal installation of cranes at project site, demolition of the existing structure without any plans, non-compliance to the standard parameters of environmental norms.

c. That the environment and ecology is the precious and every citizen, entity is duty bound towards its protection, but in this present case project proponent being unapologetic have not given any head towards the sustainable development.

d. That the PP has adopted unscientific method of construction without taking into the remedial measure of environment protections, local authority and its officer as

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usually act against law and protected the interest of the PP, instead of protecting environment and ecology.

e. Therefore from above facts it is clear that, amount required for the restitution and restoration of the environment damaged by the PP must be higher i.e. exemplary & deterrent and minimum amount required for the restitution of environment damaged in the present case should be more than Rs. 150 Crores.

f. That the PP have flouted the law with impunity cannot be scot-free and caused damaged to the environment as he is having intransigent behavior.

14. That this entire illegal activity shows the inherent lack of coordination between the local authority/ sanctioning authority-PCMC, SEAC, SEIAA, Environment Department and MPCB and this act cannot be neglected to protect environment. Therefore concerns officers are forewarned by this notice to take appropriate actions on immediate basis against the project proponent for his default, otherwise my client will proceed to prosecute these officers. Please take serious note.

15. THEREFORE IT IS REQUESTED TO THE GOVERNMENT AUTHORITY TO TAKE APPROPRIATE ACTION AGAINST THE PP FOR RESTORATION AND RESTITUTION OF THE ENVIRONMENT AND ECOLOGY DAMAGED BY HIM INTENTIONALLY

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a. You Noticee No. 1, 2, 3, 5, 6 & 7 are called upon to take action as per the Environment Acts and Pollution Control Acts on Noticee No. 11-PP.

b. You Noticee Nos. 8 & 9 are called upon to take appropriate steps to demolish the illegal structure and to stop further construction.

c. All Noticee are brought to the notice that there is inherent lack of coordination between different departments of government and the same is not in the interest of environment and public, therefore you all may initiate appropriate actions within your power to protect the environmental degradation under taken by Noticee No. 16-PP.

d. You Noticee no. 11 is called upon to stop the operation and construction activity at site with immediate effect, until rectification of all environmental anomalies.

Therefore PP have committed intentional violation of EIA Notification-2006 r/w Environment (Protection) Act-1986 along with Water (Prevention and Pollution Control) Act-1971 and Air (Prevention and Pollution Control) Act-1984 for carrying out illegal building construction in project "**Bramha Uzuri**" without prior Environmental Clearance and Consent to Establish by M/s. Bramha Leisures Pvt. Ltd. in their commercial project situated at Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation (PCMC).

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Take further note that any dereliction in the duty would definitely invite appropriate legal action and the responsible officers would be made by name parties on their failure to take appropriate legal action despite having brought the violations to notice. Should you fail to stop the construction activity, I have definite instructions to proceed against you all before appropriate fora, tribunal and or court of law.

Hope good counsel prevails upon you all.

Nitin Lonkar
(Advocate)

TRUE COPY

ANNEXURE-A-20

GOVERNMENT OF MAHARASHTRA

No. Comp-2019/CR-12/SEIAA
Environment Department,
217(Annex), Mantralaya,
Mumbai-400 032
Date: 15/06/2019

By Fax/ RPAD/ Speed Post/e-mail

To,
M/s. BRAMHA LEISURES PRIVATE LIMITED
Having registered office at– "Bramha House", 250/251
M. G. Road, Camp, Pune 411001.
E-mail: vishal574@yahoo.co.in

Subject: - Proposed Directions u/s 5 of the Environmental (P) Act, 1986 r.w. EIA Notification-2006 dated 14.9.2006

Reference:-Complaint / Notice of Mr. Ajay Jayvantrao Bhosale through Advocate Nitin Lonkar dated 19.05.2019

WHEREAS, it was obligatory on your part to obtain prior Environment Clearance from the Competent Authority, as per the EIA Notification dated 14.9.2006, before starting any building construction activity.

AND WHEREAS, we are in receipt of above referred, wherein following issues are raised by the complainants in respect of your building construction project "**Bramha Uzuri**" situated at Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune

a) PP has carried out construction without any Environmental Clearance and Consent to Establish in blatant violation of the Environment Law, Pollution Control Acts and EIA Notificaiton-2006. Total proposed BUA is 54600 Sq. Mtrs.

b) That the PP has undertaken the excavation activity in 2012 and construction activity on December-2017

c) That, the project proponent has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.

d) PP has not obtained Environment Clearance and also has not obtained prior Consent to Establish from MPCB (ex-post fact consent to establish dated 10.03.2015).

e) Non-compliance to the terms & condition of C to E dated 10.03.2015.

f) Construction activity is undertaken without Environment Impact Assessment

g) Illegally extraction of Ground water without any permission for extraction of ground water from competitive authority.

h) Huge quantity of fresh water is consumed by this project

i) No soil is preserved and no soil test is conducted.

j) Illegal operation of DG set for construction and causing air pollution

k) Construction Solid waste is generated and no scientific disposal

l) Sewage water is generated and no scientific treatment and STP is not installed

m) Illegal burden on the public facilities

n) Substantial damage to environment and ecology to the tune of Rs. 150 Crores.

o) PP is unapologetic and PP has adopted careless and reckless attitude towards the environment protection.

p) Thus it is mandatory to stop the project construction permanently till the compliance / rectification of the above illegal act and removal of the defects from the construction.

AND WHEREAS, as per the Complaint / Notice above referred, you have not obtained mandatory prior Environment Clearance & Consent to Establish in proposed Residential Building Construction Project at Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune. This amounts to violation of the EIA Notification-2006 r/w Environment (Protection) Act-1986.

NOW THEREFORE, in view of the above non-compliances, you are hereby directed to show cause as under: -

a) Why your building construction activity shall not be stopped forthwith for the violation of Environment Impact Assessment Notification dated 14.09.2006, issued by the ministry of Environment & Forest, Government Of India, for not obtaining prior Environmental Clearance from the Competent Authority / Government of Maharashtra?

b) Why further legal action shall not be initiated against you under the provisions of the Environment (Protection) Act, 1986 and Rules made there under?

Take note that, you are also directed to submit your reply within 15 days from the receipt of this Proposed Directions, failing which, this office has no option than to initiated stringent legal action against you including stoppage of your construction activity, which pleased be note.

(Anil Diggikar)
Principal Secretary &
Member Secretary- SEIAA

Copy to:

Pimpri Chinchwad Municipal Corporation Through Municipal Commissioner,

You are the sanctioning authority of the aforesaid project therefore you are hereby requested to take appropriate actions against project proponent and also to submit the documents related to Project.

Enclosed: Copy of Complaint / Notice of Mr. Ajay Jayvantrao Bhosale through Advocate Nitin Lonkar dated 19.05.2019 is attached herewith

//TRUE COPY//

ANNEXURE-A-21

Agenda for 91st SEAC-3 Meeting day 03	
SEAC Meeting number: 91 **Meeting Date** July 26, 2019	
Subject: Environment Clearance for Proposed Commercial development Project namely Bramha Sky Uzuri by Bramha leisures Pvt.Ltd.	
Is a Violation Case: No	
1.Name of Project	BRAMHA SKY UZURI
2.Type of institution	Private
3.Name of Project Proponent	Mr. Vishal Agarwal
4.Name of Consultant	Building Environment India Pvt. Ltd.
5.Type of project	Commercial Project
6.New project/expansion in existing project/modernization/diversification in existing project	New Project
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Not applicable
8.Location of the project	Sr.No. 209/A/2
9.Taluka	Haveli
10.Village	Pimpri
Correspondence Name:	Bramha Leisures Pvt.Ltd.
Room Number:	NA
Floor:	1st
Building Name:	250-251, Bramha House
Road/Street Name:	M.G.Road
Locality:	Camp
City:	Pune
11.Area of the project	PCMC
12.IOD/IOA/Concession/Plan Approval Number	Sanctioned from PCMC
	IOD/IOA/Concession/Plan Approval Number: BP/Layout/Pimpri/ENV/1/2018 Dated 04/10/2018
	Approved Built-up Area: 54667.89
13.Note on the initiated work (If applicable)	Work initiated below 20000 sq.m., withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	NA
15.Total Plot Area (sq. m.)	7729.66 Sq.M.
16.Deductions	0
17.Net Plot area	7729.66 Sq.M.
18 (a).Proposed Built-up Area (FSI &Non-FSI)	**a) FSI area (sq. m.):** 21689.80
	b) Non FSI area (sq. m.): 32969.09
	c) Total BUA area (sq. m.): 54667.89
18 (b).Approved Built up area as per DCR	**Approved FSI area (sq. m.):** 21689.80
	Approved Non FSI area (sq. m.): 32969.09
	Date of Approval: 04-10-2018
19.Total ground coverage (m2)	3881.71

20.Ground-coverage Percentage (%)(Note: Percentage of plot not open to sky)	50.2 % of net plot area
21.Estimated cost of the project	1326800000
22.Number of buildings & its configuration	

Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)
1	Wing A	3 B+GF+UG+10 Floor	38.25
2	Wing B	3B+LG+UG+11 Floor	39.95
3	Wing C	3B+LG+UG+11 Floor	39.95
4	Club House	G+1	6.65

23.Number of tenants and shops	Wing A & B – 274 Nos. Office and 44 Nos. Shops and Wing B – 2 Nos. Restaurant Wing C – 131 Nos. Rooms, 2 Nos. Restaurant & 5 Nos. Banquets
24.Number of expected residents / users	Shops & Offices – 2533 Nos., Restaurants – 1024 Nos., Service Rooms – 262 Nos. Total - 3819 Nos.
25.Tenant density per hectare	5520.29
26.Height of the building(s)	
27.Right of way (Width of the road from the nearest fire station to the proposed building(s)	18 M
28.Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9 M
29.Existing structure (s) if any	NA
30.Details of the demolition with disposal (If applicable)	NA

31.Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable

32.Total Water Requirement

Dry season:	**Source of water**	PCMC
	Fresh water (CMD):	195.770
	Recycled water - Flushing (CMD):	73.735
	Recycled water - Gardening (CMD):	12
	Swimming pool make up (Cum):	3
	Total Water Requirement (CMD) :	269.505
	Fire fighting - Underground water tank(CMD):	400

	Fire fighting - Overhead water tank(CMD):	60
	Excess treated water	132.564
Wet season:	**Source of water**	PCMC
	Fresh water (CMD):	195.770
	Recycled water - Flushing (CMD):	73.735
	Recycled water - Gardening (CMD):	12
	Swimming pool make up (Cum):	3
	Total Water Requirement (CMD) :	269.505
	Fire fighting - Underground water tank(CMD):	400
	Fire fighting - Overhead water tank(CMD):	60
	Excess treated water	144.565
Details of Swimming pool (If any)	C wing- swimming pool(6.81 x 9.35)+ jaccuzi (6.29 x 4.00) + kids pool(6.29 x 4.00) at fourthfloor Open space - swimming pool (10.00 x 4.70)+ kids pool area(3.00x 4.70) The average depth of Swimming Pool: 1) Main pool of C-Wing 750mm 2) Kids pool 600mm and 3) Main pool of Open Space 1200mm	

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	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

34.Rain Water Harvesting (RWH)	**Level of the Ground water table:**	12 m BGL
	Size and no of RWH tank(s) and Quantity:	NA
	Location of the RWH tank(s):	NA
	Quantity of recharge pits:	6
	Size of recharge pits :	3 m x 2 m x 3 m
	Budgetary allocation (Capital cost) :	12 Lacs
	Budgetary allocation (O & M cost) :	0.3 Lacs/yr.
	Details of UGT tanks if any :	1 no. for Wing A & B 380.637 KLD1 1 no. for Wing C 439.620 KLD
	Natural water drainage pattern:	East To West

35.Storm water drainage	**Quantity of storm water:**	26 m3
	Size of SWD:	600 mm x 600 mm
Sewage and Waste water	**Sewage generation in KLD:**	242.555
	STP technology:	MBBR TECHNOLOGY
	Capacity of STP (CMD):	2 NOS. 1 FOR Wing A & B - 110 KLD AND 1 FOR Wing C -140 KLD
	Location & area of the STP:	Near Wing C , Area - 130 Sq.m.
	Budgetary allocation (Capital cost):	86.05 Lacs
	Budgetary allocation (O & M cost):	22.75 Lacs/yr.
36.Solid waste Management		
Waste generation in the Pre Construction and Construction phase:	**Waste generation:**	Total excavation generated during pre construction and construction phase - 78961 Cum out of which reused at site 10156 Cum and remaining 68805 Cum handed over to Authorized vendor
	Disposal of the construction waste debris:	Construction waste includes waste concrete, excavated soil, broken bricks, waste plaster, metallic scrap etc. Construction debris will beused for base course preparation and excess will be hand over to Autorized vendor
Waste generationin the operation Phase:	**Dry waste:**	739 Kg/day
	Wet waste:	793 Kg/day
	Hazardous waste:	Negligible
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	33 Kg
	Others if any:	E-Waste - 3688 kg/year
Mode of Disposalof waste:	**Dry waste:**	Collected & Disposed by local body (swach)
	Wet waste:	Treated in organic waste composting and used as manure.
	Hazardous waste:	Send to Authorized vendor
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	Used as manure for gardening purposes
	Others if any:	NA
Area requirement:	**Location(s):**	Near Wing C
	Area for the storage of waste & other material:	27.3 m2
	Area for machinery:	46.2 m2
Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	27.5 Lacs
	O & M cost:	5.9 Lacs/yr

37.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

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	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

40.Details of Fuel to be used

Serial Number	Type of Fuel	Existing	Proposed	Total
1	Not applicable	Not applicable	Not applicable	Not applicable

41.Source of Fuel	Not applicable
42.Mode of Transportation of fuel to site	Not applicable

43.Green Belt Development	**Total RG area :**	1695.39 Sq.M.
	No of trees to be cut :	0
	Number of trees to be planted :	78 Nos.
	List of proposed native trees :	78 nos.
	Timeline for completion of plantation :	2 Years

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	Nyctanthes Arbor-Tortis	Parijatak	5	Small deciduous fast growing
2	Bahunia Variegata	Mountain Ebony	3	Flowering plant,Deciduous
3	Michellia Champa	Sonchaffa	3	Medium Evergreen Tree
4	Anthocephalus Kadamba	Kadamba	4	Shady,deciduous Fast Growing
5	Dalbergia Sisoo	Shisoo	3	Fast growing medium to large hardy deciduous rosewood.
6	Azadirakta Indica	Neem	2	Fast growing large tree, evergreen good for roadside plantation, draught resistant, shade giving tree.

7	Mangifera Indica	Mango	3	Flowering and Fruit growing tree, dense, nesting for avi fauna.. Suitable for all types of soil. Medium logging to water tolerence.
8	Cassia Fistula	Bahawa	3	Medium sized deciduous tree. Beautiful yellow flowers, Butterfly host plant.
9	Ailanthus Excelsa	Maharukh	3	Softwood tree. one of the best tree used to trap Suspended Particulate Matter (SPM)
10	Lagerstromia Speciosa	Tamhan	4	Medium sized Tree, Beatuful Purple flower
11	Ficus Microcarpa	Nandruk	4	Shady Tree
12	Syzygium cumuni	Jambhul	4	Evergreen, Slow growing
13	Murraya koenigii	Curry Leaves	4	Butterfly Host Plant
14	Phyllanthus emblica	Amla	5	Deciduous tree with edible fruits
15	Prunus dulcis	Almond	4	The base of various drinks which are supposed to have cooling properties.
16	Bombax ceiba	katesavar	5	Is an important medicinal plant of Tropica
17	Tabobiya	Roble	7	Leaves are compound, digitate and deciduous. Each leaf has five leaflets of variable size, the middle one being the largest.
18	Delonix regia	Gulmohar	3	Gulmohar trees are mainly grown for shade an ornamental value.
19	Saraca asoka	Ashoka	2	Shady tree with red-yellow flowers
20	Total	-	78	
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	NA	NA	NA

47.Energy

Power requirement:	**Source of power supply :**	MSEDCL
	During Construction Phase: (Demand Load)	200 kW
	DG set as Power back-up during construction phase	2 x 82.5 kVA
	During Operation phase (Connected load):	4681 kVA
	During Operation phase (Demand load):	3210 kVA
	Transformer:	3 x 630 kVA, 1 x 315 kVA, 1 x 1.5 MVA
	DG set as Power back-up during operation phase:	1 x 1010 kVA , 2 x 750 kVA
	Fuel used:	HSD

	Details of high tension line passing through the plot if any:	NA

48.Energy saving by non-conventional method:

- Using high efficient equipment & BEE Certified Motors for Water pumps
- Use of Variable speed drives for Lifts
- Use of CFL / T-5 Fittings & Electronic Ballast in Common area
- Use of LED Fittings in Lighting of lift lobby or passages
- Use of solar based lighting systems in common areas.
- Using VFD for Fan and pump for STP
- Using high efficient equipment & BEE Certified Motors for Basement ventilation
- Solar based Hot water systems

49.Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Solar Water Heating System, solar based lighting systems in common areas , CFL / T-5 Fittings & Electronic Ballast in Common area	48.63 %

50.Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Waste water generation from Proposed project	Not applicable	Proposed STP having capacity 110 KLD and 140 KLD with MBBR Technology
Wet Waste from the proposed project	Not applicable	Proposed 2 nos. OWC having capacity 500 and 375 kg/day

Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	NA
	O & M cost:	NA

51.Environmental Management plan Budgetary Allocation

a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Water for Dust Suppression	-	3
2	Site Sanitation & Safety	-	5
3	Environmental Monitoring	-	3
4	Drinking water facility	-	2
5	Personnel Protective Equipment & Health Checks-Ups	-	5
6	Total	-	18

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	Rain Water harvesting	-	12	0.3
2	STP	-	86.05	22.75
3	Landscape & Tree Plantation	-	30.17	4.82
4	Energy Saving	-	28	4.2
5	Solar Water Heating	-	22	3.3
6	Swimming Pool	-	63	9
7	Environmental monitoring	-	0	8
8	Organic waste composting		27.50	5.90
9	Total	-	268.72	58.27

51.Storage of chemicals (inflamable/explosive/hazardous/toxicsubstances)

Description	Status	Location	Storage Capacityin MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month inMT	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:	NA
Parking details:	**Number and area of basement:**	3 Nos. 9544.03 Sq.M.
	Number and area of podia:	NA
	Total Parking area:	14885.65 Sq.M.
	Area per car:	Provided as per NBC
	Area per car:	Provided as per NBC
	Number of 2-Wheelers as approved by competent authority:	2167
	Number of 4-Wheelers as approved by competent authority:	263 + 100 (Mechanical parking)

	Public Transport:	NA
	Width of all Internal roads (m):	Min.6 M
	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	Category B
	Court cases pending if any	NA
	Other Relevant Informations	Withdrawal of Violation from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
	Have you previously submitted Application online on MOEF Website.	Yes
	Date of online submission	30-06-2016

SEAC DISCUSSION ON ENVIRONMENTAL ASPECTS	
Environmental Impacts of the project	-
Water Budget	-
Waste Water Treatment	-
Drainage pattern of the project	-
Ground water parameters	-
Solid Waste Management	-
Air Quality & Noise Level issues	-
Energy Management	-
Traffic circulation system and risk assessment	-
Landscape Plan	-
Disaster management system and risk assessment	-
Socioeconomic impact assessment	-
Environmental Management Plan	-
Any other issues related to environmental sustainability	-

Brief information of the project by SEAC
PP submitted their application for prior Environmental clearance for total plot area of 7729.66 m2, FSI area of 21689.80 m2, Non FSI area of 32969.09 m2 and total BUA of 54667.89 m2. The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8(a)B2. However before finalising the minutes, Secretary of the committee brought to the notice that a Show Cause Notice was issued by the Environment Department u/s 5 of the Environment (Protection) Act, 1986 on 16.07.2019.
DECISION OF SEAC
The hearing of the proposal before SEAC was on 26.07.2019. Though PP was in knowledge of this notice at the time of hearing, he did not disclose this information to the committee and misguided the committee. As the act of PP is fraudulent, committee decided to keep the case in abeyance till the decision of the notice .After the decision of the SCN the case will be reappraised in the light of outcome of the SCN. Committee also directs the Secretary of the committee to bring this fact to the notice of Hon Principal Secretary with a request to take stern action on account of concealing the material information at the time of appraisal. With this, the proposal is ***deferred.*** **Specific Conditions by SEAC:**
FINAL RECOMMENDATION
SEAC-III decided to defer the proposal. Kindly find SEAC decision above.

//TRUE COPY//

ANNEXURE-A-22

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH AT PUNE

MEMORANDUM OF APPLICATION

UNDER SECTIONS 14, 15, 18 & 20 OF NGT ACT, 2010

APPLICATION NO. 63/2019

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE

Age: Adult, Occupation: Self-employed,

R/o- 25B, Cycle Society, Nana Peth,

Near Y. M. C. Club, Pune-411011.

...**APPLICANT**

VERSUS

1. **UNION OF INDIA**
   Through Secretary,
   Ministry Of Environment and Forest
   Paryavaran Bhawan, CGO Complex,
   Lodhi Road, New Delhi –110001
   E-mail: secy-moef@nic.in

2. **CHIEF SECRETARY,**
   Government of Maharashtra,
   Annex Building, Mantralaya, Mumbai - 400 032
   E-mail: chiefsecretary@maharashtra.gov.in

3. **THE PRINCIPAL SECRETARY, ENVIRONMENT DEPT.**
   Government of Maharashtra,
   Room No. 217, 2nd Floor, Annex Building,
   Mantralaya, Mumbai-400 032, Maharashtra
   E-mail: pscc.env@maharashtra.gov.in

4. **STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY- MAHARASHTRA (SEIAA)**
   Through Member Secretary
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai-400 032, Maharashtra

5. **STATE EXPERT APPRAISAL COMMITTEE (III)-MAHARASHTRA (SEAC-III)**
   Through Member Secretary
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai-400 032, Maharashtra

6. **MAHARASHTRA POLLUTION CONTROL BOARD**
   Through Member Secretary,
   Kalptaru Point, 3rd Floor, Near Sion Circle,
   Opp. Cine Planet Cinema, Sion (E),
   Mumbai-400 022, Maharashtra
   E-mail: ms@mpcb.gov.in

7. **MAHARASHTRA POLLUTION CONTROL BOARD**
   Through Regional Officer
   Jog Centre, 3rd Floor, Mumbai-Pune Old Highway,
   Wakadewadi, Pune-411 003, Maharashtra
   E-mail: ropune@mpcb.gov.in

8. **MUNICIPAL COMMISSIONER-PCMC**
   Pimpri-Chinchwad Municipal Corporation,
   PCMC Building, Old Mumbai-Pune Highway,
   Pimpri, Pune-411 018

9. **CITY ENGINEER-PCMC**
   Pimpri-Chinchwad Municipal Corporation,
   PCMC Building, Old Mumbai-Pune Highway,
   Pimpri, Pune-411 018

10. **COLLECTOR OF PUNE**
    As Collector and President of District Environment protection Committee-Pune, Collector office, Bund Garden, Pune-411001, E-mail: rdc.pune-mh@gov.in

11. **M/s. BRAMHA LEISURES PRIVATE LIMITED**
    A Limited Company registered under Indian Company Act-1952 with (CIN) U55101PN2009PTC134096,
    Having Registered Office At– "Bramha House", 250/251 M. G. Road, Camp, Pune-411001.

E-mail: vishal574@yahoo.co.in
Through its Directors
11A. Surendrakumar Bramhadutta Agrawal
11B. Vishal Surendrakumar Agrawal

....**RESPONDENTS**

AND IN THE MATTER OF

AN APPLICATION SEEKING RESTITUTION AND RESTORATION OF ENVIRONMENT & ECOLOGY AND RELIEF AGAINST GROSS INTENTIONAL VIOLATIONS OF VARIOUS ENVIRONMENTAL RULES AND REGULATIONS AND POLLUTION CONTROL LAWS BY RESPONDENT NO. 11-PP 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 begs to submit this memorandum of application against gross intentional violation of EIA Notification-2006 r/w Environment (Protection) Act-1986 along with Water (Prevention and Pollution Control) Act-1971 and Air (Prevention and Pollution Control) Act-1984 for carrying out illegal building construction in project "**Bramha Uzuri**" without prior Environmental Clearance and in violation of terms and conditions of Consent to Establish by Respondent No. 11-PP-M/s. Bramha Leisure's Private Limited in their

commercial project situated at Survey No. 103/129B 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation (in short "PCMC") in regard to said project as per information received under right to information act. This gives rise to substantial question relating to implementation of the environment protection & improvement enactment.

4. It is respectfully submitted that, the acts of the Respondent No.11-PP are in violation to its brim with the active aid of the officers of various government authorities appointed for the protection of environment. These violations needs to be dealt with sternly so that a clear and unambiguous message to be delivered to the entire community of unapologetic, maneuvered, mighty & resourceful Project Proponent (in short "PP") 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 applicants brought the entire environmental violations to the notice of various government authorities amongst Respondent Nos. 1 to 10 for investigation and further strongest action against Respondent No.11-PP 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

realized that the government machinery in various offices are trying its level best to help and facilitate developer to violate laws left, right and center for reasons best known to these authorities.

6. Being aggrieved by and dissatisfied with an inaction on the part of various environment protection authorities, this applicant prefers this application inter-alia on the following grounds.

7. PARTICULARS OF PROJECT UNDER CHALLENGE:

a. It is submitted that, the Respondent No. 11- Bramha Leisures Private Limited-PP is developing land bearing Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation for construction of commercial buildings project under the name & style as "**Bramha Uzuri**".

b. It is submitted that, the total project land is admeasuring 10447.99 Sq. Mtrs. from the above parts of the survey numbers.

c. That the project proponent is beneficiary and profit making company registered under Indian Company Act and PP is also responsible for all illegal activity committed during the construction phase as well as for the damage caused to environment and ecology due to this project activity.

8. CONSTRUCTION BEING CARRIED OUT WITHOUT ANY ENVIRONMENTAL CLEARANCE AND IN VIOLATION OF TERMS AND CONDITIONS OF CONSENT TO ESTABLISH IN BLATANT VIOLATION OF THE ENVIRONMENTAL LAWS, POLLUTION CONTROL ACT AND EIA NOTIFICATION-2006.

a. It is submitted that, as per the EIA notification 2006 dated 14.09.2006, it is mandatory on part of PP to obtain the prior environment clearance from SEIAA and consent to establish from MPCB before commencement of any construction work. But the PP has started and completed part of the construction activity.

b. Details of the project are classified for ready reference in brief;

Table No.1: - Actual Construction carried out at site without Environmental Clearance and in violation of terms and conditions of Consent to Establish.

Description	EC Permission	Completed	Under Construction	Total Proposal
Shops	**0**	**71**	**0**	**71**
Offices	**0**	**50**	**250**	**259**
Rooms	**0**	**0**	**127**	**127**
No of Buildings	**0**	**0**	**3**	**3**
Floors	**0**	4B+G+1	2 to 11 Floors	4B+G+10/11
Built-Up Area (Sq. Mtrs)	**0**	**18000**	**36500**	**54600**

9. VIOLATIONS OF PROJECT PROPONENT & AUTHORITIES: -

a. Construction of BUA more than 18000 Sq. Mtrs. against total BUA of 56000 Sq. Mtrs. with "4 Basement +G+1 Floor out of 4B+G+10/11" being carried out without any Environmental Clearance and in violation of terms and conditions of Consent to Establish dated 10.03.2015 in blatant violation of the Environmental Laws, Pollution Control Act and EIA Notification, 2006.

b. PP is carrying out construction of residential and commercial structures on industrial zone reserved in Development Plan and this is causing social infrastructure.

c. That the PP has undertaken the excavation activity in 2012 and construction activity on December-2017

d. That, the project proponent has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.

e. PP has not obtained Environment Clearance and also has not obtained prior Consent to Establish from MPCB (ex-post fact consent to establish dated 10.03.2015).

f. Non-compliance to the terms & condition of C to E dated 10.03.2015.

g. Construction activity is undertaken without Environment Impact Assessment

h. Illegally extraction of Ground water without any permission for extraction of ground water from competitive authority.

i. Huge quantity of fresh water is consumed by this project

j. No soil is preserved and no soil test is conducted.

k. Illegal operation of DG set for construction and causing air pollution

l. Construction Solid waste is generated and no scientific disposal

m. Sewage water is generated and no scientific treatment and STP is not installed

n. Illegal burden on the public facilities

o. Substantial damage to environment and ecology to the tune of Rs. 150 Crores.

p. PP has misleaded the SEAC-III on account of show cause notice dated 15.06.2019 and suppressed this information in its 91st MoM.

q. PP is unapologetic and PP has adopted careless and reckless attitude towards the environment protection.

r. Thus it is mandatory to stop the project construction permanently till the compliance / rectification of the above illegal act and removal of the defects from the construction.

BRIEF FACTS LEADING TO THE PROJECT UNDER CHALLENGE AND FACTS LEADING TO THIS APPLICATION:

10. VIOLATIONS OF DC RULES OF PCMC AND MAHARASHTRA REGIONAL AND TOWN PLANNING ACT-1966:

A. It is submitted that, the development plan of the village Pimpri clearly shows, the project site is demarcated as "Industrial Zone" under Development Plan sanctioned 18.09.1995 for the PCMC, But PP has carried out the construction of purely Commercial building on the Industrial zone.

B. Further it is submitted that, the PP has not obtained any permission from competent authority to make land use change from Industrial to Commercial, as it revels from the record submitted to the RERA Authority.

C. PP carried out the construction of commercial buildings on Industrial zone as marked in DP without obtaining change of use in Industrial zone from competent authority.

D. This is clear cut illegal change in use from Industrial zone to commercial zone and this is the biggest contravention attracting serious illegality and inherent lack of coordination between the government departments.

E. It is submitted that, as per the Sec. 10.5 of D. C. Regulations-1995 of PCMC, there is prohibition for direct access to the highway, however said project being purely commercial construction of shops and other commercial activity on Mumbai-Pune highway No. NH-4. But PCMC officers has conveniently neglected to enforce this prohibition and allowed the PP to proceed with purely commercial activity in total violation of DC Rules-1995

and Maharashtra Regional & Town Planning Act-1966 provisions. **(Ref. Page- 31 of DC Rules of PCMC)**.

F. It is submitted that, it is violation of the D. C. Regulations-1995 of PMC and Maharashtra Regional and Town Planning Act-1966.

G. Therefore the present project site is demarcated as Industrial zone and the PP carried out the construction of Commercial building in violation of Form-1.

Copy of the development plan for the village Pimpri along with legend sheet dated 18.09.1995 is attached herewith and marked as **ANNEXURE-A-1 (Page-35 to 36)**.

11. PP HAVE NOT OBTAINED ANY ENVIRONMENT CLEARANCE AND COMMITTED VIOLATION OF EIA NOTIFICAITON-2006:

a. That, the MoEF & CC issued Environment Impact Assessment Notification on 14.09.2006 i.e. EIA Notification-2006 mandating prior environment clearance for the building construction project activity listed at item-8 in the schedule of notification having total built up area more than 20000 Sq. Mtrs. Also there was clarification on account of BUA by MoEF & CC vide its notification-2011 on 04.04.2011.

b. That the total construction BUA proposed by the PP for this project vide sanction dated 30.09.2015 was 24555.67 Sq. Mtrs.,

c. That the total construction BUA proposed by the PP for this project vide sanction dated 24.11.2016 was 21558.60 Sq. Mtrs.

d. That the total construction BUA proposed by the PP for this project vide sanction dated 31.03.2018 was 19991.36 Sq. Mtrs. and this area of 19991.36 Sq. Mtrs. is intentionally shown less to suppressing actual BUA to overcome the requirement of the EC and Consent to establish and other required permissions.

e. That the PP applied for EC in 2015 and wherein DoE issued show cause notice to PP and SEAC-III noted that the PP has initiated the construction prior to EC and this is violation case.

f. Thereafter SEAC-III was considered the project in its 51st meeting held on 26.07.2016 and it was noted that, work initiated below 20000 Sq. Mtrs., therefore withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015.

g. That the prior EC is mandatory as per EIA notification-2006 and no construction is allowed except fencing at the site. But PP completed the excavation work prior to application and started the construction before EC application to SEAC.

h. That the PP did not stopped the construction and but the again applied online for the EC on 30.06.2016 before MoEF. This online application shows that, the PP have proposed the construction of three buildings with one

club house. That the total BUA of the proposed construction is 54667.89 Sq. Mtrs. and total shops proposed are 71 numbers, total offices proposed are 259 numbers and total rooms proposed are 127 numbers.

i. That the PP is failed to obtain the prior environment clearance in the preset case and carried out activity of excavation, felling of trees without permission and unscientific disposal of debris.

j. Therefore PP has committed violation of EIA Notification-2006.

Copy of S.O.1553 (E), EIA Notification-2006 dated 14.09.2006 is attached herewith and marked as **ANNEXURE-A-2 (Page-37 to 73)**.

Copy of S.O.695 (E), EIA Notification-2011 dated 04.04.2011 is attached herewith and marked as **ANNEXURE-A-3 (Page-74 to 80)**.

Copy of withdrawal of show cause notice by DoE GoM dated 10.03.2015 is attached herewith and marked as **ANNEXURE-A-5 (Page-88)**.

Copy of Application for prior EC to MoEF & CC, Report, Form-1 & 1A, DMP & EMP dated 30.06.2016 is attached herewith and marked as **ANNEXURE-A-6 (Page-89 to 144)**.

12. VIOLATION OF TERMS AND CONDITION OF PRIOR CONSENT TO ESTABLISH DATED: 10.03.2015 : -

a. It is mandatory to obtain the prior 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.

b. That the PP has made applied for the consent to establish on 05.07.2014, but started construction without such consent from the board.

c. That the said application was considered in 26th CAC Meeting held on 24.02.2015 decided to grant Consent to Establish for 5 Star Hotel (139 Rooms) with commercial project of M/s. Bramha Leisures Pvt. Ltd., at Survey No. 209/A/2, CTS No. 4702 at Pimpri, Tal-Haveli, Dist-Pune on total plot area of 9337.66 Sq. Mtrs. and Total Construction Area (FSI + Non-FSI) of 36611.49 Sq. Mtrs. including utilities and services as per construction commencement certificate issued by Local body and granted the consent to establish dated 10.03.2015 which is nothing but ex-post facto consent.

d. That the MPCB was recorded the violation of PP in its consent condition no. 10, "*PP shall submit the affidavit within 15 days in the prescribed format regarding the compliance of conditions of EC and C to E".*

e. That the MPCB was recorded the violation of PP in its consent condition no. 11, *"PP shall submit Board Resolution from company's board stating that they have started construction work without obtaining consent to establish from MPC Board and Environment Clearance thus violated the provisions of Environmental Laws and they assure that they will not do such violations in future and shall submit BG of Rs. 2 lakh towards submission of*

Board resolution within one month." Therefore PP himself has admitted the violation.

f. That the MPCB was recorded the violation of PP in its consent condition no. 12, *"PP shall submit an affidavit within 15 days of issue of consent towards not taking further effective steps prior to obtaining EC and shall submit BG of Rs. 10 lakh within 15 days of issue of consent, for ensuring the compliances. As per para-2 of EIA notification dated 14/09/2006, the effective steps include starting of any construction work or preparation of land by the project management. However as clarified by MoEF vide office Memorandum no. J-1103/41/2006-IA.II (I); dated 19.08.2010, fencing of site to protect it from getting enrichment & construction of temporary shed(s) for guard (s) & acquisition of land shall not be treated as an effective steps."*

g. That the PP is extracting the ground water for construction and also discharging polluted water to the sever line of PCMC.

h. That the PP have not made arrangement for the disposal of sewage and solid waste generated from the labour camp.

i. There is huge air pollution and noise pollution due to this construction as this construction is creating traffic congestion in the area and noise due the heavy vehicles & equipments operated for the construction

j. That the dust from the project is also spreading on the road and creating obstacle for the street passer.

k. That the sewage generated from Construction worker camp is directly connected to the PCMC sever line.

l. That the PP is using DG sets of capacity more than 100 KVA which are emitting gases with particulate matters rate of 200 mg/Nm^3 causing pollution of the air.

m. Thus the PP has committed intentional violation under Water (Prevention & Control of Pollution) Act, 1974 & under Air (Prevention & Control of Pollution) Act, 1981 and caused damage to the environment and ecology.

n. There is no online monitoring system installed by PP for BOD, TSS, and flow at the outlet of STP.

o. There is no treatment of the sewage water and also there no disinfection of the said water.

p. Therefore PP have committed violations of terms and conditions of this consent to establish.

Copy of Consent to Establish dated 10.03.2015 is attached herewith and marked as **ANNEXURE-A-3 (Page-81 To 87)**.

13. PCMC SANCTIONS AND BUA OF PROPOSED CONSTRUCTION IS MORE THAN 20000 SQ. MTRS:

a. That the PP obtained first (original) sanction vide no. B.P./Pimpri/64/2015 dated 30.09.2015, then revised vide no. B.P./Pimpri/76/2015 dated 24.11.2016 and latest revision vide B.P./Pimpri/36/2015 dated 31.03.2018.

b. That the total construction BUA proposed by the PP for this project vide sanction dated 30.09.2015 was 24555.67 Sq. Mtrs.,

c. That the total construction BUA proposed by the PP for this project vide sanction dated 24.11.2016 was 21558.60 Sq. Mtrs.

d. That the total construction BUA proposed by the PP for this project vide sanction dated 31.03.2018 was 19991.36 Sq. Mtrs. and this area of 19991.36 Sq. Mtrs. and this BUA is false and misleading & suppressed to overcome the illegality of EC & Consent.

e. That, the project land is demarcated in the residential zone as per the development plan for the. But the activity under taken by the PP is purely commercial activity and just very small existing residential activity.

f. That the change demarcated occupancy in DP Sanction from residential to commercial is going to increase in the drastic traffic load of the area, increase in the population, increase in the electricity consumption, fresh water consumption, load on the local infrastructure. It is important to note that, this type of changes in the development plans are not permitted without prior permission from the state government. Therefore the present development is not permissible in the area.

g. It is to be noted that, the illegal change in the development from residential to commercial and total revisions are made only with ulterior motive to give illegal

benefits to the PP. this illegal act is done by the PCMC officers intentionally defiantly for getting benefits other than remuneration.

h. This conduct of government servants is completely against the interest of public at large and it is completely failure of the local authority at the cost of corruption.

Copy of PCMC revised layout sanction plan vide no. BP/Pimpri/76/2016 dated 24.11.2016 is attached herewith and marked as **ANNEXURE-A-7 (Page-145 To 165)**.

Copy of PCMC revised layout sanction plan vide no. BP/Pimpri/36/2018 dated 31.03.2018 is attached herewith and marked as **ANNEXURE-A-8 (Page-166 To 186)**.

14. SECOND APPLICATION FOR EC DATED 06.10.2018 AND PP IS UNAPOLOGETIC AND MISLEADING THE SEAC & SEIAA:

a. It is submitted that, the PP has filed the application for EC again on second time before SEIAA on 06.10.2018 and same was considered in 77th SEAC-III meeting held on 05.12.2018, wherein the PP was remain absent. But PP never stopped the construction as directed by DoE vide its order of show cause withdrawal in 10.03.2015.

b. It is submitted that, the applicant herein informed the respondent authorities vide its notice dated 19.05.2019 for their actions for the violations of PP and thereafter SEIAA issued show cause notice dated 15.06.2019 to the PP.

c. It is submitted that, the proposal was again considered in 91st SEAC-III meeting held on 26.07.2019, wherein committee has observed that,

> *"The hearing of the proposal before SEAC was on 26.07.2019. Though PP was in knowledge of this notice at the time of hearing, he did not disclose this information to the committee and misguided the committee.*
>
> *As the act of PP is fraudulent, committee decided to keep the case in abeyance till the decision of the notice .After the decision of the SCN the case will be reappraised in the light of outcome of the SCN.*
>
> *Committee also directs the Secretary of the committee to bring this fact to the notice of Hon Principal Secretary with a request to take stern action on account of concealing the material information at the time of appraisal.*
>
> *With this, the proposal is* ***deferred."***

d. It is submitted that, the PP has not disclosed about the show cause notice issued on 15.06.2019 to the SEAC-III during the consideration of the proposal and suppressed said information.

e. Therefore PP is unapologetic and PP does not deserve any leniency.

Copy of Application for Form-1 & 1A, Consolidated Statement, Architect Certificate, Reply, Annexures dated 06.10.2018 is attached herewith and marked as **ANNEXURE-A-9 (Page-187 To 381)**.

Copy of 77th SEAC-III Meeting dated 05.15.2018 is attached herewith and marked as **ANNEXURE-A-10 (Page-382 To 391)**.

Copy of Notice sent by applicant to various government authority including PP dated 19.05.2019 is attached herewith and marked as **ANNEXURE-A-11 (Page-392 To 411)**.

Copy of Show cause notice issued by SEIAA to PP dated 15.06.2019 is attached herewith and marked as **ANNEXURE-A-12 (Page-412 To 413)**.

Copy of 91st SEAC-III Meeting dated 26.07.2019 is attached herewith and marked as **ANNEXURE-A-13 (Page-414 To 424)**.

15. ILLEGAL FELLING OF TREES ON PROJECT SITE:-

a. That the project site had more than 60 fully grown tress of various types and it was duty of PP to protect those trees.

b. But PP has cut more than 50 trees in illegal manner without any permission from the concern authority and even not made any plan for replantation.

c. That the air pollution of the PCMC is increasing day to day and these trees were playing very important role of CO consumer, providing shelter & shadow to the birds and for maintaining ground water level etc.

d. Therefore PP has caused damage to the environment due to illegal cutting of trees without any replantation and without any permission from concern authority.

Copy of Google Earth Images dated 2009 to 2019 is attached herewith and marked as **ANNEXURE-A-14 (Page-425 To 442)**.

16. ILLEGAL EXCAVATION, NO SOIL PRESERVATION AND NO SOIL TEST AND CONSTRUCTION AT PROJECT SITE AND FURTHER UNSCIENTIFIC DISPOSAL OF CONSTRUCTION WASTE: -

a. As per EIA Notification-2006, no activity related to construction is allowed without prior Environment Clearance, but the PP has started excavation on 06.04.2012 and after substantial excavation, said activity was stopped till end of 2016 and said activity again resumed in September-2017 and completed the excavation on December-2018.

b. That the surface area of the excavation is 1926.27 Sq. Mtrs. (Ground Coverage) and depth of excavation is 18 Mtrs., therefore quantity of the exaction material is 34672.86 Cu. Mtrs. this quantity of huge excavation is due to four basements are constructed by the PP.

c. That the PP has disposed the excavated waste of 34672.86 Cu. Mtrs. in illegal manner and no scientific approached is adopted. Also the quantity of the said material is disclosed in the Form-1 of EC Application.

d. That the earth structure at the project site is 4 Mtrs soil, 5 Mtrs Murum and 9 Mtrs. basalt.

e. That the PP has carried out excavation of soil to the tune of 1926.27 Sq. Mtrs x 4 Mtrs = 7705.08 Sq. Mtrs.. and that the soil excavated must be used for development of recreational space and for plantation of the trees.

f. But the PP has not preserved the soil for development of recreational open space.

g. That the PP has to make soil test for various analysis, but PP has not made any soil test.

h. That the PP has made the illegal excavation prior to the application of EC and not preserved any soil and also not tested soil for contamination.

i. That the PP has also not disclosed the quantity of solid waste generated during the construction phase.

j. That the PP has also not disclosed the quantity of the building material to be used.

17. ILLEGAL GROUND WATER EXTRACTION FROM BORE WELLS, NO GROUND WATER TEST AND NO PERMISSION FOR CONSTRUCTION OF BASEMENTS: -

a. That the PP has not obtained prior permission to draw ground water and construction of basement from the Competent Authority. In fact there is no permission for ground water extraction and for construction of basements.

b. That the PP should use the PCMC water supply as per his disclosure in form-1, but PP is using water for construction from two bore wells drilled at the project site.

c. That the quantity of ground extracted for the construction is more than 75000 litres per day and its damaging ground water table in the area.

d. That the PP have not obtained any permission for extraction of ground water from competent authority.

e. That the illegal extraction of ground water and illegal construction of four basement have depleted the ground water level in the area. That the PP has to obtain the

permission for construction of basements, as it damages the ground water level. But there is also no permission for basements.

f. That the PP has constructed four (4) basements, instead of none basement permitted by PCMC & SEIAA.

g. That the PP has drilled 2 bore wells from which PP is extracting water for construction without any permission from the authority.

h. That the PP has to test the ground water, but PP has not made test of ground water.

18. ILLEGAL OPERATION OF DG SETS AND AIR & NOISE POLLUTION:-

a. That the PP have undertaken to operate the DG Set of 250 KVA only for back up, but PP is using this DG sets continuously without using the power from MSDCL even for construction purpose.

b. That the use of DG sets is causing Air pollution due to release of the various pollutant gases in the area and also clearing noise in the area.

c. That the DG sets and construction equipments used at project site are creating heavy noise of more than 70 dB in the area.

d. That the energy consumption for the construction phase is not disclosed by PP, but at actual energy demand is increased to 200 Kw and same is generated from the DG sets operations.

e. Therefore the PP is illegally operating DG sets for more energy generation and causing air pollution and noise pollution due to construction equipments.

19. DAMAGE TO ENVIRONMENT AND ECOLOGY:

a. That the grant of environment clearance is not the mechanical exercise and it need meticulous examination of the project on account of various environmental parameters.

b. But the PP and SEIAA, SEAC, MPCB have callous attitude towards the protection of environment, which is resulted into substantial environmental damage on account of non-obtaining of EC and prior Consent to Establish, illegal exaction of basement, no top soil is preserved, illegal extraction of ground water, illegal cutting of tree & non-transplantation, non-treatment of sewage water, non-treatment of construction waste, no scientific disposal of solid waste, operation of DG sets in illegal manner, traffic congestion in the area, non-safety of construction worker, death of construction worker, suppression of facts, illegal construction of basements pollution from the construction vehicles, illegal installation of cranes at project site, demolition of the existing structure without any plans, non-compliance to the standard parameters of environmental norms.

c. That the environment and ecology is the precious and every citizen, entity is duty bound towards its protection, but in this present case project proponent being

unapologetic have not given any head towards the sustainable development.

d. That the PP has adopted unscientific method of construction without taking into the remedial measure of environment protections, local authority and its officer as usually act against law and protected the interest of the PP, instead of protecting environment and ecology.

e. Therefore from above facts it is clear that, amount required for the restitution and restoration of the environment damaged by the PP must be higher i.e. exemplary & deterrent and minimum amount required for the restitution of environment damaged in the present case should be more than Rs. 150 Crores.

f. That the PP have flouted the law with impunity cannot be scot-free and caused damaged to the environment as he is having intransigent behavior.

20. That this entire illegal activity shows the inherent lack of coordination between the local authority/ sanctioning authority-PCMC, SEAC, SEIAA, Environment Department and MPCB and this act cannot be neglected to protect environment. Therefore concerns officers are forewarned by this notice to take appropriate actions on immediate basis against the project proponent for his default, otherwise my client will proceed to prosecute these officers. Please take serious note.

21. It is submitted that, the premises of the project is basically for lease and there is no sale of any structure or units. Therefore if the Hon'ble Tribunal is of opinion that, the demolition is not the solution, then these structures can be evacuated from lease holder and direct PP to hand over to these entire project to the government authority for free, which will be used for the public purposes.

22. It is submitted that, this entire illegal activity shows that inherent lack of coordination between the local authority/ sanctioning authority, SEAC, SEIAA, DoE and MPCB and this act cannot be neglected for betterment of environment.

23. It is submitted that, the applicant have no any personal interest in the project and also there is no any enmity against the PP or other respondents in this application.

24. It is submitted that, the applicant crave leaves of this Hon'ble NGT to amend, add, delete, modify the pleading as and when required.

25. SUBSTANTIAL QUESTION OF LAW

a. Whether the construction of project is legal, if there is No Environment Clearance from SEIAA, violation of terms & condition of Consent to Establish from MPCB and committed violation of EIA Notification-2006?

b. Whether the development is legal, wherein the ground water is extracted for construction & daily use without obtaining permission from the appropriate authority?

c. Whether the mighty and resourceful PP is allowed to violate the provisions of environmental norms and further to cause irreparable damage to the environment & ecology for his profit making at the cost of "Mother Nature"?

d. Whether the Construction of commercial project is legal, even the construction is carried out on the plot demarcated as Industrial zone as shown in DP-1995 of PCMC and even the said land is not designated for the intended purpose of commercial project, causing change in the population density, vehicle density, damage to ground water and solid waste increase agitating environmental parameters?

38. LOCUS TO FILE PRESENT APPLICATION:

a. Original Application is filed for the questions of public importance and significance of environmental jurisprudence, in relation to environmental damage and pollution caused by the PP in the Industrial capital of Maharashtra State and consequences of such environmental damage and liabilities of the PP.

b. It is submitted that, the person aggrieved and person injured are the different concept and this applicant is not injured but aggrieved due to violation of his legal rights of clean and decent environment as PP is damaging common sharing's like Air, Water, Energy, Building Materials, transport systems, means of access etc.

c. Despite there being compliant of applicant to Respondents authorities, but there is no appropriate

action by these authorities to protect environment, even after knowledge of violation.

d. Further it is submitted that, it is not necessary to be a person injured to file an application or appeal before the Hon'ble Tribunal.

e. Further it is submitted that, there is no boundary to the environment and ecology, therefore the boundaries of residences of applicant cannot restrict him from filling the present application as there is blatant violation of the environmental enactments and PP causing irreparable damage to the environment & ecology for his ulterior motive to get financial benefits on account of "Mother Nature" and Respondent authorities have connivance with the PP

f. It is submitted that, the locus standi is not the acid test to be apply strictly and it is well settled principle that the meaning of word 'aggrieved person' or 'person aggrieved' shall receive very liberal interpretation and shall not be hyper technical to exclude bonafide individual to seek redressal at the hands of Tribunal to protect environment in the large interest of the society and this applicant being informer to the court of law have locus to file present application.

g. Locus shall not be interpreted applying acid litmus test or straight jacket formula. The interpretation must be tailor made keeping in mind liberality of legal remedies provided

under the provisions of the NGT Act for which enactment has been legislated.

h. It is submitted that, Applicant is performing their constitutional duties under article 48A, 51A(g) to protect environment and Applicants have shown dare to bring this violation before Hon'ble Tribunal, as the conduct of authorities appointed for protection of environment is against their statutory duties and helping PP for cause pollution.

i. It is submitted that, the NGT, Act 2010 specifically states that, "***any person aggrieved***, including any representative body or organization" and the term any person aggrieved is having the broad implication and definitely not limited its range

j. Applicant has filed bona fide application being informer to the court of law and is filed after studying the relevant documents obtained under online search & RTI.

k. Applicant is a Common man and got hurts from this blatant violation of environmental law and degradation of ecology, common sharing's, exploitation of natural resources and non-action of government authorities.

l. Therefore applicant is common man and vigilant citizen is an aggrieved person performing his constitutional duties promptly & diligently to protect environment & having legal right to enforce the environmental enactments to protect the common sharing of natural resources.

m. It is submitted that, the Hon'ble Apex court is also observed in ***(1996) 5 SCC 281, Indian Council for Enviro-Legal Action Vs Union of India & Ors***;

> *"(47) WITH increasing threat to the environmental degradation taking place in different parts of the country, it may not be possible for any single authority to effectively control the same. Environmental degradation is best protected by the people themselves. In this connection, some of the non- governmental organisations (NGOs) and other environmentalists are doing singular service. Time has perhaps come when the government can usefully draw upon the resources of such NGOs to help and assist in the implementation of the laws relating to protection of the environment. ....."*

n. Thus this applicant have locus to file present application

39. HON'BLE NGT HAVE CLEAR JURISDICTION TO DECIDE PRESENT APPLICATION

a. It is submitted that, the present application is filed under section 14, 15, 18 and 20 of the NGT Act-2010 challenging violations of environment enactments r/w the EIA Notification-2006 issued under the Environment Protection Act-1986 and other Schedule-I Acts.

b. It is submitted that, from plain reading of the application and it self clears that the, original application is filed for the non-compliance of not obtaining EC and these mandatory permissions to be obtained under the Environment (Protection) Act-1986, Air (P&CP) Act-1981, Water (P&CP) Act-1974

c. It is submitted that, PP carried out the construction activity for BUA of more than **18500** Sq. Mtrs. without

any EC & in violation of terms and conditions of Consent and Application is dealing with Non-implementation of environmental enactments by the PP and Application is filed for intentional damage caused to environment and ecology by the PP.

d. It is submitted that, Application is filed for the violation of Environmental Enactment listed in the Schedule-I of the NGT Act-2010 and therefore, issues raised in the original application are related to the substantial question of implementation of the Schedule-I enactments of the NGT Act-2010.

e. It is submitted that, the applicant resides and the respondents have their area of operations within the jurisdiction of this Hon'ble Tribunal 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.

f. It is submitted that, the PP has carried out the construction from **0** Sq. Mtrs. to **18500** Sq. Mtrs. till today and further PP has intention to go on beyond **36500** Sq. Mtrs. and civil construction activity is the recurring cause of action. Therefore Hon'ble NGT have clear jurisdiction to deal with the present application.

40. CAUSE OF ACTION TO FILE PRESENT APPLICATION:

a. It is submitted that, the cause of action is bundle of actions, therefore entire pleadings of the original application shall be considered

b. It is submitted that, the PP has carried out the illegal construction from **0** Sq. Mtrs. to **18500** Sq. Mtrs. vide sanction no. BP/Pimpri/76/2016 dated 24.11.2016 and further PP has intentional to go on beyond **36500** Sq. Mtrs. vide sanction no BP/Pimpri/36/2018 dated 31.03.2018 and civil construction activity is the recurring process. Therefore PP has increased the project capacity from **0** Sq. Mtrs to **18500** Sq. Mtrs. from 2011 to 19.05.2018, it is nothing but recurring cause of action for building construction activity and further PP has proposed to go increase the capacity of project.

c. It is submitted that, this applicant has obtained the information through online search and under RTI Act from 2017 to 18.05.2018 and thereafter sent the legal notice through Adv. Nitin Lonkar on 19.05.2019 to respondents inviting their attention towards the violations committed by PP.

d. The cause of action first arose to file this application is on 15th June 2019, when SEIAA issued show cause notice to the PP and its triggered cause of action.

41. LIMITATION TO FILE PRESENT APPLICATION

a. It is submitted that, the present application is filed under section 14, 15, 18 and 20 of the NGT Act, 2010 and there is limitation six (6) months under section 14 and five (5) years under section-15 from the cause of action first arose and Principal prayer of the applicant is for

restoration and restitution of the site to its original position.

b. It is submitted that, the present applicant has raised substantial questions relating to environment and this application is filed within six months from cause of action first arose on 15.06.2019.

c. Respondents have not rebutted the factum of Non-obtaining prior EC despite the construction BUA is more than 20,000 Sq. Mtrs. as per sanctioned plan BP/Pimpri/36/2018 dated 31.03.2018.

d. The present application is filed within six (6) months from 15.06.2019 and thus the application filed is within the prescribed period of limitation.

42. PRAYERS:

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 site in question and restore the area to its original position **OR** Direct Respondent No.11-PP to handover the project site including all structures to the Government Authority as the Hon'ble NGT deem fit proper for public purpose without any benefits.

B. Having regard to the damage to the public health, property and environment, principles of sustainable development and polluter pays principles, Direct the

Respondent No. 11-PP to deposit a heavy amount of compensation to the environment relief fund.

C. Direct Respondent No. 8-PCMC to forfeit all the benefits arising from present project including FSI, TDR, DCR etc., with permanent prohibition on construction.

D. Direct Respondent No. 4-SEIAA and Respondent No. 6 & 7-MPCB to initiate appropriate legal action including prosecution against the PP for violation of the provisions of EIA Notification-2006 and other applicable pollution control laws.

E. Cost of this application may kindly be granted to this applicant

F. Pass any other just and equitable orders in the interest of justice.

DATE: /08/2019
PLACE: PUNE

APPLICANT

DRAWN AND FILED BY

NITIN LONKAR
(ADVOCATE FOR APPLICANT)

VERIFICATION

Verified at Pune on this th day of August, 2019 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

Filed On 14/08/2019

//TRUE COPY//

ANNEXURE-A-23

Item No. 01

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)

Original Application No. 63/2019 (WZ)

I.A. No. 100/2019

Ajay Jayvantrao Bhosale Applicant(s)

Versus

Union of India & Ors. Respondent(s)

And

Date of hearing: 22.10.2019

CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Nilesh K. Bhandari, Advocate

For Respondent (s):

ORDER

1. The application alleges violation of the environmental clearance conditions by the project proponent while carrying out construction works in respect of Bramha Sky Uzuri**.** The following violations have been indicated:-

"a. Construction of BUA more than 18000 Sq. Mtrs. against total BUA of 56000 Sq. Mtrs with " 4 Basement + G+ 1 Floor out of 4B+G+10/11" being carried out without any Environment Clearnace and in violation of terms and conditions of Consent to Establish dated 10.03.2015 in blatant violation of the Environmental Laws, Pollution Control Act and EIA Notification, 2006.
b. PP is carrying out construction of residential and commercial structures on industrial zone reserved in

Development Plan and this is causing social infrastructure.

c. PP has undertaken the excavation activity in 2012 and construction activity on December-2017.
d. PP has committee the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.
e. PP has not obtained Environment Clearnace and also has not obtained prior Consent to Establish from MPCB (ex-post fact consent to establish dated 10.03.2015).
f. Non-compliance to the terms & conditions of Consent to Establish dated 10.03.2015.
g. Construction activity is undertaken without Environment Impact Assessment.
h. Illegally extraction of Ground water without any permission for extraction of ground water from completive authority.
i. Huge quantity of fresh water is consumed by this project.
j. No soil is preserved and no soil test is conducted.
k. Illegal operation of DG set for construction and causing air pollution.
l. Construction Solid waste is generated and no scientific disposal.
m. Sewage water is generated and no scientific treatment and STP is not installed.
n. Illegal burden on the public facilities
o. Substantial damage to environment and ecology to the tune of Rs. 150 Crores.

2. Apart from this there are also allegation that the project proponent has failed to obtain clearance with regard to the expansion work relating to the project.

3. Without going further into facts and circumstances of the case, we find the aforesaid violations alleged are quite serious that requires to be verified. We therefore, direct constitution Committee comprising of State Environmental Impact Assessment Authority (SEIAA), Maharashtra and Maharashtra Pollution Control Board (MPCB) to verify on the facts and circumstance set out in the Original Application and submit a Report. MPCB Shall be the nodal agency. In the event the allegations are found to be correct, appropriate action in accordance with law be taken against the

project proponent and action taken report be also incorporated in the report called for.

4. The applicant shall furnish entire set of the papers to the aforesaid two authorities to enable them to carry out the exercise as directed by us.

5. Let a copy of this order be transmitted to the SEIAA, Maharasthra and the MPPCB for compliance.

6. List on 10.12.2019.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

22nd October, 2019
O.A. NO. 63/2019(WZ)
hb

TRUE COPY

ANNEXURE-A-24

4th Floor, E-71, Preet Vihar, New Delhi-110092. Contact No. 9560466009,
E-mail: nitinlonkar@gmail.com

ADVOCATE

NITIN LONKAR
ADVOCATE

NOTICE AS PER DIRECTIONS OF HON'BLE NGT (WZ) PASSED IN OA NO. 63 OF 2019 VIDE ORDER DATED 22.10.2019

Dated: - 02/11/2019

To,

1. **STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY- MAHARASHTRA (SEIAA)**
   Through Member Secretary
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai-400 032

2.11.19
आवक लिपीक
पर्यावरण विभाग
मंत्रालय, मुंबई

2. **MAHARASHTRA POLLUTION CONTROL BOARD**
   Through Member Secretary,
   Kalptaru Point, 3rd Floor, Near Sion Circle,
   Opp. Cine Planet Cinema, Sion (E), Mumbai-400 022

T T Darang
2-11-2019

महाराष्ट्र प्रदूषण नियंत्रण मंडळ
सायन मुंबई
सायन (पूर्व),

SUBJECT: -

1. Directions of Hon'ble NGT in Original Application No. 63 of 2019 (WZ) vide Order dated 22.10.2019

Sir/ Madam,

1. That the my client Mr. Ajay Jayvantrao Bhosale presently R/o- 25B, Cycle Society, Nana Peth, Near Y. M. C. Club, Pune-411011 has filed Original Application No. 63 of 2019 before Hon'ble NHT (WZ) Pune.

2. That the Hon'ble NGT is pleased to pass an order dated 22.10.2019 in Original Application No. 63 of 2019 (WZ) in the matter of Mr. Ajay Jayvantrao Bhosale Vs Union of India & Ors.

3. That the Hon'ble NGT have directed you to:

   "1. The application alleges violation of the environmental clearance conditions by the project proponent while carrying out construction works in respect of Bramha

4th Floor, E-71, Preet Vihar, New Delhi-110092. Contact No. 9560466009,
E-mail: nitinlonkar@gmail.com

NITIN LONKAR
ADVOCATE

Sky Uzuri. The following violations have been indicated:-

"a. Construction of BUA more than 18000 Sq. Mtrs. against total BUA of 56000 Sq. Mtrs with "4 Basement + G+ 1 Floor out of 4B+G+10/11" being carried out without any Environment Clearnace and in violation of terms and conditions of Consent to Establish dated 10.03.2015 in blatant violation of the Environmental Laws, Pollution Control Act and EIA Notification, 2006.

b. PP is carrying out construction of residential and commercial structures on industrial zone reserved in Development Plan and this is causing social infrastructure.

c. PP has undertaken the excavation activity in 2012 and construction activity on December-2017.

d. PP has committee the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.

e. PP has not obtained Environment Clearnace and also has not obtained prior Consent to Establish from MPCB (ex-post fact consent to establish dated 10.03.2015).

f. Non-compliance to the terms & conditions of Consent to Establish dated 10.03.2015.

g. Construction activity is undertaken without Environment Impact Assessment.

h. Illegally extraction of Ground water without any permission for extraction of ground water from completive authority.

i. Huge quantity of fresh water is consumed by this project.

j. No soil is preserved and no soil test is conducted.

k. Illegal operation of DG set for construction and causing air pollution.

4th Floor, E-71, Preet Vihar, New Delhi-110092. Contact No. 9560466009,
E-mail: nitinlonkar@gmail.com

NITIN LONKAR
ADVOCATE

l. Construction Solid waste is generated and no scientific disposal.

m. Sewage water is generated and no scientific treatment and STP is not installed.

n. Illegal burden on the public facilities

o. Substantial damage to environment and ecology to the tune of Rs. 150 Crores.

2. Apart from this there are also allegation that the project proponent has failed to obtain clearance with regard to the expansion work relating to the project.

3. Without going further into facts and circumstances of the case, we find the aforesaid violations alleged are quite serious that requires to be verified. We therefore, direct constitution Committee comprising of State Environmental Impact Assessment Authority (SEIAA), Maharashtra and Maharashtra Pollution Control Board (MPCB) to verify on the facts and circumstance set out in the Original Application and submit a Report. MPCB Shall be the nodal agency. In the event the allegations are found to be correct, appropriate action in accordance with law be taken against the project proponent and action taken report be also incorporated in the report called for.

4. The applicant shall furnish entire set of the papers to the aforesaid two authorities to enable them to carry out the exercise as directed by us.

5. Let a copy of this order be transmitted to the SEIAA, Maharasthra and the MPPCB for compliance.

6. List on 10.12.2019.

S. P. Wangdi, JM
K. Ramakrishnan, JM
Dr. Nagin Nanda, EM

22nd October, 2019
O.A. NO. 64/2019(WZ)."

4. In lieu of the aforesaid order, I am attaching herewith the copy of Order dated 22.10.2019, Original Application No. 63

4th Floor, E-71, Preet Vihar, New Delhi-110092. Contact No. 9560466009,
E-mail: nitinlonkar@gmail.com

NITIN LONKAR
ADVOCATE

of 2019 along with annexures as directed by Hon'ble NGT for your references in view to examine the matter and furnish a factual and action taken report.

5. Hence this service notice.

Nitin Lonkar

(Advocate)

TRUE COPY

ANNEXURE-A-25

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
APPLICATION NO.63/2019

IN THE MATTER OF:

Mr. Ajay Jayvantrao Bhosale ... Applicant

Versus

Union Of India Through
The Secretary, MoEF & Ors ... Respondents

AFFIDAVIT FOR PROOF OF SERVICE

I, Mr. Ajay Jayvantrao Bhosale presently R/o- 25B, Cycle Society, Nana Peth, Near Y. M. C. Club, Pune-411011, 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, as per the direction of Hon'ble Tribunal on dated 22.10.2019, I have personally serviced the copies of application along with all annexures to the SEIAA and MPCB on 02.11.2019 to their offices.
3. I state that, I have also provided the copy of the Order dated 22.10.2019 to the SEIAA and MPCB.
4. Proof of service is here by annexed with copy of notices along with the present affidavit and marked as **ANNEXURE-I**.
5. The content of the above affidavit are true and correct to the best of my knowledge and belief.

Noted & Registered at Sl. No. 2462/19

Pune
Dated: - 04.11.2019

AFFIANT

NOTARY ADVOCATE Miss. K. D. GIDWANI REGD No.7555 Lic. Renewal on 14/01/2024 GOVERNMENT OF INDIA

NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

BEFORE ME

Miss. K. D. Gidwani
Advocate & Notary
Govt. of India
4 NOV 2019

TRUE COPY

ANNEXURE-A-26

GOVERNMENT OF MAHARASHTRA

No. Comp-2019/CR-12/SEIAA
Environment Department,
217(Annex), Mantralaya,
Mumbai-400 032.
November 16, 2019

To,
M/s. Bramha Leisures Pvt. Ltd.
Having registered office at– "Bramha House", 250/251
M. G. Road, Camp, Pune.

Subject: - Withdrawal of Proposed Directions dated 15.06.2019 issued under section 5 of the Environmental (P) Act, 1986 r.w. EIA Notification dated 14.9.2006

Ref:-

1) Complaint/Notice of Mr. Ajay Jayvantrao Bhosale through Advocate Nitin Lonkar dated 19.05.2019
2) Show cause notice /Proposed Directions u/s 5 of the Environmental (P) Act, 1986 r.w. EIA Notification dated 14.9.2006 issue to you vide letter dated 15.06.2019
3) Representation submitted by M/s. Bramha Leisures Private Limited vide its letter dated 16.07.2019
4) Personal hearing conducted in the chamber of the secretary, Environment Department on 11.11.2019

We refer to Show cause notice /proposed directions at reference (2) dated 15.06.2019 issue to you under section 5 of the Environmental (P) Act, 1986 r.w. EIA Notification dated 14.9.2006 whereby and where under you were asked to show cause as to why your building construction activity "**Bramha Uzuri**" situated at Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune, should not be stopped forthwith for violation of EIA Notification dated 14.9.2006, why further legal action should not be initiated against you under the provisions of Environmental (P) Act, 1986 and Rules made thereunder.

We also refer to the representation made by Bramha Leisures Private Limited under reference (3) above and also the personal hearing conducted in the chamber of the Secretary, Environment Department on 11.11.2019 in connection with our said show cause notice dated 15.06.2019.

After examination of the documents submitted by you alongwith your representation dated 16.07.2019 and the submissions made during the personal hearing conducted on 11.11.2019, it has observed that the project proponent Bramha Leisures Private Limited has carried out construction activity in respect of a commercial project called "**Bramha Uzuri**" Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune.

Based on Complaint/Notice of Mr. Ajay Jayvantrao Bhosale through Advocate Nitin Lonkar dated 19.05.2019, this office has served the Show Cause notice under reference (1) above to M/s Bramha Leisure Private Limited. On the basis of the reply it is observed that the project

called "**Bramha Uzuri**" has been constructed on Survey No. 209/A/2 CTS No. 4702. The said project was started construction activity as per PCMC sanction No. B.P./Pimpri/19/2008 and revised Sanctioned from PCMC vide B.P./Pimpri/15/2013 with no condition of Environment Clearance. But later on, the plan were revised. The total BUA exceed 20,000/- Sq. M. for which the project proponent has applied for EC to Environment Deptt., Govt. Maharashtra dtd. 7/9/2013 and 30.6.2016 to MoEF & CC, New Delhi. As per the PCMC Sanction No. B.P./Pimpri/19/2008 and circular dtd. 21st April, 2015 by Principal Secretary, Environment Department, Govt. of Maharashtra, started construction in the year 2016-17 and constructed BUA amount to 8467.69 Sq. M.

It is seen from the records of this office that Bramha Leisures for the total BUA of the project exceeded 20,000, has applied for grant of EC to the appropriate authority for the said project on 7.9.2013 and obtained consent to Establish from MPCB Board dated 10.3.2015.

It is clear from the record that the project proponent has made total BUA construction of 8467.69 Sq. M., which is less than 20000 Sq. Mtr. and is liable to be excluded from getting Environment Clearance as per provisions of the EC Act. In case the BUA construction sanction exceeds 20000 Sq. Mtr. limit, the developers is required to obtain EC from the appropriate authority. The project proponent has applied for grant of EC to appropriate authority for the total BUA of the project exceeded 20,000. Therefore, there is no case of violation of the Environment (P) Act, 1986 r.w. EIA Notification dated 14.9.2006. Therefore, the Show Cause Notice/Proposed Directions u/s 5 of the Environment Act needs to be withdrawn.

Hence, the Show Cause Notice/Proposed Directions u/s 5 of the Environment (P) Act, 1986 r.w. EIA Notification dated 14.9.2006 issued by this office under its communication dated 15.06.2019 as per ref. (2) is hereby withdrawn.

Sd/-
(Anil Diggikar)
Principal Secretary &
Member Secretary- SEIAA

//TRUE COPY//

ANNEXURE-A-27

Item Nos. 03 to 05

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)

Original Application No. 63/2019 (WZ)
(I.A. No. 100/2019)
WITH
Original Application No. 64/2019 (WZ)
(I.A. No. 101/2019)
WITH
Original Application No. 65/2019 (WZ)
(I.A. No. 102/2019)

Ajay Jayvantrao Bhosale — Applicant

Versus

Union of India & Ors. — Respondent(s)

WITH

Tanaji Balasaheb Gambhire — Applicant

Versus

Union of India & Ors. — Respondent(s)

WITH

Ajay Jayvantrao Bhosale — Applicant

Versus

Union of India & Ors. — Respondent(s)

Date of hearing: 10.12.2019

CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Appellant(s): Mr. Nitin Lonkar and Ms. Sonali Suryawanshi, Advocates

For Respondent (s): Ms. Mansi Joshi, Advocate for Respondent Nos. 6 & 7.

ORDER

Time sought for on behalf of the MPCB to submit report of the Committee in terms of order dated 22.10.2019 is allowed.

Let the report be filed before the next date by e-mail at judicial-ngt@gov.in with advance copy to the other side.

List again on 10.01.2020.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

10th December, 2019
O.A. No. 63/2019 (WZ) and other connected matters
dv

NATIONAL GREEN TRIBUNAL, NEW DELHI

TRUE COPY

ANNEXURE-A-28

99 SEAC-3 day 01	
SEAC Meeting number: 99 **Meeting Date** December 10, 2019	
Subject: Environment Clearance for Proposed Commercial development Project namely Bramha Sky Uzuri by Bramha leisures Pvt.Ltd.	
Is a Violation Case: No	
1.Name of Project	BRAMHA SKY UZURI
2.Type of institution	Private
3.Name of Project Proponent	Mr. Vishal Agarwal
4.Name of Consultant	Building Environment India Pvt. Ltd.
5.Type of project	Commercial Project
6.New project/expansion in existing project/modernization/diversification in existing project	New Project
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Not applicable
8.Location of the project	Sr.No. 209/A/2
9.Taluka	Haveli
10.Village	Pimpri
Correspondence Name:	Bramha Leisures Pvt.Ltd.
Room Number:	NA
Floor:	1st
Building Name:	250-251, Bramha House
Road/Street Name:	M.G.Road
Locality:	Camp
City:	Pune
11.Area of the project	PCMC
12.IOD/IOA/Concession/Plan Approval Number	Sanctioned from PCMC
	IOD/IOA/Concession/Plan Approval Number: BP/Layout/Pimpri/ENV/1/2018 Dated 04/10/2018
	Approved Built-up Area: 54667.89
13.Note on the initiated work (If applicable)	Work initiated below 20000 sq.m., withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	NA
15.Total Plot Area (sq. m.)	7729.66 Sq.M.
16.Deductions	0
17.Net Plot area	7729.66 Sq.M.
18 (a).Proposed Built-up Area (FSI &Non-FSI)	**a) FSI area (sq. m.):** 21689.80
	b) Non FSI area (sq. m.): 32969.09
	c) Total BUA area (sq. m.): 54667.89
18 (b).Approved Built up area as per DCR	**Approved FSI area (sq. m.):** 21689.80
	Approved Non FSI area (sq. m.): 32969.09
	Date of Approval: 04-10-2018
19.Total ground coverage (m2)	3881.71

20.Ground-coverage Percentage (%)(Note: Percentage of plot not open to sky)	50.2 % of net plot area
21.Estimated cost of the project	1326800000
22.Number of buildings & its configuration	

Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)
1	Wing A	3 B+GF+UG+10 Floor	38.25
2	Wing B	3B+LG+UG+11 Floor	39.95
3	Wing C	3B+LG+UG+11 Floor	39.95
4	Club House	G+1	6.65

23.Number of tenants and shops	Wing A & B – 274 Nos. Office and 44 Nos. Shops and Wing B – 2 Nos. Restaurant Wing C – 131 Nos. Rooms, 2 Nos. Restaurant & 5 Nos. Banquets
24.Number of expected residents / users	Shops & Offices – 2533 Nos., Restaurants – 1024 Nos., Service Rooms – 262 Nos. Total - 3819 Nos.
25.Tenant density per hectare	5520.29
26.Height of the building(s)	
27.Right of way (Width of the road from the nearest fire station to the proposed building(s)	18 M
28.Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9 M
29.Existing structure (s) if any	NA
30.Details of the demolition with disposal (If applicable)	NA

31.Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable

32.Total Water Requirement

Dry season:	**Source of water**	PCMC
	Fresh water (CMD):	195.770
	Recycled water - Flushing (CMD):	73.735
	Recycled water - Gardening (CMD):	12
	Swimming pool make up (Cum):	3
	Total Water Requirement (CMD) :	269.505
	Fire fighting - Underground water tank(CMD):	400

	Fire fighting - Overhead water tank(CMD):	60
	Excess treated water	132.564
Wet season:	**Source of water**	PCMC
	Fresh water (CMD):	195.770
	Recycled water - Flushing (CMD):	73.735
	Recycled water - Gardening (CMD):	12
	Swimming pool make up (Cum):	3
	Total Water Requirement (CMD) :	269.505
	Fire fighting - Underground water tank(CMD):	400
	Fire fighting - Overhead water tank(CMD):	60
	Excess treated water	144.565
Details of Swimming pool (If any)	C wing- swimming pool(6.81 x 9.35)+ jaccuzi (6.29 x 4.00) + kids pool(6.29 x 4.00) at fourthfloor Open space - swimming pool (10.00 x 4.70)+ kids pool area(3.00x 4.70) The average depth of Swimming Pool: 1) Main pool of C-Wing 750mm 2) Kids pool 600mm and 3) Main pool of Open Space 1200mm	

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	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

34.Rain Water Harvesting (RWH)	**Level of the Ground water table:**	12 m BGL
	Size and no of RWH tank(s) and Quantity:	NA
	Location of the RWH tank(s):	NA
	Quantity of recharge pits:	6
	Size of recharge pits :	3 m x 2 m x 3 m
	Budgetary allocation (Capital cost) :	12 Lacs
	Budgetary allocation (O & M cost) :	0.3 Lacs/yr.
	Details of UGT tanks if any :	1 no. for Wing A & B 380.637 KLD1 1 no. for Wing C 439.620 KLD
	Natural water drainage pattern:	East To West

35.Storm water drainage	**Quantity of storm water:**	26 m3
	Size of SWD:	600 mm x 600 mm
Sewage and Waste water	**Sewage generation in KLD:**	242.555
	STP technology:	MBBR TECHNOLOGY
	Capacity of STP (CMD):	2 NOS. 1 FOR Wing A & B - 110 KLD AND 1 FOR Wing C -140 KLD
	Location & area of the STP:	Near Wing C , Area - 130 Sq.m.
	Budgetary allocation (Capital cost):	86.05 Lacs
	Budgetary allocation (O & M cost):	22.75 Lacs/yr.
36.Solid waste Management		
Waste generation in the Pre Construction and Construction phase:	**Waste generation:**	Total excavation generated during pre construction and construction phase - 78961 Cum out of which reused at site 10156 Cum and remaining 68805 Cum handed over to Authorized vendor
	Disposal of the construction waste debris:	Construction waste includes waste concrete, excavated soil, broken bricks, waste plaster, metallic scrap etc. Construction debris will beused for base course preparation and excess will be hand over to Autorized vendor
Waste generationin the operation Phase:	**Dry waste:**	739 Kg/day
	Wet waste:	793 Kg/day
	Hazardous waste:	Negligible
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	33 Kg
	Others if any:	E-Waste - 3688 kg/year
Mode of Disposalof waste:	**Dry waste:**	Collected & Disposed by local body (swach)
	Wet waste:	Treated in organic waste composting and used as manure.
	Hazardous waste:	Send to Authorized vendor
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	Used as manure for gardening purposes
	Others if any:	NA
Area requirement:	**Location(s):**	Near Wing C
	Area for the storage of waste & other material:	27.3 m2
	Area for machinery:	46.2 m2
Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	27.5 Lacs
	O & M cost:	5.9 Lacs/yr

37.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

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	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

40.Details of Fuel to be used

Serial Number	Type of Fuel	Existing	Proposed	Total
1	Not applicable	Not applicable	Not applicable	Not applicable

41.Source of Fuel	Not applicable
42.Mode of Transportation of fuel to site	Not applicable

43.Green Belt Development	**Total RG area :**	1695.39 Sq.M.
	No of trees to be cut :	0
	Number of trees to be planted :	78 Nos.
	List of proposed native trees :	78 nos.
	Timeline for completion of plantation :	2 Years

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	Nyctanthes Arbor-Tortis	Parijatak	5	Small deciduous fast growing
2	Bahunia Variegata	Mountain Ebony	3	Flowering plant,Deciduous
3	Michellia Champa	Sonchaffa	3	Medium Evergreen Tree
4	Anthocephalus Kadamba	Kadamba	4	Shady,deciduous Fast Growing
5	Dalbergia Sisoo	Shisoo	3	Fast growing medium to large hardy deciduous rosewood.
6	Azadirakta Indica	Neem	2	Fast growing large tree, evergreen good for roadside plantation, draught resistant, shade giving tree.

7	Mangifera Indica	Mango	3	Flowering and Fruit growing tree, dense, nesting for avi fauna.. Suitable for all types of soil. Medium logging to water tolerence.
8	Cassia Fistula	Bahawa	3	Medium sized deciduous tree. Beautiful yellow flowers, Butterfly host plant.
9	Ailanthus Excelsa	Maharukh	3	Softwood tree. one of the best tree used to trap Suspended Particulate Matter (SPM)
10	Lagerstromia Speciosa	Tamhan	4	Medium sized Tree, Beatuful Purple flower
11	Ficus Microcarpa	Nandruk	4	Shady Tree
12	Syzygium cumuni	Jambhul	4	Evergreen, Slow growing
13	Murraya koenigii	Curry Leaves	4	Butterfly Host Plant
14	Phyllanthus emblica	Amla	5	Deciduous tree with edible fruits
15	Prunus dulcis	Almond	4	The base of various drinks which are supposed to have cooling properties.
16	Bombax ceiba	katesavar	5	Is an important medicinal plant of Tropica
17	Tabobiya	Roble	7	Leaves are compound, digitate and deciduous. Each leaf has five leaflets of variable size, the middle one being the largest.
18	Delonix regia	Gulmohar	3	Gulmohar trees are mainly grown for shade an ornamental value.
19	Saraca asoka	Ashoka	2	Shady tree with red-yellow flowers
20	Total	-	78	
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	NA	NA	NA

47.Energy

Power requirement:	**Source of power supply :**	MSEDCL
	During Construction Phase: (Demand Load)	200 kW
	DG set as Power back-up during construction phase	2 x 82.5 kVA
	During Operation phase (Connected load):	4681 kVA
	During Operation phase (Demand load):	3210 kVA
	Transformer:	3 x 630 kVA, 1 x 315 kVA, 1 x 1.5 MVA
	DG set as Power back-up during operation phase:	1 x 1010 kVA , 2 x 750 kVA
	Fuel used:	HSD

	Details of high tension line passing through the plot if any:	NA

48.Energy saving by non-conventional method:

- Using high efficient equipment & BEE Certified Motors for Water pumps
- Use of Variable speed drives for Lifts
- Use of CFL / T-5 Fittings & Electronic Ballast in Common area
- Use of LED Fittings in Lighting of lift lobby or passages
- Use of solar based lighting systems in common areas.
- Using VFD for Fan and pump for STP
- Using high efficient equipment & BEE Certified Motors for Basement ventilation
- Solar based Hot water systems

49.Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Solar Water Heating System, solar based lighting systems in common areas , CFL / T-5 Fittings & Electronic Ballast in Common area	48.63 %

50.Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Waste water generation from Proposed project	Not applicable	Proposed STP having capacity 110 KLD and 140 KLD with MBBR Technology
Wet Waste from the proposed project	Not applicable	Proposed 2 nos. OWC having capacity 500 and 375 kg/day

Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	NA
	O & M cost:	NA

51.Environmental Management plan Budgetary Allocation

a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Water for Dust Suppression	-	3
2	Site Sanitation & Safety	-	5
3	Environmental Monitoring	-	3
4	Drinking water facility	-	2
5	Personnel Protective Equipment & Health Checks-Ups	-	5
6	Total	-	18

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	Rain Water harvesting	-	12	0.3
2	STP	-	86.05	22.75
3	Landscape & Tree Plantation	-	30.17	4.82
4	Energy Saving	-	28	4.2
5	Solar Water Heating	-	22	3.3
6	Swimming Pool	-	63	9
7	Environmental monitoring	-	0	8
8	Organic waste Composting		27.50	5.90
9	Total	-	268.72	58.27

51.Storage of chemicals (inflamable/explosive/hazardous/toxicsubstances)

Description	Status	Location	Storage Capacity in MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month inMT	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:	NA
Parking details:	**Number and area of basement:**	3 Nos. 9544.03 Sq.M.
	Number and area of podia:	NA
	Total Parking area:	14885.65 Sq.M.
	Area per car:	Provided as per NBC
	Area per car:	Provided as per NBC
	Number of 2-Wheelers as approved by competent authority:	2167
	Number of 4-Wheelers as approved by competent authority:	263 + 100 (Mechanical parking)

	Public Transport:	NA
	Width of all Internal roads (m):	Min.6 M
	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	Category B
	Court cases pending if any	NA
	Other Relevant Informations	Withdrawal of Violation from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
	Have you previously submitted Application online on MOEF Website.	Yes
	Date of online submission	30-06-2016

SEAC DISCUSSION ON ENVIRONMENTAL ASPECTS

Environmental Impacts of the project	Satisfactory.
Water Budget	Satisfactory.
Waste Water Treatment	Satisfactory.
Drainage pattern of the project	Satisfactory.
Ground water parameters	Satisfactory.
Solid Waste Management	Satisfactory.
Air Quality & Noise Level issues	Satisfactory.
Energy Management	Satisfactory.
Traffic circulation system and risk assessment	Satisfactory.
Landscape Plan	Satisfactory.
Disaster management system and risk assessment	Satisfactory.
Socioeconomic impact assessment	Satisfactory.
Environmental Management Plan	Satisfactory.
Any other issues related to environmental sustainability	Satisfactory.

Brief information of the project by SEAC

PP had submitted application for prior Environmental clearance for total plot area of 7729.66 m2, FSI area of 21689.80 m2, Non FSI area of 32969.09 m2 and total BUA of 54667.89 m2.

The building configuration of the proposal is as below:

Wing A (Height 38.25 m): 3B+G+UG+10

Wing B and C (Height 39.95 m): 3B+G+UG+11

Club House (Height 6.65 m): G+1

The case was discussed on the basis of the documents submitted and presentation made by the proponent.

The Committee noted that the show cause notice / proposed directions issued u/s 5 of the Environment (P) Act, 1986 dated 15.06.2019 were withdrawn by the Environment Department, GoM vide letter no. Comp-2019/CR-12/SEIAA dated 16.11.2019.

All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8(a)B2.

DECISION OF SEAC

PP has satisfactorily complied with the points raised in 91st meeting of SEAC-3.

*SEAC decided to **recommend** the proposal for prior environmental Clearance.*

Specific Conditions by SEAC:

1) Nil.

FINAL RECOMMENDATION

SEAC-III have decided to recommend the proposal to SEIAA for Prior Environmental clearance subject to above conditions

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ANNEXURE-A-29

PROJECTION

Architect & interior designers
Date: 20/12/2019

TO WHOMSOEVER IT MAY CONCERN

Following are the FSI and Non-FSI Area statement for the proposed development of "Bramha Sky Uzuri" S. No. 209/A/2 & CTS No. 4702, Pimpri Gaon, Pimpri-Chinchwad Pune.

"Bramha Leisure Private Limited" (File No. INWD/PMN/0009/14)

Sr. No.	Commencement Certificate	Date of Issue	Plot Area (Sq. Mt.)	FSI (Sq. Mt.)	Non FSI (Sq. Mt.)	Remarks
1.	BP/PIMPRI/19/2008	28/03/2008	7729.74	8535.48	9059.56	Final Plot No. 2 sub Division + Proposed Building
2.	BP/PIMPRI/15/2013	09/04/2013	7729.74	9285.51	12082.77	Proposed Building
3.	BP/PIMPRI/64/2015	30/09/2015	7729.74	9260.12	12750.16	Proposed Building
4.	BP/PIMPRI/76/2016	24/11/2016	7729.74	8835.93	12377.95	Proposed Building
5.	BP/PIMPRI/36/2018	31/3/2018	7729.74	6998.59	12992.76	Proposed Building
6.	BP/PIMPRI/38/2019	16/05/2019	7729.74	7414.99	12563.39	Proposed Building

Sd/-
For Projection Studio

PROJECTION

Architect & interior designers
Date: 20/12/2019

TO WHOMSOEVER IT MAY CONCERN

Following are the FSI and Non-FSI Area statement for the proposed development of "Bramha Sky Uzuri" S. No. 209/A/2 & CTS No. 4702, Pimpri Gaon, Pimpri-Chinchwad Pune. "Bramha Leisure Private Limited" (File No. INWD/PMN/0009/14)

A-Building/Wing (STATUS on Site Construction)

Sr. No.	Floor	F.S.I. (Sq. Mt.)	Non F.S.I. (Sq. Mt.)	Total (F.S.I. + Non F.S.I.) (Sq. Mt.) Encased Bal.+ Staircase+ Fire Staircase+ Passage+ Lift
1.	Basement	0.00	274.59	274.59
2.	Basement	0.00	263.87	263.87
3.	Basement	0.00	288.24	288.24
4.	Ground Floor	899.12	37.41	936.53
5.	Upper Ground Floor	642.10	282.92	925.02
6.	First Floor	495.95	251.52	747.47
7.	Second Floor	497.10	292.01	918.99
8.	Third Floor	503.46	288.73	915.75
9.	Fourth Floor	503.46	288.73	915.75
	Total Area			**6186.21**

B-Building/Wing (STATUS on Site Construction)				
1.	Basement	0.00	1626.73	1626.73
2.	Basement	0.00	1598.74	1598.74
3.	Basement	0.00	1597.54	1597.54
4.	Lower Parking Floor	0.00	1310.87	1310.87
	Total Area			**6133.88**

C-Building/Wing (STATUS on Site Construction)				
5.	Basement	0.00	1486.43	1486.43
	Total Area			**1486.43**

Total construction Area as above date (A, B & C Building/Wing = 6186.21 + 6133.88 + 1486.43 = 13806.52 sq.mt.) on site as per P.C.M.C Sanction Plan CC No. BP/PIMPRI/36/2018, date 31/3/2018

Sd/-
For Projection Studio

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ANNEXURE-A-30

(Report Date: 08/01/2020)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PUNE

ORIGINAL APPLICATION NO. 63/2019 (WZ)

Ajay Jayvantrao Bhosale	....	Applicant(s)
V/s.		
Union of India & Ors.	....	Respondent(s)

In compliance of the order passed by Hon'ble NGT on 22/10/2019 & 10/12/2019, in the matter O.A. No. 63/2019. The Joint Committee Report (SEIAA Maharashtra and MPCB) is submitted herewith.

The Joint Report of Committee

Date of Site visit:	**15th Dec 2019**
Address:	M/s.Bramha Leisures Pvt. Ltd. "Bramha Sky Uzuri" at S.No. 209/A/2 , CTS No. 4702 ,Pimpri, Tal.Haveli,Dist. Pune.

a) **Construction of BUA more than 18000 Sq.M against total BUA of 56000 Sq.M with**
4B (basement)+G+1 floor out of 4B+G+10/11 being carried out without any environmental clearance & in violation of terms & conditions of consent to Establish dtd.10.03.2015 in blatant violation of the Environmental Laws, Pollution control Acts & EIA notification 2006.

Present Status :- During inspection, it is observed that PP has completed total built up area for Bldg. No. A, B, C is 13806.52 Sq.M as per Architect Certificate submitted by PP on dated 20/12/2019. During inspection it is observed that construction of Bldg. No. A is completed up to 3 B+ GF+UG+ up to 4th floor and Bldg No B is completed up to 3B+LG and Bldg No C up to one basement only. The Excavation work is started in the year 2012 and Building construction work is started in the year 2017.

PP has informed that, the excavation work is started as per Sanction plan vide No.No.B.P/Pimpri/19/2008 for total plot area 7729.74 Sq.M, for FSI 8535.48 Sq.M and Non FSI 9059.56 Sq.M. Also PP has started construction activity in the year 2016-2017, for that PP has obtained consent to establish from the Board Office vide No. Bo/CAC Cell/EIC- PN- 22272- 14/E/CAC-2664 dated 10.3.2015 for TPA 9337.66 Sq.M and BUA-36611.49 Sq.M and also by overriding effect obtained Consent to Establish vide No. BO/RO-HQ/CC-1710000347 dated 12/10/2017. In the meantime, PP had applied for EC 0n 07/09/2013 and also re-apply on 30.6.2016. However, EC was not obtained by the Project Proponent till date.

History of Sanction Plans–

As per the Commencement Certificate with sanction plans from PCMC from time to time and Architect Certificate submitted by the Project Proponent, the details of FSI and Non-FSI area are as below :-

Sr No	Commencement Certificate No	Date of Issue	Plot Area (Sq.M)	FSI (Sq.M)	Non FSI (Sq.M)	BUA (Sq.M)
1	BP/PIMPRI/19/2008	28/03/2008	7729.74	8535.48	9059.56	17595
2	BP/PIMPRI/15/2013	09/04/2013	7729.74	9285.51	12082.77	21368.3
3	BP/PIMPRI/64/2015	30/09/2015	7729.74	9260.12	12750.16	22010.3
4	BP/PIMPRI/76/2016	24/11/2016	7729.74	8835.93	12377.95	21213.9
5	BP/PIMPRI/36/2018	31/03/2018	7729.74	6998.59	12992.76	19991.4
6	BP/PIMPRI/38/2019	16/05/2019	7729.74	7414.99	12563.39	19978.4

Remarks:- It seems that PP is carrying out construction activity in response to the CCs by the PCMC. The PP has not yet obtained occupancy certificates (OCs). The PP has obtained C to E from MPC Board mentioning the total plot area 9337.66 Sq.M. and total Construction area 36611.49 Sq.M. on 10/03/2015 for the five star hotel (139 rooms). The said consent is revised for commercial project on 12/10/2017 for the plot area 9337.67 Sq.M. and BUA 51358.46 Sq.M. The PP has not obtained Environmental Clearance (EC). The PP has also informed that there case obtaining the EC is in process.

b) PP is carrying out construction of residential and commercial structures on industrial zone reserved in Development Plan and this is causing social infrastructure.

PP has obtained six Commencement Certificates (CCs) from Pimpri Chinchwad Municipal Corporation (PCMC) during 2008 to 2019 for commercial activities. The

Architect Certificate in this regard is attached for reference. The necessary permission are obtained from the Planning Authority.

c) **PP has undertaken the excavation activity in 2012 and construction activity on December-2017.**

Present Status :- During inspection, it is observed that PP has completed total built up area for Bldg. No. A, B, C is 13806.52 Sq.M as per Architect Certificate submitted by PP on dated 20/12/2019. During inspection it is observed that construction of Bldg. No. A is completed up to 3 B+ GF+UG+ up to 4th floor and Bldg No B is completed up to 3B+LG and Bldg No C up to one basement only. The Excavation work is started in the year 2012 and Building construction work is started in the year 2017.

PP has informed that, the excavation work is started as per the Sanctioned plan vide No.No.B.P/Pimpri/19/2008 for total plot area 7729.74 Sq.M, for FSI 8535.48 Sq.M and Non FSI 9059.56 Sq.M. Also PP has started construction activity in the year 2016-2017, for that PP has obtained consent to establish from the Board Office vide No. Bo/CAC Cell/EIC- PN- 22272- 14/E/CAC-2664 dated 10.3.2015 for TPA 9337.66 Sq.M and BUA- 36611.49 Sq.M and also by overriding effect obtained Consent to Establish vide No. BO/RO-HQ/CC-1710000347 dated 12/10/2017. In the meantime, PP had applied for EC 0n 07/09/2013 and also re-apply on 30.6.2016. However, EC was not obtained by the Project Proponent till date.

d) **PP has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.**

Present Status: - During inspection, it is observed that PP has completed total built up area for Bldg. No. A, B, C is 13806.52 Sq.M (as per the TBA Certificate by Architect submitted by PP on dated 20/12/2019). During inspection it is observed that construction of Bldg. No. A is completed up to 3 B+ GF+UG+ up to 4th floor and Bldg No B is completed up to 3B+LG and Bldg No C up to one basement only. The Excavation work is started in the year 2012 and Building construction work is started in the year 2017.

PP has informed that, the excavation work is started as per the Sanctioned plan vide No.No.B.P/Pimpri/19/2008 for total plot area 7729.74 Sq.M, for FSI 8535.48 Sq.M and Non FSI 9059.56 Sq.M. Also PP has started construction activity in the year 2016-2017, for that PP has obtained consent to establish from the Board Office vide No. Bo/CAC Cell/EIC- PN- 22272- 14/E/CAC-2664 dated 10.3.2015 for TPA 9337.66 Sq.M

and BUA- 36611.49 Sq.M and also by overriding effect obtained Consent to Establish vide No. BO/RO-HQ/CC-1710000347 dated 12/10/2017. In the meantime, PP had applied for EC 0n 07/09/2013 and also re-apply on 30.6.2016. However, EC was not obtained by the Project Proponent till date.

e) **PP has not obtained Environment Clearance and also has not obtained prior Consent to Establish from MPCB (ex-post fact consent to establish dated 10.03.2015).**

PP is carrying out construction activity in response to the CCs by the PCMC. The PP has not yet obtained occupancy certificates (OCs). The PP has obtained C to E from MPC Board mentioning the total plot area 9337.66 Sq.M. and total Construction area 36611.49 Sq.M. on 10/03/2015 for the five star hotel (139 rooms). The said consent is revised for commercial project on 12/10/2017 for the plot area 9337.67 Sq.M. and BUA 51358.46 Sq.M. The PP has not obtained Environmental Clearance (EC). The PP has also informed that there case obtaining the EC is in process.

f) **Non-compliance to the terms & conditions of Consent to Establish dated 10.03.2015.**

PP has obtained consent to establish from MPCB vide letter Bo/CAC Cell/EIC- PN-22272- 14/E/CAC-2664 dated 10.3.2015 for TPA 9337.66 Sq.M and BUA- 36611.49 Sq.M. As per consent to establish condition, PP has to obtain prior EC before commissioning of construction activity. However, it is observed that PP has carried out construction activity to the tune of 8467.69 Sq.M without obtaining EC.

g) **Construction activity is undertaken without Environment Impact Assessment.**

Environmental Impact Assessment not required for project having BUA less than 1,50,000 Sq.M, as per EIA Notification 14 September 2006. As said project has BUA less than 1,50,000 Sq.M hence does not attract EIA report.

h) **Illegally extraction of Ground water without any permission for extraction of ground water from completive authority.**

During inspection, the committee has not found extraction of ground water. Also, no bore well is found in the premises.

i) **Huge quantity of fresh water is consumed by this project.**

PP is using tanker water for the construction purpose as per the requirement. PP has obtained NOC from PCMC on 25.6.2018 for fresh water supply in operational phase.

j) **No soil is preserved and no soil test is conducted.**

PP informed that, the top soil of the project site is already transported to their own site at some other place. However, for doing so the permission from PCMC has not been obtained. Soil testing report has not been made available.

k) **Illegal operation of DG set for construction and causing air pollution.**

During visit, it is observed that PP has installed DG set of capacity 45 KVA as a backup for the construction phase of the project, but for doing so the consent to operate from MPCB has not obtained. The DG set have exhausts and sound insulation arrangements.

l) **Construction Solid waste is generated and no scientific disposal.**

As project is in construction phase, there is no generation of solid waste.

m) **Sewage water is generated and no scientific treatment and STP is not installed.**

As project is in construction phase, there is no generation of sewage.

n) **Illegal burden on the public facilities.**

PP has carried out construction activity as per the plan approvals by PCMC from time to time.

Sd/-(Mukund Athavale)
Member
SEIAA Maharashtra

Sd/-(Dr. Y. B. Sontakke)
Jt. Director (Water)
MPC Board, Mumbai

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ANNEXURE-A-31

PIMPRI CHINCHWAD MUNICIPAL CORPORATION, PIMPRI-411018

(Following numbers and dates may be mentioned in the correspondence hereinafter)

(This certificate is issued to the applicant without taking into consideration title of the property or building)

(Commencement Certificate)

Certificate for commencement of Construction

Revised to B.P./Pimpri/38/2019, Dt. 16/05/2019

Subject to the following printed terms, said commencement certificate and consent letter for construction is being issued in accordance with provisions in sections 45 and 29 of the Maharashtra Regional and Town Planning Act, 1966 and (Sections) 253 and 254 of the Bombay Municipal Corporation Act, 1949. *(Token No. 103319200009318)*

Pimpri Chinchwad Municipal Corporation, Pimpri-411018
Number- B.P./Pimpri/04/2020
Date: 08/01/2020

To, **M/s. Brahma Leisures Private Limited** through director **Shri. Vishal Surendrakumar Agrawal** through L. A. **Shri. Sangram Salunkhe**, address: **Gaikwad Avenue Building, Aundh, Pune-07**.

From Pimpri Chinchwad Municipal Corporation

You have issued a notice to the Municipal Corporation in accordance with Sec. 45 of the Maharashtra Regional and Town Planning Act, 1966 and Section 253 and 254 of the Bombay Provincial Municipal Corporation Act, 1949 seeking permission for commencement of construction on the land within the limits of Pimpri Chinchwad Municipal Corporation bearing Survey No. **209/A/2**, CTS No. **4702**, Plot No. **2/3/B** Pimpri, which was received by us on **25.11.2019**. Accordingly, a consent letter for

carrying out work is hereby given to you subject to terms mentioned at Sr. ____ to _____ hereunder.

1) The construction is to be carried out as shown in the new / revised plan.
2) When the work of construction done upto the plinth, the set-back may get verified from the Town Planning Office. Expert which, the construction should not be started. (also construction should not commenced unless providing the RCC plans and information of calculations thereunder)
3) This consent is being issued on the terms listed/ pasted on the rare side of the plans enclosed herewith.
4) Before seeking completion certificate of the new building, construction whereof has been started on the plot, each owner should make proper arrangement for planting trees inside and outside of the compound wall of the building and should make appropriate provision to maintain and nourish them properly and without which the completion certificate could not be issued. The applicant should erect proper fencing to the trees on road. Further, he is also obliged to deposit requisite deposits in the treasury as per the prevailing rules of corporation in that regard.
5) While issuing completion certificate of the building, the application seeking completion certificate could not be considered unless the scrap of the building thrown on the road and inside is removed and the place is made clean and clear.
6) If there are trees on the concerned land where new construction is to be initiated then such trees should not be cut without obtaining permission from tree authority otherwise legal action may be taken, which may be noted.
7) The Pimpri-Chinchwad Municipal Corporation has reserved its right to take penal action against you as per the

aforementioned rules if you caused concerned construction in violation of the provisions of Bombay Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 or concerned the same without obtaining prior permission of the competent Authority/ caused construction in violation of the plan sanctioned by this office or making changes or alterations therein and without obtaining prior permission to the revised plan of construction or for making construction without obtaining completion certificate.

8) The building material or scrap from the demolition of the old construction should be stored on road or in such a manner that it should not cause hurdle to anything and if such material is found to be placed in such area, penalty per week as per the Revised Development Control Regulations at the rate if Rs. 25/- for residential use and Rs. 50/- per sq. Mtrs, for commercial use will be assessed.

9) The owner, at his own cost, should connect the drainage line of the building to the drainage line of the municipal corporation.

10) It will be mandatory to put letter box revealing names of the unit holders on the ground floor of the building at appropriate place without which part or full completion certificate could not be issued.

11) It will be compulsory to handover the area to the municipal corporation which is getting affected with the road winding as per the development plan.

12) Timber should not be used for the sake of support and shape of all sides of the RCC work of the building. It is mandatory to use iron for that purpose.

13) Structural Engineers duly recognized by the Indian Society of Structural Engineers, Pune-30 may be appointed for the

building work. Further, a letter of Structural Engineer in confirmation of acceptance of said job is required to be submitted to this department. The construction of the building could not commence unless such letter is furnished.

14) The construction should not be commenced without furnishing to the tax Collection Department of the corporation a certificate/ receipt to the in lieu of payment of taxes till the end of the concerned half year pertaining to the said plot.

15) It is mandatory to develop the open land in the sanctioned layout subject to the provisions made in Rule No. 11.3.1.5 of the Development Control Regulation.

16) As per the rules, it is mandatory to handover possession of the area affected under road winding in the development plan to the municipal Corporation. Municipal Corporation's name may be recorded to the area affected with the road winding and then such revised property card and demarcation map may be furnished to this office before obtaining part of full completion certificate. It is also mandatory to submit no objection certificate from the corporation's Land Assets Department. Further, the applicant himself, at his cost, will get the area getting affected under road winding filled with stone in accordance with the directions of the corporation or need to deposit the expenses for such stones as per the prevailing rate of the corporation in that regard.

17) The municipal corporation will not be responsible for any dispute if raises in respect of the boundaries of the said land as per its demarcation map and actual cultivation in the present matter. Part or full completion certificate could not be issued to the construction unless a revised demarcation plan from the city survey office/ property extract is furnished.

18) The amalgamation of the plots in the present matter may get done through the City Survey Officer, accordingly, the revised property card and demarcation map are required to submit with this department before obtaining completion certificate.

19) It is mandatory to make provision for rain water harvesting in buildings on plots (except area with large density) admeasuring about 300 sq. mtrs. and above.

20) Absorption of water on the access roads adjacent to the plot and in surrounding vicinity is very much required for public health. For that shake, the developer/ applicant will be solely responsible for making requisite arrangement as expected under Rule 9.1 of the Development Control Rule. Thus, there would not be any impediments for natural absorption of rain water. The Developer/ Applicant are bound to take appropriate precaution in that regards. The developer/ applicant will be responsible to settle any complaint/ objection raised by concerned unit holder/ resident in that regard. The corporation should not be suffered for same. This consent letter for commencement for construction is being sanctioned on this term.

21) It is mandatory on part of Developer to provide the parking space free of remuneration as provided in the buildings as per the Development Control Regulations.

22) Construction will not be carried out without submission of Class-1 land confirmation and “No Objection Certificate” for class-2 land to Municipal Corporation from Hon’ble Sub-divisional officer / Hon’ble Additional District Collector/ Hon’ble Collector.

23) Flats to be given to be MHADA with due completion and only after transfer to MHADA, remaining buildings will receive part/ full completion certificate.

24) Building permission is issued in relation with the undertaking given by developers in respect of the ULC.

25) It is mandatory on part of all construction entrepreneur / developers/ land owners to fulfill the official provisions of laws related to Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and The Contract Labour (Regulation and Abolition) Act, 1970 for their safety, health and welfare measures.

26) It is mandatory on part of developer that required minor minerals for the building construction will be purchased from officially published and licensed holders permitted to stone, metal, aggregate, soil, sand as per the notification no. mining/KV/877/2016 dated 31.03.2016 issued by Hon'ble Collector of Pune.

27) In case, if construction area plot more than 20000 Sq. Mtrs., then without submission of NOC from Environment Department, construction will not be started.

28) It is mandatory on part of developers to register under Real Estate Regulation and Development Act, 2016 (RERA) within stipulated time.

29) Developer has to install and operate the WATER RECYCLE UNIT in case the plot area more than 2000 Sq. Mtrs. or total flats more than 50.

Sd/- Dy. City Engineer Pimpri-Chinchwad Municipal Corporation Pimpri, Pune-411018	Sd/- Executive Engineer Pimpri-Chinchwad Municipal Corporation Pimpri, Pune-411018	Sd/- City Engineer Pimpri Chinchwad Municipal Corporation Pimpri-18

Copy for information

1) Asst. Circle Officer, Pimpri-Chinchwad Municipal Corporation, Municipal Corporation/ Pimpri Waghere/

Pimprinagar/ Chinchwad/ Bhosari / Kasarwadi/ Aakurdi/ Nigdi/ Pradhikaran/ Sangvi/ Pimple Gurav/ Pimple Saudagar/ Wakad/ Rahatani/ Thergaon for information and further action.

2) Tax Collection Department, Head Office.

3) Hon'ble CEO, Pune Housing and Area Development Authority, Agarkar Nagar, Pune 411001 (MHADA)

-SOME IMPORTANT INSTRUCTIONS-

-REGARDING COMMENCEMENT OF USE OF SPACE-

1) As per section 263 of the Bombay Provisional Municipal Corporation Act, 1949, immediately after completion of construction, the applicant is required to file an application in the office of the municipal corporation seeking completion certificate. So that, Hon'ble City Engineer or officers appointed by him may verify the land and may give sanction for use of land. Any act of concerned application in violation thereof attracts penalty as per the penal policies of the municipal corporation.
2) Under any circumstances, by this certificate, any permission for closing the natural way of flow of water passing though the plot (especially rain water) is not given. Provision for requisite pump and tanks are require to be for brining water upto the water tanks placed on high in the buildings.
3) You will be solely liable for taking precaution that the neighboring people or any people should not suffer or cause annoyance or damage anyhow because of the work. This consent letter is not prejudice to any other rights and you will be responsible for any work done out of your scope.
4) This certificate may be produced as and when demanded by the employee of the municipal corporation or securities (Police) for verification thereof, if the same is not produce, it will be assume that the construction is going on without consent letter.
5) The said certificate will be valid upto one year and the same deemed as cancelled automatically thereafter. It the work under the said consent letter is to be made after one year then the term of consent letter may get extended by filing application alongwith new supervision memo and

construction may be commenced after obtaining such consent letter.

6) Any directions given by the municipal corporation in special circumstances in writing be obeyed and it will not prejudice on the ground of the present consent letter.

7) The water meter may get set to the tap through the municipal corporation before commencement of construction.

8) The municipal corporation will not be responsible for the pressure of the water. If the pressure of the water in the tap provided by the municipal corporation is less and if the water could not reach the upper floors of the buildings then, in view of appropriate and adequate storage and supply of water to the entire buildings, the owner shall construct a water tank on minimum 0.5 mtrs. height from the ground level in accordance with the size, design and specifications suggested by the Hon'ble City Engineer or Concern Officer in the open space around the building and water from the main line of the municipal corporation may brought and fill in such tank. Further, water from such tank shall send to the upper tanks of adequate size to be place on the head of the buildings with the help of electric pump and thereafter the owner should make provision for supply of requisite amount of water on each floor with the help down take pipes. Size of such tanks should be in accordance with the decision taken by the Hon'ble City Engineer or concerned officer in that regard. It the owner is ready to make such supply of water with electric pump, but he could not get the electricity from the company then in such event the owner should make provision for sending the water on upper floors through pumps by using diesel, oil or petrol engines. Completion certificate will not be given, if owner fails to make such provision for supply of water through pumps under this provision and the owner

himself could not use the building for himself or could not allow other to the same.

9) Without consent in writing of the municipal corporation, digging for or construction of new well, lake or pool, tank or fountains is not allowed. Anti-mosquito provision is to be made for gallitraps open drainages. The cover of tanks shall be place neatly in such a manner that any dirt should not go inside. Including overflow (working) pipe, it may be covered with the better wire gauge with strong lock and key, which can be easily removed. Broken glass pieces should not be fixed on the boundary walls. The plinths of the flushing toilet or other toilets should be on 0.5 mtrs. height from the center point of the nearby road or from the surrounding area of the building of the owner.

10) Development of the roads, electricity and drainage etc. in the concerned plots may be done in accordance with the municipal specifications otherwise any complaints in respect of such development will not be entertained and the roads will not be taken into custody.

11) If the proposed construction falls within 30 mtrs. from the railway line, no objection certificate from Railway Department may be submitted.

12) While making application for completion certificate of the building, first of all remaining development charges may be deposited in the treasury and receipt thereof be submitted to this office. It is obligatory to deposit interest on the remaining development charges at the rate of 18% per annum from the date of commencement certificate in the treasury.

13) Before obtaining completion certificate, it is required to present license in respect of running lift in the building from the competent authority. Otherwise, lift is not allowed to use.

14) In case of malls, theaters, multiplexes, hotels, entertainment centers etc. it will be mandatory for the applicant/ developer to set X-ray scanner, door frame metal detector, hand held metal detector, CCTV cameras and trained staff, sniffer dog with sufficient criteria.

15) There will be construction of for Municipal KIOSK/ ATM center admeasuring of 2.40 x 2.40 Mtrs. and possession of same will be given to municipal corporation without any cost, In case of the project is implemented for residential project, multiplex, malls building on more than 1 hectare ,

16) As per the revised rule No. 23.3 of the Development Control Regulations, it is mandatory to make arrangement of Solar, Water Heating Systems of the Capacity prescribed in regulations for the guest house, hotels, police main/army barracks, canteens, laboratories and research centers, hostel, school, collages and other institutions. In absence of which, part or full completion certificate should not be given.

17) To control dengue, chicken gunny, malaria etc. mosquito, water collection tanks at construction site will mandatorily be covered. Developer will make arrangement to dispose off the water collected around the water collection tanks mandatorily. Also it will be responsibility of the developer to make anti-mosquito spraying of malaria oil, abet etc.

18) It is mandatory on part of all construction entrepreneur / developers/ land owners to obtain insurance of all labors working at construction site and plinth check will not be issued without submission of related documents.

19) It is mandatory for the developer to make arrangement for clean drinking water and toilets for the construction labors staying on site.

A: Developer/ Owner Address: - **B: Construction Site Address:-**

Mobile No. _____

Email: _____

Mauje-Pimpri, Sr. No. 209/A/2,
Pimpri Pune-18,

Mauje Pimpri Sr. No. 209/A/2,
CTS-4702.

_____

_____

//TRUE TRANSLATION//

ANNEXURE-A-32

Item No. 06

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)

Original Application No. 63/2019 (WZ)

(I.A. No. 100/2019)

Ajay Jayvantrao Bhosale Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 05.02.2020

CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Applicant(s) : Mr. Nitin Lonkar, Advocate

For Respondent (s): Mrs. Manasi Joshi, Advocate for Respondent Nos. 6 & 7

ORDER

1. Report of the Committee constituted *vide* order dated 22.10.2019 has been filed and is ordered to be taken on record. Considering the adverse observations against the project proponent, we deem it appropriate to issue notice for an effective adjudication of the matter.

2. Issue notice returnable in three weeks.

3. The Applicant to furnish requisites along with a copy of the inspection report submitted by the Committee within a period of one week from hence.

4. The project proponent, Respondent No. 11, shall show cause as to why an order prohibiting further construction shall not be issued.

5. List on 25.03.2020.

S. P. Wangdi, JM

Siddhanta Das, EM

5th February, 2020
O.A No. 63/2019 (WZ)
avt

TRUE COPY

ANNEXURE-A-33

186 th meeting of SEIAA	
SEIAA Meeting number: 186 Meeting Date February 6, 2020	
Subject: Environment Clearance for Proposed Commercial development Project namely Bramha Sky Uzuri by Bramha leisures Pvt.Ltd.	
Is a Violation Case: No	
1.Name of Project	BRAMHA SKY UZURI
2.Type of institution	Private
3.Name of Project Proponent	Mr. Vishal Agarwal
4.Name of Consultant	Building Environment India Pvt. Ltd.
5.Type of project	Commercial Project
6.New project/expansion in existing project/modernization/diversification in existing project	New Project
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Not applicable
8.Location of the project	Sr.No. 209/A/2
9.Taluka	Haveli
10.Village	Pimpri
Correspondence Name:	Bramha Leisures Pvt.Ltd.
Room Number:	NA
Floor:	1st
Building Name:	250-251, Bramha House
Road/Street Name:	M.G.Road
Locality:	Camp
City:	Pune
11.Area of the project	PCMC
12.IOD/IOA/Concession/Plan Approval Number	Sanctioned from PCMC
	IOD/IOA/Concession/Plan Approval Number: BP/Layout/Pimpri/ENV/1/2018 Dated 04/10/2018
	Approved Built-up Area: 54667.89
13.Note on the initiated work (Ifapplicable)	Work initiated below 20000 sq.m., withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	NA
15.Total Plot Area (sq. m.)	7729.66 Sq.M.
16.Deductions	0
17.Net Plot area	7729.66 Sq.M.
18 (a).Proposed Built-up Area (FSI &Non-FSI)	**a) FSI area (sq. m.):** 21689.80
	b) Non FSI area (sq. m.): 32969.09
	c) Total BUA area (sq. m.): 54667.89
18 (b).Approved Built up area as per DCR	**Approved FSI area (sq. m.):** 21689.80
	Approved Non FSI area (sq. m.): 32969.09
	Date of Approval: 04-10-2018
19.Total ground coverage (m2)	3881.71

20.Ground-coverage Percentage (%)(Note: Percentage of plot not open to sky)	50.2 % of net plot area
21.Estimated cost of the project	1326800000
22.Number of buildings & its configuration	

Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)
1	Wing A	3 B+GF+UG+10 Floor	38.25
2	Wing B	3B+LG+UG+11 Floor	39.95
3	Wing C	3B+LG+UG+11 Floor	39.95
4	Club House	G+1	6.65

23.Number of tenants and shops	Wing A & B – 274 Nos. Office and 44 Nos. Shops and Wing B – 2 Nos. Restaurant Wing C – 131 Nos. Rooms, 2 Nos. Restaurant & 5 Nos. Banquets
24.Number of expected residents / users	Shops & Offices – 2533 Nos., Restaurants – 1024 Nos., Service Rooms – 262 Nos. Total - 3819 Nos.
25.Tenant density per hectare	5520.29
26.Height of the building(s)	
27.Right of way (Width of the road from the nearest fire station to the proposed building(s)	18 M
28.Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9 M
29.Existing structure (s) if any	NA
30.Details of the demolition with disposal (If applicable)	NA

31.Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable

32.Total Water Requirement

Dry season:	**Source of water**	PCMC
	Fresh water (CMD):	195.770
	Recycled water - Flushing (CMD):	73.735
	Recycled water - Gardening (CMD):	12
	Swimming pool make up (Cum):	3
	Total Water Requirement (CMD) :	269.505
	Fire fighting - Underground water tank(CMD):	400

	Fire fighting - Overhead water tank(CMD):	60
	Excess treated water	132.564
Wet season:	**Source of water**	PCMC
	Fresh water (CMD):	195.770
	Recycled water - Flushing (CMD):	73.735
	Recycled water - Gardening (CMD):	12
	Swimming pool make up (Cum):	3
	Total Water Requirement (CMD) :	269.505
	Fire fighting - Underground water tank(CMD):	400
	Fire fighting - Overhead water tank(CMD):	60
	Excess treated water	144.565
Details of Swimming pool (If any)	C wing- swimming pool(6.81 x 9.35)+ jaccuzi (6.29 x 4.00) + kids pool(6.29 x 4.00) at fourthfloor Open space - swimming pool (10.00 x 4.70)+ kids pool area(3.00x 4.70) The average depth of Swimming Pool: 1) Main pool of C-Wing 750mm 2) Kids pool 600mm and 3) Main pool of Open Space 1200mm	

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	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

34.Rain Water Harvesting (RWH)	**Level of the Ground water table:**	12 m BGL
	Size and no of RWH tank(s) and Quantity:	NA
	Location of the RWH tank(s):	NA
	Quantity of recharge pits:	6
	Size of recharge pits :	3 m x 2 m x 3 m
	Budgetary allocation (Capital cost) :	12 Lacs
	Budgetary allocation (O & M cost) :	0.3 Lacs/yr.
	Details of UGT tanks if any :	1 no. for Wing A & B 380.637 KLD1 1 no. for Wing C 439.620 KLD
	Natural water drainage pattern:	East To West

35.Storm water drainage	**Quantity of storm water:**	26 m3
	Size of SWD:	600 mm x 600 mm
Sewage and Waste water	**Sewage generation in KLD:**	242.555
	STP technology:	MBBR TECHNOLOGY
	Capacity of STP (CMD):	2 NOS. 1 FOR Wing A & B - 110 KLD AND 1 FOR Wing C -140 KLD
	Location & area of the STP:	Near Wing C , Area - 130 Sq.m.
	Budgetary allocation (Capital cost):	86.05 Lacs
	Budgetary allocation (O & M cost):	22.75 Lacs/yr.
36.Solid waste Management		
Waste generation in the Pre Construction and Construction phase:	**Waste generation:**	Total excavation generated during pre construction and construction phase - 78961 Cum out of which reused at site 10156 Cum and remaining 68805 Cum handed over to Authorized vendor
	Disposal of the construction waste debris:	Construction waste includes waste concrete, excavated soil, broken bricks, waste plaster, metallic scrap etc. Construction debris will beused for base course preparation and excess will be hand over to Autorized vendor
Waste generationin the operation Phase:	**Dry waste:**	739 Kg/day
	Wet waste:	793 Kg/day
	Hazardous waste:	Negligible
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	33 Kg
	Others if any:	E-Waste - 3688 kg/year
Mode of Disposalof waste:	**Dry waste:**	Collected & Disposed by local body (swach)
	Wet waste:	Treated in organic waste composting and used as manure.
	Hazardous waste:	Send to Authorized vendor
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	Used as manure for gardening purposes
	Others if any:	NA
Area requirement:	**Location(s):**	Near Wing C
	Area for the storage of waste & other material:	27.3 m2
	Area for machinery:	46.2 m2
Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	27.5 Lacs
	O & M cost:	5.9 Lacs/yr

37.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

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	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

40.Details of Fuel to be used

Serial Number	Type of Fuel	Existing	Proposed	Total
1	Not applicable	Not applicable	Not applicable	Not applicable

41.Source of Fuel	Not applicable
42.Mode of Transportation of fuel to site	Not applicable

43.Green Belt Development	**Total RG area :**	1695.39 Sq.M.
	No of trees to be cut :	0
	Number of trees to be planted :	78 Nos.
	List of proposed native trees :	78 nos.
	Timeline for completion of plantation :	2 Years

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	Nyctanthes Arbor-Tortis	Parijatak	5	Small deciduous fast growing
2	Bahunia Variegata	Mountain Ebony	3	Flowering plant,Deciduous
3	Michellia Champa	Sonchaffa	3	Medium Evergreen Tree
4	Anthocephalus Kadamba	Kadamba	4	Shady,deciduous Fast Growing
5	Dalbergia Sisoo	Shisoo	3	Fast growing medium to large hardy deciduous rosewood.
6	Azadirakta Indica	Neem	2	Fast growing large tree, evergreen good for roadside plantation, draught resistant, shade giving tree.

7	Mangifera Indica	Mango	3	Flowering and Fruit growing tree, dense, nesting for avi fauna.. Suitable for all types of soil. Medium logging to water tolerence.
8	Cassia Fistula	Bahawa	3	Medium sized deciduous tree. Beautiful yellow flowers, Butterfly host plant.
9	Ailanthus Excelsa	Maharukh	3	Softwood tree. one of the best tree used to trap Suspended Particulate Matter (SPM)
10	Lagerstromia Speciosa	Tamhan	4	Medium sized Tree, Beatuful Purple flower
11	Ficus Microcarpa	Nandruk	4	Shady Tree
12	Syzygium cumuni	Jambhul	4	Evergreen, Slow growing
13	Murraya koenigii	Curry Leaves	4	Butterfly Host Plant
14	Phyllanthus emblica	Amla	5	Deciduous tree with edible fruits
15	Prunus dulcis	Almond	4	The base of various drinks which are supposed to have cooling properties.
16	Bombax ceiba	katesavar	5	Is an important medicinal plant of Tropica
17	Tabobiya	Roble	7	Leaves are compound, digitate and deciduous. Each leaf has five leaflets of variable size, the middle one being the largest.
18	Delonix regia	Gulmohar	3	Gulmohar trees are mainly grown for shade an ornamental value.
19	Saraca asoka	Ashoka	2	Shady tree with red-yellow flowers
20	Total	-	78	
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	NA	NA	NA

47.Energy

Power requirement:	**Source of power supply :**	MSEDCL
	During Construction Phase: (Demand Load)	200 kW
	DG set as Power back-up during construction phase	2 x 82.5 kVA
	During Operation phase (Connected load):	4681 kVA
	During Operation phase (Demand load):	3210 kVA
	Transformer:	3 x 630 kVA, 1 x 315 kVA, 1 x 1.5 MVA
	DG set as Power back-up during operation phase:	1 x 1010 kVA , 2 x 750 kVA
	Fuel used:	HSD

	Details of high tension line passing through the plot if any:	NA

48.Energy saving by non-conventional method:

- Using high efficient equipment & BEE Certified Motors for Water pumps
- Use of Variable speed drives for Lifts
- Use of CFL / T-5 Fittings & Electronic Ballast in Common area
- Use of LED Fittings in Lighting of lift lobby or passages
- Use of solar based lighting systems in common areas.
- Using VFD for Fan and pump for STP
- Using high efficient equipment & BEE Certified Motors for Basement ventilation
- Solar based Hot water systems

49.Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Solar Water Heating System, solar based lighting systems in common areas , CFL / T-5 Fittings & Electronic Ballast in Common area	48.63 %

50.Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Waste water generation from Proposed project	Not applicable	Proposed STP having capacity 110 KLD and 140 KLD with MBBR Technology
Wet Waste from the proposed project	Not applicable	Proposed 2 nos. OWC having capacity 500 and 375 kg/day

Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	NA
	O & M cost:	NA

51.Environmental Management plan Budgetary Allocation

a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Water for Dust Suppression	-	3
2	Site Sanitation & Safety	-	5
3	Environmental Monitoring	-	3
4	Drinking water facility	-	2
5	Personnel Protective Equipment & Health Checks-Ups	-	5
6	Total	-	18

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	Rain Water harvesting	-	12	0.3
2	STP	-	86.05	22.75
3	Landscape & Tree Plantation	-	30.17	4.82
4	Energy Saving	-	28	4.2
5	Solar Water Heating	-	22	3.3
6	Swimming Pool	-	63	9
7	Environmental monitoring	-	0	8
8	Organic waste Composting		27.50	5.90
9	Total	-	268.72	58.27

51.Storage of chemicals (inflamable/explosive/hazardous/toxicsubstances)

Description	Status	Location	Storage Capacity in MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month inMT	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:	NA
Parking details:	**Number and area of basement:**	3 Nos. 9544.03 Sq.M.
	Number and area of podia:	NA
	Total Parking area:	14885.65 Sq.M.
	Area per car:	Provided as per NBC
	Area per car:	Provided as per NBC
	Number of 2-Wheelers as approved by competent authority:	2167
	Number of 4-Wheelers as approved by competent authority:	263 + 100 (Mechanical parking)

	Public Transport:	NA
	Width of all Internal roads (m):	Min.6 M
	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	Category B
	Court cases pending if any	NA
	Other Relevant Informations	Withdrawal of Violation from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
	Have you previously submitted Application online on MOEF Website.	Yes
	Date of online submission	30-06-2016

SEAC DISCUSSION ON ENVIRONMENTAL ASPECTS

Brief information of the project by SEAC

PP had submitted application for prior Environmental clearance for total plot area of 7729.66 m2, FSI area of 21689.80 m2, Non FSI area of 32969.09 m2 and total BUA of 54667.89 m2.

The building configuration of the proposal is as below:

Wing A (Height 38.25 m): 3B+G+UG+10

Wing B and C (Height 39.95 m): 3B+G+UG+11

Club House (Height 6.65 m): G+1

The case was discussed on the basis of the documents submitted and presentation made by the proponent.

The Committee noted that the show cause notice / proposed directions issued u/s 5 of the Environment (P) Act, 1986 dated 15.06.2019 were withdrawn by the Environment Department, GoM vide letter no. Comp-2019/CR-12/SEIAA dated 16.11.2019.

All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social

aspects were examined. The proposal is appraised as category 8(a)B2.

DECISION OF SEAC

PP has satisfactorily complied with the points raised in 91st meeting of SEAC-3.

*SEAC decided to **recommend** the proposal for prior environmental Clearance.*

Specific Conditions by SEAC:

1) PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.

2) 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.

3) SEIAA decided to grant EC for – FSI: 21689.80 m2, Non-FSI:32969.09 m2 and Total BUA:54667.89 m2 (Plan Approval no-BP/Layout/Pimpri/ENV/1/2018, Date-04.10.2018)

SEIAA DECISION

Proposal was recommended in 99th meeting of SEAC-3 for total plot area of 7729.66 m2, FSI area of 21689.80 m2, Non FSI area of 32969.09 m2 and total BUA of 54667.89 m2.

SEIAA decided to grant EC for – FSI: 21689.80 m2, Non-FSI:32969.09 m2 and Total BUA:54667.89 m2 (Plan Approval no-BP/Layout/Pimpri/ENV/1/2018, Date-04.10.2018)

SEIAA decided to grant EC subject to following conditions-

1.PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.

2.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 ensure that CER plan gets approved from Municipal Commissioner/District Collector.

2) 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.

3) SEIAA decided to grant EC for – FSI: 21689.80 m2, Non-FSI:32969.09 m2 and Total BUA:54667.89 m2 (Plan Approval no-BP/Layout/Pimpri/ENV/1/2018, Date-04.10.2018)

FINAL RECOMMENDATION

SEIAA have decided to grant the proposal for Prior Environmental Clearance subject to above conditions

//TRUE COPY//

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

Environment department,
Room No. 217, 2nd floor,
Mantralaya, Annexe,
Mumbai- 400 032.
Date:February 18, 2020

To,
Mr. Vishal Agarwal
at Sr.No. 209/A/2

Subject: Environment Clearance for Proposed Commercial development Project namely Bramha Sky Uzuri by Bramha leisures Pvt.Ltd.

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-III, Maharashtra in its 99th 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 186th meetings.

2. It is noted that the proposal is considered by SEAC-III under screening category Category B as per EIA Notification 2006.

Brief Information of the project submitted by you is as below :-

1.Name of Project	BRAMHA SKY UZURI
2.Type of institution	Private
3.Name of Project Proponent	Mr. Vishal Agarwal
4.Name of Consultant	Building Environment India Pvt. Ltd.
5.Type of project	Commercial Project
6.New project/expansion in existing project/modernization/diversification in existing project	New Project
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Not applicable
8.Location of the project	Sr.No. 209/A/2
9.Taluka	Haveli
10.Village	Pimpri
Correspondence Name:	Bramha Leisures Pvt.Ltd.
Room Number:	NA
Floor:	1st
Building Name:	250-251, Bramha House
Road/Street Name:	M.G.Road
Locality:	Camp
City:	Pune
11.Whether in Corporation / Municipal / other area	PCMC

Government of Maharashtra

12.IOD/IOA/Concession/Plan Approval Number	Sanctioned from PCMC
	IOD/IOA/Concession/Plan Approval Number: BP/Layout/Pimpri/ENV/1/2018 Dated 04/10/2018
	Approved Built-up Area: 54667.89
13.Note on the initiated work (If applicable)	Work initiated below 20000 sq.m., withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	NA
15.Total Plot Area (sq. m.)	7729.66 Sq.M.
16.Deductions	0
17.Net Plot area	7729.66 Sq.M.
18 (a).Proposed Built-up Area (FSI & Non-FSI)	**FSI area (sq. m.):** 21689.80
	Non FSI area (sq. m.): 32969.09
	Total BUA area (sq. m.): 54667.89
18 (b).Approved Built up area as per DCR	**Approved FSI area (sq. m.):** 21689.80
	Approved Non FSI area (sq. m.): 32969.09
	Date of Approval: 04-10-2018
19.Total ground coverage (m2)	3881.71
20.Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	50.2 % of net plot area
21.Estimated cost of the project	1326800000

Government of Maharashtra

22.Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable

23.Total Water Requirement

Dry season:	**Source of water**	PCMC
	Fresh water (CMD):	195.770
	Recycled water - Flushing (CMD):	73.735
	Recycled water - Gardening (CMD):	12
	Swimming pool make up (Cum):	3
	Total Water Requirement (CMD) :	269.505
	Fire fighting - Underground water tank(CMD):	400
	Fire fighting - Overhead water tank(CMD):	60
	Excess treated water	132.564
Wet season:	**Source of water**	PCMC
	Fresh water (CMD):	195.770
	Recycled water - Flushing (CMD):	73.735
	Recycled water - Gardening (CMD):	0
	Swimming pool make up (Cum):	3
	Total Water Requirement (CMD) :	269.505
	Fire fighting - Underground water tank(CMD):	400
	Fire fighting - Overhead water tank(CMD):	60
	Excess treated water	144.565
Details of Swimming pool (If any)	C wing- swimming pool(6.81 x 9.35)+ jaccuzi (6.29 x 4.00) + kids pool(6.29 x 4.00) at fourth floor The average depth of Swimming Pool: 1) Main pool of C-Wing 750mm 2) Kids pool 600mm and 3) Main pool of Open Space 1200mm	

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24.Details of Total water consumed

Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
Water Requirement	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

25.Rain Water Harvesting (RWH)	**Level of the Ground water table:**	12 m BGL
	Size and no of RWH tank(s) and Quantity:	NA
	Location of the RWH tank(s):	NA
	Quantity of recharge pits:	6
	Size of recharge pits :	3 m x 2 m x 3 m
	Budgetary allocation (Capital cost) :	12 Lacs
	Budgetary allocation (O & M cost) :	0.3 Lacs/yr.
	Details of UGT tanks if any :	1 no. for Wing A & B 380.637 KLD 1 no. for Wing C 439.620 KLD.
26.Storm water drainage	**Natural water drainage pattern:**	East To West
	Quantity of storm water:	26 m3
	Size of SWD:	600 mm x 600 mm
27.Sewage and Waste water	**Sewage generation in KLD:**	242.555
	STP technology:	MBBR TECHNOLOGY
	Capacity of STP (CMD):	2 NOS. 1 FOR Wing A & B - 110 KLD AND 1 FOR Wing C -140 KLD
	Location & area of the STP:	Near Wing C , Area - 130 Sq.m.
	Budgetary allocation (Capital cost):	86.05 Lacs
	Budgetary allocation (O & M cost):	22.75 Lacs/yr.

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28.Solid waste Management

Waste generation in the Pre Construction and Construction phase:	**Waste generation:**	Total excavation generated during pre construction and construction phase - 78961 Cum out of which reused at site 10156 Cum and remaining 68805 Cum handed over to Authorized vendor
	Disposal of the construction waste debris:	Construction waste includes waste concrete, excavated soil, broken bricks, waste plaster, metallic scrap etc. Construction debris will be used for base course preparation and excess will be hand over to Autorized vendor
Waste generation in the operation Phase:	**Dry waste:**	739 Kg/day
	Wet waste:	793 Kg/day
	Hazardous waste:	Negligible
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	33 Kg/day
	Others if any:	E-Waste - 3688 kg/year
Mode of Disposal of waste:	**Dry waste:**	Collected & Disposed by local body (swach)
	Wet waste:	Treated in organic waste composting and used as manure.
	Hazardous waste:	Send to Authorized vendor
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	Used as manure for gardening purposes
	Others if any:	NA
Area requirement:	**Location(s):**	Near Wing C
	Area for the storage of waste & other material:	27.3 Sq.M.
	Area for machinery:	46.2 Sq.M.
Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	27.50 Lacs
	O & M cost:	5.9 Lacs/yr.

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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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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	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

32.Details of Fuel to be used

Serial Number	Type of Fuel	Existing	Proposed	Total
1	Not applicable	Not applicable	Not applicable	Not applicable
33.Source of Fuel		Not applicable		
34.Mode of Transportation of fuel to site		Not applicable		

35.Energy

Power requirement:	**Source of power supply :**	MSEDCL
	During Construction Phase: (Demand Load)	200 kW
	DG set as Power back-up during construction phase	2 x 82.5 kVA
	During Operation phase (Connected load):	4681 kVA
	During Operation phase (Demand load):	3210 kVA
	Transformer:	3 x 630 kVA, 1 x 315 kVA, 1 x 1.5 MVA
	DG set as Power back-up during operation phase:	2 x 1010 kVA , 2 x 750 kVA
	Fuel used:	HSD
	Details of high tension line passing through the plot if any:	NA

Energy saving by non-conventional method:

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- Using high efficient equipment & BEE Certified Motors for Water pumps
- Use of Variable speed drives for Lifts
- Use of CFL / T-5 Fittings & Electronic Ballast in Common area
- Use of LED Fittings in Lighting of lift lobby or passages
- Use of solar based lighting systems in common areas.
- Using VFD for Fan and pump for STP
- Using high efficient equipment & BEE Certified Motors for Basement ventilation
- Solar based Hot water systems

36.Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Solar Water Heating System, solar based lighting systems in common areas , CFL / T-5 Fittings & Electronic Ballast in Common area	48.63 %

37.Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Waste water generation from Proposed project	Not applicable	Proposed STP having capacity 110 KLD and 140 KLD with MBBR Technology
Wet Waste from the proposed project	Not applicable	Proposed 2 nos. OWC having capacity 500 and 375 kg/day

Budgetary allocation (Capital cost and O&M cost):	**Capital cost:**	NA
	O & M cost:	NA

38.Environmental Management plan Budgetary Allocation

a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Water for Dust Suppression	-	3
2	Site Sanitation & Safety	-	5
3	Environmental Monitoring	-	3
4	Drinking water facility	-	2
5	Personnel Protective Equipment & Health Checks-Ups	-	5
6	Total	-	18

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	Rain Water harvesting	-	12	0.3
2	STP	-	86.05	22.75
3	Landscape & Tree Plantation	-	30.17	4.82

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4	Energy Saving	-	28	4.2
5	Solar Water Heating	-	22	3.3
6	Swimming Pool	-	63	9
7	Environmental monitoring	-	0	8
8	Organic waste composting	-	27.50	5.90
9	Total	-	268.72	58.27

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:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	Category B
	Court cases pending if any	NA
	Other Relevant Informations	Withdrawal of Violation from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015
	Have you previously submitted Application online on MOEF Website.	Yes
	Date of online submission	30-06-2016

3. The proposal has been considered by SEIAA in its 186th 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	Nil.
II	PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.
III	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.
IV	SEIAA decided to grant EC for – FSI: 21689.80 m2, Non-FSI:32969.09 m2 and Total BUA:54667.89 m2 (Plan Approval no-BP/Layout/Pimpri/ENV/1/2018, Date-04.10.2018)

General Conditions:

I	E-waste shall bedisposed 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.

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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 affluent, 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 affluent, 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. SO2, NOx (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.

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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, 1stFloor, 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 PUNE
10. MUNICIPAL COMMISSIONER SATARA
11. REGIONAL OFFICE MPCB PUNE
12. REGIONAL OFFICE MIDC PUNE
13. MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD
14. COLLECTOR OFFICE PUNE
15. COLLECTOR OFFICE SATARA
16. COLLECTOR OFFICE SOLAPUR

Government of Maharashtra

TRUE COPY

ANNEXURE-A-35

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
APPLICATION NO.63/2019

IN THE MATTER OF:

Mr. Ajay Jayvantrao Bhosale ... Applicant

Versus

Union Of India Through

The Secretary, MoEF & Ors ... Respondents

AFFIDAVIT FOR PROOF OF SERVICE

I, Nagendra Singh S/o Shrinath Singh Aged Adult, Occupation: Clerk of Adv. Nitin Lonkar, 4th Floor, E-71, Preet Vihar, New Delhi-110092, do hereby solemnly affirm and state on oath as follows:

1. I state that, I am clerk of Advocate Nitin Lonkar representing Applicant in the aforesaid matter and as per the direction of Hon'ble Tribunal on dated 05.02.2020, I have serviced the Notice and copy of entire compilation of application along with Report of Joint Committee to the Respondents and competent to depose by way of this affidavit as below:

Respondent	By Post / Hand delivery	Delivered on
Respondent No. 1-MoEF & CC	By Speed post "EM300009895IN" 15.02.2020	17.02.2020
Respondent No. 2-Chief Secretary, GoM	By Speed post "EM300009904IN" 15.02.2020	17.02.2020
Respondent No. 3-PS, DoE-GoM	By Speed post "EM300009997IN" 15.02.2020	17.02.2020
Respondent No. 4-MS, SEIAA	By Speed post "EM300010023IN" 15.02.2020	17.02.2020
Respondent No. 5-MS, SEAC-III	By Speed post "EM300010006IN" 15.02.2020	17.02.2020
Respondent No. 6-MS, MPCB	By Speed post "EM300010010IN" 15.02.2020	17.02.2020
Respondent No. 7-RO, MPCB	By Hand Delivery	15.02.2020
Respondent No. 8-Commissioner-PCMC	By Hand Delivery	15.02.2020
Respondent No. 9-City Engineer-PCMC	By Hand Delivery	17.02.2020
Respondent No. 10-Collector Pune	By Hand Delivery	15.02.2020
Respondent No. 11-M/s. Bramha Leisures Pvt. Ltd-PP	By Hand Delivery	15.02.2020

2. Proof of service of Notice by hand delivery is hereby annexed and marked as **ANNEXURE-I**.

3. Proof of service by speed post is hereby annexed and marked as **ANNEXURE-II**.

4. Copies of Speed post-delivery reports are hereby annexed and marked as **ANNEXURE-III**.

5. Hence service is completed.

6. The content of the above affidavit are true and correct to the best of my knowledge and belief.

Pune
Dated: - 13.03.2020

AFFIANT

BEFORE THE NATIONAL GREEN TRIBUNAL
Original Application No. 63/2019(WZ)
(I.A. No. 100/2019)
Ajay Jayvantrao Bhosale
Vs.
Union of India & Ors.

To

1. Union Of India Through Secretary, Respondent No. 1
Ministry Of Environment And Forest, Paryavaran Bhawan,
CGO Complex, Lodhi Road, New Delhi- 110001

2. Chief Secretary, Government Of Maharashtra, Respondent No. 2
Annex Building, Mantralaya, Mumbai- 400032

3. The Principal Secretary, Environment Dept. Respondent No. 3
Government Of Maharashtra, Room No. 217, 2nd Floor, Annex
Building, Mantralaya, Mumbai, Maharashtra- 400032

4. State Level Environment Impact Assessment Authority Respondent No. 4
Maharashtra (SEIAA) Through Member Secretary, 15th Floor,
New Administrative Building, Mantralaya, Mumbai,
Maharashtra- 400032

5. State Expert Appraisal Committee (III)- Maharashtra Respondent No. 5
Maharashtra (SEAC- III) Through Member Secretary, 15th Floor,
New Administrative Building, Mantralaya, Mumbai,
Maharashtra- 400032

6. Maharashtra Pollution Control Board Through Respondent No. 6
Member Secretary, Kalpataru Point, 3rd Floor, Near Sion Circle,
Opp. Cine Planet Cinema, Sion (E), Mumbai,
Maharashtra- 400022

7. Maharashtra Pollution Control Board Through Respondent No. 7
Regional Officer, Jog Centre, 3rd Floor, Mumbai- Pune
Old Highway, Wakadewadi, Pune- 411003

8. Municipal Commissioner- PCMC Respondent No. 8
Pimpri- Chinchwad Municipal Corporation, PCMC Building,
Old Mumbai- Pune Highway, Pimpri, Pune- 411018

9. City Engineer-PCMC Respondent No. 9
Pimpri- Chinchwad Municipal Corporation, PCMC Building,
Old Mumbai- Pune Highway, Pimpri, Pune- 411018

10. Collector Of Pune, Respondent No. 10
As Collector And President Of District Environment Protection
Committee- Pune, Collector Office, Bund Garden, Pune- 411001

11. M/s. Bramha Leisures Private Limited — Respondent No. 11
Through Its Directors
11A. Surendrakumar Bramhadutta Agrawal,
11B. Vishal Surendrakumar Agrawal
Having Registered Office At- "Bramha House", 250/251,
M.G. Road, Camp, Pune- 411001

NOTICE

1. The above titled Application is posted for **admission** on **25.03.2020 at 10.30 AM** in the premises of National Green Tribunal, Western Zone Bench, Pune, **New Administrative Building, 'D' Wing, 1st Floor, Opp. Council Hall, Camp, Pune.**

2. Please note that you shall make yourself available, or represent through authorized legal representative, on the date and place indicated herein above, in default, the said Application will be heard and determined in your absence.

3. Given under my hand and the seal of this Tribunal, this the 07.02.2020.

Sd/-
Consultant (Judicial), NGT

Encl:
Copies of Compilation I & II
(For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)

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Track Consignment

Quick help

***** Indicates a required field.

***** Consignment Number: EM300009895IN [Track More]

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
SPCC TMO Booking Counter PUNE	15/02/2020 22:19:30	110003	236.00	Inland Speed Post	Lodi Road HO	19/02/2020 15:50:43

Event Details For : EM300009895IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
19/02/2020	15:50:43	Lodi Road HO	Item Delivery Confirmed
19/02/2020	10:40:55	Lodi Road HO	Out for Delivery
19/02/2020	08:29:44	Lodi Road HO	Item Received
17/02/2020	13:02:06	New Delhi GPO	Item Redirected to Lodi Road HO INSUFFICIENT ADDRESS
17/02/2020	09:05:36	New Delhi GPO	Item Received
16/02/2020	00:37:37	Pune NSH	Item Bagged
15/02/2020	22:19:30	SPCC TMO Booking Counter PUNE	Item Booked

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***** Consignment Number: EM300009904IN [Track More]

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
SPCC TMO Booking Counter PUNE	15/02/2020 22:19:30	400032	112.10	Inland Speed Post	Mantralaya SO Mumbai	17/02/2020 16:59:28

Event Details For : EM300009904IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
17/02/2020	16:59:28	Mumbai GPO	Item Delivery Confirmed
17/02/2020	09:49:39	Mumbai GPO	Out for Delivery
17/02/2020	08:57:27	Mumbai GPO	Item Received
16/02/2020	01:29:25	Pune NSH	Item Dispatched
16/02/2020	00:34:37	Pune NSH	Item Bagged
15/02/2020	22:19:30	SPCC TMO Booking Counter PUNE	Item Booked

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***** Consignment Number: EM300009997IN [Track More]

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
SPCC TMO Booking Counter PUNE	15/02/2020 22:19:30	400032	112.10	Inland Speed Post	Mantralaya SO Mumbai	17/02/2020 16:59:28

Event Details For : EM300009997IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
17/02/2020	16:59:28	Mumbai GPO	Item Delivery Confirmed
17/02/2020	09:49:39	Mumbai GPO	Out for Delivery
17/02/2020	08:57:27	Mumbai GPO	Item Received
16/02/2020	01:29:25	Pune NSH	Item Dispatched
16/02/2020	00:34:37	Pune NSH	Item Bagged
15/02/2020	22:19:30	SPCC TMO Booking Counter PUNE	Item Booked

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***** Consignment Number: EM300010023IN [Track More]

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
SPCC TMO Booking Counter PUNE	15/02/2020 22:19:30	400032	41.30	Inland Speed Post	Mantralaya SO Mumbai	17/02/2020 17:31:11

Event Details For : EM300010023IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
17/02/2020	17:31:11	Mantralaya SO Mumbai	Item Delivery Confirmed
17/02/2020	15:29:21	Mantralaya SO Mumbai(Beat Number :3)	Item Delivered [To: EINV(Addressee)]
17/02/2020	11:03:24	Mantralaya SO Mumbai	Out for Delivery
17/02/2020	09:12:04	Mantralaya SO Mumbai	Item Received
17/02/2020	04:19:21	Mumbai NSH	Item Dispatched
16/02/2020	01:29:25	Pune NSH	Item Dispatched
16/02/2020	00:34:37	Pune NSH	Item Bagged
15/02/2020	22:19:30	SPCC TMO Booking Counter PUNE	Item Booked



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***** Consignment Number: EM300010006IN [Track More]

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
SPCC TMO Booking Counter PUNE	15/02/2020 22:19:30	400032	112.10	Inland Speed Post	Mantralaya SO Mumbai	17/02/2020 16:59:28

Event Details For : EM300010006IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
17/02/2020	16:59:28	Mumbai GPO	Item Delivery Confirmed
17/02/2020	09:49:39	Mumbai GPO	Out for Delivery
17/02/2020	08:57:27	Mumbai GPO	Item Received
16/02/2020	01:29:25	Pune NSH	Item Dispatched
16/02/2020	00:34:37	Pune NSH	Item Bagged
15/02/2020	22:19:30	SPCC TMO Booking Counter PUNE	Item Booked

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***** Consignment Number: EM300010010IN [Track More]

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
SPCC TMO Booking Counter PUNE	15/02/2020 22:19:30	400022	41.30	Inland Speed Post	Sion SO	17/02/2020 16:28:37

Event Details For : EM300010010IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
17/02/2020	16:28:37	Sion SO	Item Delivery Confirmed
17/02/2020	12:28:51	Sion SO(Beat Number :14)	Item Delivered [To: M P C BHAD(Addressee)]
17/02/2020	10:13:49	Sion SO	Out for Delivery
17/02/2020	06:52:46	Sion SO	Item Received
17/02/2020	01:23:29	Mumbai NSH	Item Dispatched
16/02/2020	01:29:25	Pune NSH	Item Dispatched
16/02/2020	00:34:37	Pune NSH	Item Bagged
15/02/2020	22:19:30	SPCC TMO Booking Counter PUNE	Item Booked

//TRUE COPY//

ANNEXURE-A-36

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH AT PUNE

MEMORANDUM OF APPEAL

UNDER SECTIONS 16 (h) OF NGT ACT, 2010

APPEAL NO. 26/2020

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE

Age: Adult, Occupation: Self-employed,

R/o- 25B, Cycle Society, Nana Peth,

Near Y. M. C. Club, Pune-411011,

Mob. No. 9673902727,

E-mail: ajaybhosale2772@gmail.com.

...**APPLICANT**

VERSUS

1. **UNION OF INDIA**
   Through Secretary,
   Ministry Of Environment and Forest
   Paryavaran Bhawan, CGO Complex,
   Lodhi Road, New Delhi –110001
   E-mail: secy-moef@nic.in

2. **CHIEF SECRETARY,**
   Government of Maharashtra,
   Annex Building, Mantralaya, Mumbai - 400 032
   E-mail: chiefsecretary@maharashtra.gov.in

3. **THE PRINCIPAL SECRETARY, ENVIRONMENT DEPT.**
   Government of Maharashtra,
   Room No. 217, 2nd Floor, Annex Building,
   Mantralaya, Mumbai-400 032, Maharashtra
   E-mail: psec.env@maharashtra.gov.in

4. **STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY- MAHARASHTRA (SEIAA)**

Through Member Secretary
15th Floor, New Administrative Building,
Mantralaya, Mumbai-400 032, Maharashtra
E-mail: psec.env@maharashtra.gov.in

5. **STATE EXPERT APPRAISAL COMMITTEE (III)-MAHARASHTRA (SEAC-III)**
Through Member Secretary
15th Floor, New Administrative Building,
Mantralaya, Mumbai-400 032, Maharashtra

6. **MR. ANIL U. DIGGIKAR**
Principal Secretary of DoE and Member Secretary-SEIAA,
Government of Maharashtra
Room No. 217, 2nd Floor, Annex Building,
Madam Kama Road, Mantralaya,
Mumbai-400 032, Maharashtra
E-mail: psec.env@maharashtra.gov.in

7. **MAHARASHTRA POLLUTION CONTROL BOARD**
Through Member Secretary,
Kalptaru Point, 3rd Floor, Near Sion Circle,
Opp. Cine Planet Cinema, Sion (E),
Mumbai-400 022, Maharashtra
E-mail: ms@mpcb.gov.in

8. **MUNICIPAL COMMISSIONER-PCMC**
Pimpri-Chinchwad Municipal Corporation,
PCMC Building, Old Mumbai-Pune Highway,
Pimpri, Pune-411 018
E-mail: commissioner@pcmcindia.gov.in

9. **CITY ENGINEER-PCMC**
Pimpri-Chinchwad Municipal Corporation,
PCMC Building, Old Mumbai-Pune Highway,
Pimpri, Pune-411 018, E-mail: bldp@pcmcindia.gov.in

10. **COLLECTOR OF PUNE**

As Collector and President of District Environment protection Committee-Pune, Collector office, Bund Garden, Pune-411001, E-mail: rdc.pune-mh@gov.in

11. M/s. BRAMHA LEISURES PRIVATE LIMITED
A Limited Company registered under Indian Company Act-1952 with (CIN) U55101PN2009PTC134096,
Having Registered Office At– "Bramha House", 250/251 M. G. Road, Camp, Pune-411001.
E-mail: vishal574@yahoo.co.in
Through its Directors
11A. Surendrakumar Bramhadutta Agrawal
11B. Vishal Surendrakumar Agrawal

....**RESPONDENTS**

AND IN THE MATTER OF

AN APPEAL FOR QUASHING AND SETTING ASIDE THE ENVIRONMENT CLEARANCE DATED 18.02.2020 ISSUED BY THE RESPONDENT NO. 4 TO RESPONDENT NO. 11-PP.

1. The address of the appellant is as given above for the service of notices of this appeal.

2. The addresses of the respondents are as given above for service of notices of this appeal.

3. The appellant above named begs to submit this memorandum of appeal for quashing and setting aside the Environment Clearance vide no. **SEIAA-EC-0000002109** dated 18.03.2020 **(ANNEXURE-A-1)** issued under EIA Notification-2006 dated 14.09.2006 granted by Respondent No. 4–SEIAA.

4. It is respectfully submitted that, the acts of the Respondent No.11-PP are in violation to its brim with the active aid of the officers of various government authorities appointed for the protection of environment. These violations needs to be dealt with sternly so that a clear and unambiguous message to be delivered to the entire community of unapologetic, maneuvered, mighty & resourceful Project Proponent (in short "PP") 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 Appeal.

5. That the applicants brought the entire environmental violations to the notice of various government authorities amongst Respondent Nos. 1 to 10 for investigation and further strongest action against Respondent No.11-PP 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 realized that the government machinery in various offices are trying its level best to help and facilitate developer to violate laws left, right and center for reasons best known to these authorities.

6. Being aggrieved by and dissatisfied with an inaction on the part of various environment protection authorities, this applicant prefers this Appeal inter-alia on the following grounds.

7. PARTICULARS OF PROJECT UNDER CHALLENGE:

a. It is submitted that, the Respondent No. 11-Bramha Leisures Private Limited-PP is developing land bearing Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation for construction of commercial buildings project under the name & style as "**Bramha Uzuri**".

b. It is submitted that, the total project land is admeasuring 10447.99 Sq. Mtrs. from the above parts of the survey numbers.

c. That the project proponent is beneficiary and profit making company registered under Indian Company Act and PP is also responsible for all illegal activity committed during the construction phase as well as for the damage caused to environment and ecology due to this project activity.

8. GRANT OF EX-POST FACTO ENVIRONMENTAL CLEARANCE IN ILLEGAL MANNER AND GROUNDS FOR QUASHING OF EC:

a. It is submitted that, as per the EIA notification 2006 dated 14.09.2006, it is mandatory on part of PP to obtain the prior environment clearance from SEIAA and consent to establish from MPCB before commencement of any construction work. But the PP has started and completed substantial part of the construction activity.

b. Details of the project are classified for ready reference in brief;

Table No.1: - Actual Construction carried out at site without Environmental Clearance and in violation of terms and conditions of Consent to Establish.

Description	**EC Permission**	**Completed Construction as per Joint Committee Report prior to EC**	**Total Proposal**
Built-Up Area (M^2)	**0**	**13806.52**	**54600**
13.Note on the initiated work (If applicable)		Work initiated below 20000 sq. m., withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015	

c. Concept of granting of ex-post facto Environment Clearance is not allowed in environmental jurisprudence in India.

d. Environment Clearance under challenge is not prior EC and it is nothing but ex-post facto Environment clearance.

e. Application filed by PP for Environment Clearance under EIA Notification-2006 is not for prior EC as substantial excavation and part of building-C have carried out by Project Proponent.

f. Respondent No. 4-SEIAA having completed knowledge of the fact that the present proceedings were under consideration of this Hon'ble court and this Hon'ble Court have issued notice in the matter on 05.02.2020. Also, in the report it was specifically pointed out that construction of 13806.52 sq. Mtrs. against total potential BUA of

54600M2, has been carried out without environmental clearance. The counsel of the Respondent No. 3 was present for the hearing on 10.12.2019 & 05.02.2020. Being well aware that ex-post facto EC cannot be granted under Environmental law. Despite knowing the fact that matter is subjudice respondent No. 4-SEIAA proceeded to grant ex-post facto EC.

g. Because if the procedure of the post facto Environment Clearance is allowed to be followed, any project proponent would complete his project by causing irreversible damages 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 environmental protection law and the mandate of obtaining environmental clearance as per the provisions of EIA Notifications 2006.

h. Because the environment clearance granted by the State Level Impact Assessment Authority is illegal and has no legal sanctity.

i. Because the EIA Notification, 2006 no were provided the grant of post facto clearance after the completion of the project.

j. Because there is complete non-application of mind by the SEAC & SEIAA in granting environment clearance for the project have started construction and within blue flood line of Mula River in prohibited zone.

k. Because the SEIAA failed to take any action for the violation of the provision of EIA notification, 2006 and Environment (Protection) Act, 1986.

l. 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.

m. PP has submitted false, baseless & misleading information to SEIAA while obtaining Environment Clearance and therefore PP is guilty of "Suppressio Veri Suggestio Falsi"

n. EC under challenge is granted on the basis of Order of show cause withdrawal dated 10.03.2015 on account of application for EC dated 06.10.2018. When PP already withdrawn EC application dated 30.06.2016.

o. PP has submitted false, defective and misleading application for EC before SEIAA.

p. Project is situated in pollution prevention area of Pimpri Chinchwad city and On old Mumbai Pune Highway.

q. PCMC officers have neglected to perform their duties for protection of environment and acted against the law.

r. PP has misleaded the SEAC-III on account of show cause notice dated 15.06.2019 and suppressed this information in its 91st MoM.

s. In Case of Common cause Vs Union of India (2017) 9 SCC 499 to 578, Hon'ble Supreme Court has observed that,

> *"124. We are not in agreement with learned counsel for the mining lease holders. There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long term impact. EIA 1994 is therefore very clear that if expansion or modernization of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in* ***M. C. Mehta*** *even for the renewal of a mining lease where there is no expansion or modernization of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an ex post facto environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an ex post facto or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant."*

t. In Case of Civil Appeal No. 10854/2016, Hon'ble Supreme Court has observed vide its Final Order & Judgment dated 10.08.2018 that,

> *"23. In case the total construction raised by the project proponent is taken as 1,00,002.25 sq. mtrs. and if the area of the proposed construction is added then the project will fall in B1 category and, therefore, the SEIAA had no authority to*

grant EC by treating the project as falling under Category B2. Furthermore, the EC dated 20.11.2017 is also illegal as the same has been granted on the presumption of the order dated 31.05.2016 passed by the Principal Secretary, Environment Department, State of Maharashtra holding that the construction of 18 buildings instead of 12 buildings is permissible. The EC completely lost sight of the fact that the order dated 31.05.2016 was quashed and set aside by the NGT in its order dated 27.09.2016. We may note that the official who passed the order on 31.05.2016 was the same official, who held the office of Member Secretary of SEIAA, which granted environmental clearance on 20.11.2017. Therefore, the EC dated 20.11.2017 was beyond the authority of SEIAA and was granted under a totally false assumption and the same is therefore quashed and set aside."

u. PCMC, SEAC-III, SEIAA, DoE & MPCB is failed to stop illegal excavation at site deliberately.

v. Substantial violations and illegal acts of respondents are damaging the environment and giving counter blast to the sustainable development.

w. No application for prior Consent to Establish from MPCB and construction is initiated without Consent to Establish by PP.

x. PP is causing huge damage to the Environment.

y. There is complete non-application of mind by the local authority while issuing building sanction.

z. Construction of BUA more than 13806.52 M2 against total BUA of 56000 Sq. Mtrs. being carried out without any Environmental Clearance and in violation of terms and conditions of Consent to Establish dated 10.03.2015 in blatant violation of the Environmental Laws, Pollution Control Act and EIA Notification, 2006.

aa. PP is carrying out construction of residential and commercial structures on industrial zone reserved in Development Plan and this is causing social infrastructure.

bb. PP has undertaken the excavation activity in 2012 and construction activity on December-2017

cc. PP has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.

dd. PP has not obtained Environment Clearance and also has not obtained prior Consent to Establish from MPCB (ex-post fact consent to establish dated 10.03.2015) and there is Non-compliance to the terms & condition of C to E dated 10.03.2015.

ee. Construction activity is undertaken without Environment Impact Assessment.

ff. PP has not preserved the top layer of the fertile soil and carried out excavation prior to EC.

gg. PP has not done soil and ground water test. No report has been submitted.

hh. PP is using ground water from bore well at project site without appropriate clearances.

ii. PP is unapologetic and PP has adopted careless and reckless attitude towards the environment protection.

jj. Thus it is mandatory to stop the operation of this illegal EC and project construction permanently.

BRIEF FACTS LEADING TO THE PROJECT UNDER CHALLENGE AND FACTS LEADING TO THIS APPEAL:

9. VIOLATIONS OF DC RULES OF PCMC AND MAHARASHTRA REGIONAL AND TOWN PLANNING ACT-1966:

A. It is submitted that, the development plan of the village Pimpri clearly shows, the project site is demarcated as "Industrial Zone" under Development Plan sanctioned 18.09.1995 for the PCMC, But PP has carried out the construction of purely Commercial building on the Industrial zone.

B. Further it is submitted that, the PP has not obtained any permission from competent authority to make land use change from Industrial to Commercial, as it revels from the record submitted to the RERA Authority.

C. PP carried out the construction of commercial buildings on Industrial zone as marked in DP without obtaining change of use in Industrial zone from competent authority.

D. This is clear cut illegal change in use from Industrial zone to commercial zone and this is the biggest contravention attracting serious illegality and inherent lack of coordination between the government departments.

E. It is submitted that, as per the Sec. 10.5 of D. C. Regulations-1995 of PCMC, there is prohibition for direct access to the highway, however said project being purely commercial construction of shops and other commercial activity on Mumbai-Pune highway No. NH-4. But PCMC officers has conveniently neglected to enforce this prohibition and allowed the PP to proceed with purely commercial activity in total violation of DC Rules-1995 and Maharashtra Regional & Town Planning Act-1966 provisions.

F. It is submitted that, it is violation of the D. C. Regulations-1995 of PMC and Maharashtra Regional and Town Planning Act-1966.

G. Therefore the present project site is demarcated as Industrial zone and the PP carried out the construction of Commercial building in violation of Form-1.

10. PP HAVE NOT OBTAINED ANY ENVIRONMENT CLEARANCE AND COMMITTED VIOLATION OF EIA NOTIFICAITON-2006:

a. That, the MoEF & CC issued Environment Impact Assessment Notification on 14.09.2006 i.e. EIA Notification-2006 mandating prior environment clearance for the building construction project activity listed at

item-8 in the schedule of notification having total built up area more than 20000 Sq. Mtrs. Also there was clarification on account of BUA by MoEF & CC vide its notification-2011 on 04.04.2011.

b. That the total construction BUA proposed by the PP for this project vide sanction dated 30.09.2015 was 24555.67 Sq. Mtrs.,

c. That the total construction BUA proposed by the PP for this project vide sanction dated 24.11.2016 was 21558.60 Sq. Mtrs.

d. That the total construction BUA proposed by the PP for this project vide sanction dated 31.03.2018 was 19991.36 Sq. Mtrs. and this area of 19991.36 Sq. Mtrs. is intentionally shown less to suppressing actual BUA to overcome the requirement of the EC and Consent to establish and other required permissions.

e. That the PP applied for EC in 2015 and wherein DoE issued show cause notice to PP and SEAC-III noted that the PP has initiated the construction prior to EC and this is violation case.

f. Thereafter SEAC-III was considered the project in its 51st meeting held on 26.07.2016 and it was noted that, work initiated below 20000 Sq. Mtrs., therefore withdrawal of Violation Letter from Govt. of Maharashtra vide letter no. SEAC-2013/CR-449/TC-2 DT. 10/03/2015.

g. That the prior EC is mandatory as per EIA notification-2006 and no construction is allowed except fencing at the

site. But PP completed the excavation work prior to application and started the construction before EC application to SEAC.

h. That the PP did not stopped the construction and but the again applied online for the EC on 30.06.2016 before MoEF. This online application shows that, the PP have proposed the construction of three buildings with one club house. That the total BUA of the proposed construction is 54667.89 Sq. Mtrs. and total shops proposed are 71 numbers, total offices proposed are 259 numbers and total rooms proposed are 127 numbers.

i. That the PP is failed to obtain the prior environment clearance in the preset case and carried out activity of excavation, felling of trees without permission and unscientific disposal of debris.

j. Therefore PP has committed violation of EIA Notification-2006.

Copy of withdrawal of show cause notice by DoE GoM dated 10.03.2015 is attached herewith and marked as **ANNEXURE-A-2**.

Copy of Application for prior EC to MoEF & CC, Report, Form-1 & 1A dated 30.06.2016 is attached herewith and marked as **ANNEXURE-A-3**.

11. VIOLATION OF TERMS AND CONDITION OF PRIOR CONSENT TO ESTABLISH DATED: 10.03.2015 : -

a. It is mandatory to obtain the prior 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.

b. That the PP has made applied for the consent to establish on 05.07.2014, but started construction without such consent from the board.

c. That the said application was considered in 26th CAC Meeting held on 24.02.2015 decided to grant Consent to Establish for 5 Star Hotel (139 Rooms) with commercial project of M/s. Bramha Leisures Pvt. Ltd., at Survey No. 209/A/2, CTS No. 4702 at Pimpri, Tal-Haveli, Dist-Pune on total plot area of 9337.66 Sq. Mtrs. and Total Construction Area (FSI + Non-FSI) of 36611.49 Sq. Mtrs. including utilities and services as per construction commencement certificate issued by Local body and granted the consent to establish dated 10.03.2015 which is nothing but ex-post facto consent.

d. That the MPCB was recorded the violation of PP in its consent condition no. 10, "*PP shall submit the affidavit within 15 days in the prescribed format regarding the compliance of conditions of EC and C to E".*

e. That the MPCB was recorded the violation of PP in its consent condition no. 11:

> *"PP shall submit Board Resolution from company's board stating that they have started construction work without obtaining consent to establish from MPC Board and Environment Clearance thus violated the provisions of Environmental Laws and they assure that they*

will not do such violations in future and shall submit BG of Rs. 2 lakh towards submission of Board resolution within one month."

Therefore PP himself has admitted the violation.

f. That the MPCB was recorded the violation of PP in its consent condition no. 12:

"PP shall submit an affidavit within 15 days of issue of consent towards not taking further effective steps prior to obtaining EC and shall submit BG of Rs. 10 lakh within 15 days of issue of consent, for ensuring the compliances. As per para-2 of EIA notification dated 14/09/2006, the effective steps include starting of any construction work or preparation of land by the project management. However as clarified by MoEF vide office Memorandum no. J-1103/41/2006-IA.II (I); dated 19.08.2010, fencing of site to protect it from getting enrichment & construction of temporary shed(s) for guard (s) & acquisition of land shall not be treated as an effective steps."

g. That the PP is extracting the ground water for construction and also discharging polluted water to the sever line of PCMC.

h. That the PP have not made arrangement for the disposal of sewage and solid waste generated from the labour camp.

i. There is huge air pollution and noise pollution due to this construction as this construction is creating traffic congestion in the area and noise due the heavy vehicles & equipments operated for the construction

j. That the dust from the project is also spreading on the road and creating obstacle for the street passer.

k. That the sewage generated from Construction worker camp is directly connected to the PCMC sever line.

l. That the PP is using DG sets of capacity more than 100 KVA which are emitting gases with particulate matters rate of 200 mg/Nm^3 causing pollution of the air.

m. Thus the PP has committed intentional violation under Water (Prevention & Control of Pollution) Act, 1974 & under Air (Prevention & Control of Pollution) Act, 1981 and caused damage to the environment and ecology.

n. There is no online monitoring system installed by PP for BOD, TSS, and flow at the outlet of STP.

o. There is no treatment of the sewage water and also there no disinfection of the said water.

p. Therefore PP have committed violations of terms and conditions of this consent to establish.

12. PCMC SANCTIONS AND BUA OF PROPOSED CONSTRUCTION IS MORE THAN 20000 SQ. MTRS:

a. That the PP obtained first (original) sanction vide no. B.P./Pimpri/64/2015 dated 30.09.2015, then revised vide no. B.P./Pimpri/76/2015 dated 24.11.2016 and latest revision vide B.P./Pimpri/36/2015 dated 31.03.2018.

b. That the total construction BUA proposed by the PP for this project vide sanction dated 30.09.2015 was 24555.67 Sq. Mtrs.,

c. That the total construction BUA proposed by the PP for this project vide sanction dated 24.11.2016 was 21558.60 Sq. Mtrs.

d. That the total construction BUA proposed by the PP for this project vide sanction dated 31.03.2018 was 19991.36 Sq. Mtrs. and this area of 19991.36 Sq. Mtrs. and this BUA is false and misleading & suppressed to overcome the illegality of EC & Consent.

e. That, the project land is demarcated in the residential zone as per the development plan for the. But the activity under taken by the PP is purely commercial activity and just very small existing residential activity.

f. That the change demarcated occupancy in DP Sanction from residential to commercial is going to increase in the drastic traffic load of the area, increase in the population, increase in the electricity consumption, fresh water consumption, load on the local infrastructure. It is important to note that, this type of changes in the development plans are not permitted without prior permission from the state government. Therefore the present development is not permissible in the area.

g. It is to be noted that, the illegal change in the development from residential to commercial and total revisions are made only with ulterior motive to give illegal benefits to the PP. this illegal act is done by the PCMC officers intentionally defiantly for getting benefits other than remuneration.

h. This conduct of government servants is completely against the interest of public at large and it is completely failure of the local authority at the cost of corruption.

Copy of PCMC revised Commencement Certificate vide no. BP/Pimpri/76/2016 dated 24.11.2016 is attached herewith and marked as **ANNEXURE-A-4**.

Copy of PCMC revised Commencement Certificate vide no. BP/Pimpri/36/2018 dated 31.03.2018 is attached herewith and marked as **ANNEXURE-A-5.**

13. SECOND APPLICATION FOR EC DATED 06.10.2018 AND PP IS UNAPOLOGETIC AND MISLEADING THE SEAC & SEIAA:

a. It is submitted that, the PP has filed the application for EC again on second time before SEIAA on 06.10.2018 and same was considered in 77th SEAC-III meeting held on 05.12.2018, wherein the PP was remain absent. But PP never stopped the construction as directed by DoE vide its order of show cause withdrawal in 10.03.2015.

b. It is submitted that, the applicant herein informed the respondent authorities vide its notice dated 19.05.2019 for their actions for the violations of PP and thereafter SEIAA issued show cause notice dated 15.06.2019 to the PP.

c. It is submitted that, the proposal was again considered in 91st SEAC-III meeting held on 26.07.2019, wherein committee has observed that,

"The hearing of the proposal before SEAC was on 26.07.2019. Though PP was in knowledge of this notice at the time of hearing, he did not disclose this information to the committee and misguided the committee.

As the act of PP is fraudulent, committee decided to keep the case in abeyance till the decision of the notice .After the decision of the SCN the case will be reappraised in the light of outcome of the SCN.

Committee also directs the Secretary of the committee to bring this fact to the notice of Hon Principal Secretary with a request to take stern action on account of concealing the material information at the time of appraisal.

With this, the proposal is ***deferred."***

d. It is submitted that, the PP has not disclosed about the show cause notice issued on 15.06.2019 to the SEAC-III during the consideration of the proposal and suppressed said information.

e. Therefore PP is unapologetic and PP does not deserve any leniency.

Copy of Application for Form-1 & 1A, Consolidated Statement, dated 06.10.2018 is attached herewith and marked as **ANNEXURE-A-6.**

Copy of 77th SEAC-III Meeting dated 05.15.2018 is attached herewith and marked as **ANNEXURE-A-7.**

Copy of Notice sent by applicant to various government authority including PP dated 19.05.2019 is attached herewith and marked as **ANNEXURE-A-8**.

Copy of Show cause notice issued by SEIAA to PP dated 15.06.2019 is attached herewith and marked as **ANNEXURE-A-9**.

Copy of 91st SEAC-III Meeting dated 26.07.2019 is attached herewith and marked as **ANNEXURE-A-10**.

14. ORIGINAL APPLICATION NO. 63/2019 DATED 14.08.2019:

a. This Appellant has filed original application for violation of environmental norms by non-obtaining prior EC by PP on 14.08.2019. Said application was heard by Hon'ble NGT on 22.10.2019 (**ANNEXURE-A-12**) and Joint Committee comprising SEIAA and MPCB was appointed for detailed report. On 10.12.2019 (**ANNEXURE-A-13**) Joint Committee sough adjournment, which was granted by the Hon'ble NGT.

b. The Joint committee conducted the site visit on 15.12.2019 and submitted it's the report dated 07.01.2020 with observation that PP has carried out the construction of 13806.52 M^2 without obtaining prior EC and copy of Joint Committee Report dated 07.01.2020 is annexed with and marked as **ANNEXURE-A-14**.

c. That the Hon'ble NGT in hearing held on 05.02.2020 issued notice and directed to show cause to PP for his illegal construction and stoppage of further construction and copy of Order dated 05.02.2020 is annexed with and marked as **ANNEXURE-A-15**.

d. That the Notice were served upon the respondent on 17.02.2020 and thereafter ex-post facto EC dated 18.02.2020 was granted to PP in illegal manner.

15. It is submitted that, the Respondent No. 6- Mr. Anil Diggikar is made personal party as Member Secretary of SEIAA and Principal Secretary of DoE, despite having complete knowledge that matter is subjudice proceeded to grant EC therefore he is erring officer whose conduct is highly suspicious therefore he has been arrayed as respondent.

16. It is submitted that, the premises of the project is basically for lease and there is no sale of any structure or units. Therefore if the Hon'ble Tribunal is of opinion that, the demolition is not the solution, then these structures can be evacuated from lease holder and direct PP to hand over to these entire project to the government authority for free, which will be used for the public purposes.

17. It is submitted that, this entire illegal activity shows that inherent lack of coordination between the local authority/ sanctioning authority, SEAC, SEIAA, DoE and MPCB and this act cannot be neglected for betterment of environment.

18. It is submitted that, the applicant have no any personal interest in the project and also there is no any enmity against the PP or other respondents in this Appeal.

19. It is submitted that, the applicant crave leaves of this Hon'ble NGT to amend, add, delete, modify the pleading as and when required.

20. QUESTION OF LAW

a. Whether the grant of ex-post fact Environment Clearance is allowed in Environment Jurisprudence in India?

b. Whether the intentional negligence of SEAC-III & SEIAA is tolerable?

c. Whether the negligence of PCMC is allowed for issuing/ granting of revised CC/IOD without prior EC?

21. LOCUS TO FILE PRESENT APPELLANT:

a. Appeal filed for the quashing & setting aside of Environment Clearance date 07.05.2019 because of public importance and significance of environmental jurisprudence, in relation to environmental damage and pollution caused by the PP in the Industrial capital of Maharashtra State and consequences of such environmental damage and liabilities of the PP.

b. It is submitted that, the person aggrieved and person injured are the different concept and this applicant is not injured but aggrieved due to violation of his legal rights of clean and decent environment as PP is damaging common sharing's like Air, Water, Energy, Building Materials, transport systems, means of access etc.

c. Despite there being compliant of applicant to Respondents authorities, but there is no appropriate action by these authorities to protect environment, even

after knowledge of violation. Locus has already explained in detailed in OA.

d. This Appellant has filed Original Application No. 63/2019 for illegal construction carried by PP without prior EC and for violation of terms and condition of Consent to establish.

e. Thus this Appellant have locus to file present Appeal.

22. HON'BLE NGT HAVE CLEAR JURISDICTION TO DECIDE PRESENT APPLICATION

a. It is submitted that, the present Appeal is filed under section 16 of the NGT Act-2010 challenging quashing and setting aside the Environment Clearance vide no. **SEIAA-EC-0000002109** dated 18.02.2020 **(ANNEXURE-A-1)** issued under EIA Notification-2006.

b. It is submitted that, the person like PP, who don't perform his fundamental duties even to protect the environment then expectation of his loyalty towards proceedings before the Hon'ble Tribunal will be hopeless

c. It is submitted that, PP carried out the substantial construction and said construction is on prohibited area. These activity of PP are without any prior EC & prior Consents and there is non-implementation of environmental enactments by the PP and PP has caused intentional damage to environment and ecology by the PP and for this cause Original Application No. 63/2019 is already pending before this Hon'ble NGT.

d. It is submitted that, the appellant resides and 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 appeal. Therefore Hon'ble NGT have only jurisdiction to deal with the appeal.

e. It is submitted that, as per section 16 of the NGT Act-2010, only Hon'ble NGT have jurisdiction to entertain the present appeal.

23. CAUSE OF ACTION TO FILE PRESENT APPLICATION:

a. It is submitted that, the PP has procured the Environmental Clearance on 18.02.2020 from SEIAA and as per section 16 of NGT Act-2010, limitation is 30 days from the date of communication of said consent order.

b. It is submitted that, the said EC was published in public domain on www.ecmpcb.in website on 19.02.2020 and this appellant got knowledge on 20.02.2020.

c. It is submitted that, after verifying the project site it revealed that, this PP has procured this EC by providing false & misleading information in form-1 & 1A, IOD, Consolidated Statement etc. submitted to SEIAA.

d. Therefore, the cause of action to file this appeal is first arose on 19th February 2020.

24. LIMITATION TO FILE PRESENT APPLICATION

a. Appeal is made under section 16 of the NGT act, 2010 and the limitation is 30 days.

b. Principal prayer of the appellant is for quashing and setting aside Environment Clearance dated 18.02.2020.

c. The present application is filed on 18.03.2020 as prescribed period of limitation of 30 days from grant of Environment Clearance dated 18.02.2020.

25. PRAYERS:

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. Quash and set aside the Environment Clearance granted to the Respondent No. 11-PP-M/s. Bramha Leisure's Private Limited for the project Survey No. 103/129B 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka-Haveli, District-Pune vide No. SEIAA-EC-0000002109 dated 18.02.2020.

B. Direct the Respondent No. 2, Chief Secretary GoM to take action against Respondent No. 6-Mr. Anil U. Diggikar, Principal Secretary and Member Secretary-SEIAA for indulging into illegal grant of EC to the project.

C. Take appropriate actions against SEIAA & SEAC-III members for their intentional negligence.

D. Cost of this Appeal may kindly be granted to this Appellant

E. Pass any other just and equitable orders in the interest of justice.

DATE: 18/03/2020

PLACE: PUNE

APPELLANT

DRAWN AND FILED BY

NITIN LONKAR
(ADVOCATE FOR APPELLANT)

VERIFICATION

Verified at Pune on this 18th day of March, 2020 that the contents of the aforesaid Appeal 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

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ANNEXURE-A-37

Item Nos. 02 to 05 (Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)

Original Application No. 63/2019 (WZ)
(I.A. No. 100/2019)
With
Original Application No. 64/2019 (WZ)
(I.A. No. 101/2019)
With
Original Application No. 65/2019 (WZ)
(I.A. No. 102/2019)
With
Appeal No.26/2020 (WZ)
(I.A. No. 30/2020)

Ajay Jayvantrao Bhosale — Applicant(s)

Versus

Union of India & Ors. — Respondent(s)

With

Tanaji Balasaheb Gambhire — Applicant(s)

Versus

Union of India & Ors — Respondent(s)

With

Ajay Jayvantrao Bhosale — Applicant(s)

Versus

Union of India & Ors. — Respondent(s)

With

Ajay Jayvantrao Bhosale — Appellant(s)

Versus

Union of India & Ors. — Respondent(s)

Date of hearing: 13.07.2020

CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

Original Application No. 63/2019 (WZ)

For Applicant (s) : Mr. Nitin Lonkar, Advocate, Ms. Sonali R. Suryawanshi, Advocate

For Respondent (s) : Mr. Saket Mone, Advocate, Mr. Subit Chakrabarti, Advocate and Mr. Vishesh Kalra, Advocate i/b Vidhii Partners for Respondent No. 11
Ms. Manasi Joshi, Advocate Respondent Nos. 1, 6 & 7
Mr. Amol Patayeet, Advocate, Mr. Amit Lanke, Advocate and Ms. Sanjana Tupe, Advocate for Respondent no. 8 and Respondent no. 9

Original Application No. 64/2019 (WZ)

For Applicant (s) : Mr. Nitin Lonkar, Advocate, Ms. Sonali R. Suryawanshi, Advocate

For Respondent (s) : Mr. Saket Mone, Advocate, Mr. Subit Chakrabarti, Advocate and Mr. Vishesh Kalra, Advocate i/b Vidhii Partners for Respondent No. 11
Ms. Manasi Joshi, Advocate Respondent Nos. 1, 6 & 7

Original Application No. 65/2019 (WZ)

For Applicant (s) : Mr. Nitin Lonkar, Advocate, Ms. Sonali R. Suryawanshi, Advocate

For Respondent (s) : Ms. Manasi Joshi, Advocate Respondent Nos. 1, 6 & 7

Appeal No. 26/2019 (WZ)

For Appellant (s) : Mr. Nitin Lonkar, Advocate, Ms. Sonali R. Suryawanshi, Advocate

For Respondent (s) : Wadhwa Law Chambers for Respondent No.1
Mr. Maulik Nanavati, Advocate and Ms. Manvi Damle, Advocate for R-3

ORDER

1. All these applications are connected matters with regard to same cause of action thus taken up together for hearing.

2. EIA Notification, 2006 came into force on 14.09.2006 mandating prior Environmental Clearance (EC) for the building construction activity listed at item 8. Applicant has filed an Original Application No. 63/2019 against the project proponent for not obtaining EC and for violation of terms and conditions of the consent to establish

dated 10.03.2015 issued by the Maharashtra State Pollution Control Board (MSPCB). The Tribunal appointed a joint Committee of SEIAA and MSPCB and vide the report of the MSPCB, it was found that the project proponent has carried out construction of 13806.52 sq. mtr. without obtaining prior EC and, therefore, show cause notice was issued to the project proponent.

3. Notice was served upon all the respondents on 17.02.2020 and after knowledge of the ongoing proceedings of Original Application No. 63/2019, respondent no. 4 SEIAA Maharashtra have granted EC on 18.02.2020. The project proponent has procured its ex-post facto environment on 18.02.2020 to regularize his illegal commercial building, construction project named Brahma Uzuri situated in Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk Taluka Haveli, District Pune within the limit and jurisdiction of Pimpri Chinchwad Municipal Corporation. In the proceedings of Original Application 63/2019 and other connected matters, on 10.12.2019, MSPCB was present before the proceedings and sought time to file a report, inspite of the knowledge of the proceedings. It is alleged by the applicant that the EC issued by the authorities are for *mala-fide* reasons and thus, the applicant has challenged the EC dated 18.02.2020.

4. Respondent no. 11 in O.A. No. 63/2019 and Respondent no. 13 in O.A. No. 64/2019 has moved an application for adjournment of the case due to the reason of COVID-19 lockdown. The matter may be adjourned.

5. In the meanwhile, the State Pollution Control Board and SEIAA are directed to submit a report with regard to the allegations alleged in the application.

6. List it on 29.09.2020.

Sheo Kumar Singh, JM

Dr. Satyawan Singh Garbyal, EM

Siddhanta Das, EM

July 13, 2020
Original Application No. 63/2019 (WZ)
& Connected matters
R

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ANNEXURE-A-38

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24010781
/24037124/24035273
Fax: 24044532/24024068
/24023516
Email: jdwater@ mpcb.gov.in
Visit At: http://mpcb.gov.in

Kalpataru Point, 3rd & 4th floor, Sion-Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai-400022

Infrastructure/Red/LSI

Date: 13/11/2020

Consent order No.Format1.0/BO/JD(WPC)/UAN-093621/CE/CC/2011000934

To,
M/S. Bramha Leisures Pvt ltd "Bramha Sky Uzuri",
Pimpri, Survey No. 209/A/2, Taluka: Haveli, Dist: Pune

Sub: **Amendment in Consent to Establish for Construction of Commercial development project granted under Red Category.**
Ref. 1. Your Application vide UAN No. 0000093621 dated 23/06/2020

For: amendment in Consent to Establish for Commercial development project 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 under Rule 5 of the Hazardous & Other Wastes (M & TM) 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 is granted for a period up to commissioning of the project or valid up to 31/10/2022.
2. The proposed capital investment of the project is Rs. 7.0 Cr.
(Existing CI 132.68 Cr. + Proposed 7.0 Cr. Total CI =139.68 cr. as per C. A. Certificate submitted by project proponent)

The amendment Consent to Establish is valid for construction of commercial development project named as M **M/S. Bramha Leisures Pvt ltd** "**Bramha Sky Uzuri**", **Pimpri, Survey No. 209/A/2, Taluka: Haveli, Dist: Pune** for total plot area of 7729.66 Sqm and total construction BUA 54667.89 Sqm as per EC dated 18/02/2020 including utilities & Services as per construction commencement certificate issued by local body.

3. Conditions Under Water (P&CP), 1974 Act For Discharge Of Effluent:

Sr. No.	Description	Permitted quantity of discharge (CMD)	Standards to be achieved	Disposal
1.	Trade Effluent	NIL	NA	NA
2.	Domestic effluent	242.5	As per Schedule-I	60% should be reused & recycled and remaining

				should be discharged in municipal sewer

4. Conditions Under Air (P&CP) Act, 1981 For Air Emission:

Sr. No.	Description of stack/ source	Capacity	Number of Stack	Standards to be achieved
1.	DG Set	1010 KVA	2	As per Schedule-II
2.	DG Set	450 KVA	2	As per Schedule-II

5. Conditions Under Solid Waste Management Rules, 2016:

Sr. No.	Type of waste	Quantity & UOM	Treatment	Disposal
1.	Wet Garbage	793.0 Kg/Day	Organic Waste Converter with composting facility/ Biogas digester with composting facility	Used as manure
2.	Dry Garbage	739.0 Kg/Day	--	Segregate and hand over to Local Body for recycling
3.	STP Sludge	33.0 Kg/Day	STP	Used as manure

6. This consent is issued subject to an order passed or may be passed by Hon'ble NGT Court Order vide Original application No. 63/2019(WZ)

7. This consent is granted with overriding effect of earlier consent granted by Board vide consent order No. Format1.0/BO/RO(HQ)/CC-1710000347 dt. 12/10/2017

8. Conditions under hazardous & other wastes (M&TM) Rules, 2016 for treatment and disposal of hazardous waste; NIL

9. This Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the Industry.

10. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government agencies.

11. Project Proponent shall comply the construction and Demolition Waste Management Rules, 2016 which is notified by Ministry of Environment Forest and Climate Change dtd. 29/03/2016.

12. Project Proponent shall submit an affidavit in Board's prescribed format within 15 days regarding the compliance of conditions of EC/CRZ Clearance and C to E.

13. Project Proponent shall install the online monitoring systems for BOD, TSS, and flow at the outlet of STP.

14. Project Proponent shall provide Organic waste digester with composting facility or Biogas digester with composting facility.

15. The applicant should comply with the conditions stipulated in Environment Clearance obtained from SEIAA, Environment Department, Government of Maharashtra, dtd. 18/02/2020 for total plot area 7729.66 Sqm and total BUA 54667.89 Sqm.

For and on behalf of the
Maharashtra Pollution Control Board
Sd/-
(Dr. Y. B. Sontakke,
Joint Director (WPC)

Received consent fees of -

Sr. No.	Amount (Rs.)	Transaction No.	Date	Drawn On
1.	25,000/-	ANDBN20248351016	27/06/2020	Andhra Bank
2.	265360/-	ANBH17119726277	29/04/2017	Andhra Bank

Copy to:
1. Regional Officer, MPCB, Pune and - Sub Regional Officer, MPCB, Pimpri-Chinchwad
   They are directed to ensure compliance of the consent conditions.
2. Chief Accounts Officer, Mumbai, MPCB

Schedule-I

Terms & Conditions For Compliance Of Water Pollution Control:

1) **A]** As per your application, you have proposed to install of Sewage Treatment Plants (STP) with the design capacity of 250.00 CMD

B] The Applicant shall operate the effluent 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.

1.	pH	Between	6.5 to 9.0
2.	Total Suspended Solids	Not more than	20 mg/l
3.	BOD 3 Days 27 Degree C	Not more than	10 mg/l
4.	Chemical Oxygen Demand (COD)	Not to more than	50 mg/l
5.	NH4 N	Not more than	5 mg/l
6.	N Total	Not more than	10 mg/l
7.	Fecal Coliform MPN/100 Ml	Less than	100

C] The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, fire fighting, on land for gardening and remaining shall be discharged to Municipal sewer.

D] Project Proponent shall operate STP for five years from the date of obtaining Occupancy Certificate.

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 should obtain consent of the Board to take steps to establish the unit or establish any treatment and disposal system or extension or addition thereto.

2) The industry should ensure replacement of pollution control system or its prats after expiry of its expected life as defined by the manufacturer so as to ensure the compliance of standards and safety of the operation thereof.

3) The Applicant shall comply with the provisions of the Water (prevention & control of the Pollution) Act, 1974 and as amended, by installing water meters and other provisions as contained in the said act.

Sr. No	Purpose for Water consumed	Water Consumption quantity (CMD)
1.	Domestic Purpose	269.5

4) 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 of Air Pollution Control:

1. As per your application, you have proposed to install the Air pollution control (APC) system and also proposed to erect following stack(s) and to observe the following fuel pattern-

Sr. No	Stack Attached to	APC System	Height in Mtrs.	Type of fuel	Quantity	UOM	S%	SO_2
1.	DG Set (1010 KVA) x 2	Acoustic Enclosure	6.36	HSD	200	Lit/Hr	--	--
2.	DG Set (750 KVA) x 2	APC System	5.48	HSD	200	Lit/Hr	--	--

*Above roof of the building in which it is installed.

2. The applicant should operate and maintain above mentioned air pollution control system, so as to achieve the level of pollutants to the following standards.

Particulate matter	Not to exceed	150 mg/Nm^3

3. The Applicant should 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. 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)

Schedule-III

Details of Bank Guarantees

Sr. No.	Consent (C to E/O/R)	Amt of BG imposed	Submission period	Purpose of BG	Compliance period	Validity Date
1.	Consent to Establish	Rs. 10 Lakh	15 Days	Towards compliance consent conditions	Up to commissioning of the project	Up to commissioning of the project

Schedule-IV

General Conditions:

The following general conditions shall apply as per the type of the industry.

1. The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Boards 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 environment protection Act, 1986, and solid waste Management Rules, 2016 and E-waste (Management) Rules, 2016.
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 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 DG Set**
   a) Noise from DG Sets shall be controlled by providing 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 shall 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 shall be done at different points at 0.5 meters from acoustic enclosure/ room and then average.

c) The Industry shall take adequate measures for control of noise levels from its own sources within the complex (residential cum commercial) in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during the night time. Day time is reckoned as between 6 a.m. to 10 p. m. night time is reckoned between 10 p.m. to 6 a.m.

d) Industry should make efforts to bring down noise level due to DG Set, outside the premises with ambient noise level requirements by proper setting and control measures.

e) Installation of DG Set must be strictly in compliance with recommendations of DG set manufacturer.

f) A proper routine and preventive maintenance procedure for DG set shall be set and followed in consultation with DG manufacturers which would help to prevent noise levels of DG Sets from deteriorating with use

g) The applicant shall not cause any nuisance in the surrounding area due to operation of DG Sets.

h) The DG set shall be operated only in case of power failure.

i) The Applicant shall comply with the notification of MoEF dated 17.05.2002 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 Rules, 2016 and E-waste (M) Rules, 2016.

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 website of the MPCB.

8. The treated sewage shall be disinfected using suitable disinfection method.

9. 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 of the Environment (Protection) Second Amendment Rule, 1992.

10. The Applicant shall obtain consent to operate from Maharashtra Pollution Control Board before commissioning of the project.

//TRUE COPY//

ANNEXURE-A-39

Item No. 02 & 05

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

(By Video Conferencing)

Original Application No. 63/2019(WZ)
(I. A. No. 100/2019(WZ))
With
Appeal No. 26/2020(WZ)
(I. A. No. 30/2020(WZ))

Mr. Ajay Jayvantrao Bhosale — Applicant(s)

Versus

Union of India & Ors. — Respondent(s)

And

Mr. Ajay Jayvantrao Bhosale — Appellant(s)

Versus

Union of India & Ors. — Respondent(s)

Date of hearing: 03.09.2021

CORAM: HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER

Applicant(s): Mr. Nitin Lonkar, Advocate
Respondent(s) Ms. Mansi Joshi, Advocate for R-1,6,7
Mr. Saket Mone, Advocate for R-11

Appellant(s): Mr. Nitin Lonkar, Advocate
Respondent(s) Ms. Mansi Joshi, Advocate for R-1 & 7
Mr. Saket Mone, a/w Mr. Abhishek Salion., Advocates for R-11

ORDER

1. The Tribunal in continuation of the earlier order especially the last order dated 13.07.2020 passed in Original Application No. 63/2019 (WZ), Original Application No. 64/2019 (WZ), Original Application No.65/2019 (WZ) and Appeal No. 26/2020 (WZ), is passing the following order:-

(i) The Learned Counsel appearing for the Appellant in Appeal No. 26/2020 (WZ) would submit that in compliance of the orders dated 22.10.2019 and 10.12.2019 passed in Original Application No. 64/2019 (WZ), the Respondent No.7 in this Appeal sent a communication dated 07.01.2020 to the Registrar of this Tribunal by enclosing the Joint Committee Report signed by the Member Secretary, SEIAA (Maharashtra)–Respondent No.4 and the Joint Director (Water), MPCB, Mumbai and would submit that despite serious lacunas have been pointed out, the Project Proponent namely the Respondent No.11 managed to get the post-facto clearance, making a challenge to the said impugned proceedings, came forward to file the present Appeal.

(ii) Heard, the submissions of the Learned Counsel appearing for the Appellant and also perused the supporting materials.

(iii) Notices to Respondents No. 1, 3, 4, 5, 7, 8, 9, 10 and 11 through all permissible modes, returnable on 22.10.2021.

(iv) Ms. Mansi Joshi, Learned Standing Counsel accepts notice on behalf of Respondent No. 7.

(v) Mr. Saket Mone, Learned Counsel accepts notice on behalf of Respondent No. 11.

(vi) The Learned Counsel appearing for the Respondent No.11 would submit that all statutory and procedural formalities have been strictly complied with and the grounds urged by the Appellant in the present Appeal, totally lack merit and substance and prays for time to file reply affidavit with the supporting documents.

(vii) It is also brought to the knowledge of this Tribunal by the Learned Counsel appearing for the Respondent No.11 herein that the connected matter in Original Application No. 63/2019(WZ,) the

Project Proponent has filed his reply and, however, on verification by the Registry it is found the same has not been placed.

(viii) Reply affidavits of the served respondents with the supporting documents, if any, by them.

(ix) Call Original Application No. 63/2019(WZ) and Appeal No.26/2020 (WZ) on 22.10.2021.

M. Sathyanarayanan, JM

Dr. Arun Kumar Verma, EM

September 03, 2021
Original Application No. 63/2019(WZ)
I. A. No. 100/2019(WZ))
With Appeal No. 26/2020(WZ)
(I. A. No. 30/2020(WZ))
JG

TRUE COPY

ANNEXURE-A-40

National Green Tribunal

Case Details

Back

Filing Number	270413801304/2021	Filing Date	06-10-2021
Party Name	AJAY JAYVATRAO BHOSALE VS UNION OF INDIA THROUGH THE SECRETARY		
Petitioner Advocate(s)	SONALI SURYAWANSHI, NITIN LONKAR	Respondent Advocate(s)	
Case Number	IA No. 86/2021 in Original Application No. 63/2019	Registered On	07-10-2021
Last Listed	28-10-2021	Next Hearing Date	10-12-2021
Case Status	PENDING		

⊞ All Parties

⊞ Listing History (Orders)

⊞ IA/MA

National Green Tribunal
Faridkot House, Copernicus Marg, New Delhi-110001
011-23043501, FAX: 011-23077931, Email:-rg[dot]ngt[at]nic[dot]in

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NOTARY A. RASHID D. SAYED REG. No.679 STATE OF MAHARASHTRA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE
INTERLOCUTORY APPLICATION NO. _____ OF 2020
IN
ORIGINAL APPLICATION NO. 63 OF 2019

M/s. Brahma Leisures Private Limited,
Company registered under the Indian
Company Act, 1952,
CIN- U55101PN2009PTC134096,
Having its Office at- "Brahma House",
250/251 M/G Road, Camp, Pune-411001. ... Applicant

In the matter of:

Mr.Ajay Jayvantrao Bhosale,
Age:Adult, Occupation: Self-employed,
R/o. 25-B, Cycle Society, Nana Peth,
Near YMC Club, Pune-411 011. ... Org. Applicant

Versus

1. Union Of India,
   Through Secretary,
   Ministry of Environment & Forest,
   Paryavaran Bhavan, CGO Complex,
   Lodhi Road, New Delhi- 110001.

2. Chief Secretary,
   Government of Maharashtra,
   Annex Building, Mantralaya,
   Mumbai- 400032.

3. The Principal Secretary, Environment Dept.,
   Government of Maharashtra,

Room No. 217, 2nd Floor, Annex Building,
Mantralaya, Mumbai 400 032, Maharashtra
Email: pscc.env@maharashtra.gov.in

4. State Level Environment Impact Assessment
   Authority – Maharashtra (SEIAA)
   Through Member Secretary
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai 400 032, Maharashtra

5. State Expert Appraisal Committee (III)
   Maharashtra (SEAC-III)
   Through Member Secretary
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai 400 032, Maharashtra

6. Maharashtra Pollution Control Board
   Through Member Secretary,
   Kalpataru Point, 3rd Floor, Near Sion Circle,
   Opp. Cine Planet Cinema, Sion (E),
   Mumbai-400 022, Maharashtra
   Email: ms@mpcb.gov.in

7. Maharashtra Pollution Control Board
   Through Regional Officer,
   Jog Centre, 3rd Floor, Mumbai-Pune Old Highway,
   Wakadewadi, Pune-411 003, Maharashtra
   Email: ropune@mpcb.gov.in

8. Municipal Commissioner-PCMC,
   Pimpri-Chinchwad Municipal Corporation,
   PCMC Building, Old Mumbai-Pune Highway,
   Pimpri, Pune-411 018.

9. City Engineer-PCMC,

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Pimpri-Chinchwad Municipal Corporation,
PCMC Building, Old Mumbai-Pune Highway,
Pimpri, Pune-411 018.

10. Collector of Pune,
Sanctioning authority and President of
District Environment Protection
Committee Pune,
Collector Office, Bund Garden,
Pune- 411001.

11. M/s. Brahma Leisures Private Limited,
Company registered under the Indian
Company Act, 1952,
CIN- U55101PN2009PTC134096,
Having its Office at- "Brahma House",
250/251 M/G Road, Camp, Pune-411001 ...Org. Respondents

Interlocutory Application seeking dismissal of the Original Application (O.A 63 of 2019) on the ground of maintainability, on behalf of Respondent No.11.

The Respondent No.11 most respectfully submits as under:

1. The Respondent No.11 is the project proponent in respect of a construction project floated and carried out in the name and style of "Brahma Uzuri" situated at S No. 209/ CTS No. 4702 admeasuring about 10447.99 sq. mtrs., at Pimpri Chowk, Taluka-Haveli, District-Pune, which is the subject matter of the captioned Original Application (**"subject project"**), with regards which, the Original Applicant has raised various issues relating to environmental violations. Respondent No.11 is a private limited company incorporated under the provisions of the Companies Act, 1956 and is a part of the Brahma Realty and Infrsatructure Group, one of the

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reputed and well respected corporate groups in Pune, having been at the forefront of real estate and hospitality development in the city of Pune and having footprint in hospitality projects, infrastructure projects, healthcare, etc., for about four decades. The Respondent No.11 has to its credit, a number of completed and ongoing real estate, commercial and hospitality projects in and around the city of Pune.

2. The Respondent No.11 is in receipt of the captioned Original Application along with the order passed by this Hon'ble Tribunal dated 5th February 2020, wherein the Respondent No.11 is directed to show cause as to why an order prohibiting further construction shall not be issued. The Respondent No.11 has carefully perused the grounds and contentions raised in the Memo of Application, which is filed categorically invoking the original jurisdiction of this Hon'ble Tribunal under Sections 14, 15, 18 and 20 of the National Green Tribunal Act, 2010 (hereinafter referred to as **"NGT Act"**). In furtherance thereof, the Respondent No.11 is filing a detailed reply answering the allegations raised, on merits, and the instant Interlocutory Application raising preliminary issues with regards maintainability of the captioned Original Application.

3. The Respondent No.11 (being the Applicant herein) submits that on bare perusal of the captioned Original Application, as filed, it is abundantly apparent that the same is not maintainable as per extant law and deserves to be dismissed at the threshold without getting into the merits, by this Hon'ble Tribunal on the following grounds:-

3.1. **Limitation:**

3.1.1. The Respondent No. 11 submits that this Hon'ble Tribunal ought not to entertain the captioned Application and the same deserves to be dismissed at the very threshold as it is barred by the statutory period of limitation, as prescribed under the NGT Act.

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3.1.2. The NGT Act, envisages two different and distinct regime and period of limitation for invoking the Jurisdiction of the Hon'ble Tribunal under sections 14 and 15, respectively;

3.1.3. Under section 14, this Hon'ble Tribunal has jurisdiction to resolve all civil cases where a substantial question relating to environment is involved and the period of limitation to exercise such jurisdiction, as prescribed in the statute is 6 months from the date on which the cause of action for such dispute, first arose. Furthermore, the tribunal has powers to extend the said period of limitation by a period of 60 days on being convinced that the applicant was prevented by sufficient cause from filing the application within the statutory period of 6 months. It is pertinent to note that the Tribunal derives its powers to adjudicate a dispute relating to a substantial issue of environment, exclusively under this section. The present Original Application raises substantial issues as raised in paragraph 25 of the Original Application and thus the time period (6months + 60 days) as prescribed under section 14 is attracted and applicable.

3.1.4. Under section 15 of the NGT Act, the Tribunal has jurisdiction to provide relief and compensation to the victims of pollution, for restitution of property of the victims of pollution and for restitution of the environment. Under section 15, the period of limitation as stipulated in the statute is of 5 years from the date on which the cause of action for such compensation or relief, first arose, the tribunal has discretionary powers to extend the said period of limitation for another 60 days. However, the tribunal ought not to entertain any application filed beyond the stipulated period of limitation.

3.1.5. It is apposite to note that the Original Applicant has failed to prefer a delay condonation Application or make out a cogent



case to or pray for condonation of delay in filing of the captioned Original Application.

3.1.6. Thus section 14 and 15 of the NGT Act are two distinct and independent provisions stipulating different timelines. The tribunal derives power to adjudicate upon substantial issues relating to environmental law under Section 14 for which a limitation period of 6 months is prescribed and derives power to grant relief, compensation, restoration and restitution under Section 15 of the NGT Act for which a limitation period of 5 years is prescribed.

Relevance of Section 14 and period of limitation of 6 months

3.1.7. The Original Application is filed seeking relief under Section 15 for restoration and restitution (*paragraph 41 (a) of the Original Application)*. The powers of this Hon'ble Tribunal under section 15 is limited to granting relief with regards compensation and restitution caused due to environment violation and pollution and the Hon'ble Tribunal does not have powers to adjudicate upon substantial issues of law under section 15, as these powers are available exclusively under section 14 of the NGT Act. It is pertinent to note that to grant compensation, restitution or any prayer in the nature of restitution or restoration, it is imperative to first arrive at a specific finding that there has been environmental pollution, which has led to environment damage, has caused loss which can be monetarily compensated and the quantification of such damage or compensation payable by the polluter. Therefore, if the Tribunal does not have powers to adjudicate substantial issues under Section 14, the reliefs as prayed for in the Original Application*ipso facto* fails.

3.1.8. Therefore, to claim any relief under section 15 of the NGT Act, the Original Applicant ought to ensure that the Application is filed within the limitation period (6 months) as

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stipulated under Section 14, under which the hon'ble Tribunal derives powers to adjudicate on substantial issues relating to the environment. The same is abundantly clear on perusal of Section 15, that relief, compensation and restitution can be provided only to the victims of pollution and other environmental damage arising under the Enactments specified in Schedule-I (as no claim of accident has been made). Therefore, there are two mandates of Section 15: a) the Applicant should be a victim of pollution and other environmental damage; b) there should be pollution and other environmental damage. The Tribunal can grant relief under section 15 only when the Tribunal has powers to adjudicate issues such as;

a) Whether there is violation of environmental laws more specifically mentioned in Schedule-I?
b) Whether due to such violation there is damage caused to the environment or environmental pollution?
c) If the answer to (b) is on affirmative, what is the quantum of damage?
d) Whether the Respondent No. 11 is a victim as per section 15 of the NGT Act?

Without resolving the above questions, the Tribunal cannot grant any relief of whatsoever nature under section 15. It is pertinent to note that the powers to adjudicate on such issues involving substantial question of law is available to the Tribunal only under section 14 for which a period of limitation of 6 months is provided.Therefore, to grant any relief as prayed for in the Original Application, the same ought to be filed within a period of limitation of 6 months as prescribed under section 14 of the NGT Act.

3.1.9. On bare perusal of the Original Applicant, it appears that the core issue raised before this Hon'ble Tribunal is with regards the Respondent No.11 not obtaining prior Environment Clearance ("**EC**") with respect to the said project. The

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Original Applicant alleges that the Respondent No.11 has commenced illegal construction and excavation in the year 2012 (*paragraph 9 (c)*).Therefore, the cause of action with respect to alleged illegal construction first arouse in the year 2012, when the Respondent No.11 commenced with construction, which is over 7 years from the date of filing of the captioned Application and the Original Application is *ex-facie* barred by the limitation, in terms of Section 14 as well as Section 15.

3.1.10. Furthermore, even considering, without prejudice and admitting, the Original Applicant's best case, the cause of action first arose on 30th September 2015, when the Respondent No.11proposed to construct beyond the threshold limit of 20,000 sq. mtrs. as defined in the Environmental Impact Assessment notification, 2006 (**"EIA notification"**), for the first time, vide sanction bearing No. B.P./Pimpri/64/2015, dated 30th September 2015.Which is still over 4 years from the date of filing of the Original Application and is completely barred by limitation in terms of Section 14 of the NGT Act.

3.1.11. On perusal of the Original Application it is apparent that the Original Applicant has attempted to circumvent mandatory statutory period of Limitation as prescribed in the NGT Act, by clever drafting. It is trite law, that an applicant may not be allowed to circumvent the statutory provisions of limitation by clever drafting, camouflage cause of action, avoiding to mention the date on which the cause of action first arose or wrongly mentioning the date on which the cause of action first arose, as done in the captioned Original Application.

3.1.12. On close reading of the provisions of the National Green Tribunal Act, 2010, the legislative intent is abundantly clear, which stipulates that the period of limitation would commence from the date the cause of action "first arose" in the instant

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case the same would be 2012, which is 7 years prior to the filing of the Original Application. The words used in section 14 and 15 are not only the indicators of unambiguous legislative intent and scheme expressed in plain words, but statutorily and mandatorily fixes the starting point of the period of limitation. These words, no doubt relate to the earliest point of time of inception of the cause of action. This interpretation is further reinforced by the use of words "from the date", which again would imply that there is definite occurrence of cause of action. The same has been upheld in a catena of judgments passed by the Hon'ble Supreme Court as well as the Hon'ble Bombay High Court.

3.1.13. On bare perusal of the Original Application it is abundantly clear that the Original Applicant has wrongly relied of the concept of continuous cause of action and/or recurring cause of action (*paragraph 40 (b)*). It is settled position of law that the concept of recurring and/or continuous cause of action is alien to Sections 14 and 15 of the NGT Act. It is material to advert to the Judgment and Order of the Hon'ble Bombay High Court in the matter of ***Windsor Realty v Secy., MoEF*** and connected matters reported in ***2016 SCC OnLine Bom 5613*** wherein the Hon'ble Bombay High Court has observed as under:

> *"...33. In our view, there is much substance in the submission of Mr. Dada, the learned Senior Counsel appearing on behalf of the Petitioner that the view taken by NGT Bench, Pune that the cause of action would arose from the date of knowledge of the original applicant about the alleged violation and secondly from the date on which Environmental Authorities do not take any action after violation is brought to their notice is not in accordance with law.*
>
> *34. Section 14(3) of the National Green Tribunal Act, 2010 reads as under:*
>
> *"14(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal*

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unless it is made within a period of six months from the date on which the cause of action for such dispute first arose."

35. A bare perusal of the said section clearly discloses that period of limitation is six months from the date on which the cause of action first arose. Prima facie, therefore it cannot be interpreted by any stretch of imagination that it would arose from the date of knowledge of the original applicant of the alleged violation taking place or from the date on which the Environmental Authorities were informed about violation and inaction on their part. There appears to be a lot of confusion in the mind of NGT Bench, Pune on various aspects of continuous cause of action. Perusal of the said Section indicates that the concept of continuous cause of action cannot apply to the complaints which are filed before the NGT because had it been so, the legislature would not have stated that the limitation would be six months from the date on which the cause of action for such dispute first arose. If the interpretation which is sought to be given to the provision by the NGT Bench, Pune in the impugned order is accepted, the complaint could be filed by the aggrieved person at any point of time, claiming that he came to know about the violation after 10 or 20 years. At the same time, if there is any violation of the provisions of the Environment (Protection) Act, 1986, the same have to be addressed and looked into. The only question is by which Authority.

36. Taking an overall view of the matter and considering the importance of the issues which are raised by the Petitioners and original Applicant and also the fact that impugned order does not address the issue in its proper perspective, we set aside the impugned order and remand the matter to the Tribunal to decide afresh on merits and in accordance with law...".

3.1.14. Consequently, in fact, the Original Application is barred by limitation as the cause of action first arouse in the year 2012. However, in the instant case, as against the mandatory provision of law, which categorically observes that the period of limitation will start ticking from the date on which the cause of action first arose, the Applicant has mentioned the cause of action to be 15th June 2019, when the SEIAA issued show cause notice to the present Applicant. The same is completely contrary to the intent of the legislature

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which can be gathered from the wordings of section 14 and 15 of the NGT Act. Furthermore, if the same is accepted, it will lead to an absurd situation wherein a person will be entitled to file an Application before this Tribunal merely by initiating a complaint which will inevitably lead to SEIAA issuing a show cause notice years after the real cause of action first arouse. Therefore, the Original Applicant ought not to be allowed to circumvent the statutory provisions of limitation by clever drafting, camouflage the mention of cause of action, avoiding to mention the date on which the cause of action first arose or wrongly mentioning the date on which the cause of action first arose, as done in the captioned Original Application.

3.1.15. In light of the facts stated above, it is indubitably clear that the Original Application is filed after over 7 years from the date of which the cause of action first arose; Respondent No. 11 commenced construction with regards the said project. Even if, without prejudice, the best case of the Original Applicant is accepted, on the face of it, then the cause of action first arouse on 30th September 2015 when plans were sanctioned for over 20,000 sq. mtrs., which is after almost 4 years. Therefore, how much ever one stretches his imagination, it is impossible to entertain the captioned Original Application under section 14 as the same is not compliant of the period of limitation of 6 months stipulated under section 14. Thus, no relief as prayed in the Original Application can be granted, even on accepting the Original Application as it is presented, as the Tribunal does not have powers to adjudicate upon any substantial issue relating to the environment and even otherwise, the Original Application is barred by limitation as it is filed after 7 years from the date on which cause of action first arouse. Therefore, this Tribunal ought to dismiss the present Application, as the same is barred by limitation.



3.2. **Locus standi:**

3.2.1. The Respondent No.11 submits that this Hon'ble Tribunal ought not to entertain the captioned Application and the same deserves to be dismissed at the very threshold as having been instituted by an individual who is bereft of the necessary *locus standi* to invoke the jurisdiction of this Hon'ble Tribunal for reliefs under Section 15 of the NGT Act. As such, such jurisdiction can only be invoked by a 'person aggrieved' and/or 'person affected' by the activities carried out by a project proponent and therefore, in the present case, the Original Applicant is not entitled to take benefit of the right to file an application before this Hon'ble Tribunal.

3.2.2. It is trite law that the locus of a person to file an Application depends on various aspects including the content and intent of the statute and the prayers made in the Application. It is imperative to advert to the prayers (paragraph 42) of the captioned Original Application. The principle prayers made in the Original Application is reproduced herein below for the sake of ready reference;

"A. Direct the Respondents to demolish the illegal structures at site in question and restore the area to its original position OR Direct Respondent No. 11-PP to handover the project site including all structures to the Government Authority as the Hon'ble NGT deem fit proper for public purpose without any benefits.

B. Having regard to the damage to the public health, property and environment, principles of sustainable development and polluter pays principles, Direct the Respondent No. 11-PP to deposit a heavy amount of compensation to the environment relief fund. "

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On bare perusal of the prayers it is evident that the Original Applicant has claimed for restitution or restoration of the property ie S No. 209/ CTS No. 4702 admeasuring about 10447.99 sq. mtrs., at Pimpri Chowk, Taluka-Haveli, District-Pune which has been damaged due to the alleged illegal construction carried out by Respondent No.11 and to deposit heavy amounts as and by way of compensation. On close reading of the provisions of the NGT Act, more particularly section 18 which says, "*Without prejudice to the provisions contained in section 16, an application for grant of relief or compensation or settlement of dispute may be made to the tribunal by;*

A.Person who has sustained the injury

B.Owner of the property to which damage has been caused.

", it is amply clear that to claim compensation or restoration of a property, one ought to be a person who has sustained a personal injury or has faced loss or has been deprived of a legal right and to claim compensation of restoration of the property one ought to prove that he is the owner of the property or that his property is damaged due to the environment pollution. In the captioned Original Application, the Applicant has made a categoric averment in paragraph 23 that, "*it is submitted, that the Applicant have no personal interest in the project.....*". In light of these facts, the Original Applicant, lacks the locus standi to seek prayers as made in the Original Application and on this count, the Original Application deserves to be dismissed at the outset.

3.2.3. In the present case, the relief claimed are primarily under section 15 of the NGT Act. Section 15 of the NGT Act provides for the following:-

a. Relief and compensation to the victims of pollution and environmental damage;
b. For restitution of property damaged;
c. For restitution of the environment.

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A perusal of the NGT Act reveals that an application for relief under section 15 of the NGT Act in terms of the right to file such application as laid down in Section 18 of the NGT Act.

3.2.4. Section 18 of the NGT Act provides for the right to file an application under Section 14 and 15 of the NGT Act and also provides who shall be entitled to file such application. A bare perusal of the above provision indubitably reveals the species of persons who may file an application for grant of relief or compensation or settlement of dispute, as set out in Section 18(2). It is amply clear that the person filing such an application must necessarily be either the person who has sustained an injury; the owner of the property to which damage has been caused; legal representatives of the deceased attributable to environmental damage; agents of the above; any person aggrieved; government agencies. In the present case, it is abundantly clear from the pleadings made in the Original Application that the Original Applicant does not fall within any of such specified categories of persons. Thus, the Original Applicant does not have the right under Section 18 to file an application for reliefs under Sections14 and 15 of the NGT Act.

3.2.5. Further, an application must be filed in such form as is prescribed under the NGT Act and the rules framed there under as laid down under Section 18(1) of the NGT Act. Rule 8 of the National Green Tribunal (Practices and Procedure) Rules, 2011 ("**NGT Rules**") provides the form in which an application under Section 18 may be filed. On the plain reading of Rule 8, more particularly the 2nd proviso to sub-rule 5, it is abundantly clear that more than one person can join together to file a single application provided that at least one affected person joins such application.

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3.2.6. A conjoint reading of the aforementioned provisions unquestionably reveals that the legislative scheme of the NGT Act mandates filing of application by person who is directly affected and/or aggrieved by the actions of the project proponent for claiming reliefs under section 15 of the NGT Act. In the present case, the Original Applicant, by invoking the jurisdiction under Section 14, 15, 18 and 20 of the NGT Act, is assailing the construction carried out by the Respondent No.11 in the name and style of 'Brahma Uzuri' , situated at S No. 209/ CTS No. 4702 admeasuring about 10447.99 sq. mtrs., at Pimpri Chowk, Taluka-Haveli, District-Pune as is an admitted position from the Application Memo. The distance between the two locations is approximately over 16 Kms. by road. Therefore, on facts, it is evident that the construction carried out by the Respondent No.11 cannot be said to be directly affecting the Original Applicant, neither does the Original Applicant have any rights / interests in the project of the Respondent No.11, as can be seen from a bare perusal of the Original Applicant's own pleadings.

3.2.7. Without prejudice to the above, and upon perusal of the Application Memo, it is seen that the Original Applicant has made only perfunctory pleadings without disclosing his locus and it is evident from his own pleading that he is not a person who has suffered from any environmental damage owing to the said Project. As such, the Original Applicant has failed to show that he is a 'person aggrieved' by the construction carried out by the Respondent No.11 and therefore, the Original Applicant has no locus to file an application and thus, this Hon'ble Tribunal may dismiss the same with imposition of exemplary costs.

3.2.8. The Respondent No. 11 submits that the Hon'ble Supreme Court has time and again laid down certain parameters for entertaining litigations, with a view to prevent vexatious

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litigations, filed with oblique motives by busy bodies or borne out vendetta. It is a settled legal proposition that a stranger cannot be permitted to interfere in any proceedings unless he satisfies the authority/ Court that he falls within the category of aggrieved persons. Only a person who has suffered or suffers as a result of the actions of a party can challenge the same. Therefore, there must be a judicially enforceable right, which is infringed and/or affected by the actions of a party, on the basis of which, the jurisdiction of this Hon'ble Tribunal may be resorted to.

3.2.9. It has been held by the Hon'ble Supreme Court in a catena of judgments that a 'person aggrieved' is a person who has a legal grievance that is, a person who has been wrongfully deprived of something to which he is legally entitled to and not merely a person who has suffered some sort of disappointment.

3.2.10. Thus, the existence of such a right is a necessary condition precedent for invoking the jurisdiction of any Court or Tribunal. It is implicit that while exercising jurisdiction, such a Court/Tribunal will have to satisfy itself as to the existence of legal right of the Applicant approaching the Court/Tribunal. The legal right that can be enforced, must ordinarily be the right of the Applicant himself, who complains of infraction of such right and approaches the Court for relief as regards the same.

3.2.11. The Respondent No. 11 submits that a 'legal right' means an entitlement arising out of the legal Rules. Thus, it may be defined as an advantage or a benefit conferred upon a person by the Rule of law. The expression 'person aggrieved' does not include a person who suffers from psychological or an imaginary injury. A person aggrieved must, therefore, necessarily be one, whose right or interest has been adversely affected or jeopardized.



3.2.12. The Respondent No. 11, therefore, states that applying the aforesaid principles, the Original Applicant in the present case, is not 'person aggrieved' to file the Original Application under Section 14, 15, 18 and 20 of the NGT Act, and on this ground the Application should not be entertained by this Tribunal and be dismissed with exemplary costs.

3.2.13. In any event, in the present case the Original Applicant, claiming to be a person aggrieved and affected by the construction carried out by the Respondent No.11, has made only non cogent, unfounded and baseless claims and allegations in the Application Memo without amply demonstrating any nexus with his own rights, if any, thereby raising serious doubts regarding the intentions and motives behind the filing of the Original Application.\

3.2.14. The Respondent No.11 submits that the Applicant, in paragraph 38 of the Application Memo, has peremptorily sought to explain his locus to file the Original Application. The contentions made in the paragraph only serve to support the case made out by the Respondent No.11 in the aforementioned paragraphs as the Original Applicant has by his own admission stated that he is not directly affected and injured by the said Project. The jurisdiction of this Hon'ble Tribunal, whilst being available for redressal of environmental issues, has to be at the instance of a person aggrieved and cannot be invoked generally by all and sundry as has been sought to be contended by the Original Applicant and thus, the Original Application, as filed, deserves to be dismissed outright by this Hon'ble Tribunal.

3.3. **Plural remedies:**

3.3.1. It is submitted that the Original Application, as filed, is squarely hit by the provisions of Rule 14 of the NGT

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Rules, which provides that an application filed before this Hon'ble 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. Rule 14 is reproduced hereinbelow for ease of reference:

> *"14. Plural remedies.- An application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another."*

3.3.2. A bare perusal of the Memo of Application clearly reveals that the Original Applicant has pleaded multiple causes of action such as construction purportedly carried out without requisite Environment Clearance ("**EC**"), construction purportedly carried out without requisite Consent to Establish, no requisite permission from the Ground Water Authority allegedly obtained, purported non-obtaining of permission for installation of DG sets, purported non-installation of sewage treatment plant, purported omissions in preservation of top layer of soil and plantation of trees, etc., all of which are distinct and plural causes of action which would give rise to different and distinct remedies under the relevant law in each case in the event there existed any veracity in such contentions. Reliefs sought for in the Original Application have been prayed for based on such multiple causes of action, which is clearly impermissible under the NGT Act and the rules framed there under.

3.3.3. A bare perusal of Rule 14 of the NGT Rules, as set out hereinabove, reveals the use of the word 'shall' which has been held to ordinarily render the statutory provisions as mandatory, by a catena of pronouncements of the

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Hon'ble Supreme Court. It is thus, evident that any application filed before this Hon'ble Tribunal shall mandatorily relate / arise out of a single cause of action. The operation of Rule 14 of the NGT Rules, as such, bars filing of a *lis* before this Hon'ble Tribunal, which is based on multiple causes of action.

3.3.4. The pleadings contained in the Memo of Application are thus, permeated with the above lacuna and thus, cannot stand the rigors of the rules governing practice and procedure in this Hon'ble Tribunal, more particularly, Rule 14, and therefore, this Hon'ble Tribunal ought to dismiss the Original Application.

3.3.5. It is pertinent to note that this Hon'ble Tribunal, at its Principal Bench, in various judgments, held that an Appeal/ Application, based on multiple causes of action is not maintainable before this Hon'ble Tribunal in view of the operation of Rule 14. Thus, any violation of the said Rule must entail dismissal of the Application.

4. In light of all that is stated herein, it is submitted by the Respondent No.11 that the captioned Application should not be entertained by this Hon'ble Tribunal and should be dismissed *inlimine* with the imposition of exemplary costs as the same is gross abuse of the process of this Hon'ble Tribunal.

5. In the premises aforesaid, the Respondent No.11, therefore, prays that:-

a. That this Hon'ble Tribunal may be pleased to dismiss Original Application No. 63 of 2019 filed by the Original Applicant on the grounds stated in the present Application;

b. For costs;

c. Any other relief as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.

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Place: Pune

Dated this 24th day of September 2020

Advocates for the Respondent No.11

Respondent No.11

VERIFICATION

I, , the of the Respondent No.11, do hereby state on solemn affirmation that whatever is stated in paragraph nos. 1 to 5 is true to my knowledge and whatever is stated in the remaining paragraphs are the legal submissions and prayers which are made on legal advice which I believe to be true.

Solemnly affirmed at Pune)

This 24th day of September 2020)

Identified by me,

Advocates for the Respondent No.11

before me,

Respondent No.11

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PUNE
REGD. NO. 678/1994
Expiry Date 12/1/2023
STATE OF MAHARASHTRA

BEFORE ME

A. RASHID D. SAYED
NOTARY, STATE OF MAHARASHTRA
PUNE.

24 SEP 2020

Noted & Registered
At.Sr.No.: B10022/2020

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TRUE COPY

ANNEXURE-A-41

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN BENCH, PUNE

ORIGINAL APPLICATION NO. 63 OF2019

Ajay Jayvantrao Bhosale ... Applicant

Versus

Union of India & Ors. ... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT NO.11

I, Surendrakumar Agarwal, the Authorised Representative of the Respondent No.11, having my office at "Brahma House", 250/251, MG Road, Camp, Pune 411 001, do hereby state on solemn affirmation as under:

1. The captioned Original Application has been filed by the Original Applicant alleging various environmental violation with regard to construction of "Brahma Uzuri" at Survey No. 209/A/2 CTS No. 4702, at Pimpri Chowk, Taluka Haveli, District Pune ("**the said Project**"). The Answering Respondentis the Project Proponent with respect to the said Project and is arrayed as Respondent No.11. This Hon'ble Tribunal was pleased to issue a notice to the Respondent No.11 dated 7th February 2020, in pursuance of the order of this Hon'ble Tribunal dated 5th February 2020. In the said order, this Hon'ble Tribunal was pleased to issue notice to the Respondent No.11 and direct the Respondent No.11 to show cause as to why an order prohibiting further construction shall not be issued.

2. I state that I have perused the captioned Original Application as well as the records available with the Respondent No. 11 and am even otherwise conversant and well versed with the facts of the present case from personal knowledge. I further state that I am competent and authorised to depose the instant Affidavit in Reply on behalf of Respondent No.11.

3. At the outset, I deny each and every averment made in the captioned Original Application which is inconsistent or contrary to whatever is stated in the instant Affidavit in Reply. Nothing shall be considered to be admitted on behalf of the

Respondent No.11 for want of specific traverse. Further, the averments made in the instant Affidavit in Reply are in alternative and without prejudice to each other.

4. At the further outset, the Respondent No.11 states that it has filed an Interlocutory Application, raising preliminary issues, challenging the maintainability of the captioned Original Application on the following grounds;

   a) Preliminary issue relating to limitation in filing of the captioned Original Application;
   b) Preliminary issue relating to the locus of the Applicant in filing the captioned Original Application;
   c) Preliminary issue relating plural remedies raised in the captioned Original Application.

   The Respondent No.11 adopts the contentions and averments made in the said I.A, in verbatim. However, the same is not being reproduced in the present Affidavit in Reply for the sake of brevity. The interlocutory Application shall be treated as a part of the instant Affidavit in Reply. Further, the Respondent No.11 submits that the Interlocutory Application, be decided prior to dealing with the merits of the Original Application.

5. At the outset, the Respondent No.11 states that the captioned Original Application ought to be dismissed in view of the fact that the Original Applicant has filed Appeal No.26 of 2020 challenging the EC granted with regards the said project. Thus the instantApplication which is primarily based on the ground that Respondent No.11 does not have an EC, should not be allowed/ entertained as it runs completely contrary to the Appeal filed by the present Original Applicant.

6. Without prejudice to the submissions made above and the Interlocutory Application made by the Respondent No.11, The Respondent No.11 shall now proceed to place the true and correct facts on record which as such disentitles the Original Applicant from any relief as prayed in the Original Application. The facts are stated in a chronological order for the sake of convenience;

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Brief introduction of the Respondent No.11/Project Proponent;

6.1. The Respondent No.11 is the project proponent in respect of a construction project carried out in the name and style of "Brahma Uzuri" situated at S No. 209/A/2 CTS No. 4702 admeasuring about 10447.99 sq. mtrs., at Pimpri Chowk, Taluka-Haveli, District-Pune, which is the subject matter of the captioned Original Application, with regards which, the Original Applicant has raised various issues relating to environmental violations. Respondent No.11 is a private limited company incorporated under the provisions of the Companies Act, 1956 and is a part of the Brahma Realty and Infrastructure Group, one of the reputed and well respected corporate groups in Pune, having been at the forefront of real estate and hospitality development in the city of Pune and having footprint in hospitality projects, infrastructure projects, healthcare, etc., for about four decades. The Respondent No.11 has to its credit, a number of completed and ongoing real estate, commercial and hospitality projects in and around the city of Pune.

6.2. On 28th March 2008, commencement certificate was obtained for carrying out construction on the said property for a total built up area of 17595 sq.mtrs. (FSI 8535.48 + Non FSI 9059.56 sq.mtrs.). Hereto annexed and marked as **Exhibit-A** is a copy of the commencement certificate dated 28th March 2008.

6.3. In furtherance of the commencement certificate dated 28th March 2008, the Respondent No.11 commenced excavation activity. As the total permissible built up area in the commencement certificate dated 28th March 2008 was much below the threshold limit of 20000 sq. mtrs., the Respondent No.11 did not apply for grant of EC prior to commencing construction.

6.4. On 9th April 2013, the Respondent No.11 obtained a commencement certificate for construction of 21368.3 sq.mtrs (FSI 9285.51 sq.mtrs. + Non FSI 12082.77 sq.mtrs.). Hereto annexed and marked as **Exhibit-B** is a copy of the commencement certificate dated 9th April 2013.

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6.5. On 7th September 2013, the Respondent No.11 applied for grant of EC in order to commence with construction as per commencement certificate

dated 9th April 2013. Hereto annexed and marked as **Exhibit-C** is a copy of the application for grant of environment clearance dated 7th September 2013.

6.6. On 24th March 2014, the Hon'ble Bombay High Court in *Writ Petition No. (L) 655 of 2014,Glomore Constructions and Ors. Vs the Union of India & Ors.* was pleased to rule that an EC is not required to be obtained by the Project Proponent as long as the Project Proponent has not carried out construction beyond the threshold limit of 20,000 sq.mtrs. Hereto annexed and marked as **Exhibit-D** is a copy of the Judgment passed in *Writ Petition No. (L) 655 of 2014, Glomore Constructions and Ors. Vs the Union of India & Ors.*

6.7. On 4th July 2014, the Respondent No.11 applied for consent to establish with respect to the said project. Hereto annexed and marked as **Exhibit-E** is a copy of the application made for grant of CTE.

6.8. In meetings held by the SEAC between 15th to 18th July 2014, the Respondent No.11's proposal was considered for grant of EC. In the said meeting, the Respondent No.11's proposal was declared as a violation case. Hereto annexed and marked as **Exhibit-F** is a copy of the minutes of meeting of the SEAC dated 15th to 18th July 2014.

6.9. On 30th August 2014, show cause notice was issued against the Respondent No.11 and proposed directions were issued under Section 5 of the Environment Protection Act, 1986 (EP Act) read with EIA notification. Such notice was issued primarily on the ground that the Respondent No.11 had violated the environmental mandate by commencing construction prior to obtaining EC. Hereto annexed and marked as **Exhibit-G** is a copy of the show case notice dated 30th August 2014.

6.10. On 28th September 2014, the Respondent No.11 submitted a detailed reply to the aforementioned show cause notice. Hereto annexed and marked as **Exhibit-H** is a copy of the Respondent No.11 reply dated 28th September, 2014.

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6.11. On 13th February 2015, the Respondent No.11 physically presented its case before the authorities to provide explanation to the show cause notice dated 30th August 2014.

6.12. On 10th March 2015, the environment department, Government of Maharashtra was pleased to withdraw the show cause notice dated 30th August 2014 and declared that the Respondent No.11's proposal is not a violation case. Such conclusion was arrived at after carefully considering and verifying the reply preferred by the Respondent No.11, physical presentation made by Respondent No.11 and the architect certificate submitted by the Respondent No.11. The environment department withdrew the show cause notice on verifying the fact that the Respondent No.11 had carried excavation/construction activity in furtherance of commencement certificate issued in the year 2008. As per the said commencement certificate, permission was granted upto 17595 sq.mtrs. Therefore, as the construction was below the threshold limit, the Respondent No.1 was not required to obtain an EC. Hereto annexed and marked as **Exhibit-I** is a copy of the letter issued by the environment department dated 10th March 2015.

6.13. On 10th March 2015, the MPCB was pleased to grant CTE to Respondent No.11 with regards the said property for a period of 5 years or up till commissioning of the proposed hotel. Hereto annexed and marked as **Exhibit-J** is a copy of the consent to establish granted by MPCB dated 10th March 2015.

6.14. On 21st April 2015, the environment department issued a circular dated ENV/2013/CR39/TC-1 wherein it categorically observed that an EC is not required to carry out construction as long as the actual construction is below the threshold limit of 20,000 sq.mtrs. It is worth mentioning that the said circular has not been challenged, quashed or set aside till date and thus, is valid and subsisting. Hereto annexed and marked as **Exhibit-K** is a copy of the circular issued by the environment department dated 21st April 2015.

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6.15. On 30th September 2015, the Respondent No.11 obtained commencement certificate for carrying out construction upto 22010.3 sq.mtrs. (FSI 9260.12 sq.mtrs. + Non FSI 12750.16 sq.mtrs). Hereto

annexed and marked as **Exhibit-L** is a copy of the commencement certificate dated 30th September 2015.

6.16. On 30th June 2016, the Respondent No.11 applied for environment clearance with respect to the said project. Hereto annexed and marked as **Exhibit-M** is a copy of the application dated 30th June 2016 preferred by Respondent No.11 for grant of EC.

6.17. On 24th November 2016, the Respondent No.11 obtained commencement certificate for carrying out construction upto 21213.9 sq.mtrs. (FSI 8835.93 sq.mtrs. + Non FSI 12377.95 sq.mtrs). Hereto annexed and marked as **Exhibit-N** is a copy of the commencement certificate dated 2nd November 2016.

6.18. In or around the year 2016 to 2017, the Respondent No.11 carried out construction with respect to the said project. Such construction was carried out relying on the aforementioned judgment passed by the Hon'ble Bombay High Court and the circular dated 21st April 2015 issued by the environment department. The Respondent No.11 has not till date constructed beyond the threshold limit of 20,000 sq.mtrs.

6.19. On 28th April, 2017, the Respondent No.11 applied for consent to establish with regards the said project. Hereto annexed and marked as **Exhibit-O** is a copy of the application dated 28th April, 2017 made by the Respondent No.11 for grant of CTE.

6.20. On 12th November 2017, the MPCB was pleased to grant CTE to the said project for a period of 5 years and to carrying out construction upto 51358.46 sq.mtrs. Hereto annexed and marked as **Exhibit-P** is a copy of the CTE granted by MPCB dated 12th November 2017.

6.21. On 31st March 2018, the Respondent No.11 obtained commencement certificate for carrying out construction upto 19991.4 sq.mtrs. (FSI 6998.59 sq.mtrs + Non FSI 12992.76 sq.mtrs.). Hereto annexed and marked as **Exhibit-Q** is a copy of the commencement certificate dated 31st March 2018.

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6.22. On 4th October 2018, a Layout Plan was sanctioned by PCMC bearing No. DP/Layout/Pimpri/ENV/1/2018. Hereto annexed and marked as **Exhibit – Q1** is a copy of the sanction letter dated 04/10/2018.

6.23. On 5th December 2018, in its 77th meeting, the SEAC considered the Respondent No.11 application for grant of EC. As the Respondent No.11 was not present, the SEAC deferred the Respondent No.11's proposal. Hereto annexed and marked as **Exhibit-R** is a copy of the 77th meeting of SEAC dated 5th December 2018.

6.24. On 24th April 2019, the SEAC in its 86th meeting considered the Respondent No.11's proposal. In the said meeting the SEAC was pleased to appraise the Respondent No.11's project as category 8(a) B2. After due deliberations, the SEAC sought compliance and explanation with regards the same points mentioned herein. Hereto annexed and marked as **Exhibit-S** is a copy of the 86th meeting of SEAC dated 24th April 2019.

6.25. On 22nd May 2019, the MPCB conducted a Site Visit of the said project.Hereto annexed and marked as **Exhibit-T** is a copy of the Visit Report dated 22nd May 2019.

6.26. On 10th June 2019, the MPCB conducted a Site Visit of the said project.Hereto annexed and marked as **Exhibit-U** is a copy of the Visit Report dated 10th June 2019.

6.27. On 19th May 2019, the Original Applicant filed a complaint with various authorities including the MPCB raising identical issues as sought to be raised in the present appeal as well as OA No. 63 of 2019. Hereto annexed and marked as **Exhibit-V** is a copy of the complaint made by the Appellant dated 19th May 2019.

6.28. On 25th June 2019, the Environment Department, issued a show cause notice to the Respondent No.11. In the said show cause notice the Respondent No.11 was called upon to show why coercive action should not be initiated against it in furtherance of the complaint made by the Appellant. Hereto annexed and marked as **Exhibit-W** is a copy of the show cause notice dated 25th June 2019.

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6.29. On 26th July 2019, the SEAC in its 91st meeting considered the Respondent No.11's proposal. In the said meeting the SEAC observed that the environment department has issued show cause notice to the Respondent No.11. In furtherance thereof, the SEAC was to hear the Respondent No.11 on 26th July 2019. Making such observation, the SEAC was pleased to keep the Respondent No.11's proposal in abeyance till any decision is taken with respect to the show cause notice. Hereto annexed and marked as **Exhibit-X** is a copy of the 91st minutes of the meeting of SEAC dated 26th July 2019.

6.30. On 27th June 2019, the MPCB issue a show cause notice to the Respondent No.11. In the said show cause notice, the Respondent No.11 was called upon to show as to why legal action should not be initiated under the Water (Prevention & Control of Pollution) Act, 1974, Air ((Prevention & Control of Pollution) Act, 1981 and Hazardous & Waste Rules, 2016. Hereto annexed and marked as **Exhibit-Y** is a copy of the show cause notice dated 27th June 2019.

6.31. On 29th June 2019, 16th July 2019 and 20th August 2019, the Respondent No.11 preferred a detailed reply to the aforementioned show cause notices issued by the authorities in pursuance of the complaint made by the Appellant. In these replies, the Respondent No.11 stated that;

A. The Respondent No.11 has not violated any provisions of the environment law.
B. The Respondent No.11 commenced construction/excavation in pursuance of the commencement certificate issued in the year 2008. Wherein the permissible built up area was 17595 sq.mts, which is much below the threshold limit, therefore, the Respondent No.11 was not required to obtain EC prior to commencing construction.
C. The Respondent No.11 subsequently changed the plans with regards the said property and obtained various commencement certificate. As the construction exceeded the threshold limit to 20,000 mtrs. after amendment in the construction plan, the Respondent No.11 made an application for grant of EC in the year 2013. However, such EC was not granted.
D. The Respondent No.11 relying on the circular issued by the environment department, State of Maharashtra on 21st April 2015

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commenced construction. It is worth mentioning at this Juncture that till date the Respondent No.11 has not exceeds the threshold limit of 20,000 sq. mtrs.

Hereto annexed and marked as **Exhibit-Z** Colly are copies of replies of the Respondent No.11 dated 29th June 2019, 16th July 2019 and 20th August 2019.

6.32. On 11th November 2019, the Respondent No.11 physically presented its case and placed the documents and records before the authority.

6.33. On 16th November 2019, the environment department was pleased to withdraw the proposed directions dated 15th June 2019 issued under Section 5 of the EP Act read with the EIA notification. Such direction for withdrawal was issued after duly considering and verifying the reply, documents and record provided by the Respondent No.11. The said withdrawal notice observed;

A. The Respondent No.11 commenced construction as per commencement certificate issued in the year 2008.
B. As the plans were revised and the total built up area exceeds 20,000 sq.mtrs, the Respondent No.11 applied for grant of EC on 7th September 2013 and 30th June 2016.
C. Relying on the circular issued by environment department, Government of Maharashtra dated 21st April, 2015, the Respondent No.11 has carried out construction upto 8467.69 sq.mtrs.
D. It is clear that construction is below 20,000 sq.mtrs., and thus, is excluded from getting environment clearance as per provision of the EIA notification. Further, if the Respondent No.11 exceeds construction over 20,000 sq.mtrs, it is required to obtain an EC.

Hereto annexed and marked as **Exhibit-AA** is a copy of the withdrawal letter dated 16th November 2019.

6.34. On 10th December 2019, the SEAC in its 99th meeting considered the Respondent No.11's proposal. In the said meeting, the SEAC took notice of the fact that proposed direction under Section 5 of the EP Act was issued against the Respondent No.11 on 15th June 2019. Such notice was withdrawn by the environment department, Government of Maharashtra on 16th November 2019. The SEAC also observed that

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Respondent No.11 has complied with all the points raised in 91st meeting. Therefore, the SEAC was pleased to recommend the Respondent No.11's proposal for grant of EC. Hereto annexed and marked as **Exhibit-BB** is a copy of the minutes of 99th meeting of the SEAC dated 10th December 2019.

6.35. On 6th February 2020, the SEIAA was pleased to consider the Respondent No.11's proposal based on the recommendation of the SEAC. After duly considering all the relevant aspects the SEIAA was pleased to grant EC to the Respondent No.11 on complying with certain conditions. Hereto annexed and marked as **Exhibit-CC** is a copy of the minutes of 186th meeting of SEIAA dated 6th February 2020.

6.36. On 18th February 2020, the SEIAA granted environment clearance to the Respondent No.11. Hereto annexed and marked as **Exhibit-DD** is a copy of the grant of EC dated 18th February 2020.

7. The Original Application has no merits and has been made with an intention to harass the Respondent No.11. however, without prejudice to the aforementioned submissions, the Respondent No.11 shall now address the issues raised in the Original Application;

7.1. At the outset, it is pertinent to point out that the Original Applicant, prior to filing of the captioned Original Application preferred a complaint dated 19th May 2019 to various authorities including Environment Department, Government of Maharashtra and Maharashtra Pollution Control Board ("**MPCB**")raising identical issues as raised in the present Original Application. Thus, all the issues as raised by the Original Applicant has already been adjudicated and verified factually by the authorities;

7.2. The said complaint *inter alia* alleged that;

a) Respondent No.11 has carried out construction activities with respect to the said Project without obtaining a valid EC;
b) That Respondent No.11 has carried out construction activity with respect to the said Project without obtaining consent to operate;
c) The Respondent No.11 has illegally undertaken excavation activity in the year 2012 and construction activity in the year 2017;
d) Respondent No.11 has consumed huge amount of fresh water;

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7.3. Taking cognisance of the complaint addressed by the Original Applicant on 25th June 2019, the Environment Department, Government of Maharashtra issued a show cause notice to Respondent No.11.In the said show cause notice, the Respondent No.11 was called upon to show cause as to why no coercive action should be taken against it in light of the issues raised in the Complaint dated 19th May 2019.

7.4. Furthermore, the MPCB, in furtherance of the complaint made by the original Applicant, issued a show cause notice to the Respondent No.11 dated 27th June 2019. In the said notice, the Respondent No.11 was called upon to show cause as to why legal action ought not to be initiated against the Respondent No.11 under the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Hazardous and other Waste Rules, 2016.

7.5. In reply to the above mentioned show-cause notices, the Respondent No.11on 29th June 2019, 17th July 2019 and 20th August 2019, preferred replies to various Authorities including SEIAA, Municipal Commissioner of PCMC, MPCB. In the said replies, the Respondent No.11 made it apparent that it has not carried out construction with respect to the said Project, in violation of any environmental norms. The Respondent No.11 has categorically taken a stand that it has not carried out construction beyond the threshold limit of 20,000 sq.mtrs as stipulated in the EIA notification 2006 nor has it commenced construction activity without obtaining a valid Consent to Establish. The Respondent No.11 has factually placed on record that it had commenced construction activity in pursuance of the Commencement Certificated dated 28th March 2008 wherein the total Builtup area was much below the threshold limit of 20,000 sqmtrs as stipulated in the EIA Notification. The Respondent No.11 has mentioned that, in due course of time, the construction plans with regards the said project were amended and proposed construction exceeded the threshold limit of 20,000 sqmtrs,, therefore, the Respondent No.11 in the year 2013 promptly applied for grant of Environment Clearance prior to carrying out construction. In the meanwhile on 21st April 2015, the Environment Department, Government of Maharashtra issued a circular which permitted construction up to 20,000 sqmtrs without obtaining an Environment Clearance. The Respondent No.11, relying on such circular carried out construction



below the threshold limit of 20,000 sqmtrs, therefore, the Respondent No.11 has not violated any of the Environment norms.

7.6. That the Environment Department, Government of Maharashtra after duly considering the reply and submissions made by the Respondent No.11, and after verifying the same was please to withdraw the proposed direction under Section 5 of the Environment Protection 1986 read with EIA notification dated 14th September 2006 ("**EIA Notification**") vide show cause notice dated 15th June 2019 issued in pursuance of the complaint made by the Original Applicant. In fact after withdrawing the show cause notice, the SEIAA was pleased to grant EC to the said project on 18th February 2020.

7.7. Therefore, in light of the facts stated above, it is amply clear that all the allegations as raised by the Original Applicant in the captioned Original Application have been duly investigated and adjudicated by the authorities. After due advertence, examination of documents, site inspection and deliberation, the authorities have concluded that no violation has been committed by the Respondent No.11 with regard to the said Project and have thus withdrawn the said Show cause notice.In light of the fact that all the issued raised in the present Original Application has been satisfied, the Original Application deserves to be dismissed.

Allegations with regard to environment clearance:

7.8. The Respondent No.11 states that the violation as alleged by the Original Applicant with respect to the Respondent No.11 carrying out construction of the said project without obtaining a valid environment clearance ("**E.C.**"), is absolutely false, baseless and contrary to the facts, as well as the law. The law relating to an E.C. with respect to construction is reproduced herein below for the sake of ready reference;

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7.8.1. As per EIA notification issued on 14th September 2006 ("**EIA notification**") an Environmental Clearance is required to be obtained for construction activity beyond the threshold of 20,000 sq. mtrs.

Scheme of the EIA Notification 2006 and requirement EC

On 14th September 2006, the earlier EIA Notification was superseded by the EIA Notification, 2006. Clause 2 of the EIA Notification, 2006 sets out the requirement of obtaining prior Environmental Clearance in respect of industries enumerated in the Schedule to the Notification. Clause 2 reads as follows:

> *"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."*

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In the Schedule to the said Notification, items 8(a) and 8(b) relate to building and construction projects which says that any construction in excess of 20,000 sq. mtrs. built-up area for covered construction would require prior Environmental Clearance. Entry 8(a) of the Schedule reads as follows:

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)*
		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)*



Admittedly the actual/proposed/sanctioned construction of the Respondent No.11 is much below 1,50,000 sq. mtrs. Therefore, only an EC is required from the SEIAA for carrying out construction activity beyond the stipulated threshold limit of 20,000 sqmtrs.

7.9. In or around the year 2013, the Respondent No.11 revised the construction plan with respect to the said property and obtained a commencement certificate bearing No. BP/PIMPRI/15/2013 on 9th April 2013. In the said commencement certificate, the Respondent No.11 proposed to construct an area around 21368.3 sq.mtrs(FSI 9285.51+NON-FSI 12082.77). Considering the fact that the proposed

construction was over the threshold limit of 20,000 sq.mtrs, the Respondent No.11 applied for an EC to the environment department, Government of Maharashtra on 7th September 2013. The said proposal for grant of EC was appraised by the SEAC in its 13th meeting held on 15th to 18th July 2014 and was declared as a violation case due to the excavation activity carried out in pursuance to the commencement certificate obtained in the year 2008.

7.9.1. In view of the SEAC declaring the proposal for grant of EC of the Respondent No.11, a violation case, proposed direction under Section 5 of the Environment Protection Act, 1986 ("**EP Act**") read with EIA Notification, were issued against the Respondent No.11 on 30th August 2014.

7.9.2. In reply to the said proposed direction, the Respondent No.11 submitted a reply on 28th September 2014, Architect certificate dated 16th February 2015 and physically presented its case before the authority on 13th February 2015. In the said meeting, the Respondent No.11 relying on the architect's report established that excavation was carried out in furtherance of the commencement certificate granted in the year 2008. Wherein the permissible construction was below the threshold limit of 20,000 sq.mtrs. and the Respondent No.11 was not required to obtain an EC for carrying out such excavation activity.

7.9.3. After duly examining the reply of the Respondent No.11, architect certificate dated 16th February 2015 and the ground realty, the Principal Secretary, Environment Department was pleased to declare that there is no violation at the behest of the Respondent No.11, the proposal for grant for EC with regard to the said project is not a violation case and was pleased to withdraw the proposed direction issued under Section 5 of the EC Act, read with EIA notification. The Environment Department, Government of Maharashtra on 10th March 2015, issued a letter observing that the Respondent No.11's proposal with respect to the said project was not a violation case and withdrew the proposed direction.

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7.10. That in the interregnum, the Environment Department, Government of Maharashtra, following the direction of the Hon'ble Bombay High Court in the case of *Glomore Construction &Ors. Vs Union of India* in *Writ Petition No. 655 of 2014* dated 24th March 2014 and 18th December 2014 issued a circular on 21st April 2015. The said circular cleared the ambiguity with regard, whether a prior EC is required when the construction, in fact, is below the threshold limit of 20,000 sq.mtrs. The said circular settled the law; that no EC is required, as long as the construction carried out is below the threshold limit of 20,000 sq.mtrs. It is pertinent to note that the said circular is valid, subsisting and till date occupies the field as it has not been stayed, challenged or set aside by any authority.

7.11. The Respondent No.11 applied for grant for EC on 30th June 2016 to the State Environment Appraisal Committee ("**SEAC**"). In furtherance of such Application, the SEAC and the State Level Environmental Impact Assessment Authority ("**SEIAA**") after scrupulously following the exhaustive procedure as stipulated under the EIA notification was pleased to grant EC to the Respondent No.11;

7.11.1. On 30th June 2016, the Respondent No.11 preferred an Application for grant of EC to the authorities after providing all information as required by law and necessary to examine the environmental impact of the proposed project.

7.11.2. On 5th December 2018 the SEAC considered the Respondent No.11's project in its 77th meeting. In the said meeting the SEAC deferred as the Respondent No.11's application for grant of EC as the RespondentNo.11 was absent for the said meeting.

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7.11.3. On 24th April 2019, the SEAC in its 86th meeting considered the said project and examined all the issues relating to the Environment, including air, water, land, soil, ecology, biodiversity and social aspect. In the said meeting the SEAC decided to appraise the said project as 8(a)B2.

7.11.4. On 26th July 2019, the SEAC in its 91st meeting considered the Respondent No 11's application for grant fo EC. In the said meeting the SEAC took cognizance of the fact that a showcause notice has been issued and proposed directions under section 5

of the Environment Protection Action have been issued against the Respondent No.11. Further, it was noted that the hearing of the proposal was scheduled before the SEAC on 26th July 2019. In the said meeting the SEAC decided to keep the Respondent No.11's application in abeyance until the authorities decide on the show cause notice. Observing the above, the SEAC, deferred the Respondent No.11's application for grant of EC.

7.11.5. On 10th December 2019, the SEAC in its 99th meeting considered the proposal of the Respondent No.11. In the said meeting the SEAC has categorically acknowledged the fact that the Showcause notice issued to the Respondent No.11 on 15th June 2019 was withdrawn on 16th November 2019. Furthermore, the SEAC on confirmation that the Respondent No.11 has complied with all the directions issued in its 91st meeting decided to recommend the Respondent No.11's for grant of prior Environmental Clearance.

7.11.6. On 6th February 2020, the SEIAA in its 186th meeting considered the recommendation of the SEAC and after independently applying its mind and taking note of the fact that a show cause notice was issued to the Respondent No.11 on 15th June 2019 and the same was withdrawn and considering all other relevant issued with respect to environment including air, water, land, soil, ecpology, biodiversity and social aspect was pleased to appraise the said project as category 8(a) B2 and on confirming factually that the Respondent no.11 has complied with all the conditions and issues raised in the 91st meeting of the SEAC, was pleased to grant EC to the the Respondent No.11 for the said project.

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7.11.7. On 18th February 2020, the Environment Department was pleased to issue EC to the Respondent No.11.

7.12. Thus, after duly following the procedure as mandated under the EIA notification, the SEIAA was pleased to grant a valid E.C to the Respondent No.11 with regard to the said property. In the said E.C., the Respondent No.11 is permitted to raise construction upto 54667.89 sq.mtrs (FSI area 21689.80 sq.mtrs + non FSI area 32969.09 sq.mtrs.).Therefore, as on date, there is no violation, at the behest of the

Respondent No.11 with respect to carrying out construction of the said Project and the construction is being carried out in accordance with the E.C granted and after complying with all the necessary environment rules and regulations.

7.13. Therefore, on perusal of the EC granted by SEIAA dated 18th February 2020, it is amply clear that the Respondent No.11 has a subsisting and valid EC for carrying out construction of the said project upto 54667.89 sq.mtrs, and as such there is no legal impediment to carry out construction.

Issue relating obtaining EC prior to constructing below 20,000 sq. mtrs;

7.13.1. On bare perusal of the Original Application, it is abundantly clear that the entire bone of contention of the Original Applicant is that the Respondent No.11 has committed violation of Environmental Laws as he has not obtained Environmental Clearance prior to constructing upto an area of 18000 sq. mtrs.. Thus, undisputedly, till date, the Respondent No.11 has completed construction only upto 18,000 sqmtrs. It is apposite to mention that the issue "whether a prior environment clearance is required in cases where a developer has constructed area below the threshold limit of 20,000 sq. mtrs. is no more *res-integra* and has been sufficiently answered.

7.13.2. The Hon'ble Bombay High Court *in judgment dated 6 March 2013 in Writ Petition (L) No. 470 of 2013,* had the occasion to examine whether EC is required to be obtained prior to completion of construction activity upto 20,000 sq. mtrs. The Bombay High Court after considering all relevant aspects, categorically held that no EC is required as long as the construction is below the threshold limit set in the EIA notification of 20000 sq. mtrs. Relevant portion of the judgment is produced hereinbelow, for sake of ready reference;

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> *"17. We do, however, find some substance in the last submission made by the learned counsel for the petitioner that even if the petitioner is required to obtain CRZ clearance from MCZMA again on the basis that the built up area of the project will exceed 20,000 sq. meters, the petitioner is entitled to get the*

same reliefs which this Court has been granting in case of many other parties where similar prayer was made. In Writ Petition No.1916 of 2012 (Vardhman Developers Limited vs. Union of India & Ors.) and Writ Petition No.2809 of 2012 (Nahur Vivekanand Cooperative Housing Society Ltd. & Anr. vs. Union of India & Ors). We have rejected a similar contention urged on behalf of the respondent authorities that when the project proponent cannot undertake construction project for more than 20,000 sq. meters of built up area without obtaining prior environmental clearance, the project proponent cannot be allowed to commence the construction within the limits of 20,000 sq. meters, without obtaining prior environmental clearance. This Court has held that when clearances are required only for projects with built up area exceeding 20,000 sq. meters, redevelopment projects for residential buildings should not be unnecessarily delayed even to the extent of construction upto 20,000 sq. meters when the developer is ready to give undertaking not to exceed the construction beyond 20,000 sq. meters without first obtaining environmental clearance. This Court has noted that the Authorities take considerable time for taking a decision on the application for environmental clearance or for CRZ clearance. In the meantime the redevelopment projects are being delayed. This Court has been granting relief in such cases on the basis that even if ultimately the authorities were to reject the applications for clearance, there will be no illegality in so far as the developer has made construction upto 20,000 sq. meters."



7.13.3. Furthermore, on 24th March 2014 the Hon'ble Bombay High Court in *W.P No.654 of 2014*, relying on the case detailed out hereinabove, reiterated that no EC is required for residential or commercial project where construction is below 20000 sq. mtrs.

7.13.4. In pursuance of the order of the Hon'ble Bombay High Court in *W.P No.654 of 2014*, the Principal Secretary, Environment Department has

issued a circular No. ENV/ 2013/ CR 39/ TC-1 dated 21st April 2015, where it is categorically observed that when a construction is proposed for an area less than 20000 sq. mtrs. EC is not required. The aforesaid circular is valid, legal and subsisting and has not been challenged in any proceeding. Hereto annexed and marked as **Exhibit "EE"** colly is a copy of the judgment dated 24.03.2014 and circular dated 21.04.2015.

7.13.5. It is an undisputed fact that the Respondent No. 11, till date, has not crossed the threshold limit of 20,000 sq. mtrs. and has, in fact, constructed only upto 18,000 sq. mtrs. Thus, the applicant has filed the captioned Original Application on the basis that the Respondent No.11 is required to obtain EC prior to commencing construction with respect to the said project. However, as per law, there will be a violation only in case a builder or developer crosses the threshold limit of 20,000 sq. mtrs. without obtaining an EC. Therefore, the Original Applicant appears to have proceeded on the basis of mistake of law and *per se* the Original Application is premature and has failed to make out a case demanding indulgence of this Hon'ble Court, even on bare perusal of the Original Application. Thus, the Original Application deserves to be dismissed at the threshold, without going into the merits of the case.

Allegations with regards to consent to operate("CTO") and consent to establish ('CTE"):

7.14. The Respondent No.11 denies the allegations raised by the Original Complainant with regards carrying out construction activities without obtaining CTO and CTE. At the cost of repetition, the Respondent No.11 states that the Respondent No.11 had carried out excavation work as per the commencement certificate issued in the year 2008. With time, the construction plan with respect to the said property was amended and the total proposed built up area crossed the threshold limit of 20,000 sq.mtrs. as stipulated in the EIA report. In view thereof the Respondent No.11 applied for EC as detailed above and accordingly commenced with the construction activity only in the year 2016 after after obtaining a valid consent to establish from the MPCB;

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7.14.1. The Respondent No.11 applied for a CTE to the MPCB on 5th July 2014. After due deliberation, the MPCB was pleased to grant CTE to the Respondent No.11 with regards the said property on 10th March 2015. It is pertinent to note that the said

CTE was granted for a period of 5 years or upto commissioning of the proposed hotel.

7.14.2. Thereafter, the Respondent No.11 amended the construction plan with respect to the said property. In furtherance thereof, the Respondent No.11 applied for fresh CTE on 28th April 2017. After due deliberation, the MPCB, on 12th November 2017, was pleased to grant CTE for a period up to commissioning of the project or for 5 years, whichever is earlier.

7.15. Therefore, on perusal of the CTE dated 10th March 2015, and 12th November 2017, it is apparent that the Respondent No.11 has commenced construction activity only after obtaining a valid CTE from the MPCB as required in law. Furthermore, it is apposite to mention that as on date, the Respondent No.11 has a valid and subsisting CTE to carry out construction and develop the said property.

7.16. The Respondent No.11 states that the project proposed to be constructed in the said property is not completed yet and the construction activity is in progress. Thus, as on date, the Respondent No.11 is not required to obtain CTO with regards to the said property, as per extant law and as per condition 10 of the general conditions imposed in the CTE.

7.17. The Respondent No.11 states that the allegation with regards violation of the condition of the CTE of obtaining EC prior to carrying out construction at the behest of the Respondent No.11 is completely false and baseless. The Respondent No.11 has at no point in time violated any provision relating to EC as detailed out under the heading of "allegations with regards EC" and as on date has a valid and subsisting EC.

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Allegations with regards to illegal felling of trees:

7.18. The Respondent No.11 states that the allegation with respect to illegal felling of trees carried out by Respondent No.11 with regards to the said property is completely false, baseless and without any proof.

7.19. It is apposite to advert to the fact that, to keep a check on illegal felling of trees, the Pimpri Chinchwad Municipal Corporation ("**PCMC**") has made it mandatory for a Project Proponent to obtain garden NOC. The said NOC is issued only after duly investigating and confirming that there is no

illegal cutting of trees. Thus, in the event, there is any incidence of illegal tree felling, such NOC is not issued. The PCMC after duly verifying the fact that the Respondent No.11 has not illegally cut any tree with respect to the said project, has issued a garden NOC to the said project. This itself proves that the Respondent No.11 has not carried out illegal felling of trees with regards to the said property. Hereto annexed and marked as **Exhibit-FF** is a copy of the garden NOC issued by the PCMC with regards to the said project.

Allegation with regards to illegal ground water extraction:

7.20. The Respondent No.11 states that the allegations raised by the Original Applicant with regards to illegal ground water extracts is absolutely false and without any proof. The Respondent No.11 states that it has not used ground water for carrying out construction of the said project and has used only water tanker for the same. Hereto annexed and marked as **Exhibit-GG** is a copy of the CA report showing the amount spent by the Respondent No.11 on water tanker during the construction of the said project.

7.21. Furthermore, though no water is being extracted or used for the operations of the said project as the project is not complete, and construction activity is being carried out, the PCMC has given the Respondent No.11 provisional NOC for the supply of fresh water during the operational phase of the said project. Hereto annexed and marked as **Exhibit-HH** is a copy of the provisional NOC issued by the PCMC for using fresh water in the operational phase.

Allegation with regards to illegal operations of the DG sets:

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7.22. The Respondent No.11 states and submits that the allegation with regards illegal operation of the DG sets and noise pollution caused due to the DG sets is false and baseless. The existing DG sets is being used only as a backup, while carrying out the construction. Furthermore, the Respondent No.11 has obtained valid CTE from the MPCB to carry out operation of the DG sets. The Respondent No.11 has further provided acoustic enclosure for the DG sets to avoid any kind of noise pollution.

Allegation with regards to illegal excavation of soil, non preservation of soil and non testing of soil:

7.23. The Respondent No.11 states and submits that the allegation with regards illegal excavation of the soil, non-preservation of soil and non-testing of soil is totally false and baseless. The Respondent No.11 states that it has duly done soil testing prior to carrying out excavation activity.

7.24. The Respondent No.11 states that as a matter of practice, in all its construction projects, the Respondent preserves the topsoil to be used for landscaping and gardening. Furthermore, all the excavated material is used for land filling, leveling of ground etc.

7.25. Therefore, the Respondent No.11 submits that all the soil and other materials excavated while carrying out construction of the said project has been judiciously used for the purpose of landscaping, gardening, landfilling, levelling of ground etc of the said project as well as other projects of the Respondent No.11.

Allegations with regards to violation of municipal laws:

7.26. Without prejudice to what is stated in the instant Affidavit in Reply, it is submitted that the Application, as filed, is a gross abuse of the process of law and of this Hon'ble Tribunal and an abject attempt of the Applicant to portray the project of the present Respondent in a negative light.

7.27. The Applicant has, by the allegations in the Application, sought to raise issues of violations of Development Control Regulations of Pimpri Chinchwad Municipal Corporation ("DCR PCMC") and Maharashtra Regional & Town Planning Act, 1966 ("MRTP Act").

7.28. The Respondent No.11 submits that the construction has been carried out under the provisions and permissions granted under the DCR and MRTP Act and thus, such issues, which form the bulwark of contentions of the Applicant, do not fall within the jurisdiction of this Hon'ble Tribunal, which is restricted to environmental matters.

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7.29. Sections 14(1) and 15(1) of the NGT Act specifically lay down that the Tribunal shall exercise jurisdiction arising out of the implementation of enactments specified in Schedule I to the NGT Act. A bare perusal of Schedule I reveals that issues arising out of DCR and MRTP Act do not fall within the jurisdiction of this Hon'ble Tribunal as such enactments do not form part of the 7 specified enactments under Schedule I. As such, therefore, the present Application, as filed, is not maintainable before this Hon'ble Tribunal.

8. Respondent No.11 states that the answering Respondent will not be dealing with the Original Application in seriatim more particularly since the entire bogey of allegations and contentions raised in the Original Application have been dealt with and answered in terms of the above. The Respondent No.11, however, expressly craves leave to file an additional Affidavit dealing with the Memo of Application in a paragraph-wise manner, if the circumstances so warrant. Nothing shall be deemed to have been admitted by the present Respondent, unless expressly admitted herein, merely for want of specific traverse.

9. Respondent No.11 states that the issues and grievances raised by the Original Applicant stand fully answered in terms of all that is stated hereinabove and thus, the Original Applicant has failed to make out a cogent and compelling case for grant of any reliefs by this Hon'ble Tribunal.

10. The Respondent No.11 further submits that the answering Respondent has filed a Miscellaneous Application/Interlocutory Application seeking dismissal of the Original Application challenging the maintainability of the same. Respondent No.11 states and submits that this Hon'ble Tribunal be pleased to decide such Application at the outset prior to proceeding further in the Original Application.

11. The Respondent No.11 submits that the Original Applicant has presented a case, replete with bald allegations, surmises and conjectures and has failed to make out a cogent and compelling case for grant of reliefs by this Hon'ble Tribunal. In the premises therefore, the answering Respondent submits that the Original Application be dismissed by this Hon'ble Tribunal with the imposition of costs.

Solemnly affirmed at Pune)

Dated this 24th day of September 2020)

Before me,

Advocates for Respondent No.11

Respondent No.11

BEFORE ME

A. RASHID D. SAYED
NOTARY, STATE OF MAHARASHTRA
PUNE.

24 SEP 2020

Noted & Registered
At.Sr.No.: B10024/2020

TRUE COPY

Filed On: 06.10.2021

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ANNEXURE-A-42

FARIDA KHAN
PUNE CANTONMENT AREA
Reg. No. 7981/05
Expiry Date 8.6.2023
GOVERNMENT OF INDIA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH AT PUNE

INTERLOCUTORY APPLICATION NO. 86/2021

IN

ORIGINAL APPLICATION NO. 63 /2019

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE ... APPLICANT

VERSUS

UNION OF INDIA THROUGH

SECRETARY-MoEF & CC & OTHERS ... RESPONDENTS

REPLY AFFIDAVIT ON BEHALF OF THE ORIGINAL APPLICANT TO THE INTERLOCUTORY APPLICATION NO. 86/2021 AFFIRM ON 24.07.2020 (FILED ON 06.10.2021 REGISTERED ON 07.10.2021) BY THE RESPONDENT NO. 11-PP ON THE ISSUE OF LIMITATION, LOCUS STANDI & PLURAL REMEDY:

I, Ajay Bhosale S/o Jayvantrao Bhosale, Aged: Adult, Occupation: Self-employed, R/o: Cycle Society, Nana Peth, Near YMC Club, Pune-411011, do hereby solemnly affirm and state on oath as follows:

I have read the Interlocutory Application No. 86/2021 filed by Respondent No.11-PP (M/s. Brahma Leisures Pvt. Ltd.) dated 24.07.2020 in reply thereto, I state as under: -

1. At the outset, I state that the contents of Interlocutory Application No. 86/2021 filed by Respondent No.11-PP (M/s. Brahma Leisures Pvt. Ltd.) dated 24.07.2020 are totally false, baseless, misleading, misconceived, frivolous, vexatious, neither bonafide nor true, not maintainable in the eyes of law and same are denied by this Applicant in totality.

2. I state that, the Interlocutory Application No. 86/2021 filed by Respondent No.11-PP (M/s. Brahma Leisures Pvt. Ltd.) is affirmed on 24.07.2020 filed on 06.10.2021 and registered on 07.10.2021. It is important to note here that these tactics of delay filings are intentionally played by the Respondent No. 11-PP which are very worst in the legal proceedings.

3. I state that, the principal contention of Original Applicant is, "PP have not obtained the prior environment clearance and violated terms and condition of the Consent to Establish dated 10.03.2015 issued by the MPCB and despite there being condition no. 27 imposed by PCMC in sanction no. B.P./Pimpri/76/2016 dated 24.11.2016 and condition no. 25 in sanction B.P./Pimpri/36/2018

dated 31.03.2018, as the PP was going to exhaust the BUA limit of 20,000 Sq. Mtrs., however PP neglected to obtain mandatory permissions under environment enactments and advanced project construction in illegal manner. Further carried out the construction of total BUA 18000 Sq. Mtrs. out of **54600** Sq. Mtrs." Therefore the present application is filed under Section-14, 15, 18 & 20 of NGT Act, 2010 for restitution & restoration of public property and public health and environmental compensation on account of damage caused by PP due to his illegal construction.

4. I state that, apart from the above principal contentions applicant have ancillary violations of non-obtaining of "PP has not complied with environmental norms by non-obtaining of Environment Clearance and non-complying terms and conditions of Consent to Establish dated 10.03.2015, carried out illegal construction of 4 basements against no permission from SEIAA & GWA, residential & commercial development on industrial zone, no use of eco-friendly building material for construction etc. Therefore PP

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has committed following violations causing environmental damages".

5. I state that, the Hon'ble Tribunal passed an Order dated 22.10.2019 appointing Joint Committee of SEIAA & MPCB when the Original Application was actually listed for admission.

6. I state that, the in compliance of the Order dated 22.10.2019 of this Hon'ble Tribunal, this Original Applicant served the copy of entire compilation of Original Application to SEIAA & MPCB on 02.11.2019.

7. I state that, the Joint Committee comprising Mr. Mukund Athavale a Member of SEIAA and Dr. Y. B. Sontakke a Joint Director of MPCB conducted project site visit on 15.12.2019 and with help of Respondent No. 11-PP's Architect Certificate vide dated 20.12.2019 filed casual, cursory, unscientific, tentative and misleading report on 07.01.2020 before the Hon'ble Tribunal.

8. Therefore, I state that, after service of OA copy, the SEIAA & MPCB were well within the knowledge of this ongoing proceedings of Original Application and after site visit dated 15.12.2019, the Respondent No. 11-PP

was well within the knowledge of this ongoing proceedings of Original Application. However, Respondent No. 2-Principal Secretary of DoE being Member Secretary of SEIAA gave clean chit to the Respondent No. 11-PP vide its communication dated 16.11.2019, behind back of this Original Applicant by without providing any Opportunity and violated principle of natural justice on two count, One is Bias conduct and second is *Audi Alteram Partem*, no notice & hearing was given to Original Applicant.

9. I state that, this Hon'ble Tribunal after considering the merit of OA and Joint Committee Report dated 07.01.2020, issued show cause notice and also issued notices to all Respondents vide its Order dated 05.02.2020.

10. I state that, the in compliance of the Order dated 05.02.2020 of this Hon'ble Tribunal, this Original Applicant served the copy of entire compilation of Original Application to all Respondents including Respondent No. 11-PP on 15.02.2020.

11. I state that, this entire illegal conduct of government officers from SEIAA, MPCB & Environment

Department come into light after getting information under RTI from SEIAA office and to the utter shock and surprise, there was misconduct, corruption and manipulation on the face of records and therefore, this Original Applicant has also lodged the complaint dated 04.02.2020 before Anti-Corruption Department, same is under investigation and only thereafter, SEIAA granted ex-post facto Environment Clearance on 18.02.2020 to help and facilitate the Respondent No. 11-PP in view to overcome the present violation.

12. I state that, this is perfect case in which strict action is required and Also Hon'ble Supreme Court of India vide its Order dated 07.10.2021 made it clear in Para-16.4 of judgment that this Hon'ble Tribunal has powers to take action against the authorities for their inactions, when need be and this is the worst case of intentional wrong actions.

13. PRINCIPAL CONTENTION OF RESPONDENT NO. 11-PP UNDER THIS INTERLOCUTORY APPLICATION:

A) Original Application is filed under Section-14, 15, 18 & 20 of NGT Act, 2010 and said OA is not filed within the shorter period of limitation of six months plus sixty days under section-14 of the said Act and also not filed delay condonation application.

B) Original Applicant is resident of the Pune city and resides at the 10 Kms from the project site. Therefore, Original have no locus to file present Original Application.

C) Original Application if filed on the basis of multiple/ plural remedies and this is contravention of Rule-14 of NGT (Practices & Procedures) Rules, 2011.

D) Therefore, OA needs to be dismissed on account of Limitation, Locus Standi and Plural Remedies.

14. IMPORTANT DATES AND EVENTS:

I state that, the following events and dates are very important to understand the collusion between the Government Authorities and Respondent No. 11-PP and tactics, favouring practices adopted by the Joint Committee Members and Respondent No. 11-PP;

Sr.	Event	Date
1.	1st Application for EC	07.09.2013
2.	1st Show Cause Notice by SEIAA & PS-DoE	30.08.2014
3.	1st Withdrawal Communication for SCN	10.03.2015
4.	1st Consent to Establish	10.03.2015
5.	2nd Application for EC	30.06.2016
6.	2nd Consent to Establish	12.10.2017
7.	3rd Application for EC	06.10.2018
8.	Notice/Complaint of Original Applicant	19.05.2019
9.	MPCB 1st Site Visit by Field Officer	10.06.2019
10.	2nd Show Cause Notice by SEIAA & PS-DoE	15.06.2019
11.	MPCB 2nd Site Visit by SRO-2	27.06.2019
12.	Filing of OA	14.08.2019
13.	First Order of NGT	22.10.2019
14.	Service to Joint Committee of SEIAA & MPCB	02.11.2019
15.	Personal hearing given to PP by PS-DoE	11.11.2019
16.	2nd Withdrawal Communication for SCN	16.11.2019
17.	Second Order of NGT	10.12.2019
18.	Joint Committee Visit to project site	15.12.2019
19.	Architect Certificates prepared on	20.12.2019
20.	Joint Committee Report filed to NGT	07.01.2020
21.	Third Order of NGT issuing Notice & Show cause to PP	05.02.2020
22.	Service to the Respondent No. 11-PP	15.02.2020
23.	Grant of ex-post facto EC	18.02.2020

24.	Appeal No. 26/2020 filed on	19.03.2020
25.	Fourth Order of NGT	13.07.2020
26.	Respondent No. 11-PP Reply Affidavit Sworn on	24.09.2020
27.	Respondent No. 11-PP filed IA No. 86/2020 sworn on	24.09.2020
28.	Fifth Order of NGT	03.09.2021
29.	Respondent No. 11-PP filed IA No. 86/2020 filed on	06.10.2021
30.	Respondent No. 11-PP Corrected Reply Affidavit served on Original Applicant	09.10.2021

15. Therefore, it is clcar from the above events, only time killing activities are under taken by the Authorities and Respondent No. 11-PP to overcome the violation and to take benefits of ***fait accompli*** situation by carrying out the construction in full swing and also to Order/communications dated 16.11.2019 issued by PS-DoE are passed during the period case is pending final decision generates questionable circumstances. And this is the disdainful conduct of PS-DoE to defy the final outcome of case and only reason behind this is the illegal activities undertaken by misuse of powers for other gains.

16. ADMITTED FACTS BY RESPONDENTS INCLUDING PP:

16.1 I state that, the Respondent No. 11-PP has admitted that the entity is registered under the provisions of company law and it is mandatory to pass resolution for appointment of authorised person on their behalf for doing business related to court case and there is no appointment of authorised person, no resolution to that effect and no verification by authorised person and it is mandatory under law.

16.2 I state that, the status of construction on various stage is brought on records by PP and government authorities and same is admitted position as below;

Sr.	Reference	Status of Construction
1.	As per 1st Show cause withdrawal Letter dated 10.03.2015	Started excavation in 2011 & Stopped excavation in 2012 ***Page-526, item No. 3 & 4***
2.	MPCB 1st site visit dated 22.05.2019	PP applied for EC in October, 2018 ***Page-604, Item No. 3*** Building Construction A: Basements + 1st floor B: Construction Stopped

		C: Construction Stopped ***Page-604, Item No. 4***
3.	MPCB 2nd site visit dated 10.06.2019	PP applied for EC ***Page-605, Item No. 2*** Building Construction A: 3 Basement + Lower + upper floor half B: 3 Basement + Lower floor C: Basement floor ***Page-605, Item No. 3***
4.	SEIAA Show Cause notice dated 15.06.2019	Undertaken excavation in 2012 and construction activity in 2017 ***Page-627, Item No. b***
5.	MPCB Show Cause Notice dated 27.06.2019	Carry out construction activity without obtaining Environment Clearance ***Page-640, Item No. 2***
6.	OA filed on 14.08.2019	Completed construction of 18000 M^2 out of 54600 M^2
7.	As per 2nd Show cause withdrawal Letter dated 16.11.2019	8467.69 M^2
8.	As per joint Committee site visit Report dated 15.12.2019	13806.52 M^2

16.3 I state that, it is admitted position that the Respondent Authorities have observed the stage wise

increase in the construction after 22.05.2019 i.e. after the complaint of this Original Applicant and nothing is placed no records to prove that except excavation in 2012 and after undertaking on stoppage of exaction vide dated 10.03.2015, any construction is carried out till March/April-2019. Therefore, Respondent No. 11-PP started full swing construction only after March/April-2019 as observed by MPCB in its first site visit dated 22.05.2019. Thus, the cause of action is first arose on 15.06.2019, when SEIAA issued show Cause notice to Respondent No. 11-PP and also, it is step by step increase in capacity of construction indicating recurring cause of action for which PP is prohibited by law.

16.4 I state that, it is admitted position that the Respondent No. 11-PP has filed three Applications for obtaining Environment Clearance vide First Application vide dated 07.09.2013 for total BUA of 36611.2 M², Second Application vide dated 03.06.2016 for total BUA of 24555.67 M² and Third Application vide dated 06.10.2018 for total BUA of 54667.86 M². Therefore, two Applications dated

07.09.2013 & 03.06.2016 become meaningless and the present ex-post facto EC dated 18.02.2020 is granted on third application dated 06.10.2018.

16.5 I state that, it is admitted position that the Respondent No.11-PP filed application dated 04.07.2015 for obtaining Consent to Establish for total BUA 36611.2 M² and MPCB granted Consent to Establish vide dated 10.03.2015 for total BUA 36611.2 M2 and on same day of grant of letter for show cause withdrawal dated 10.03.2015 by PS-DoE. CTE dated 10.03.2015 was issued on mandatory compliance of condition no. 11 & 12 for obtaining prior EC and prohibiting any construction at site.

16.6 I state that, it is admitted position that the Respondent No.11-PP filed application dated 28.04.2017 for obtaining revised Consent to Establish for total BUA 51358.46 M² and MPCB granted Consent to Establish vide dated 12.10.2017 for total BUA **51358.46** M2 and CTE dated 12.10.2017 was issued on mandatory compliance of condition no. 12 for obtaining prior EC and prohibiting any construction at site with no effective steps. Whereas

ex-post facto EC dated 18.02.2020 granted in illegal manner is for total BUA of **54667.89** M².

16.7 I state that, it is admitted position that the Respondent No.11-PP has obtained one original sanction plus more than 4 revisions for his building construction project with increasing and decreasing the total BUA of project against each sanction with respect to previous sanctions.

Sr.	Commencement Certificate Date	TBA (M²)
1.	28.03.2008	17995.00
2.	09.04.2013	21368.30
3.	30.09.2015	22010.30
4.	24.11.2016	2121.390
5.	31.03.2018	19991.40
6.	04.10.2018	54667.89
7.	16.05.2019	19978.40

16.8 I state that, the Respondent No. 11-PP intention was not clear on the TBA of project to be proposed and full potential sanction was not obtained from PCMC till 04.10.2018. And after obtaining full potential TBA sanction on 04.10.2018, PP applied for the Environment Clearance before SEIAA vide application

dated 06.10.2018 and made its intention clear to proceed with TBA more than 20000 M². On the other hand, due to Respondent No. 11-PP unclarity on TBA more than 20000 M2 and inappropriate application for EC, Respondent No. 11-PP stopped his excavation and stopped construction activity at site till March/April-2019 as record shows. In this circumstances, stand of Respondent No. 11-PP connecting cause of action to the year 2012 and 30.09.2015 became toothless and will not survive.

16.9 I state that, the Respondent No. 13-PP has obtained PCMC sanction Plan & commencement certificate vide dated 28.03.2008 & 31.03.2018 showing TBA of 17595 M² & 19991.40 M² respectively, which less than 20000 M². In this circumstances, Respondent No. 11-PP cannot connect the cause of action first arose to the year 2012 & 30.09.2015, just to mislead this Hon'ble Tribunal to overcome his multiple wrongs and this is admitted position in totality.

16.10 I state that, the Respondent No. 13-PP in his reply affidavit dated 24.09.2020 at Para-6.3, 6.21 & 6.22, it is abundantly clear that the Respondent No. 11-PP

himself is making contrary stand in this Interlocutory Application and Reply Affidavit on account of cause of action first arose by unclarity on TBA and admitted stoppage of excavation and no commencement construction till March/April-2019.

16.11 I state that, the Respondent No.11-PP has admitted that the installation of 45 KVA DG sets at project site for construction and also MPCB has pointed out that there is no installation of STP, Waste Disposal systems, then the waste water generated from labour and their waste where it is disposed.

16.12 I state that, it is admitted position that the Respondent No. 3-Member Secretary of SEIAA i.e. Also Respondent No. 2-PS-DoE has well advance knowledge of ongoing proceeding before this Hon'ble Tribunal by way of OA No. 63/2019, as the Respondent No. 3-SEIAA & Respondent No. 5-MPCB were served on 02.11.2019 and therefore, show cause notice withdrawal letter of dated 16.11.2019 is done intentionally to dilute the proceedings.

16.13 I state that, it is admitted position that the Respondent No. 11-PP has knowledge of ongoing

proceeding before this Hon'ble Tribunal by way of OA No. 63/2019, as the Respondent No. 3-SEIAA & Respondent No. 5-MPCB were served on 02.11.2019 and visited the site on 15.12.2019 and also served notices to all respondent on 15.02.2020 as per order of this Hon'ble Tribunal dated 05.02.2020 and therefore, grant of ex-post fact EC dated 18.02.2020 is done intentionally to dilute the proceedings.

16.14 I state that, the Joint Committee vide its report submitted to this Tribunal on 07.01.2020 has admitted that there clearly observed that the construction of 13806.52 M^2 as per architect certificate is completed as on date of visit prior to the obtaining EC and also admitted that, the EC is not obtained till the date of site visit.

16.15 I state that, it is admitted position that the EIA Notification, 2006 is not permitting any construction without prior EC and Also this Hon'ble Tribunal and Hon'ble Supreme Court has already held that grant of ex-post facto EC is also not permissible in the environmental jurisprudence.

17. **GROUNDS FOR REJECTION OF INTERLOCUTORY APPLICATION NO. 86/2021:**

17.1 **BECAUSE,** the Interlocutory Application No. 86/2021 is afterthought with ill intention of get escape from the strict liability casted upon the PP under NGT Act, 2010 and not tenable in the eyes of law. Therefore, such Interlocutory Application needs to be thrown to the dust bin without wasting valuable time of this Hon'ble Tribunal.

17.2 **BECAUSE,** the Respondent No. 11-PP has filed this interlocutory application only with view to create nuisance in the proceeding and drag into jugglery and to prolong the proceeding till completion of construction.

17.3 **BECAUSE,** the project under challenge is ongoing project without holding the Prior Environment Clearance and Original Application No. 63/2019 filed on 14.08.2019 under section-14, 15, 18 & 20 of NGT Act, 2010 and therefore the question of Limitation does not arise as project construction activity under taken in violation of EIA Notification, 2010 and

Schedule-I acts along with claiming the damage to the environment.

17.4 BECAUSE, there is no bar on filling of Original Application under both sections-14 & 15 of NGT Act, 2010 in the same application, as Original applicant has established the case for infringement of enactments from Schedule-I as well as damage cause due to the environment on account of illegal construction.

17.5 BECAUSE, the Respondent No. 11-PP has made self-contradictory statements in Para-6.1.6 and 3.1.8 by stating that the Section-14 and 15 have two separate regime, different and distinct limitation period under NGT Act, 2010 and different relief and directions can be sought and this Hon'ble Tribunal can issue. And at the instance of Para-15, Respondent No.11-PP states that to obtain directions/ Order under section-15, Application has to made under Seciton-14 and it is mandatory to prove the allegations under section-14.

17.6 BECAUSE, the Respondent No. 11-PP himself has admitted that the PCMC sanction obtained on 28.03.2012 was for total proposed BUA of 17595 M2

which was less than 20000 M2 and not attracting mandatory EC under EIA Notification, 2006 and carried out excavation in the year of 2011 and stopped in 2012. Therefore, Respondent No. 11-PP cannot connect/ rely the cause of action in the year 2012.

17.7 BECAUSE, the Respondent No. 11-PP himself has admitted that the excavation has been stopped in the year 2012 vide its undertaking at Sr. No. 3 & 4 of the letter dated 10.03.2015 issued by PS-DoE for withdrawal of show cause notice dated 30.08.2014 stated in the said letter.

17.8 BECAUSE, the 1st proposal/ application dated 07.09.2013 seeking EC filed by Respondent No. 11-PP become null & void in view of the Letter dated 10.03.2015.

17.9 BECAUSE, the Respondent No. 11-PP cannot also connect/ rely on the cause of action occurred on 30.09.2015, just because/ mere PCMC issued the revised sanction for total proposed BUA of 22010.30 M2, which is more than 20000 M2 and attracting mandatory EC under EIA Notification, 2006.

17.10 BECAUSE, the Respondent No. 11-PP was prohibited from going ahead with the excavation & construction vide Letter dated 10.03.2015, till obtaining of prior EC.

17.11 BECAUSE, the Respondent No. 11-PP himself has admitted that the prohibition on construction was in force under the condition No. 11 of Consent to Establish dated 10.03.2015 and again under condition no. 11 & 12 of revalidated consent to establish dated 12.10.2017 and this CTE is place on record by PP himself.

17.12 BECAUSE, the Respondent No. 11-PP misleading on account of cause of action referring to year 2012, also date of 30.09.2015 and also making statement that the construction has started in the year 2016-2017, just to overcome the limitation making OA barred by Limitation. But the above prohibition show that there was no construction.

17.13 BECAUSE, the MPCB vide its site visit dated 22.05.2019 & 10.06.2019 has noticed the construction initiated by Respondent No. 11-PP and SEIAA & PS-DoE issued show cause notice dated

15.06.2019 to the Respondent No. 11-PP with directions. Therefore, this is the triggered cause of action first arose to file Original Application and same has been relied by the Original Applicant and accordingly Original Application is filed on 14.08.2019, which is within limitation of 6 month period of limitation under section 14 of NGT Act, 2010 and also automatically well within limitation of section 15 of the said Act.

17.14 BECAUSE, the project is ongoing project and construction undertaken without prior EC, therefore question of limitation does not arise.

17.15 BECAUSE, the NGT Act, 2010 is came into force to protect & development of environment by establishment of National Green Tribunal with special powers and with liberalization of concept of locus standi under Section-18 (2) (e) of the NGT Act, 2010. However, Respondent No. 11-PP is misleading on the issue of locus by putting this concept under section-18 (2) (a) & (b) of the NGT Act, 2010. Therefore, the concept of Locus standi is very liberal to approach this

tribunal reporting the injustice to the environment and ecology.

17.16 BECAUSE, the every vigilant citizen of this nation can approach this Hon'ble Tribunal for protection of environment & ecology being informer to the court of law and having access to information, access to public participation and access to justice, as key pillars of environmental governance. This Original Applicant has approached this Hon'ble Tribunal with public cause satisfying the above ingredient. And this Original Applicant have clear cut locus to file present Original Application.

17.17 BECAUSE, the Original Application is based on the single cause of action dated 15.06.2019 with multiple consequential prayers. Therefore, Original Application is based on the plural remedies as mandated by the Rule No. 14 of NGT (Practice & Procedure Rules), 2011.

17.18 BECAUSE, the Original Applicant has not relied upon continues cause of action and it is not mentioned anywhere in entire Original Application and

Respondent No. 11-PP is misleading on account of continuous cause of action.

17.19 BECAUSE, it is not the cause of Respondent No. 11-PP that the entire project is completed in all respect on vary same day of starting of its construction and putting to full load. On the contrary, Respondent No. 11-PP admits that the construction is undertaken in stage wise manner or step by step with help of multiple revised building & layout sanctions. Therefore, civil construction is the recurring activity attracting recurring cause of action. In this regard Hon'ble Supreme Court held that the environmental degradation as established from the documents would give rise to an independent cause of action.

17.20 BECAUSE, the judgment in case of Windsor Realty V Secy. MoEF, reported as 2016 SCC OnLine Bom 5613 relied upon by the Respondent No. 11-PP is dealing with the concept of continues cause of action and knowledge of applicant to file application under section 14 of NGT Act, 2010 and present Original Applicant has not relied upon continuous cause of action or knowledge of applicant or neither OA is filed

after 10 or 20 years of completion of construction and it is ongoing construction project. Therefore, this judgment is not applicable to case in hand of this Original Applicant.

17.21 BECAUSE, the Joint Committee and Respondent No. 11-PP are toeing the lines of each other to overcome the illegalities on their parts and nothing has placed on record to show that the construction is started in the year 2016-2017, against the prohibition and own undertaking given to the PS-DoE in letter dated 10.03.2015.

17.22 BECAUSE, the practices adopted by Respondent No. 11-PP in collusion with Mr. Anil Diggikar former PS-DoE & MS-SEIAA and PCMC officer is the worst case of blatant illegality on part of state affairs and this conduct clearly shows the carelessness, recklessness, maneuvered towards environment protection and practices adopted by the bureaucracy.

17.23 BECAUSE, the Interlocutory Application is filed on behest of the erring officer to get them protected from their illegal practices adopted while regularisation of the present project under challenge with impunity.

17.24 BECAUSE, the Respondents PS-DoE, SEIAA, SEAC-III including PP are habitual offenders by promoting illegal practices of withdrawal of show cause notices for favoring polluters in ongoing proceedings.

17.25 BECAUSE, this Hon'ble Tribunal as well as Hon'ble Supreme Court in catena of judgment like Vellore Citizen Case, Forward Foundation Case, M. C. Mehta Cases, Goel Ganga case, S. P. Muthuraman, Sterlite Industries have interpreted the concepts of Limitation, Cause of Action, Locus, Jurisdiction, Plural Remedies, quantum of environmental damage etc. in favoring the case of this Original Applicant. And Present Original Applicant has proved his case beyond doubt and Respondent No. 11-PP has failed to prove his case against the onus casted upon him. Therefore, this is clear cut case of admitted violation and the errant officers from Government authorities and Respondent No. 11-PP are the habitual offenders.

17.26 BECAUSE, the Interlocutory Application is the Pandora illegalities and encouragement to the sub-standard practices adopted by polluters. Therefore,



this Interlocutory Application shall be dismissed with heavy cost.

18. PARAWISE REPLY TO THE INTERLOCUTORY APPLICATION NO. 86/2021 OF RESPONDENT NO. 11-PP:

18.1 I state that, the contents of **Para-1** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 partly true, partly false and partly misleading. Further I state that, the Respondent No. 11-PP has under taken the residential & commercial building construction in the name & style "Brahma Sky Uzuri" situated at Survey Number 209/CTS No. 4702 at Pimpri Chowk, Taluka-Haveli, District-Pune with in the limit & jurisdiction of Pimpri-Chinchwad Municipal Corporation (PCMC) on land admeasuring 10447.99 Sq. Mtrs. and original Application deals with true & correct violations and allegations leveled therein in respect of said project. Further I state that, the Respondent No. 11-PP is the private limited company incorporated under Companies

Act-1956 and it is mandatory to appoint the authorised person to verify/sworn/affirm pleadings on behalf of the Respondent No. 11-PP. However, Respondent No.11-PP has failed to appoint the authorise person with support of resolution passed by boards of directors of company. Therefore, no one has allotted the duties for swearing, verification, affirmation and no one is appointed as authorised signatory. Therefore, this Interlocutory Application is not legal, maintainable & tenable in the eyes of law. This Hon'ble Tribunal may kindly dismiss this IA at the threshold of this illegality. Further I state that, the Respondent No. 11-PP have not placed any documents on record to prove that this Respondent No. 11-PP is the part of " Brahma Realty & Infrastructure Group, Pune" and to show his well reputation & well respect in Pune with successful footprint in number of completed & ongoing hospitality, infrastructure, healthcare projects for last four decades. Therefore, Respondent No. 11-PP himself is failed to prove is statements and mandatory compliance on

appointment of authorised signatory mandated by law. Therefore, entertaining of IA will be waste of valuable time of this Hon'ble Tribunal.

18.2 I state that, the contents of **Para-2** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 partly true and partly false. Further I state that, this Hon'ble Tribunal has issued show cause notice vide its Order dated 05.02.2020 to Respondent No. 11-PP for why an order prohibiting further construction shall not be issued and Respondent No. 11-PP is failed to submit the specific reply to this show cause notice. I state that, this Original Applicant has filed the Original Application No. 63/2019 under section-14, 15, 18 & 20 of the NGT Act. 2010 with specific allegations and Respondent No. 11-PP has filed false, baseless, & misleading reply and Interlocutory Application and same are apart from reality and actual facts.

18.3 I state that, the contents of **Para-3** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are totally false & misleading. Further I state that, the Original Application is well

maintainable in the eyes of law and the statement of Respondent No. 11-PP is out of frustration of getting him exposed before the court of law of his illegalities those are committed in collusion with various errant officers from government offices. On the contrary, this Interlocutory Application is not maintainable as per extant of law and deserve to be dismissed at the threshold by this Hon'ble Tribunal.

REPLY TO THE ISSUE OF LIMITATION:

18.4 I state that, the contents of **Para-3.1, 3.1.1 to 3.1.15** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are in respect of limitation and same are false, baseless, misleading, misconceived and best example of misinterpretation of statute by PP and professionals and denied by original applicant in totality. Further I state that, the Original Application is well maintainable in the four corners of NGT Act-2010, submissions of PP in his reply affidavit & IA are intentionally made to create nuisance in the proceedings with help of non-applicable imaginary

issues and to divert the proceedings from actual issues in reality. Therefore denied by this Original Applicant in totality.

18.5 I state that, the contents of **Para-3.1.1** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless, misleading and it is important to note that the present Original Application is filed under section 14, 15, 18 & 20 of the NGT Act-2010 and the limitation under section-14 is 6 (Six) months plus 60 (sixty) days and under section-15 is 5 (five) years plus 60 (sixty) days. That, the case of Respondent No. 11-PP is that the excavation is carried out in 2012 & construction is commenced on 30.09.2015, so application is filed after lapse of 7 years from 2012 and after 4 years from 30.09.2015 and Original Application is barred by Limitation and it is not the case of Respondent No. 11-PP that he has stated the construction in 2012 and completed on vary same day of commencement. Therefore, the counting of limitation from 2012 & 2015 is vague and baseless and just to create the

jugglery of words. Moreover, the Respondent No. 11-PP is carrying out construction in step by step or stage wise manner and thus, cause of action in the present case needs to be considered as recurring cause of action. Therefore, the application is filed within period of six month from the cause of action first arose on 15.06.2019.

18.6 I state that, the contents of **Para-3.1.2, 3.1.3, 3.1.4, 3.1.5 & 3.1.6** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are partly true, partly false, baseless, misleading and full of misinterpretation of statute by PP and it is important to note that the present Original Application is filed under section 14, 15, 18 & 20 of the NGT Act-2010 and the limitation under section-14 is 6 (Six) months plus 60 (sixty) days and it is well within limit from the cause of action first arose on 15.06.2019, when SEIAA issued show cause notice to the PP. Further I state that, the case of PP is that the original application filed under section 14 and not within limitation and OA does not covers under section 15 of the NGT Act, 2010

on the basis of convenient interpretation. It is important to go through following evaluation of understanding the jurisdiction of the NGT under section -14 & 15 of the NGT Act, 2010.

Sr.	Parameters	Section-14	Section-15	Section-16
1.	Title	To settle disputes	Relief, Compensation and restitution	Appellate
2.	Deals with Issues of	All civil cases relating to substantial question of environment out of Schedule-I enactment	15.1 (a): relief & compensation to the victims **15.1(b):** restitution of property damaged **15.1(c):** for restitution of the environment for such area or areas, as the Tribunal may think fit.	16: (a) to (h) : an order or decision or directions or any direction issued or any determination, made/ passed/ issued/
3.	Limitation with Delay Condone Period	Sec-14.1: 6 Months, from the date on which the cause of action for	Sec-15.3: 5 Years from the date on which the cause for such	Sec-16: 30 Days, from the date on which the order or decision or

		such dispute first arose + 60 Days	compensation or relief first arose + 60 Days	direction or determination is communicated + 60 Days
4.	Jurisdiction	Original	Special	Appellate
5.	Powers	Limited to settlement of civil disputes arose from Schedule-I enactments	15.1(a): related only to victims 15.1 (b) & (c) are Island of Power and wide range of powers and not related to schedule-I of act.	Narrow
6.	Heart of NGT Act,	Section-20 is the heart of NGT Act, 2010 and it can be read with any of the above section while passing final Order or directions or decisions or award or judgment. This section-20 provide inherent powers to this Hon'ble Tribunal for final adjudication on environmental issues, as this section-20 uses words; "Order or decision award", in addition to section 14, 15 & 16 and when this Section-20 read with the Rule 24 of NGT (Practices & Procedures) Rules, 2011 empowering with "prevent of abuse of its process or to secure the ends of justice". These powers are in equivalent of Acticle-142 of the Constitution of India.		

18.7 I state that, the Respondent No. 11-PP here is trying to restrict the Original Application only under section-14 and further coloring the cause of actions in past of 5 to 7 years, which is surprising stand against the ongoing construction without prior Environment Clearance on the date of filing of Original Application and regularizing these illegal construction with help of ex-post facto clearance.

18.8 I state that, the Original Application itself is the composite set of facts or bundle of facts triggering as single cause of action. Further I state that, this Hon'ble Tribunal have three different jurisdictions viz. Original, Special & Appellate and in present case, all these three jurisdiction needs to be implemented due to collusion of the PP with errant government officials. This Original Applicant in Para-25 of the Original Application has raised substantial questions relating to environment arisen out of implementation of enactments specified in Schedule-I and also claimed compensation for environmental damage under section-15 and 20 of NGT Act, 2010. Moreover,

there is no bar in filling to such Original Applications or restrictions imposed either under NGT Act, 2010 or under any other law in force. Therefore, it is lame attempt by Respondent No. 11-PP to restrict the Original Application under section-14 of NGT Act, 2010 and thereafter to refer the cause of action in early 5 to 7 years and same stand of PP is against his own facts & pleadings of case, in simple way "two wrongs of PP will not make one right". Basically, this Original Applicant has made out cogent & perfect case in four corners of Section-14, 15, 18 & 20 of NGT Act, 2010 and this is the reason why PP is got scared for using these contrary stands, it is well settles law that the longest limitation has to considered under the special statute and therefore, no question of filling of application for delay condonation or prayer for delay condonation is required. This Original Application is well within the limitation as mentioned in Para-40 & 41 or Original Application as this Original Applicant has established case for violations of enactments from Schedule-I of Act as

well as damage to the environment and ecology, thus it is not the application simpliciter, but also claims for damage to the environment, ecology, and restitution of the area damaged by PP due to his illegal construction activity and this Original Applicant is entitle for relief under section-14 as well as 15 as sought in Original Application.

REPLY TO THE RELEVANCE OF SECTION 14 AND PERIOD OF LIMITATION OF 6 MONTHS:

18.9 I state that, the contents of **Para-3.1.7** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are partly true, partly false, partly baseless, partly misleading and full of misinterpretation of statute by PP and it is important to note that the entire nation is declared as pollution prevention area by enforcement of Water (P&CP) Act, 1974, Air (P&CP) Act, 1981, Environment (Protection) Act, 1986 including state of Maharashtra. That, the prayers made by this Original Applicant in OA at 41 (a) is the principal prayer for restitution and restoration

which include high magnitude with wide connotation, which includes grant of orders/decision/ directions/ under both section-14 & 15 of NGT Act, 2010 and pleadings of this Original Applicant are conclusive and supported by the Joint Committee observing substantial violations of various law. Further I state that, the Hon'ble Supreme Court in their various Judgments has observed that the Hon'ble Tribunal is having island of powers under Section-15 & 20 of the NGT Act, 2010 and these are not limited powers to achieve the end of justice under Rule-24 of the NGT (Practices & Procedures) Rules, 2011. Moreover, activities/projects listed in schedule of EIA Notification, 2006 including construction activities are regulated activities subject to obtaining mandatory requisite permissions under the Environment Law in force required to that activities/ projects. However, in present case Respondent-PP in collusion with other Respondents government authorities started construction without mandatory permission and carried out

substantial construction prior to obtaining Environment Clearance, which is admitted position. Further, I state that, it is settled position of law burden /onus of proof in environmental violation cases lies on Project Proponent-Polluters and to prove that they are not polluters and also it is settled position in law, that if the activities / project is carried out without mandatory permission then there is damage to the environment & ecology. In present case, Joint Committee as well as Original Applicant has proved environmental damage beyond doubts, due to non-compliance to the law by PP & without remedial measures.

18.10 I state that, the contents of **Para-3.1.8** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are partly false, partly baseless, partly misleading, full of misinterpretation and contrary to his own statements made at 3.1.6 by PP as below;

Para-6.1.6	Para-6.1.8
Thus section 14 and 15 of the NGT Act are two distinct and independent	Therefore, to claim any relief under section 15 of

provisions stipulating different timelines. The tribunal derives powers to adjudicate upon substantial issues relating to environmental law under section 14 for which a limitation period of 6 months is prescribed and derives powers to grant relief, compensation, restoration and restitution under section 15 of the NGT Act for which a limited period of 5 years is prescribed.	NGT Act, the Original Applicant ought to ensure that the Application is filed within the limitation period (6 months) as stipulated under section 14, under which the Hon'ble Tribunal derives powers to adjudicate on substantial issues relating to the environment.

Therefore, Respondent No. 11-PP cannot make such statement that the Application is required ot be filed within period of 6 months under section-14 to seek relief under section-15 of NGT Act on one hand and on other hand section 14 & 15 of NGT Act are two distinct and independent provisions stipulating different timelines.

18.11 Further I state that, the PP is acting as detector to the Hon'ble Tribunal and to the legislature and alleging that the present application for restitution, restoration and compensation of environmental damage is to be filed under Section 14, which is

beyond the limitation period and application is made under Section 15 is not maintainable. Basically such false and misleading reply is filed by the PP due to frustration of getting exposed for his intentional blatant violation and such types of replies are filed by only unapologetic polluters.

18.12 I state that, the Application is filed under Section-14, 15, 18 and 20 with principal prayer in this application is for restitution, restoration and environment compensation. It is to be noted that, the Applications under Section-15 and 20 having larger scope than Section-14 and such application under section-15 & 20 are inequitable to the PIL. Further I state that, the misrepresentation of PP on account of narrowing the scope of Section-15 & 20 is baseless. Legislature have given wide connotation to the protection of the common environment than personal disputes and for that purposes legislature have empowered Hon'ble NGT with special jurisdiction under the section 15 & 20 under the NGT Act.



18.13 I state that, the in present case the damage to the common environment shared by the Applicant and other citizens of Pune is getting damaged day to day due to raise in illegal constructions and social infrastructure, supply of Natural resource like fresh water is at shortage due to drastic increased in demand from the illegal construction having no accountability of natural resources at the appraisal and assessment. Therefore it cannot be said that the decent life of applicant & other citizens having right to good environment is not victimized from this project. I state that, the application have given importance to the common environment than individuals as the entire Pune is facing the problem of fresh water cut down, Electricity cut down, Garbage disposals, sewage disposal, huge traffic congestions and this project have added its negative impact to all these parameters leading to environmental degradation, which cannot be denied. Therefore very wide range of provisions of Section-15 and Section-20 of the Application

cannot be made put in circumference of PPs narrow mind set.

18.14 I state that, the despite the clear & interchangeable interpretation of Setion-14, 15, 18 and 20, PP is creating jugglery of words and trying to take away the cause of effective and expeditious environmental justice. In fact, Joint Committee reports of SEIAA and MPCB & affidavits of other respondents exposing the PP and confirming the violations, PP is going for lame attempts of these preliminary objections of limitation, cause of action, plural remedies, Locus, Jurisdiction etc.

18.15 I state that, the Section-15 reads as;

"(1) The Tribunal may, by an order, provide, -

(a).....
(b) for restitution of the property damaged
(c) for restitution of the environment for such area or areas, as the tribunal may think fit."

18.16 I state that, there is no environment clearance, violation of terms & conditions of consents and no other permissions have obtained by PP, therefore the threshold limit to emit any pollutant from this project is zero, but PP have carried out the

construction of **13806.52 M²** and cause damage to the Air, Water and natural sources and further in operations generation of sewage water, solid waste, electricity consumption and these adverse impact are not required to discloses, however PP is mighty and resourceful entity and knowledgeable experts at service. Even though such IA & replies by PP are filed to circumvent the admitted position by creating nuisance in view to prolong the proceeding by knocking the doors of politicians having access to power corridors.

18.17 I state that, the every clause (a), (b) and (c) of sub-section (1) of Section-15 have separate interpretation and provide relief in isolation with larger scope, but PP intentionally misleading on collective reading of sub-sections. Further I state that, the prayers and reliefs sought in the original application are to provide the restoration & restitution of environment, ecology area/ areas damaged at the hands of PP and Original Applicant have made out the good case and also PP has been exposed to his maneuvered activity. It is important

to note that, the Section15 (1) (b) & (c) clearly provide the larger jurisdiction to the individuals or organizations fighting for the public cause having larger interest of society to protect the public property, Public health and Common environment.

18.18 I state that, the entire pleadings of the application must be considered for reaching the conclusion and pleadings should not read in isolations. Therefore, the issues and allegations raised in the application will not affect by the narrow view of PP to connect the application only under Section-14. Application have brought the question of public importance and affecting the society at large. Moreover the PP has committed the illegal activities increasing lawless society, therefore the contentions of PP on account of narrowing the application scope only under Section-14 are, baseless, meaningless, misleading, null and void.

18.19 I state that, the contents of **Para-3.1.9** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are partly false, partly baseless, partly misleading, full of

misinterpretation and contrary to his own statements made by PP at Para-6.3 of his Reply affidavit dated 24.07.2020. Further I state that the Original Application is not limited to the allegations of non-obtaining of prior environment clearance as well as violation of terms and condition of Consent to Establish along with substantial damage caused to environment and ecology by PP due to his illegal construction as stated in Para-19 of Original Application and this Original Applicant is approached with definite allegation and same are supported by the Joint Committee vide its report dated 07.01.2020 prepared on the basis of their site visit conducted on 15.12.2019. Further I state that, the Respondent No. 11-PP himself has admitted that the "6.3 In furtherance of the commencement certificate dated 28th March 2008, the Respondent No. 11 commenced excavation activity. As the total permissible built up area in the commencement certificate dated 28th March 2008 was much below the threshold limit of 20000 sq. mtrs., the Respondent No. 11 did not apply for grant of EC

prior to commencing construction." Therefore, Respondent No. 11-PP has admitted that the excavation is carried out in 2012 based on the PCMC sanction plans vide dated 28.03.2008 having proposed TBA of 17595 M2, which is less than 20000 M2 and therefore, PP did not applied for prior EC. In these circumstances, lame attempt made by Respondent No. 11-PP connecting cause of action first arose with year 2012 i.e. prior to 7 years of filling of this Original Application becomes baseless, false, meaningless and null and void. This stand taken by the Respondent No. 11-PP connecting cause of action with year 2012 will not survive in the eyes of law and Respondent No. 11-PP should not mislead the court of law with such malice statement. Further I state that, the triggered case of action first arose is 15.06.2019, when PS-DoE & MS-SEISS issued show cause notice and MPCB has observed the illegal construction activity under taken by the PP vide its site inspection conducted vide dated 22.05.2019.

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18.20 I state that, the contents of **Para-3.1.10** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are partly false, partly baseless, partly misleading, full of misinterpretation and contrary to his own statements made by PP at Exhibit-I at Page-526 of his Reply affidavit dated 24.07.2020. Further I state that the Respondent No. 11-PP himself has admitted that the excavation work is carried out and stopped in the year 2012 itself in as stated in Point No. 3 & 4 of the Exhibit-I dated 10.03.2015 at Page No. 526 of his reply affidavit and it is important to note that, the Respondent No. 11-PP obtained PCMC first revised sanction on 09.04.2013 for total proposed TBA of 21368.30 M² and Second revised sanction on 30.09.2015 for total proposed TBA of 22010.30 M². Therefore, Respondent No. 11-PP cannot say that the second revised sanction obtained vide dated 30.09.2015 is first time for more than 20000 M² as there is already first revised sanction obtained vide dated 09.04.2013 for more than 20000 M², so Respondent No. 11-PP cannot

connect or relate the cause of action first arose with these sanctions just having proposed TBA more than 20000 M² just mere obtaining these revised sanctions for proposed construction as himself has undertaken before Respondent No. 2 & 3 i.e. PS-DoE & MS-SEIAA that excavation is stopped and further construction will not be carried out till compliance. Further I state that, the Application dated 07.09.2013 for environment clearance come to end with Letter/ communication dated 10.03.2015 issued by PS-DoE and become null & void having no legal force. Thereafter, Respondent No. 11-PP filed second application dated 30.06.2016 at MoEF & CC web portal with false and misleading information on total plot area admeasuring to the tune of 10447.99 M² and total proposed TBA to the tune of 24555.67 M² by suppressing actual permissible TBA as per prevailing Development Control Regulation and for this reason this proposal also didn't come to the conclusion, whereas PCMC granted third revised sanction for proposed TBA of 21213.90 M² and

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same is also contradictory with the second EC application dated 30.06.2016. Thereafter, Respondent No. 11-PP obtained fourth revised sanction from PCMC vide dated 30.03.2018 for total proposed TBA of 19991.40 M^2, which is also less than 20000 M^2, Therefore, Second application dated 30.06.2019 for environment clearance also become null and void as the Respondent No. 11-PP shown his intention not to go beyond more than 20000 M^2 and as per his own undertaking in point no. 3 & 4 of letter dated 10.03.2015, there was no construction at site. It is for first time Respondent No. 11-PP obtained fifth revised sanction vide dated 04.10.2018 for full potential of total proposed TBA 54667.89 M^2 and applied for environment clearance with application dated 06.10.2018 before SEIAA. In these circumstances, Respondent No. 11-PP cannot connect or plead the cause of action first arose in the year 2012 by excavating or on 30.09.2015 mere obtaining sanction. In actual, after the third application dated 06.10.2018 for EC, SEAC-III considered the proposal on 05.12.2018 in its 77th

meeting, wherein Respondent No. 11-PP remain absent & proposal was deferred. Further I state that, the Respondent No. 11-PP undertaken the construction activity in the month of March/April-2019, therefore, this Original Applicant filed complaint dated 19.05.2019 with Respondent Government Authorities and only thereafter, MPCB field officer visited the site on 22.05.2019 annexed as Exhibit-T at Page: 604 of PP reply dated 24.09.2020 and MPCB Sub-Regional Officer-II visited the on 10.06.2019 annexed as Exhibit-U at Page: 605 of PP reply dated 24.09.2020 and observed the full swing construction activity undertaken by the Respondent No. 11-PP. Resultantly, Respondent No. 2-PS-DoE & Respondent No. 3-MS-SEIAA issued show cause notice dated 15.06.2019 annexed as Exhibit-W at Page: 627 of PP reply dated 24.09.2020 and Respondent No. 7-RO-MPCB issued show cause notice dated 27.06.2019 annexed as Exhibit-Y at Page: 640 of PP reply dated 24.09.2020, copy of which was not served to this Original Applicant and

not placed on record. Therefore, cause of action is the bundle of facts and entire pleadings in the case, show cause notice dated 15.06.2019 triggers the cause of action first arose and it is the actual & real cause of action first arose to institute this present application.

18.21 I state that, the contents of **Para-3.1.11** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are partly false, partly baseless, partly misleading, full of misinterpretation and contrary to his own statements made by PP in his Reply affidavit dated 24.07.2020. Further I state that, this Original Applicant has proved the cause of action first arose in above Para and as pleaded in Original Application and on contrary Respondent No. 11-PP is not pointing out specific date of cause of action and specific section of NGT Act, for proving his allegation of circumvent mandatory period of limitation. Further, I state that the Respondent No. 11-PP cannot pass the low level adverse comment or taunting on the professionals at personal level

appearing on behalf of the Original Applicant by using clever drafting & camouflage cause of action, etc.. Moreover, Original Applicant has specifically mentioned date of cause of action first arose in original application in detailed and nothing camouflaged or not wrongly mentioned and drafting of actual & real facts cannot be taunted as cleaver drafting. On the contrary, Respondent No. 11-PP is mentioning wrong, misleading, false, baseless, dates with misinterpretation & manipulation of actual facts with camouflage case of action just to overcome his heinous violation committed with help of collusion with bureaucrats. Basically, PS-DoE & MS-SEIAA and PP are the habitual offenders. Further I state that, the drafting of Respondent No. 11-PP is full of misleading & false statements on the face of Hon'ble Court of law and this encouragement received by PP, shakes conscience and point outs towards the deep unholy nexus of Respondent No. 11-PP with errant & habitual bureaucrats.

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18.22 I state that, the contents of **Para-3.1.12** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are partly false, partly baseless, partly misleading, full of misinterpretation and contrary to his own statements made by PP in his Reply affidavit dated 24.07.2020. Further I state that, this Original Applicant has proved the cause of action first arose in above Para and as pleaded in Original Application and there is ambiguity only in the mind of the Respondent No. 11-PP on cause of action first arose intended by the legislature stipulated in the NGT Act, 2010, and that period of limitation shall commence (not would commence as pleaded by PP) from the date of occurrence of cause of action first arose and it can either be incident/ accident/ notice/ site visit brining on record the said violations/ or any other document showing that environment & ecology is under threat due to illegal acts of PP or violations causing damage to the environment or ecology/ any action either on recurring basis increasing threat to environment or

ongoing actions without due care stipulated under law. It shall be anything in liberal way depending up on the project or activity under consideration of violation. It is very important to note here that, the period of limitation is counted in section-14 (3) of NGT Act is using specific word "cause of action" whereas section-15 (3) of NGT Act is using specific word only "cause". Therefore, it cannot be said that these two regimes are bound by strict calculation of past actions, but it indicates liberal count on actions either ongoing or recurring or sub-sequent, mandate is stipulated in section-14 (1) & Section-15 (1) of the said act. Therefore, it cannot be said that the only starting point of the activity or project has to be only considered mandatorily or statutorily and for sure it depend upon the triggering action of violators. There are many phases in likewise a) obtaining of permission required to initiate or commencement of work which is in short called as permission phase, b) construction phase or installation or errection phase of project or activity to achieve commissioning and lastly c) operation or

production phase to achieve the final aim of project to make profit or earnings or benefits from this activity. Therefore, cause or action can arose at any time from b) & c) of these phases. And if it is entirely illegal project without any permission them illegal is always illegal no question of limitation arises. Because illegal cannot become legal just on lapse of limitation on manipulated pleadings of polluters. Therefore stand taken by the PP in this para is complete joke for laugh out loud and it is not the case of PP that the entire project is completed on same day of its starting and put it under the full load operations with all requisite permissions, but on the contrary PP is carrying construction activity in step by step or stage wise manner on recurring basis increasing capacity of project giving undue burden on environment & ecology without proper appraisal & assessment and further without remedial measures. Further I state that, the NGT is established on 18.10.2010 and any judgment prior to that are not applicable, however, there is no single judgments supporting the contentions of this

PP passed by Hon'ble Supreme Court till date and for this reasons, no judgment of Hon'ble Supreme Court in specifically dealing the issue of cause of action and limitation stipulated under NGT Act is placed on record by PP. On the contrary, there are catena of judgments passed by Hon'ble Supreme Court supporting the pleadings of this Original Applicant. Therefore, I state that the cause of action pleaded in Original Application is arose at first and it is triggered cause of action for filing of present original application and stands taken by PP are not legal in the eyes of law.

18.23 I state that, the contents of **Para-3.1.13** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless, misleading, full of misinterpretation and contrary to his own statements made by PP in his Reply affidavits dated 24.07.2020. Further I state that, this Original Applicant has not used word "continuous cause of action" anywhere in the entire Original Application and not relied upon the concept of continuous cause of action and this is

clear cut misrepresentation of Respondent No. 11-PP to prejudice this Hon'ble Tribunal. It is important to note that, the Respondent No. 11-PP has not approached to this tribunal with the cause of action first arose on vary same day when the entire project activity of excavation, construction and full load operations have been completed in the year 2012 or on 30.09.2015. on the contrary, it is the case of Respondent No. 11-PP that the excavation started in 2011, stayed in 2012, project total BUA in 28.03.2008 sanction is below 20000 Sq. Mtrs. and construction activity is started without prior environment clearance only after March-April 2019, and ongoing on the basis of procurement of ex-post facto EC, which is obtained after filing of present Original Application. Therefore, it is recurring cause having direct connection with the word "cause of action first arose" and not the continuous cause. Moreover, Principal bench of this Hon'ble Tribunal in its Judgment dated 07.05.2015 passed in OA No. 222/2015 (PB) in the case of "Forward Foundation

Vs State of Karnataka" in Para-24 & 25 has uphold the concept of recurring cause of action and also by Hon'ble Supreme Court in Civil Appeal No. 5016/2016 arose from the OA No. 222/2015 vide its judgment date 03.09.2019. Further I state that, the Judgment and order passed Hon'ble Bombay High Court in the matter of Windsor Realty V Secy. MoEF, reported as 2016 SCC OnLine Bom 5613 dealing with the concept of continues cause of action and knowledge of applicant to file application under section 14 of NGT Act and in present application these issues have no concern, but PP is connecting this OA with this judgment by hook or crook view. Further, it is important to note that, the Judgment of Hon'ble High Court does not follow the compliance of NGT Act for appeal to be prefer under section 22 of NGT Act and not the Writ Petition before High Courts. Therefore, this judgment is not applicable to the present case and any illegal activity causing environmental degradation will give rise to independent cause of action.

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18.24 I state that, the contents of **Para-3.1.14** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless, misleading, full of misinterpretation and contrary to his own statements made by PP in his Reply affidavits dated 24.07.2020. Further I state that, contents of this para are at the cost of repetition of earlier paragraphs and as stated in OA, actual cause of action first arose is the show cause notice dated 15.06.2019 with ticking the limitation from same and this cause of action is in consonance with provisions of Section 14 and 15 of the NGT Act, 2010 as intended by the legislature under these section. However, this Original Applicant states that, the Respondent No. 11-PP himself has admitted that the work of excavation is carried out in 2011-2012 on the basis of PCMC sanction plan dated 28.03.2008 having total proposed TBA of less than 17595 Sq. Mtrs. which is less than 20000 Sq. Mtrs. and said excavation work is already stopped and not further construction activity is under taken as mentioned in the letter dated 10.03.2015 issued

by PS-DoE withdrawing 1st show cause notice dated 30.08.2014 and accordingly 1st Application of EC got nullified. Also Second Application dated 30.06.2016 for EC before MoEF is not chased to the conclusion. And PCMC issued full potential sanction on 04.10.2018 and only thereafter application dated 06.10.2018 filed for EC before SEIAA under the prohibition of construction and also there is no document like Plinth Check Certificate from PCMC to place on record to show that the construction has been started in 2016-2017. Therefore, the Respondent No. 11-PP alleged cause of action first arose in the year 2012 or on 30.09.2015 are not the real cause of actions and PP is trying to correct his illegalities with two or multiple illegalities/ wrongs, in fact, illegal is always illegal and such illegal act cannot stare in the eyes of law. Further I state that, the compliance to the environmental norms is supreme, but deep unholy nexus of PP is diluting the environmental laws for his own benefits with help of errant bureaucrats and this is the worst case of violation and

bureaucratic illegality. Further I state that, the Respondent No. 11-PP with help behind curtains mind himself cleverly drafting, camouflage mentioning wrong cause of action, avoid to mention the actual cause of action and connecting cause of action to the excavation of 2012 done on the sanction plan below 20000 Sq. Mtrs. to overcome the violation and its restitution & restoration. Therefore, Original Applicant has not circumvented any statutory provision and PP himself has committed multiple wrongs.

18.25 I state that, this Hon`ble Tribunal in the matter of "Forward Foundation, A Charitable Trust and Ors. Vs. State of Karnataka and Ors. (OA No. 222/2014) Judgement dated 7th May, 2015", reported in 2015 SCC Online NGT 5 in dealing with the issue of limitation and cause of action has specifically held as follows-

"24. The expression 'cause of action' as normally understood in civil jurisprudence has to be examined with some distinction, while construing it in relation to the provisions of the NGT Act. Such 'cause of action' should essentially have

nexus with the matters relating to environment. It should raise a substantial question of environment relating to the implementation of the statutes specified in Schedule I of the NGT Act. A 'cause of action' might arise during the chain of events, in establishment of a project but would not be construed as a 'cause of action' under the provisions of the Section 14 of the NGT Act, 2010 unless it has a direct nexus to environment or it gives rise to a substantial environmental dispute. For example, acquisition of land simplicitor or issuance of notification under the provisions of the land acquisition laws, would not be an event that would trigger the period of limitation under the provisions of the NGT Act, 'being cause of action first arose'. A dispute giving rise to a 'cause of action' must essentially be an environmental dispute and should relate to either one or more of the Acts stated in Schedule I to the NGT Act, 2010. If such dispute leading to 'cause of action' is alien to the question of environment or does not raise substantial question relating of environment, it would be incapable of triggering prescribed period of limitation under the NGT Act, 2010. [Ref: Liverpool and London S.P. and I Asson. Ltd. v. M.V. Sea Success I and Anr., (2004) 9 SCC 512, J. Mehta v. Union of India, 2013 ALL (I) NGT REPORTER (2) Delhi, 106, Kehar Singh v. State of Haryana, 2013 ALL (I) NGT REPORTER (DELHI)

556, Goa Foundation v. Union of India, 2013 ALL (I) NGT REPORTER DELHI 234].

25. In contradistinction to 'cause of action first arose', there could be 'continuing cause of action', 'recurring cause of action' or 'successive cause of action'. These diverse connotations with reference to cause of action are not synonymous. They certainly have a distinct and different meaning in law, 'Cause of action first arose' would refer to a definite point of time when requisite ingredients constituting that 'cause of action' were complete, providing applicant right to invoke the jurisdiction of the Court or the Tribunal. The 'Right to Sue' or 'right to take action' would be subsequent to an accrual of such right. The concept of continuing wrong which would be the foundation of continuous cause of action has been accepted by the Hon'ble Supreme Court in the case of Bal Krishna Savalram Pujari & Ors. v. Sh. Dayaneshwar Maharaj Sansthan & Ors., AIR 1959 SC 798.

18.26 Further I state that, the **Forward Foundation** judgement was challenged before the Hon`ble Supreme Court in the matter of ***Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016 reported in (2019) 18 SCC 494***

has specifically held vide judgement dated 5th March, 2019 and has confirmed the said judgement of Forward Foundation and even the Review petition of the same has been dismissed vide order dated 06/08/2019 and has thus become final and binding.

"In fact, in the original application before the Tribunal there was no mention of the provision under which it was being filed. It is well settled principal of law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass an order. It would be mere irregularity and would not vitiate the application or the judicial order of the Tribunal"

"The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading. (See Kishsore Lal v. Chairman, Employees' State Insurance Corpn. (2007) 4 SCC 579, para 17). The existence of the Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of the Act, would render it ineffective and toothless, and shall betray the legislative intent in setting up a specialized Tribunal specifically to address

environmental concerns. The Tribunal, specially constituted with Judicial Members as well as with Experts in the field of environment, has a legal obligation to provide for preventive and restorative measures in the interest of the environment"

"The Tribunal has also jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. Further, under Section 15(1)(b) and 15(1)(c) the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. It is noteworthy that Section 15(1)(b) & (c) have not been made relatable to Schedule I enactments of the Act. Rightly so, this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment."

"Section 15(1)(c) of the Act is an entire island of power and jurisdiction read with Section 20 of the Act. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore,

wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment."

18.27 I state that, it is necessary to consider the fact situation in the present case as found pleaded in the application and as revealed from the record. In the instant case it is not violations of law alone which have given rise to the present *lis* but the fallout of those acts as stated in the application in terms of damage to the environment that constitutes the cause of action. Needless to state that the cause of action is a bundle of facts and not a single fact alone. For a person to be aggrieved in real sense, it is necessary that there exist circumstances manifesting the adverse impacts of the acts detrimental to the environment i.e. damage to the environment. Furthermore, the "cause of action" has to be complete in case of an application for restitution of the environment under Section 15 of the National Green Tribunal Act, 2010. The composite set of facts necessary to culminate into

the cause of action must so combine as to present all the ingredients necessary for invoking the said provision. The restitution of environment presupposes environmental damage and as observed hereinbefore environmental damage is what prompts the present action alone. For a person to be aggrieved in real sense, it is necessary that there exist circumstances manifesting the adverse impacts of the acts detrimental to the environment i.e. damage to the environment.

18.28 Furthermore, the "cause of action" has to be complete in case of an application for restitution of the environment under Section 15 of the National Green Tribunal Act, 2010. The composite set of facts necessary to culminate into the cause of action must so combine as to present all the ingredients necessary for invoking the said provision. The restitution of environment presupposes environmental damage and as observed hereinbefore environmental damage is what prompts the present action.

18.29 There can be cases wherein the environmental damage may not be perceptible due to assimilative and regenerative character of the nature but when it comes to light due to either increase in anthropogenic pressure of development exceeding the nature's potential or exhaustion of nature's potential to assimilate and regenerate herself any person aggrieved thereby is furnished with the cause of action for taking action against such wrong or injury to his legal right to clean environment. It is in this context the "Discovery Rule" evolved by the Courts in United States in case of Morgan Vs Grace Hospital Inc. 149 W.VA.783, 144 S.E. 2d 156 and adopted by Hon'ble Apex Court in Dr. V.N. Shrikhande case [AIR 2011 SC 212; Dr. V.N. Shrikhande Vs. Mrs. Anita Sena Fernandes] become relevant. The Hon'ble Apex Court while dealing with the issue of limitation in a case of medical negligence held:

"In case of Medical Negligence "Cause of action" does not accrue until the patient learns of injury/harm or in the exercise of reasonable

care and diligence could have discovered the act constituting negligence."

A person/patient may suffer legal injury due to the medical negligence when actually the negligence occurs. However, the cause of action, the Hon'ble Apex Court held does not accrue until the patient learns of harm/injury caused by such negligence in order to discover the act constituting negligence. Occurrence of harm caused to the environment is analogous to the harm caused on account of a medical negligence in a sense that it is a species for Tort like medical negligence and it could become perceptible only upon unfolding of future events. In the instant case, the cumulative effect of various illegalities or infractions of law including those of the enactments specified in Schedule-I of the National Green Tribunal Act, 2010 became evident From Para-10 to 25 of Original Application are facts leading to the project under challenge and leading for filing of this Application pointing out specific damage to the environment and ecology in Para-25. The Applicant with the facts and figures collated by

him has also specifically pleaded the case of undue burden on the natural resources and eco-system illegal construction.

18.30 I state that, the contents of **Para-3.1.15** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.07.2020 are totally false, baseless, misleading, full of misinterpretation and contrary to his own statements made by PP in his Reply affidavits dated 24.07.2020. Further I state that, the Original Application is filed within 6 months under section 14 and it is also within 5 years of NGT Act, 2010 from the date 15.06.2019 of cause of action first arose. I state that, the before 7 years Respondent No. 11-PP was procured the mercy from PS-DoE vide letter dated 10.03.2015 for excavation done on the basis of PCMC sanction dated 28.03.2008 for total proposed BUA of 17595 Sq. Mtrs. which is below 20000 Sq. Mtrs. and undertaken for not to carry any construction. Thereafter, third revision dated 30.09.2015 obtained for more than 20000 Sq. Mtrs. but not obtained any Environment Clearance, therefore

mere obtaining the sanction will not call for cause of action to institute the Application under section 14 & 15 of NGT Act, 2010 and resultantly 1st Application dated 09.07.2013 for EC become in effective as not attended the finality as per EIA Notification. Again 2nd Application dated 30.06.2016 was filed before MoEF intentionally with suppression of multiple facts of total plot area and total permissible BUA. Finally, 3rd Application dated 06.10.2018 for EC filed on the basis of full potential sanction vide dated 04.10.2018 and till this time also, excavation & further any construction was admittedly stayed without remorse as per letter dated 10.03.2015 of PS-DoE. After going through the site conditions, this Applicant sent notice / complaint dated 19.05.2019 to all the government authorities and MPCB conducted site visits on 22.05.2019 & 10.06.2019 with respect to notice/ complaint of Original Applicant and accordingly, show cause notice was issued vide dated 15.06.2019 by MS-SEIAA & PS-DOE and show cause notice dated 27.06.2019 by RO-MPCB with

observation of initiation of construction without prior EC, pointing the triggered cause of action first arose. Further, I state that, the Respondent No. 11-PP has stretched his imagination upto 7 years of unreachable time very shockingly. Therefore, the cause of action first arose to institute this Original Application is 15.06.2019 undisputedly. Therefore, it cannot be argued that Section 14 provides jurisdiction to the Tribunal while Section 15 merely supplements the same with powers. The typical nature of the Tribunal, its breadth of powers as provided under the statutory provisions of the Act as well as the Scheduled enactments, cumulatively, leaves no manner of doubt that the only tenable interpretation to these provisions would be to read the provisions broadly in favour of cloaking the Tribunal with effective authority. An interpretation that is in favour of conferring jurisdiction should be preferred rather than one taking away jurisdiction. Therefore, wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative

measures in the interest of the environment. It is clear from the documentary evidence, that the project proponents have committed breaches and the implementation of the project is bound to have serious adverse impact on the ecology and the environment in the project area. The environmental degradation as established from the documents would give rise to an independent cause of action. Therefore, this is a petition not only under section 14 of NGT Act, but also under Section 15 of the NGT Act and thus it could be filed within 5 years from the date on which the cause for such compensation or relief first arose. Moreover, it is well settled principle of law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass an order. It would be a mere irregularity and would not vitiate the application or the judicial order of the Tribunal. Further I state that, the Original Applicant is liable to receive the relief from this Hon'ble Tribunal as the Original Application is filed within limitation period as stipulated in

Section-14 as well as 15 of the NGT Act, 2010 and Interlocutory application filed by PP is to rejected or dismissed with coast.

REPLY TO THE ISSUE OF LOCUS STANDI:

18.31 I state that, the contentions of **Para-3.2, 3.2.1 to 3.2.15** of the Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.09.2020 are totally false, baseless and misleading. Further I state that, there is no boundary to the environment as per the definition of environment provided in Section-2(a) of the Environment (Protection) Act, 1986 and in Section-2(c) of the National Green Tribunal Act, 2010 which includes Water, Air and land as under:

> *"2(c) "Environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, microorganism and property;"*

18.32 Further I state that, there are no boundaries to the environment, and the interrelationship which exists

among and between water, air, and human beings, other living creatures, plants, microorganism and properties matters when we have to interpret any legal right relating to the environment.

18.33 Further I state that, the Applicant and project under violation is also the within the jurisdiction of the Pune and both are sharing common environment and social infrastructure, therefore the distance of residence of the applicant does not matters, however the applicant is residing at distance of less than 8 Km from the from site.

18.34 However, I state that, the Respondent-11-PP being mighty and resourceful, but acting as an illiterate entity by filing such false, baseless, misleading and misinterpreting IA & reply affidavits, it has become necessary to explain locus of this original applicant.

18.35 I state that, the Original Application is filed for the questions of public importance and significance of environmental jurisprudence, in relation to environmental damage and pollution caused by the PP and consequences of such environmental damage and liabilities of the PP.

18.36 I state that, the person aggrieved and person injured are the different concept and this applicant is not injured but aggrieved due to violation of his legal rights of clean and decent environment as PP is damaging common sharing's like Air, Water, Energy, Building Materials etc.

18.37 I state that, despite there being compliant of applicant to Respondents authorities, but there is no action by these authorities to protect environment, even after knowiedge of violation.

18.38 Further I state that, there is no boundary to the environment and ecology, therefore the boundaries of residences of applicant cannot restrict him from filling the present application as there is blatant violation of the environmental enactments and PP causing irreparable damage to the environment & ecology for his ulterior motive to get financial benefits on account of "Mother Nature" and Respondent authorities have connivance with the PP.

18.39 I state that, the locus standi is not the acid test to be apply strictly and it is well settled principle that

the meaning of word 'aggrieved person' or 'person aggrieved' shall receive very liberal interpretation and shall not be hyper technical to exclude bonafide individual to seek redressal at the hands of Tribunal to protect environment in the large interest of the society and this applicant being informer to the court of law have locus to file present application.

18.40 I state that, the locus shall not be interpreted applying acid litmus test or straight jacket formula. The interpretation must be tailor made keeping in mind liberality of legal remedies provided under the provisions of the NGT Act for which enactment has been legislated.

18.41 I state that, Applicant is performing his constitutional duties under article 48A, 51A(g) to protect environment and Applicant have shown dare to bring this violation before Hon'ble Tribunal, as the conduct of authorities appointed for protection of environment is against their statutory duties and helping PP to cause pollution.

18.42 I state that, the NGT, Act 2010 specifically states that, "***any person aggrieved***, including any

representative body or organization" and the term any person aggrieved is having the broad implication and definitely not limited its range.

18.43 I state that, the Applicant has filed bona fide application and is filed after studying the relevant documents obtained under online search & RTI. Applicant is a Common man and got hurts from this blatant violation of environmental law and degradation of ecology and non-action of government authorities.

18.44 I state that, the Respondent No. 11-PP is misleading with help of section 18 (2) (a) & (b) relating to the personal claim, but for the reliefs sought in present application are related to the illegal construction without prior EC causing damage are related to the restoration and restitution of environment / area/ areas. Therefore, for locus section 18 (2) (e) will be applicable, which specifically, states that;

"18 (2) Without prejudice to the provisions contained in section 16, an application for grant of relief, compensation or settlement of dispute may be made to the tribunal by-

(a) the person, who has sustained injury; or

(b) the owner of property to which damage has been caused; or

(c) where death has caused resulted from the environmental damage, by all or any of the legal representative of the deceased; or

(d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or

(e) any person aggrieved, including any representative body or organisation; or

18.45 Therefore, I state that the Respondent No. 11-PP should stop misleading this Hon'ble Tribunal. Further I state that, the Hon'ble Supreme Court in vide its judgment dated 07.10.2021 in the case of "MCGM Vs Ankita Shinha & Ors." in Civil Appeal No. 12122-12123 Of 2018, have held that;

"25.8 While discussing the NGT's power and responsibility, it is essential to keep in mind the Principle 10 of the Rio Declaration which speaks

of three fundamental rights i.e., access to information, access to public participation and access to justice, as key pillars of environmental governance. Access to justice, may however be curtailed by illiteracy, lack of mobility, poverty or even the lack of technical knowledge on the part of citizens. Another deterrence is the likelihood of polluters/violators being powerful entities with adequate wherewithal to skirt regulations. Thus, it may not always be feasible for individuals to knock on the doors of the Tribunal, and NGT in such exigencies must not be made dysfunctional."

"27.4 The law must be interpreted in such a manner as to foster further development of existing legal concepts by incorporating this sense of equity. The issues which this Court has had the occasion to examine have highlighted the limitations of the mechanisms to reach to the heart of environmental concerns. This Court has previously moulded the jurisdictional jurisprudence in favour of larger societal interest, whether that be in the form of 'Public Interest Litigation' or widening the scope of locus standi."

> *"The identification of potential environmental justice issues is very important in determining how our enforcement efforts are working in*

minority and low-income communities, and whether they are comparable to the enforcement efforts in other communities."

18.46 Further I state that, the central government has also took stand that he concept of locus standi is made liberal under section 18 (2) (e) of the NGT Act, 2010. And therefore it is not straight jacket formula.

18.47 Hon'ble Apex court have also observed that, Environmental is best protected by the peoples themselves in ***(1996) 5 SCC 281,*** *Indian Council for Enviro-Legal Action Vs Union of India & Ors;*

"(47) WITH increasing threat to the environmental degradation taking place in different parts of the country, it may not be possible for any single authority to effectively control the same. Environmental degradation is best protected by the people themselves. In this connection, some of the non- governmental organisations (NGOs) and other environmentalists are doing singular service. Time has perhaps come when the government can usefully draw upon the resources of such NGOs to help and assist in the implementation

of the laws relating to protection of the environment. ....”

18.48 I state that, the Hon'ble Tribunal (PB) in Original Application No. 12 of 2014 (PB) in the matter of **M. C. Mehta Vs UGC & Others** decided on 17.07.2014 on the issue of locus has opined that,

12. This Tribunal is vested with three different jurisdictions. Firstly, it has the original jurisdiction in terms of Section 14 of the NGT Act to deal with all civil cases raising a substantial question relating to environment and where such questions arise out of the implementation of the enactments specified in Schedule I of the NGT Act. Secondly, it is vested with appellate jurisdiction against the various orders/directions/decisions as stated in Section 16 (a) to (j) of the NGT Act. Thirdly it has a special jurisdiction in terms of Section 15 to grant relief of compensation and restitution as per the scheme contemplated under that provision. Admittedly, the present application has been filed under Section 14 of the NGT Act. Thus, it must plead and raise the following:

a) It should be a civil case.

b) Where a substantial question relating to environment or enforcement of any legal right relating to environment is involved.

c) Such question arises out of implementation of enactment specified in Schedule I of the NGT Act.

13. Once these three ingredients are satisfied, then Section 14 does not appear to place any restriction on the locus or character of the Applicant who wishes to move an application under Section 14 of the Act. Similarly, Section 15 also does not describe the description of an Applicant who can move the Tribunal for seeking reliefs like compensation, restitution of the property and the environment. In contradistinction thereto, Section 16 restricts the Applicant entitled to file an Appeal to be 'any person aggrieved'. In other words, it is only a person aggrieved who can invoke the jurisdiction of the Tribunal under Section 16 and not any Applicant. Section 18 deals with the procedure which has to be followed by an applicant or appellant, who prefers to file an application or appeal before the Tribunal. It deals with all the three jurisdictions specified under Section 14, 15 and 16 of the NGT Act. However, Section 18 (2) of the NGT Act provides the details in regard to locus and character of an Applicant who is entitled to move the Tribunal

by filing an Application for grant of relief or compensation or settlement of dispute. Section 18(2) has been worded by the legislature with wide amplitude besides covering any person aggrieved and the legal representatives of the various categories. In terms of Section 16, it includes various other persons as described under clauses (a) to (d) and (f) of sub-Section 2 of Section 18. The locus and character of an applicant specified under these provisions has to receive liberal construction and would cover variety of applicants. As far as Section 14 (1) of the NGT Act is concerned, the only restriction that appears to be imposed is that it must satisfy the prerequisites stated in that Section.

14. It is a settled position of law that the Tribunal must keep in its mind and be guided by the statutory provisions of the Act and it may not be appropriate for the Tribunal to take up the subjects which do not squarely fall within the ambit and scope of its jurisdictional provisions. We may refer to a judgment of the Tribunal in the case of Goa Foundation v. Union of India 2013(1) All India NGT Reporter, New Delhi, 234, where the Court while dealing with some facets of Tribunal's jurisdiction and the manner in which they should be construed, explained the expression 'substantial question relating to

environment', 'any person aggrieved' and 'dispute.' The following paragraphs can be usefully reproduced at this stage:

"23.Similarly, 'substantial question relating to environment' also is an inclusive definition and besides what it means, it also includes what has been specified under Section 2(m) of the NGT Act. Inclusive definitions are not exhaustive. One has to, therefore, give them a very wide meaning to make them as comprehensive as the statute permits on the principle of liberal interpretation. This is the very basis of an inclusive definition. Substantial, in terms of the Oxford Dictionary of English, is of considerable importance, strongly built or made, large, real and tangible, rather than imaginary. Substantial is actual or real as opposed to trivial, not serious, unimportant, imaginary or something. Substantial is not the same as unsubstantial i.e. just enough to avoid the de minimis principle. In In re Net Books Agreement [1962] 1 WLR 1347, it was explained that, the term 'substantial' is not a term that demands a strictly quantitative or proportional assessment. Substantial can also mean more than reasonable. To put it aptly, a substantial question relating to environment must,

therefore, be a question which is debatable, not previously settled and must have a material bearing on the case and its issues relating to environment.

24. Section 2(m) of the NGT Act classifies 'substantial question relating to environment' under different heads and states it to include the cases where there is a direct violation of a specific statutory environmental obligation as a result of which the community at large, other than an individual or group of individuals, is affected or is likely to be affected by the environmental consequences; or the gravity of damage to the environment or property is substantial; or the damage to public health is broadly measurable. The other kind of cases are where the environmental consequences relate to a specific activity or a point source of pollution. In other words, where there is a direct violation of a statutory duty or obligation which is likely to affect the community, it will be a substantial question relating to environment covered under Section 14(1) providing jurisdiction to the Tribunal. When we talk about the jurisdiction being inclusive, that would mean that a question

which is substantial, debatable and relates to environment, would itself be a class of cases that would squarely fall under Section 14(1) of the NGT Act. Thus, disputes must 14 relate to implementation of the enactments specified in Schedule I to the NGT Act.

25. The very significant expression that has been used by the legislature in Section 18 is 'any person aggrieved'. Such a person has a right to appeal to the Tribunal against any order, decision or direction issued by the authority concerned. 'Aggrieved person' in common parlance would be a person who has a legal right or a legal cause of action and is affected by such order, decision or direction. The word 'aggrieved person' thus cannot be confined within the bounds of a rigid formula. Its scope and meaning depends upon diverse facts and circumstances of each case, nature and extent of the applicant's interest and the nature and extent of prejudice or injury suffered by him. P. Ramanatha Aiyar's The Law Lexicon supra describes this expression as 'when a person is given a right to raise a contest in a certain manner and his contention is negative, he is a person aggrieved' [Ebrahim Aboodbakar v.

Custodian General of Evacue Property, AIR 1952 SC 319]. It also explains this expression as 'a person who has got a legal grievance i.e. a person wrongfully deprived of anything to which he is legally entitled to and not merely a person who has suffered some sort of disappointment'.

26. Aggrieved is a person who has suffered a legal grievance, against whom a decision has been pronounced or who has been refused something. This expression is very generic in its meaning and has to be construed with reference to the provisions of a statute and facts of a given case. It is not possible to give a meaning or define this expression with exactitude and precision. The Supreme Court, in the case of Bar Council of Maharashtra v. M.V. Dabholkar and Others AIR 1976 SC 242 held as under:-

"27. Where a right of appeal to Courts against an administrative or judicial decision is created by statute the right is invariably con fined to a person aggrieved or a person who claims to be aggrieved. The meaning of the words "a person aggrieved" may vary according to the context of the

statute. One of the meanings is that a person will be held to be aggrieved by a decision if that decision is materially adverse to him. Normally, one is required to establish that one has been denied or deprived of something to which one is legally entitled in order to make one "a person aggrieved." Again a person is aggrieved if a legal burden is imposed on him. The meaning of the words "a person aggrieved" is sometimes given a restricted meaning in certain statutes which provide remedies for the protection of 15 private legal rights. The restricted meaning requires denial or deprivation of legal rights. A more liberal approach is required in the back ground of statutes which do not deal with property rights but deal with professional conduct and morality. The role of the Bar Council under the Advocates Act is comparable to the role of a guardian in professional ethics. The words "persons aggrieved" in Sections 37 and38 of the Act are of wide import and should not be subjected to a restricted interpretation of possession or denial of legal rights or burdens or financial interests. The test is whether the words "person aggrieved" include "a person who has a genuine

grievance because an order has been made which pre judicially affects his interests." It has, therefore, to be found out whether the Bar Council has a grievance in respect of an order or decision affecting the professional conduct and etiquette.

28. The pre-eminent question is: what are the interests of the Bar Council? The interests of the Bar Council are the maintenance of standards of professional conduct and etiquette. The Bar Council has no personal or pecuniary interest. The Bar Council has the statutory duty and interest to see that the rules laid down by the Bar Council of India in relation to professional conduct and etiquette are upheld and not violated. The Bar Council acts as the sentinel of professional code of conduct and is vitally interested in the rights and privileges of the advocates as well as the purity and dignity of the profession.

40. The point of view stated above rests upon the distinction between the two different capacities of the State Bar Council: an executive capacity, in which it acts as the prosecutor through its Executive Committee, and a quasi-judicial function,

which it performs through its Disciplinary Committee. If we can make this distinction, as I think we can, there is no merger between the prosecutor and the Judge here. If one may illustrate from another sphere, when the State itself acts through its executive agencies to prosecute and then through its judicial wing to decide a case, there is no breach of a rule of natural justice. The prosecutor and the Judge could not be said to have the same personality or approach just because both of them represent different aspects or functions of the same State.

44. The short question is as to whether the State Bar Council is a 'person aggrieved' within the meaning of Section 38 so that it has locus standi to 16 appeal to this Court against a decision of the Disciplinary Tribunal of the Bar Council of India which, it claims, is embarrassingly erroneous and. if left unchallenged, may frustrate the high obligation of maintaining standards of probity and purity and canons of correct professional conduct among the members of the Bar on its rolls.



47. Even in England, so well-known a Parliamentary draftsman as Francis Bennion has recently pleaded in the Manchester Guardian against incomprehensible law forgetting 'that it is fundamentally important in a free society that the law should be readily ascertainable and reasonably clear, and that otherwise it is oppressive and deprives the citizen of one of his basic rights'. It is also needlessly expensive and wasteful. Reed Dickerson, the famous American Draftsman, said: It cost the Government and the public many millions of dollars annually'. The Renton Committee in England, has reported on drafting reform but it is unfortunate that India is unaware of this problem and in a post-Independence statute like the Advocates Act legislators should still get entangled in these drafting mystiques and judges forced to play a linguistic game when the country has an illiterate laity as consumers of law and the rule of law is basic to our Constitutional order."

27. In the case of Maharaj Singh v. State of Uttar Pradesh (1977)1 SCC 155, the Supreme Court observed that a legal injury creates a remedial

right in the injured person. But the right to a remedy apart, a larger circle of persons can move the court for the protection or defence or enforcement of a civil right or to ward off or claim compensation for a civil wrong, even if they are not proprietarily or personally linked with the cause of action. The nexus between the lis and the plaintiff need not necessarily be personal, although it has to be more than a wayfarer's allergy to an unpalatable episode. Further in the case of Dr. Duryodhan Sahu and Others v. Jitendra Kumar Mishra and Others (1998) 7 SCC 270, the Supreme Court, held that although the meaning of the expression 'person aggrieved' may vary according to the context of the statute and the facts of the case, nevertheless normally, a person aggrieved must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something or wrongfully affected his title to something. In Jasbhai Motibhai Desai v. Roshan Kumar, AIR 1976 SC 578 the Court held that the expression 17 'aggrieved person' denotes an elastic, and to an extent, an elusive concept. It stated as follows:

"It cannot be confined within the bounds of a rigid, exact, and comprehensive definition. At

best, its features can be described in a broad tentative manner. Its scope and meaning depends on diverse, variable factors such as the content and intent of the statute of which contravention is alleged, the specific circumstances of the case, the nature and extent of the petitioner's interest, and the nature and extent of the prejudice or injury suffered by him."

18.49 I state that, the Hon'ble Tribunal in **M.A. No. 108/2014 in Appeal No. 9/2014 (WZ)** in the matter of **Anil Tharthare Vs. Secretary DoE & Others** decided on 04.05.2016 on the issue of locus has opined that,

"29. It is now well settled that meaning of word 'aggrieved person' or 'person aggrieved' shall receive very liberal interpretation and shall not be hyper technical to exclude bonafide individual to seek redressal at the hands of Tribunal to protect environment in the large interest of the society".

"30. In our opinion, it shall not be interpreted applying acid test or straight formula jacket. The interpretation must be tailor made keeping in mind liberality of legal remedies provided under the provisions of the NGT Act for which enactment has been legislated."

18.50 Therefore, I state that, the Applicant is vigilant citizen performing his constitutional duties promptly & diligently to protect environment & having legal right to enforce the environmental enactments to protect the common sharing of natural resources and therefore applicant is an aggrieved person.

REPLY TO THE ISSUE OF PLURAL REMEDIES:

18.51 I state that, the contentions of the **Para-3.3, 3.3.1** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.09.2020 are Partly false, baseless and misleading. Further I state that, the Rule 14 of the NGT Rules mandate; "An application or appeal as the case may be, shall be, based on single cause of action and may seek one or more relief provided that they are consequential to one another". It is important to note that, the Para-40 of Application is detailed explanation to the ***"Cause of action to file present application"***, where in it is clearly stated that, the upon the RTI

query filed from 2017 to 18.05.2019, applicant come across the violation of PP and thereafter send notice dated 19.05.2019 to all respondents for their actions. (As there was typographical error of date to be read as 18.05.2019 instead of 18.05.2018). I state that, the cause of action is bundle of actions, therefore entire pleadings of the original application shall be considered and the PP has carried out the illegal construction in his ongoing project from **0** M^2 to **18500** M^2 vide sanction no. BP/Pimpri/76/2016 dated 24.11.2016 and further PP has intention for additional construction of **36100** M^2 vide sanction no BP/Pimpri/36/2018 dated 31.03.2018 and civil construction activity is the recurring process. Therefore, PP has increased the project capacity from **0** M^2 to **18500** M^2 from 2011 to 19.05.2019, it is nothing but recurring cause of action for building construction activity and further PP has proposed to go increase the capacity of project. I state that, the cause of action first arose to file this application is on 15th June 2019, when SEIAA issued show

cause notice to the PP and its triggered cause of action.

18.52 I state that, the contentions of the **Para-3.3.2** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.09.2020 are Partly false, baseless and misleading. Further I state that, the PP has not complied with environmental norms by non-obtaining of Environment Clearance and violated term and condition of Consent to Establish, along with other ancillary allegations etc. are the issue of environmental damage suffered by environment due to several illegalities committed by the PP, including enactments specified under Schedule-I of the NGT Act, 2010 and therefore, these allegation & several illegalities cannot be treated as multiple causes of action.

18.53 I state that, the contentions of the **Para-3.3.3** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.09.2020 are totally false, baseless and misleading. Further I state that, as per rule 14 of rules, this applicant has filed Original Application based on the single cause of

action as proved in the above paragraphs and no other cause of action is relied while filing Original Application and Respondent No. 11-PP has not provided any judgment of Hon'ble Supreme Court in support of his vague & misleading allegations. On the contrary, Respondent No. 11-PP is totally fail to prove the date cause of action and relating the Application to various multiple dates of his own choice having no concern with his date.

18.54 I state that, the contentions of the **Para-3.3.4** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.09.2020 are totally false, baseless and misleading. Further I state that, there is no lacuna in the Original Application and Original application is well within the four corners of the Rule 14 of the NGT (Practice & Procedures) Rules, 2011 and Original application needs to be allowed in whole and these are vogue allegations and seems to be misleading drafting tactics by PP.

18.55 I state that, the contentions of the **Para- 3.3.5** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.09.2020 are totally

false, baseless and misleading. Further I state that, the show cause notice dated 15.06.2019 prompting to file present original application is the single cause of action mentioned in the application. Further I state that, the PP has not made any specific reference to the judgments of Hon'ble Supreme Court or this Hon'ble Tribunal. Therefore, there is no violation of Rule 14 of the NGT (Practices and Procedure) Rules, 2011. The Application being based on single cause of action and made for seeking principal relief of restitution & restoration of environment with environmental compensation as consequential relief. Therefore, the self aggrandize by PP against the blatant violations and intentional non-compliance towards the environmental norms are null and void.

19. I state that, I state that, the contentions of the **Para-4** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.09.2020 are totally false, baseless and misleading. Further I state that, the Hon'ble Tribunal has clear cut jurisdiction to



entertain the Original Application filed under NGT Act, 2010 & NGT (Practice & Procedures) Rules, 2011 and this is the worst case of violations causing irreparable environmental damage. Therefore, PP has infringed the principles laid down by the Hon'ble Supreme Court and Hon'ble NGT in various case with impunity and PP should be charged with very exemplary damages to have deterrent effect on him to send clear message in the community of polluter and such Interlocutory Applications should not be entertained being abuse of process of law and waste of valuable time of this Hon'ble Tribunal.

20. I state that, I state that, the contentions of the **Para-5** of Interlocutory Application No. 86/2021 of Respondent No. 11-PP dated 24.09.2020 are totally false, baseless and misleading prayers and Further I state that, this Interlocutory Application is the luxury litigation filed for time consumption to complete the illegal construction to create the ***fait accompli*** situation. Therefore, this Hon'ble Tribunal may kindly not to entertain such IA and may kindly dismiss at the threshold to avoid the abuse of process of law.

NOTARY FARIDA KHAN PUNE CANTONMENT AREA Reg. No. 2981/05 Expiry Date 8.6.2025 GOVERNMENT OF INDIA

21. THEREFORE, IT IS PRAYED THAT:

a) Hon'ble Tribunal may kindly dismiss the Interlocutory Application No. 86 of 2021 filed by PP with imposition of exemplary cost.

b) Any other relief as this Hon'ble Tribunal may deem fit in the facts and circumstances to protect the environment and ecology.

Whatever stated above is true and correct to the best of my knowledge, belief and information, hence, to verify the same I have signed hereunder at Pune.

AFFIANT

(AJAY JAYVANTRAO BHOSALE)

BEFORE ME

FARIDA KHAN
NOTARY, GOVT. OF INDIA
PUNE.

Noted And Registered at Serial Number 306/2021

26 OCT 2021

NOTARY FARIDA KHAN PUNE CANTONMENT AREA Reg. No. 2981/05 Expiry Date GOVERNMENT OF INDIA NOTARIAL

NOTARY FARIDA KHAN PUNE CANTONMENT AREA Reg. No. 2981/05 Expiry Date GOVERNMENT OF INDIA NOTARIAL

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 456 OF 2023

AJAY JAYVANTRAO BHOSALE ..... APPELLANT(S)

VERSUS

UNION OF INDIA & ORS. ..... RESPONDENT(S)

O R D E R

We have been informed that the respondents had applied and were given Environment clearance in the year 2020. The Environment Clearance certificate has been challenged by the appellant in separate proceedings.

In view of the aforesaid position, we are not inclined to issue notice in the present appeal and hence, the same is dismissed.

We, however, clarify that the dismissal of the present appeal will have no bearing on the challenge made by the appellant to the grant of Environment Clearance Certificate.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(M.M. SUNDRESH)

NEW DELHI;
MARCH 21, 2023.

T.C



1915

ITEM NO.10 COURT NO.7 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 456/2023

AJAY JAYVANTRAO BHOSALE Appellant(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No.15239/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.15243/2023-STAY APPLICATION and IA No.15242/2023-EXEMPTION FROM FILING O.T.)

Date : 21-03-2023 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. Pulkit Agarwal, AOR
Mr. Prashant Bhushan, Sr. Adv.
Mr. Shailesh Mandiyal, Adv.
Mr. Tanaji Gambhire, Adv.
Mr. Nitin Lonkar, Adv.
Ms. Sonali Suryavanshi, Adv.
Ms. Pradnya Bheke, Adv.
Mr. Sudhanshu Kaushesh, Adv.
Mr. Palav Agarwal, Adv.

For Respondent(s) Mr. Saket Mone, Adv.
Ms. Anshula Vijay Kumar Grover, AOR
Mr. Abhishek Salian, Adv.
Ms. Nitika Grover, Adv.
Mr. Devansh Shah, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)

T.C