

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

Original Application No. 111 / 2025 (WZ)

Premnath Singh

..... Applicant:

VERSUS

**Maharashtra Pollution
Control Board & Ors.**

..... Respondents:

**Reply Affidavit on Behalf of
Respondent No. 3
Sungwoo Hitech Pune Pvt. Ltd.**

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Date : **16/09/2025**

Place : **Pune**

Filed by :



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**REPLY AFFIDAVIT ON BEHALF OF
RESPONDENT NO. 3,
M/S SUNGWO HITECH PUNE PVT. LTD.**

I, **Pratap Prakash Adivale**, HR Manager, age 38 years, of **Respondent No. 3, M/s. Sungwoo Hitech Pune Pvt. Ltd.** (hereafter referred to as "the **Respondent**" or "the **company**"), located at Gat No. 35, 36, 37, 38 & 42, RMK Industrial Park 5, Talegaon MIDC, Ambale, Village Mangarul, Taluka Maval, District Pune - 410507, do hereby solemnly affirm and state as under:

- 1. Preliminary Submission:** The allegations made against the company are false, fabricated, bald, vague, and appear to be solely for the purpose of maligning the company's image and pressurizing it. The Respondent has at all times acted in good faith, within the framework of law, and under the supervision of statutory authorities. The company reserves the right to submit additional documents and information as needed.
- 2. About the Project:** The company is setting up a plant to manufacture "**Automotive Parts - 786 No./Day**". This project is a significant investment of **Rs. 966 Crore**; that will directly employ around **700 staff, 147 local employees**, and twice as many employees, indirectly. The plant is complete and in a ready-to-operate condition, since last four months.

- 3. Refutation of Pre-EC Erection Allegations:** The allegation of illegal pre-EC erection work done at site is factually incorrect and legally untenable.
- a.** The company applied for its Environmental Clearance (EC) and Consent to Establish (CTE) on **July 19, 2024**, and **July 26, 2024**, respectively.
 - b.** The EC was granted by the State Environment Impact Assessment Authority (SEIAA) on **January 3, 2025**, for the total BUA of **41870.84 sq.m.**
 - c.** EC is not required for the production of "Automotive Parts" as this 'project / activity' does not fall under Schedule-I of the EIA Notification 2006.
 - d.** EC was applied and obtained only for the construction of Industrial Shed under category 8(a) B2.
 - e.** The CTE was granted by the Maharashtra Pollution Control Board (MPCB) on **October 25, 2024**. This is to produce "**Automotive Parts – 786 No./Day**" and there is no restriction OR condition regarding the BUA in the CTE.
 - f.** The PEB steel shed erection work began at site on **January 4, 2025**, *after* obtaining the EC.

The CTE explicitly contained a condition that no "effective steps" for project implementation should be taken before obtaining the EC. **This condition was fully complied with.**

- g.** The company's application for a Consent to Operate (CTO) on **March 3, 2025**, is a standard procedural step taken **after all pollution control facilities are in place** and the plant is ready for operation. This does not indicate pre-EC erection by reverse calculations of time.
- h.** The claim of "technical implausibility" to complete erection in under three months is a subjective opinion without any factual or documentary evidence. The **plant's structure is a pre-engineered building (PEB) made of steel, with ready-made components manufactured off-site and then erected / assembled on-site**, a process that is much faster than conventional erection.

4. Justification for Built-Up Area (BUA) Increase:

The allegation of unauthorized expansion is legally baseless.

- a.** The **EC was granted for a BUA of 41,870.84 sq.m.** This was anyway planned to be completed within about 45 days time. Erection

done with crane and mechanical equipment does not need much time for just assembly kind of work at site of all pre-manufactured items. The simple erection work can be done at the rate of 1000 sq.m/day by fitting about 120 to 160 panels/day. This is done with crane, mechanical lift.

- b.** During this period, the MoEFCC Notification (S.O. 523(E)) dated **January 29, 2025**, was in effect, **which explicitly exempted industrial sheds from the requirement of a prior EC. [■ Ax. A]**. The notification was accompanied by an **Office Memorandum (OM) by MoEFCC dated January 30, 2025** clarifying its exemption. **[■ Ax. B]**.
- c. This lawful exemption from need of EC for Industrial Shed came at the right time**, when the erection work was going in full swing. This enabled Respondent to extend a bay and increase the area of the planned shed by 9.3%. The erection of this additional area was completed along with the shed structure starting from between **January 29, 2025**, and **February 21, 2025** (before 24/02/2025).
- d.** Respondent was anyway erecting the main shed at the rate of about 800 sq.m/day. Erecting this additional shed in window of 26

days was easy as this extra work required was only of 150 sq.m/day, which was easy as everything was ready and available on site.

- e. **The Architects 'M/s Pravin Rathod & Associates' has certified** that: [■ Ax. D].

CERTIFICATE 21 FEBRUARY 2025

..... the supply and erection of the additional shed (measuring 26 x 149.59 m = 3,889.43 m²) has been fully completed in all respects as per the approved design and specifications.

A thorough inspection and audit confirms that the construction work meets the stipulated standards and has been executed to the entire satisfaction of both client and consultant.

Accordingly, the invoice dated 19 February 2025, pertaining to this completed work, is recommended for clearance and payment.

CERTIFICATE 09 AUGUST 2025

It has been confirmed that the initial construction activity was started after grant

of Environmental Clearance dated 3rd January 2025 ;

During the period i.e., from 29th January 2025 to 24th February 2025, RMK Industrial Park V - SUNGWOO HITECH PUNE PVT LTD have extended the shed by 3889.43Sqm resulting in total BUA of 45760.27 m².

- f. This exemption was later stayed by the Supreme Court on **February 24, 2025**. Since the erection of the additional BUA was completed during the period when no EC was required, the action was legally compliant, and there is therefore absolutely no violation of the prevailing legal regime.
- g. The company's CTO application mentions a BUA of **45,760 sq.m**, which is an increase of **3,889.16 sq.m**.

5. APPLICABILITY OF THE DOCTRINE OF LEGITIMATE EXPECTATION: The erection undertaken by the company is protected under the *Doctrine of Legitimate Expectation*. The **Hon'ble Supreme Court in M/S Sai Baba Sales Pvt. Ltd. v. Union of India, Civil Appeal No. 595 of 2021, dated November 26, 2021**, held that a project proponent who acts in accordance with the

prevalent legal framework cannot be penalized for subsequent changes or judicial interventions. The Court reasoned that a project proponent is not expected to "anticipate the changes in EC regimes". The company's actions are fully protected by this legal principle, which "*is a powerful check on the arbitrariness of the State*". [■ Ax. C].

- 6. Compliance with Environmental Laws:** The company has complied with all environmental laws, and environmental regime as it existed from time to time, and conditions specified in its EC and CTE. The Compliance Report as per EC conditions has been submitted in July 2025 to MoEFCC.
- a. Water Pollution Control:** There is ZERO trade effluent. A STP has been installed for treating **50 CMD** of sewage. The treated sewage will be recycled for gardening, ensuring no discharge outside the premises.
 - b. Air Pollution Control:** There are no emissions from fuel burning OR chemical processes. A scrubber for the welding section has been provided to control air emissions. For noise levels control, acoustic enclosures for DG sets. These systems are designed to meet the stipulated standards before operations begin.

- c. **Waste Management:** The company has a plan for the management of non-hazardous and hazardous waste and has secured a membership with a Common Hazardous Waste Treatment, Storage, and Disposal Facility (CHWTSDF). Entire waste will be sent to this notified and MPCB approved site.
- d. **Green Belt Development:** The company has provided a green belt plan and has planted more than **1100 trees** as per its commitments.

7. RESPONSE TO OTHER ALLEGATIONS:

- a. **Financial Misconduct:** The allegations of financial fraud are baseless and unsubstantiated. No evidence apart from bald allegation has been furnished. This is not an environmental issue.
- b. **Lack of Community Benefit:** The project has provided direct and indirect **employment to more than 847 people in the local area**. The company has already identified, interviewed, and put local employees on its payroll.
- c. **Decriminalization of EPA:** The company notes that the criminal provisions of the Environment (Protection) Act, 1986, have been removed by the *Jan Vishwas (Amendment of Provisions) Act, 2023*, thereby decriminalizing

certain acts. Therefore, the prayer for criminal prosecution under Section 15 of the EPA is legally not tenable.

- d. Need for Damage Assessment:** As the company has not caused any environmental damage, there is no need for any damage assessment or imposition of costs. All pollution control measures are in place and will be operational once production begins. **Applicant has not even identified, quantified, pointed out any environmental damage.**
 - e. In any case, since there is absolutely no violation of any Act, Rule, EIA Notification 2006** OR conditions of EC or Consent, there is no question of any legal action OR EDC.
 - f. If the MoEFCC Notification of 29/01/2025 did provide the exemption from EC to Industrial Sheds then that's the lawful exemption at that point of time, which can't be taken away retrospectively.**
- 8. PMRDA Notice:** The company received a notice from the **Pune Metropolitan Region Development Authority (PMRDA)** regarding erection exceeding the permitted area. The company has already replied, clarifying that a new application for building plan approval for the

additional area was submitted on **February 4, 2025**, and an application for the final plan layout was made on **June 19, 2025**, under the MRTP Act and DC Rules.

'ENVIRONMENTAL CLEARANCE' FOR ADDITIONAL CONSTRUCTION

- 9.** Respondent has brought this fact by letter dated 14th July 2025, to the notice of Principal Secretary, Environment Department, Govt. of Maharashtra, who is also the Member Secretary of SEIAA – Maharashtra. **No adverse action has been initiated as there is no violation of EC OR EIA Notification 2006 OR non-compliance of earlier EC condition** has been made out due to change in EIA Notification during 29/01/2025 to 24/02/2025.
- 10. Respondent states that they do not need EC for the additional extension of shed erected by them.**
- 11.** In the Sai Baba Judgement by Hon'ble Supreme Court, it has been clarified that such work done during the period is a legitimate construction and has been protected. The Judgement has clarified that EC would be required if further additional buildings OR construction has to be done beyond

this, which we are not doing as of now. The plant shed is complete as of now.

Point No.23: "The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of non-arbitrariness, a necessary concomitant of the rule of law."

Point No. 25. A Project Proponent is not expected to anticipate the changes in EC regimes, especially as a result of judicial interventions, and keep revisiting the sanctioned clearances by the competent authority or even raze down validly constructed structures. Neither can it be expected to knock the doors of an authority, not empowered at the relevant time, to process its applications. Such a scenario would render the process akin to a *Sisyphean task*, eternally inconclusive and never ending.

12. The applicant / complainant has the option and remedy, **without prejudice to each other** that are independent and other entirely distinct set of Acts, *qua* the act of violation, if any.

a) A complaint and action may be initiated

under Section 15 of the Environment (Protection) Act, 1986 for violation of the EIA Notification, 2006, subject to the allegations being established before the Adjudicating Authority, under Jan Vishwas Act and the amended provisions thereunder. That will be towards the "violation" of the Act OR Notification.

b) The s.15 of the NGT Act 2010 empowers Hon'ble National Green Tribunal to take cognizance of any 'substantial question related to environment' provides for 'relief, compensation, restitution'.

- But Respondent submits that there is ***neither*** 'substantial question related to environment' ***nor*** violation ***nor*** an issue of damage to environment.

13. Considering all the above facts, it is crystal clear that there is no violation of any nature by the Respondent at all. The manufacturing plant with such a huge foreign investment of about Rs.966 Crore is standing in ready-to-operate condition for many months simply due to harassment and false complaints. **This OA has been filed to harass the Respondent and derail the operation of the plant, by obstructing the grant of 'Consent to Operate'.**

- 14.** The 'Consent to Establish' and 'Consent to Operate', both are under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981. **There is no change in production quantity as per CTE. As already explained, the Industrial Shed area was erected when the requirement of EC for Industrial Shed was not there as per Notification 29/01/2025. This is termed as non-applicability of EIA Notification for Industrial Shed that was erected during the period from 29/01/2025 and 24/02/2025. This is admitted by the applicant himself in his OA Page 7, Grounds, Point 8.**
- 15.** Respondent is entitled to the 'Consent to Operate' from MPCB immediately subject to the compliance of conditions of the 'Environmental Clearance' and the 'Consent to Establish.' The MPCB cannot add any conditions and/or restriction to the earlier 'Consent to Establish' now at this stage.
- 16.** The purpose of this frivolous OA is to stop the 'Consent to Operate' from R-1/MPCB which is legitimately due for issue. Therefore, it is absolutely necessary that this OA must be dismissed with cost and by passing speaking orders. Respondent urges and prays to clarify that **R-1 / MPCB should disregard the false allegations based on hearsay letter alleging excess construction without EC.**

It is requested by the Respondent that:

- A.** Dismiss the Original Application at the admission stage only by taking the submissions above on record, as it is devoid of merit and based on unsubstantiated allegations.
- B.** Direct and allow R-1/MPCB to consider the pending application and grant the 'Consent to Operate' after ensuring compliance of conditions of 'Consent to Establish' AND all environmental safeguards.
- C.** MPCB may identify, quantify, impose cost of EDC, and recover from the R-3/PP.
- D.** Pass such other orders as deemed fit in the interest of justice.



Date - 16/09/2025
Place - Pune

Pratap Prakash Adivale
HR MANAGER
Sungwoo Hitech Pune Pvt Ltd

SITE PHOTOGRAPHS

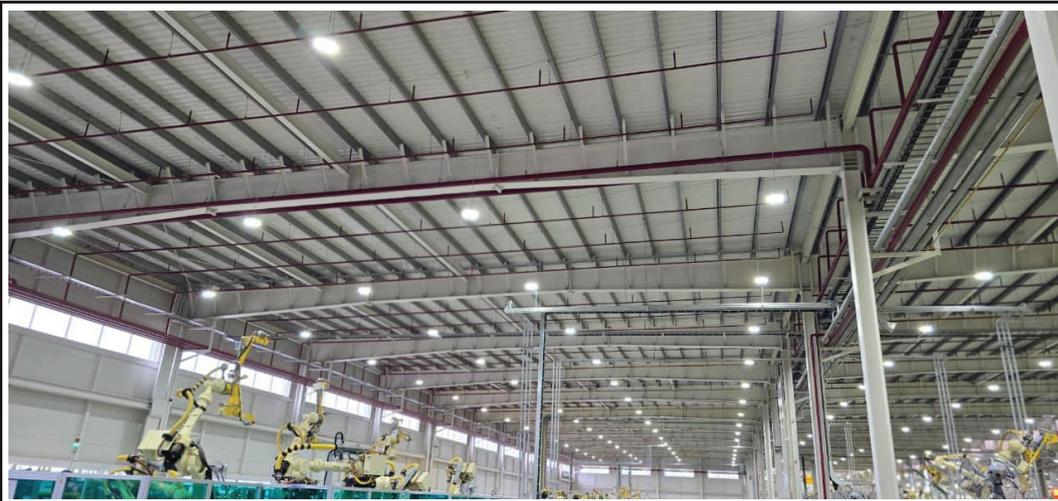
The Pre-Engineered Building (PEB) is not constructed at site.

These all-steel columns and beams are fabricated off-site from sheet metal OR bars. These are only erected at site by using nuts, bolts, and some-time welding.

The sheets above on top are simply laid down on the Galvanized Iron Z Purlins. The erection is done with the mechanical help like crane, hoist.



The interrupted concrete flooring is done all at a time. Since there are no concrete columns, beams, and slabs, to support the higher floors, there is no waiting period of 15 to 21 days for curing.



The entire process does not cause any kind of pollution, dust, fugitive uncontrolled emissions.



All work is of mechanical assemble nature where all components are simply assembled.



The structure was complete and ready in all respect for inspection prior to 24th February 2025. As such the application for 'Consent to Operate' was filed on 3rd March 2025 itself.

TREE PLANTATION



The tree plantation is complete of more than 1100 trees which can be seen along the internal roads.

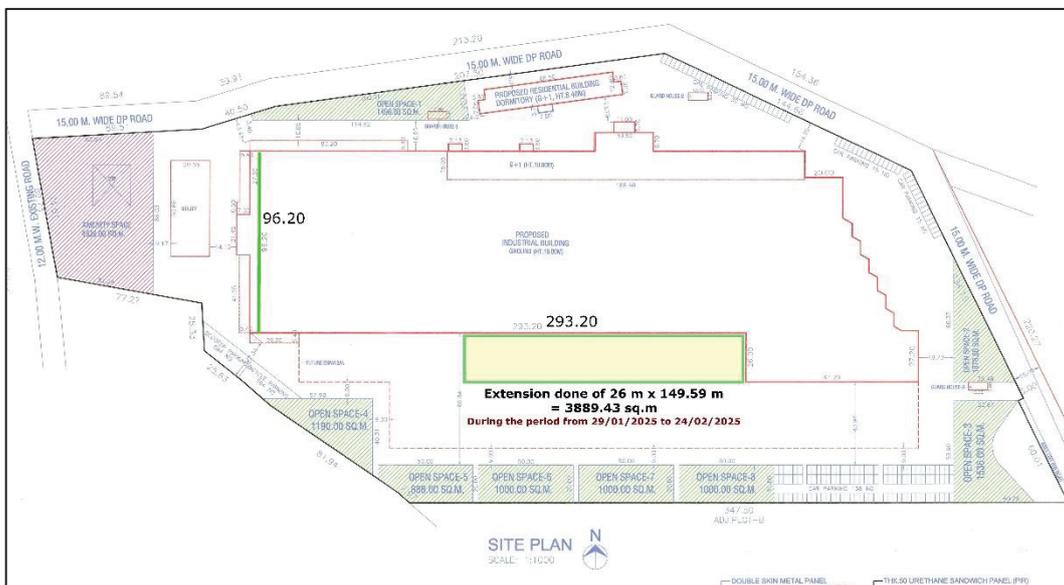


Tree plantation at the boundary of the factory is also complete.

ALLEGED ADDITIONAL CONSTRUCTION

The total shed area of PEB Steel structure that was planned and ordered for erection on site is **41870 sq.m**

The shed width is about 96 m and length is 293 m. One part bay of the shed was extended by erecting the PEB by 26 x 149 m totalling 3889 sq.m. This is hardly 10% of total shed area. [■ Colour Print A3 will be given].



Industrial Sheds did not need EC from **22/12/2014** to **06/03/2024** (almost long 9 years 9 months) **AND** **29/01/2025** to **24/02/2025**.

R-3/PP erected the shed as the requirement of EC was done away from **29/01/2025**, reinforced by **OM** dated **30/01/2025**. [It was also not expected that some Court may strike it down.

Constructions OR erections of Industrial Sheds OR any other exempted structures done between above period are saved as per the ratio in Supreme Court Judgement [2021-11-26 SC Judgement no. 595/2021 Sai Baba Sales v/s UoI]



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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अधिसूचना

नई दिल्ली, 29 जनवरी, 2025

का. आ . 523(अ)— भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय ने अपनी अधिसूचना संख्या का.आ. 60 (अ), तारीख 27 जनवरी, 1994 के द्वारा भारत के किसी भी हिस्से में कोई नई परियोजना शुरू करने या अधिसूचना में शामिल किसी विद्यमान उद्योग या परियोजना के विस्तार या आधुनिकीकरण के लिए पूर्व पर्यावरणीय मंजूरी की आवश्यकता के साथ-साथ कतिपय निर्बंधन और प्रतिषेध भी अधिरोपित थे;

और भारत के उच्चतम न्यायालय ने 'हिंदुस्तान टाइम्स' एंड क्वार्टर फ्लोस दा मैली यमुना बनाम सेन्ट्रल पोल्यूशन कंट्रोल बोर्ड और अन्य के मामले में रिट याचिका (सिविल) संख्या 1994 का 725 और रिट याचिका (सिविल) संख्या 1985 का 4677 में अपने तारीख 12 दिसंबर 2003 के आदेश में कहा था कि भवन निर्माण से पर्यावरण को नुकसान होता है और इसलिए, ऐसी निर्माण परियोजनाओं को 1994 की उक्त अधिसूचना के दायरे में लाने पर विचार किया जा सकता है, इसलिए, उक्त अधिसूचना को संख्या का.आ. 801(अ), तारीख 7 जुलाई, 2004, द्वारा संशोधित किया गया था जिसके अंतर्गत भवन और प्रतिषेध परियोजनाओं की कुछ श्रेणियों को इसके दायरे में लाया गया था तथा पूर्व पर्यावरणीय मंजूरी को आवश्यक बनाया गया था;

और तत्पश्चात केन्द्रीय सरकार ने उक्त अधिसूचना को, संख्या का. आ. 1533 (अ), तारीख 14 सितम्बर, 2006 (जिसे इसमें इसके पश्चात ईआईए अधिसूचना कहा गया है) के अधीन अधिक्रमण कर दिया था, जिसमें अन्य बातों के साथ-साथ इसकी अनुसूची की मद 8 (क) और (ख) के अधीन आने वाली भवन और निर्माण परियोजनाओं तथा नगरी और क्षेत्र विकास परियोजनाओं पर कतिपय निर्बंधन और विनिर्माण लगाए गए थे तथा ऐसे किसी भी क्रियाकलाप के लिए पूर्व पर्यावरण मंजूरी को आवश्यक बनाया गया था;

और तत्पश्चात् केन्द्रीय सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के अधीन 11 सितम्बर, 2014 को एक प्रारूप अधिसूचना प्रकाशित की थी, जिसमें ईआईए अधिसूचना की अनुसूची में मद 8 (क) और (ख) तथा उससे संबंधित प्रविष्टियों के संबंध में संशोधन के लिए सभी संबंधितों से सुझाव और आपत्तियां आमंत्रित की गई थीं तथा प्रारूप अधिसूचना के संबंध में प्राप्त सभी सुझावों और आपत्तियों पर विचार करने और उन्हें सम्मिलित करने के पश्चात् संख्या का.आ. 3252 (अ), तारीख 22 दिसम्बर, 2014 के अधीन अंतिम अधिसूचना जारी की गई थी;

और केरल उच्च न्यायालय, एर्नाकुलम ने रिट याचिका (सिविल) संख्या 2016 की 3097 के मामले में अपने तारीख 6 मार्च 2024 के आदेश के अधीन 'वन अर्थ वन लाइफ बनाम पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय और अन्य' में 22 दिसंबर, 2014 की अधिसूचना को इस आधार पर रद्द कर दिया था कि अंतिम अधिसूचना प्रारूप अधिसूचना से अलग थी, हालांकि मंत्रालय को विधि के अनुसार एक नई अधिसूचना जारी करने की स्वतंत्रता प्रदान की गई थी;

और केरल उच्च न्यायालय के निर्णय के आलोक में, राष्ट्रीय हरित अधिकरण ने मूल आवेदन संख्या 2024 का 93 में 9 अगस्त, 2024 के अपने आदेश के अधीन, अन्य बातों के साथ-साथ, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को ईआईए अधिसूचना की अनुसूची के मद 8 (क) और (ख) के संबंध में सामान्य शर्तों की प्रयोज्यता से संबंधित उपबंधों का अनुपालन करने या इस संबंध में स्पष्टीकरण अधिसूचना जारी करने का निर्देश दिया था;

और केरल उच्च न्यायालय के निर्णय और राष्ट्रीय हरित अधिकरण के आदेश के मद्देनजर, विभिन्न भवन निर्माण परियोजनाओं के लिए पूर्व पर्यावरणीय मंजूरी की प्रयोज्यता के संबंध में उच्चतम न्यायालय के तारीख 12 दिसंबर 2003 के निर्णय का पालन करने के लिए एक नई अधिसूचना जारी करने की तत्काल आवश्यकता है

प्रारूप अधिसूचना उक्त अधिसूचना में संशोधन करने के लिए अधिसूचना संख्या का. आ. 4844 (अ) तारीख 7 नवम्बर, 2024 द्वारा भारत के राजपत्र, असाधारण, भाग 2, खण्ड 3, उपखण्ड (ii) में प्रकाशित की गई थी जिसमें उन सभी से जिनका उससे प्रभावित होना सम्भाव्य है, उस तारीख से, जिसको उक्त प्रारूप अधिसूचना में अन्तर्विष्ट राजपत्र की प्रतियां जनता को उपलब्ध कराई गई थी, साठ दिनों की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे।

और उक्त अधिसूचना की प्रतियां 7 नवंबर, 2024 को जनता को उपलब्ध करा दी गई थी।

और केन्द्रीय सरकार द्वारा, उक्त अधिसूचना के उत्तर में प्राप्त आक्षेपों और सुझावों पर साठ दिनों की अवधि के भीतर सम्यक रूप से विचार कर लिया गया है।

अतः अब केन्द्रीय सरकार, पर्यावरण संरक्षण नियम 1986 के नियम 5 के उप नियम (3) के साथ पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना संख्या का.आ. 1533 (अ), तारीख 14 सितम्बर, 2006 में और निम्नलिखित संशोधन करती है, अर्थात:-

उक्त अधिसूचना की, अनुसूची में, मद 8 और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियों को रखा जाएगा, अर्थात:-

परियोजना या गतिविधि		सीमा रेखा वाली श्रेणी		शर्तें, यदि कोई हों
		क	ख	
(1)	(2)	(3)	(4)	(5)
"8		भवन या संनिर्माण परियोजनाएं या नगरी और क्षेत्र विकास परियोजनाएं		
8(क)	भवन और संनिर्माण परियोजनाएं		> 20000 वर्ग मीटर और < 1,50,000 वर्ग मीटर निर्मित क्षेत्र	इस अधिसूचना के प्रयोजन के लिए "निर्मित क्षेत्र" को, सभी तलों पर इकट्ठे निर्मित या आच्छादित क्षेत्र के रूप में परिभाषित किया गया है जिसके अधीन बेसमेंट और अन्य सेवा क्षेत्र भी हैं जिनका भवन या संनिर्माण परियोजनाओं के लिए प्रस्ताव किया गया है। टिप्पण1 .- परियोजना या कार्यकलापों में औद्योगिक शेड, विद्यालय, महाविद्यालय, शैक्षिक संस्थाओं, के लिए छात्रावास शामिल नहीं होंगे किंतु ऐसे भवन भरणीय पर्यावरणीय प्रबंधन, ठोस और द्रव अपशिष्ट प्रबंधन, वर्षा जल संरक्षण का सुनिश्चय करेंगे और वे पुनः चक्रित सामग्रियों जैसे भस्म ईटों का उपयोग कर सकेंगे।

				टिप्पण2 .- "सामान्य शर्तें "लागू नहीं होंगी।
8(ख)	नगरी और क्षेत्र विकास परियोजनाएं		जो >50 हेक्टेयर के क्षेत्र और या >1,50,000 वर्ग मीटर क्षेत्र को कवर कर रही हैं	इस मद के अधीन आने वाली नगरी और क्षेत्र विकास परियोजनाओं से पर्यावरण समाघात रिपोर्ट अपेक्षित होगी और उनका निर्धारण श्रेणी "ख1" परियोजना के रूप में किया जाएगा। टिप्पण.- साधारण शर्तें "लागू नहीं होंगी।"

[फा.सं .आईए3-3/46/2024- आईए.III]

रजत अग्रवाल, संयुक्त सचिव

टिप्पण: मूल अधिसूचना संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में प्रकाशित किए गए थे और इसमें अंतिम बार अधिसूचना संख्या का.आ. 2215(अ) तारीख 7 जून 2024 द्वारा संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th January, 2025

S.O. 523(E).— WHEREAS the Government of India in the erstwhile Ministry of Environment and Forests *vide* its notification number S.O.60(E) dated the 27th January, 1994 imposed certain restrictions and prohibitions and requiring prior environmental clearance for undertaking any new project in any part of India or the expansion or modernisation of any existing industry or project covered in the notification;

AND WHEREAS the Supreme Court of India in its order dated the 12th December 2003 in WP (C) No. 725 of 1994 and WP (C) No. 4677 of 1985 in the matter of news item published in Hindustan Times titled "And Quiet Flows the Maily Yamuna" *Vs* Central Pollution Control Board and Others observed that building construction causes damage to the environment and, therefore, such construction projects may be considered to be brought within the purview of the said notification of 1994, hence, the said notification was amended *vide* number S.O 801(E), dated the 7th July, 2004 bringing within its purview certain categories of building and construction projects and requiring prior environmental clearance;

AND WHEREAS subsequently the Central Government superseded the said notification, *vide* number S.O. 1533 (E), dated the 14th September, 2006 (hereinafter referred to as the EIA Notification), *inter alia*, imposing certain restrictions and prohibitions on building and construction projects and township and area development projects covered under item 8 (a) and (b) of the Schedule thereof and required prior environment clearance for undertaking any such activities;

AND WHEREAS the Central Government under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, subsequently published a draft notification on the 11th September, 2014, inviting suggestions and objections of all concerned to the amendment in the Schedule of the EIA Notification in respect of items 8 (a) and (b) and the entries relating thereto and after considering and incorporating all the

suggestions and objections received in respect of the draft notification, made the final notification *vide* number S.O.3252(E) dated the 22nd December, 2014;

AND WHEREAS the High Court of Kerala, Ernakulam, *vide* its order dated the 6th March 2024, in the matter of WP (C) No. 3097 of 2016 titled One Earth One Life *vs.* the Ministry of Environment, Forest and Climate Change and Anr., quashed and set aside the notification dated the 22nd December, 2014 on the ground that the final notification was different from the draft notification while granting liberty to the Ministry to issue a fresh notification, in accordance with the law;

AND WHEREAS in the light of judgement of Kerala High Court, the National Green Tribunal, *vide* order dated the 9th August, 2024, in Original Application No. 93 of 2024, *inter alia*, directed the Ministry of Environment, Forest and Climate Change to either comply with the provisions related to the applicability of General Conditions in respect of items 8 (a) and (b) of the Schedule to the EIA notification or to issue a clarificatory notification in this regard;

AND WHEREAS in view of the judgment of the Kerala High Court and the order of the National Green Tribunal, there is an urgent need to issue a fresh notification clarifying the issues for adhering to the judgement of the Supreme Court dated the 12th December, 2003 regarding applicability of prior environmental clearance for various building construction projects;

AND WHEREAS a draft notification for making amendments in the said notification was published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), *vide* number S.O. 4844(E), dated the 7th November, 2024, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date on which copies of the Gazette containing the said draft notification were made available to the Public;

AND WHEREAS copies of the said notification were made available to the public on the 7th November, 2024;

AND WHEREAS the objections and suggestions received in response to the said notification within the period of sixty days have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O.1533(E), dated the 14th September, 2006, namely:—

In the said notification, in the Schedule, for item 8 and the entries relating thereto, the following item and the entries shall be substituted, namely:—

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
“8	Building or Construction projects or Area Development Projects and Townships			
8(a)	Building and Construction projects		≥ 20,000 sq.m. and < 1,50,000 sq. m. of built up area	The term “built up area” for the purpose of this notification is defined as the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects. Note 1.— The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental

				management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks. Note 2.— General Conditions shall not apply.
8 (b)	Townships and Area Development Projects		Covering an area \geq 50 ha and/or built up area \geq 1,50,000 sq. m.	A project of Township and Area Development Projects covered under this item shall require an Environment Impact Assessment report and be appraised as Category 'B1' Project. Note. — General Conditions shall not apply.”.

[F.No. IA3-3/46/2024-IA. III]
RAJAT AGARWAL, Jt. Secy.

Note.—The principal notification was published in the Gazette of India, *vide* number S.O. 1533(E), dated the 14th September, 2006 and was last amended *vide* the notification number S.O. 2215(E) dated 7th June 2024.

File No. IA3-3/46/2024-IA.III [E239970]
Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

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

Dated: 30th January, 2025

OFFICE MEMORANDUM

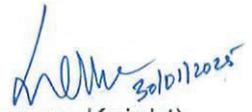
Subject: Clarification on the applicability of the Notification S.O. 523(E) dated 29th January, 2025 – regarding.

In view of the judgment of the Hon'ble High Court of Kerala, Ernakulam, dated 6th March 2024, in WP (C) No. 3097 of 2016 titled One Earth One Life vs. the Ministry of Environment, Forest and Climate Change and Anr., the Ministry following due process has issued final Notification vide S.O.523(E) dated 29th January, 2025.

2. The Ministry now deems it necessary to inform that the clarifications issued vide OMs dated 19th May, 2022 and 4th October, 2022, shall continue to apply in respect of the notification S.O. 523(E) dated 29th January, 2025. The clarifications shall also be applicable within the territorial jurisdiction of High Court of Kerala.

3. Further, it is clarified that the guidelines issued vide OM dated 9th June 2015, to be followed by the building projects to ensure sustainable environmental management, shall continue to apply in respect of the notification S.O.523(E) dated 29th January, 2025.

4. This is issued with the approval of the Competent Authority.


(Dr. J. D. Marcus Knight)
Scientist E

To

1. Chairman/Member Secretary, CPCB.
2. Chairperson/Member Secretaries of all the State/UT, PCBs/PCCs
3. Chairperson/Member Secretaries of all the EACs.
4. Chairperson/Member Secretaries of all the SEIAAs/ SEACs.
5. All Officers of IA Division

Copy to:

1. PS to Hon'ble MEFCC
2. PS to Hon'ble MoS (EF&CC)
3. Sr PPS to Secretary (EF&CC)
4. Sr PPS to DGF&SS (EF&CC)
5. Sr PPS to AS(AG)/Sr PPS to JS(RA)
6. Website, MoEF&CC/Guard File

2021 SCC OnLine SC 1133

In the Supreme Court of India

(BEFORE R. SUBHASH REDDY AND HRISHIKESH ROY, JJ.)

Civil Appeal No. 595 of 2021

Sai Baba Sales Pvt. Ltd. ... Appellant(s);

Versus

Union of India and Others ... Respondent(s).

With

Civil Appeal No. 5768 of 2021

Civil Appeal No. 595 of 2021 and Civil Appeal No. 5768 of 2021

Decided on November 26, 2021

The Judgment of the Court was delivered by

HRISHIKESH ROY, J.:— Heard Mr. Huzefa Ahmadi, learned senior counsel appearing for the appellant in Civil Appeal No. 595/2021. Mr. Lonkar Nitin representing the Original Applicant before the National Green Tribunal. Ms. Aishwarya Bhati, learned Additional Solicitor General of India appears for the Ministry of Environment & Forest. The Government of Maharashtra and the State Pollution Control Board are represented by Mr. Rahul Chitnis and Mr. Mukesh Verma, learned counsel respectively.

2. These two appeals are filed under Section 22 of the National Green Tribunal Act, 2010 (for short "the NGT Act") assailing the judgment and final order dated 18.1.2021 in the OA No. 83/2019. Under the impugned judgment, the NGT held that further construction cannot be made without environment impact assessment, but protected the constructions already made by the appellant, M/s Sai Baba Sales Pvt. Ltd. ("Project Proponent") on the basis of the Environmental Clearance ("EC" for short) issued by the Pimpri Chinchwad Municipal Corporation ("PCMC" for short) as per the notification dated 9.12.2016. The Original Applicant, on the other hand, is aggrieved by the decision of the NGT to protect the standing construction and limiting the impact of the impugned judgment on further construction to be made by the project proponent.

3. The main issue that arises for consideration in these matters is whether the Project Proponent herein possesses a validly granted Environmental Clearance (EC) under the Environmental Impact Assessment (EIA) notification dated 14.9.2006. The 2006 EIA notification provided that the projects above 20,000 sq. meter and below 1,50,000 sq. meter should obtain an EC from the State Environment Impact Assessment Authority (SEIAA) of the Ministry of Environment, Forest and Climate Change (MoEFCC).

4. For deciding the issue, the necessary facts in brief are that the Project Proponent initially conceived a project of 15,040 sq. mtrs. (below the EC threshold limit of 20,000 sq. mtrs.) and it approached the PCMC for a lay out order which was a prerequisite, to obtain an EC from the SEIAA of the MoEFCC. The application was processed and the Building Permission Department of the PCMC granted the commencement certificate to the Project Proponent for an area of 15,040 sq. mtrs. and approved the plan under the sanction letter dated 14.5.2013. With such permission, the Project Proponent could construct the permitted structures, and since the built up area was less than the threshold limit of 20000 sq. mtrs., the EC permission was not needed for the intended construction.

5. The Project Proponent builder then applied and was granted additional FSI as it intended to expand the project to one with built up area of 49,012 sq. mtrs. and for

this they approached the PCMC for a lay out order, which as noted earlier was essential to obtain an EC from the SEIAA of the Ministry of Environment, Forest and Climate Change (MoEFCC). The required approval was issued by the Corporation on 28.11.2016.

6. Under the Ministry's notification dated 9.12.2016, the EIA regime was altered to indicate that the EC could be obtained from the Environmental Cell of a local authority, such as the PCMC. The State of Maharashtra opted for the new regime and adopted the environmental condition stipulated in the MoEFCC notification dated 9.12.2016. This was followed by the communication of the MoEFCC on 7.7.2017 which clarified that separate environmental clearance is not required for projects upto 1,50,000 sq. mtrs. built up area in respect of municipal corporations in Pune and Konkan division.

7. The Project Proponent then filed an application for EC under the 2016 notification which was considered by the Environmental Cell of the PCMC which appraised the project, as contemplated in the notification dated 9.12.2016. The necessary permission for construction to the builder was issued on 28.11.2017, stipulating the environmental conditions for buildings and constructions and this permission was accorded as per the amended regime under the notification dated 9.12.2016 of the MoEFCC and consequential one dated 13.4.2017 of the Maharashtra Government.

8. While the matter stood thus, the NGT while considering the challenge by certain applicants to the exemption from EC, in a batch matter, quashed certain portions of the MoEFCC notification dated 9.12.2016. The NGT in the analogous judgment dated 8.12.2017 in the OA No. 677/2016 (*Society for Protection of Environment and Biodiversity v. Union of India*) and other cases, directed the MoEFCC to revisit its notification dated 9.12.2016 and to take appropriate steps to amend/rectify certain clauses in the Ministry's notification, in terms of the NGT's judgment.

9. Nearly two years after the Project Proponent secured construction permission on 8.12.2017 from the PCMC, the OA No. 83/2019 was filed by the Pune resident (respondent No. 10) with the allegation that the Project Proponent had made construction without obtaining any EC. In this proceeding the NGT constituted a three Member Committee comprising the SEIAA - Maharashtra, the State PCB and the Municipal Commissioner, Pune. The Committee, after spot verification, in its Report dated 18.8.2020 noted that construction of total built up area of 22930.17 sq. mtrs. is already completed for Building Nos. A, E, B, D and the Club House. Thereafter, the NGT considered the submission of the original applicant, who contended that while the authority to grant EC is SEIAA as per the EIA notification dated 14.9.2006, the EC for the project in question was granted by the PCMC. The NGT in its order on 17.11.2020, in the first round, opined that the constructions were irregular and remedial measures were directed for the project in question.

10. The above order of the NGT was challenged before this Court and the Project Proponent's CA No. 3893/2020 was allowed on 11.12.2020 whereby, the NGT's order was set aside and the matter was remitted back to the NGT to afford hearing to the appellants and to pass a fresh order.

11. The case of the Project Proponent as can be seen from the pleadings was that he had initially commenced construction on 14.5.2013 with a sanction plan of 15040.05 sq. mtrs., which, being lesser than the threshold limit of 20,000 sq. mtrs, did not require a prior EC. Thereafter, for the proposed expansion of the project, for total constructed area of 49,012 sq. mtrs., the Project Proponent approached the concerned authority on 7.11.2016 for issuance of "Proposed Development Certificate", which is a prerequisite to apply for EC, and the said certificate was granted on 28.11.2016 for the purpose of obtaining the EC from the SEIAA. But at that stage, by virtue of the MoEFCC notification dated 9.12.2016, the concerned local authority was designated as the sanctioning authority for projects between 20,000 sq. mtrs. and

50,000 sq. mtrs. and accordingly under the changed regime the Project Proponent applied to PCMC on 10.7.2017 and was sanctioned EC by the competent local authority, on 28.11.2017.

12. It is the further contention of the Project Proponent that when the NGT on 8.12.2017 had invalidated certain portions of the 2016 notification, it did not issue any order nullifying those ECs which were granted by the local authority under the altered regime.

13. The original applicant on the other hand, contended that when the NGT struck down certain provisions of the MoEFCC's 2016 notification, the 28.11.2017 EC granted by the Municipal Corporation, would not legitimize the construction and therefore the Project Proponent should be prevented from proceeding with the construction and also be penalized for the unauthorized construction.

14. The NGT then observed that because of the invalidation of certain clauses in the 2016 notification, the EC obtained from the PCMC is unacceptable and accordingly rendered a finding that the Project Proponent had failed to obtain the valid EC. The maintainability challenge of the OA on the ground of limitation was however rejected by observing that the cause of action arose only in 2017 when the builder allegedly exceeded the threshold limit of 20,000 sq. mtrs. Accordingly, the authorities were directed to take coercive action against the Project Proponent for construction done after 8.12.2017, when the NGT's judgment was rendered in the OA No. 677/2016. However, even with such finding having regard to the regime that existed at the relevant time and adverting to the ratio in *Goan Real Estate and Construction Ltd. v. Union of India*,¹ the NGT held that the construction already raised should be protected. However, further construction should be permitted only after securing the EC from the competent authority, under the current regime.

15. The picture which emerges from the above discussion is that when the Project Proponent initially wanted to apply for the EC it had obtained the requisite layout sanction for applying to the SEIAA. As such, it was operating well within the applicable procedure, prior to the amendment. After grant of such sanction, while the construction was underway, the amendment came about on 9.12.2016 whereby, the local authority such as the Municipal Corporation was made the competent authority to grant EC. In the changed circumstances, the Project Proponent necessarily had to apply to the PCMC as during the interregnum before the NGT's judgment on 8.12.2017, SEIAA was not the competent authority to consider application for EC. The Project Proponent was therefore, complying with the regime set out by the amended notification. It is apposite to note that the Committee appointed by the NGT, in its report dated 11.8.2020 had clearly indicated that when the Project Proponent had received the EC on 28.11.2017, the competent authority to issue the EC was the Environmental Cell of the PCMC. Thus, it is the discernible understanding as part of the NGT's own expert Committee that the Project Proponent had obtained the EC from the competent authority of the relevant time i.e. the PCMC. Interestingly, the constituted Committee also included a member of the SEIAA.

16. Moreover, only after the earlier judgment of the NGT on 8.12.2017 in the OA No. 677/2016, the State of Maharashtra issued a clarification on 29.1.2018 directing that the Municipal authorities should not process pending applications. But neither the decision of the NGT nor of the Maharashtra Government categorically gave any guidance as to the implication on the EC obtained by the Project Proponent, on the strength of which, a substantial measure of construction was already made. It is also necessary to note that in the subsequent notification issued on 14.11.2018 and 15.11.2018 by the MoEFCC, the power to grant EC continued to vest in the local authority such as the PCMC, with the only change being that it is the municipality itself and not its Environmental Cell which is empowered to grant the EC. For the sake

of completion, it may be recorded that the said notifications of the MoEFCC is stayed by the Delhi High Court on 26.11.2018 in the WP(C) No. 12517/2018.

17. It is important to bear in mind that the Committee constituted by the NGT to report on the building project did not underscore any major deviation but instead found that the Project Proponent had made substantial compliance by obtaining the EC from the competent local authority. Moreover the OA, neither before the NGT or this Court, ever contended that appraisal done by the PCMC's Environmental Cell was defective or any different from one done by SEIAA. Both processes are also similarly structured. This may be the reason why the NGT in the impugned judgment itself protected the already made construction. However, the Project Proponent was restrained from making any further construction without obtaining clearance from the statutory EC and adhering to the environmental norms.

18. The project of the appellant comprises six buildings of which three were constructed in full, and the super structure of the fourth building is completed and only the internal works remains to be done. In the fourth building, 40 out of the 64 apartments have already been sold. In this context, it would be appropriate to advert to the submission of Ms. Aishwarya Bhati, the learned ASG who had clearly stated that at the relevant time, the competent authority to grant EC is the PCMC and not the SEIAA and therefore the internal works for the fourth constructed building, can be allowed to be completed.

19. Considering the above circumstances, the NGT rightly protected the already erected buildings and this protection in our view, should not be impacted by the earlier judgment of the NGT on 8.12.2017 in the OA No. 677/2016 whereby certain portions of the MoEFCC's 9.12.2016 notification were invalidated and direction was issued to the Ministry to revisit the said notification. Importantly, neither the NGT's invalidation order nor the subsequent clarifications by the State of Maharashtra, have suggested any adverse action against the pre-existing structures. As the expert body exclusively occupying the environmental field, the NGT has assessed the factual circumstances to consciously lean towards protecting the already constructed structures. Nothing more need be added on this aspect. It is also not necessary in this appeal to venture into the question of the retrospective implication of the invalidation of certain parts of the 2016 Notification for other project proponents, which may have gained their ECs in the interregnum.

20. In situations of this nature, the Doctrine of *Legitimate Expectation* is attracted. The principle of the rule of law as explained in *De Smith's Judicial Review*, such as, Regularity, Predictability and Certainty in Government's dealings with the Public, must operate in the present matter. The Project Proponent can legitimately expect a certain degree of stability in the manner in which environmental regime is set and how the applications are processed. The actions of the authorities are expected to adhere to the prevalent norms only, without the element of uncertainty for the executed project.

21. In the above context we may benefit by referring to the seminal case of *Attorney General of Hong Kong v. Ng Yuen Shiu*², where Lord Fraser speaking for the Privy Council, appositely observed thus,

"... when a public authority has promised to follow a certain procedure, it is in the interest of good administration that it should act fairly and should implement its promise, so long as implementation does not interfere with its statutory duty."

22. This Court in *Sethi Auto Service Station v. Delhi Development Authority*³, speaking through Justice D.K. Jain, has cited other opinions and elucidated on the concept of *legitimate expectation*, in the following manner,

"24. The House of Lords in *Council of Civil Service Unions v. Minister for the Civil Service*, a locus classicus on the subject, wherein for the first time an attempt was made to give a comprehensive definition to the principle of legitimate expectation.

Enunciating the basic principles relating to legitimate expectation, Lord Diplock observed that for a legitimate expectation to arise, the decision of the administrative authority must affect such person either

(a) **** *
(b) **by depriving him of some benefit or advantage which either : (i) he has in the past been permitted by the decision maker to enjoy and which he can legitimately expect to be permitted to continue to do until some rational ground for withdrawing it has been communicated to him and he has been given an opportunity to comment thereon or (ii) he has received assurance from the decisionmaker that they will not be withdrawn without first giving him an opportunity of advancing reasons for contending that they should be withdrawn."**

(emphasis supplied)

23. The Doctrine of *Legitimate Expectation* is further explained in *Food Corporation of India v. Kamdhenu Cattle Feed Industries*⁴ where for a Three-Judge Bench of this Court Justice J.S. Verma observed thus:—

"The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of non-arbitrariness, a necessary concomitant of the rule of law. Every legitimate expectation is a relevant factor requiring due consideration in a fair decision-making process. Whether the expectation of the claimant is reasonable or legitimate in the context is a question of fact in each case. Whenever the question arises, it is to be determined not according to the claimant's perception but in larger public interest wherein other more important considerations may outweigh what would otherwise have been the legitimate expectation of the claimant. A bona fide decision of the public authority reached in this manner would satisfy the requirement of non-arbitrariness and withstand judicial scrutiny. The doctrine of legitimate expectation gets assimilated in the rule of law and operates in our legal system in this manner and to this extent."

24. The more compelling public interest might possibly diminish the degree of *legitimate expectation* for a party but a balance has to be found. In the present matter the appellant has acted on the EC and made substantial investments. They cannot be pushed to a precipice and be made to fall. Doing so would be inequitable particularly when, the appellant has scrupulously adhered to the applicable legal framework during the concerned period. Moreover, third-party interests have also cropped up in the interregnum.

25. A Project Proponent is not expected to anticipate the changes in EC regimes, especially as a result of judicial interventions, and keep revisiting the sanctioned clearances by the competent authority or even raze down validly constructed structures. Neither can it be expected to knock the doors of an authority, not empowered at the relevant time, to process its applications. Such a scenario would render the process akin to a *Sisyphian task*, eternally inconclusive and never ending.

26. As seen, the NGT in the impugned judgment has protected the completed construction and, on this aspect, we deem it appropriate to endorse the same, by accepting the submission of the appellant's Counsel and the learned ASG. The four constructed buildings are resultantly to be treated to be under a valid EC with all legal consequences. It is, however, made clear that if any further construction is proposed by the appellant with the sanctioned layout, the same should not be done on the strength of the EC granted on 28.11.2017 by the PCMC. In other words, if the Project Proponent wishes to construct the remaining buildings, they must secure fresh

clearance from the competent authority, as per the currently applicable framework. It is ordered accordingly.

27. With the above order, the appeals are disposed of without any order on cost.

¹ (2010) 5 SCC 388

² (1983) 2 AC 629 : (1983) 2 WLR 735

³ (2009) 1 SCC 180

⁴ (1993) 1 SCC 71

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T.C



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PRAVIN RATHOD & ASSOCIATES

ARCHITECTS, INTERIOR & LANDSCAPE DESIGNER

Date: 21st February 2025

Ax. D

To,
The Managing Director
M/s Sungwoo Hitech Pune Pvt Ltd
Gat No. 35 to 38 and 42,
RMK ParkV, Village Mangrul, Pune – 410507

**Subject: Certification of Completion for Supply and Erection of additional shed;
of 3889.43 m² - Request for Clearing Invoice dated 19 February 2025**

Respected Sir/Madam,

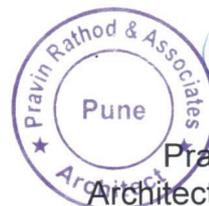
This is to certify that, as appointed Architect for RMK Industrial Park V – SUNGWO HITECH PUNE PVT LTD located at Gat No. 35(P), 36, 37, Village Mangrul, Tal. Maval, Dist. Pune – 410507, the supply and erection of the additional shed (measuring 26 x 149.59 m = 3,889.43 m²) has been fully completed in all respects as per the approved design and specifications.

A thorough inspection and audit confirms that the construction work meets the stipulated standards and has been executed to the entire satisfaction of both client and consultant.

Accordingly, the invoice dated 19 February 2025, pertaining to this completed work, is recommended for clearance and payment.

Thanking you,

Yours faithfully,



Pravin Rathod
Architect (CA/2018/92492)

PRAVIN RATHOD & ASSOCIATES

ARCHITECTS, INTERIOR & LANDSCAPE DESIGNER

Date: 09th Aug. 2025

To,
Member Secretary,
SEIAA, MoEF&CC,
Government of Maharashtra,
Annexe Building,
Mantralaya, Mumbai-400032

Subject: Architect certificate for construction done at site.

We have appointed as an Architect for RMK Industrial Park V - SUNGWO HITECH PUNE PVT LTD. As per the audit conducted on site for of RMK Industrial Park V - SUNGWO HITECH PUNE PVT LTD. Located at Gat No. 35(P), 36, 37, Village Mangrul, Tal. Maval, Dist. Pune – 410507. It has been confirmed that the initial construction activity was started after grant of Environmental Clearance dated 3rd January 2025; vide letter no: **EC24C3806MH5724473N**.

As per MoEF&CC notification vid no-**S.O.523 (E) dated 29th January 2025**, "The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks" Hence, from 29th January 2025, being an industrial shed, the project was exempted from purview of EIA notification.

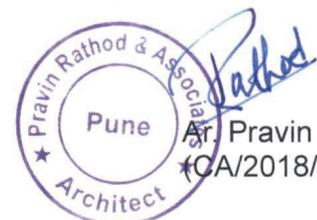
Since, the Hon'ble Supreme Court of India, via an **interim order dated 24th February 2025**, stayed the operation of **S.O.523 (E) dated 29th January 2025** and Office Memorandum. As a result, all industrial shed with BUA more than 20000 Sqm are again under purview of EIA notification, 2006 until further judicial or regulatory clarification.

During the period i.e. from 29th January 2025 to 24th February 2025, RMK Industrial Park V - SUNGWO HITECH PUNE PVT LTD have extended the shed by **3889.43Sqm** resulting in total BUA of **45760.27 m²**.

RMK Industrial Park V - SUNGWO HITECH PUNE PVT LTD has completed the entire construction work i.e 45760.27 m² before the stay order of Honourable Supreme Court dated **24th February 2025**.

Following are the Areas of construction done on site:

As per EC			AS per Construction done on site		
FSI (m ²)	Non- FSI (m ²)	TBA (m ²)	FSI (m ²)	Non- FSI (m ²)	TBA (m ²)
40870.84	1000	41870.84	3,889.43	1000	45760.27


Ar. Pravin Rathod
(CA/2018/92492)



BEFORE THE HONOURABLE

**NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE****ORIGINAL APPLICATION NO. 111 /2025 (WZ)****V A K A L A T N A M A**

BETWEEN

PREMNATH SINGH

.....

Applicant

VERSUS

**'MAHARASHTRA POLLUTION
CONTROL BOARD' AND OTHERS**

.....

Respondent/s

We hereby appoint the following Advocate/s to represent us before any statutory Authority, Board, Tribunal, Court and sign wherever required in relation to this in good faith, on our behalf.

Raghunath B. Mahabal रघुनाथ भालचंद्र महाबळ

A - 2, 3, 4, 5, Kakade Angan, A-Building, 1st floor, Opp. Talera Hospital,
Chinchwad Gaon, Tanaji Nagar, Pune – 411033 (DIGIPIN 4FP-3J2-J798)

Google Location: <https://maps.app.goo.gl/m4QFww9wUzfENvzX9>

along with any other Advocates that would be appointed by him.

ACCEPTED SUBJECT TO PAYMENT OF FEES.

**Adv. Raghunath Mahabal**Date : **16/09/2025**Place : **Pune**

Kim Muyong, Managing Director
Sungwoo Hitech Pune Pvt Ltd
Respondent No. 3



VERIFICATION AND AFFIDAVIT

I, **Pratap Prakash Adivale**, age 38 years, am working as head of environment of Respondent No. 3, M/s. Sungwoo Hitech Pune Pvt. Ltd.

I am working with this company from 1st June 2024 and was present during the construction at site. I have gathered the necessary information from records. I have verified all the submissions above. I have not suppressed any relevant information and material facts.

I am submitting this affidavit in reply on solemn affirmation and oath.

Pratap Prakash Adivale x

Date – 16/09/2025
Place - Pune

Pratap Prakash Adivale
Sungwoo Hitech Pune Pvt Ltd

Identified by:
Advocate Raghunath Mahabal
High Court Bombay Roll No. MAH/349/2012



BEFORE ME

SUNIL D. AWARE
NOTARY
GOVT. OF INDIA
Chinchwad, Pune-411 037
16 SEP 2025
Noted & Registered at Serial Number -

586
2025