



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

ORIGINAL APPLICATION NO. 51/ 2021 (WZ)

Mr.Sayyed Mohammed Sabir UsmanApplicant

Versus

The Principal Secretary, Govt of
Maharashtra and Ors.Respondent(s)

Reply Affidavit on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 3 in compliance of this Hon'ble Tribunal Order dated 17/2/2023.

I, Tanaji Yadav, Age-adult , Occupation -Service , the Sub-Regional Officer of the Maharashtra Pollution Control Board at Mumbai-I , having my office address at Kalpataru Point, 1st Floor, Near Sion Circle, Sion (East), Mumbai-400 001, do hereby state on solemn affirmation as under:-

- 1) I am filing this Reply Affidavit in compliance of this Hon'ble Tribunal order dated 17/2/2023 on behalf of the Respondent No.3 i.e. Maharashtra Pollution Control Board before this Hon'ble Tribunal.
- 2) I say and submit that the Applicant has filed the present application against the violation of environmental norms by the Respondent No.7/ Project Proponent-M/s.Dudhwala Real Estate and Investment , Mumbai in developing a housing project -Dudhwala Aquapearl situated at City Survey No.226

Tanaji

of Byculla Division at 258, Retreat Compound, Bellasis Road, Near ST Depot , Mumbai Central , Dist- Mumbai.

- 3) I say and submit that the Respondent Board had granted Consent to Establish on 5/11/2009 to Respondent No.7-Project Proponent for the development of land/plot as new construction activities for construction of residential project named as M/s.Dudhwala Real Estate & Investment at CS No.226 of Byculla Division, situated at 258, Retreat Compound , Bellasis Road, Near ST Depot , Mumbai Central on total plot area of 4994 sq.mtrs., total built up area of 13613.49 sq.mtrs. and construction built up area of 28024.53 sq.mtrs., which was valid till commissioning of the project or five years whichever is earlier, on certain terms & conditions, wherein, one of the condition was not to take any effective steps for implementation of the project before obtaining Environment Clearance. A copy of the Consent to Establish dated 5/11/2009 is annexed herewith as an **Exhibit-A**.
- 4) I say and submit that the Respondent No.7-Project Proponent had obtained Environment Clearance from the Environment Department, Government of Maharashtra on 30/6/2012 for total plot area of 4,994 sq.mtrs for the aforesaid project. I say and submit that the Respondent No.7-Project Proponent had obtained amended Environmental Clearance vide letter dated 20/5/2016 for the total built up area of 42,565.53 sq.mtrs.

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- 5) I say and submit that on the basis of the non-compliance observed during the visit of the official of the Respondent - Board on 30/9/2020, the Respondent -Board had issued Proposed Directions vide letter dated 8/1/2021 for completing the construction of 28th floors of the building and had handed over the possession upto 20th floor without obtaining part Consent to Operate for completed part of the project from the MPCB, failure to obtain revalidation of Consent to Establish valid upto 4/11/2014, non-operation of STP, failure to provide OWC. A copy of the Proposed Directions dated 8/1/2021 is annexed herewith as an **Exhibit-B**.
- 6) I say and submit that the Respondent Board had granted Revalidation of Consent to Establish with expansion for redevelopment of construction project to the Respondent No.7-Project Proponent on 7/10/2021 at the aforesaid site for redevelopment of construction project of total plot area of 4,994 sq.mtrs. for total construction BUA of 42,565.53 sq.mtrs. as per Environment Clearance granted on 20/5/2016, which is valid till the commissioning of the project or co-terminus with the validity of Environment Clearance dated 20/5/2016, whichever is earlier. A copy of the revalidation of Consent to Establish dated 7/10/2021 with expansion for redevelopment construction project is annexed herewith as an **Exhibit-C**.

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- 7) I say and submit that the Respondent Board had granted Consent to Operate (1st Part) to Respondent No.7-Project Proponent, for redevelopment of construction project at the aforesaid site vide letter dated 20/10/2021 on total plot area of 4994.0 sq.mtrs. for part construction BUA of 24,392 sq.mtrs. out of total construction BUA of 42,565.53 sq.mtrs. as per Environment Clearance granted on 20/5/2016, which was valid till 30/6/2022. A copy of the Consent to Operate (1st part) dated 20/10/2021 for redevelopment of construction project is annexed herewith as an **Exhibit-D**.
- 8) I say and submit that the Respondent Board had extended personal hearing to the Respondent No.7-Project Proponent on 30/11/2021 and accordingly, the Respondent Board has issued Interim Directions to the Respondent No.7-Project Proponent vide letter dated 22/12/2021 and directed not to handover the flat above 20th floor before obtaining Consent to Operate and OC from the competent authority, to operate STP round O'clock, to provide OWC and operate regularly etc. A copy of the Interim directions dated 22/12/2021 is annexed herewith as an **Exhibit-E**.

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- 9) I say and submit that the Respondent No.7-Project Proponent had applied for Consent to Operate vide UAN No.0000142469 to the Respondent Board for the above project. After scrutinizing the said application, the Respondent Board has issued show cause notice to the Respondent No.7- Project Proponent vide letter dtd.5/8/2022, for applying with less capital investment as compare to earlier application for consent, for not submitting C.A. Certificate etc. A copy of the show cause notice dated 5/8/2022 is annexed herewith as an **Exhibit-F**.
- 10) I say and submit that in response to the show cause notice dtd.5/8/2022, the Respondent No.7-Project Proponent had submitted required documents. Accordingly, the Respondent-Board has issued Renewal of Consent to Operate for 1st (Part) & Consent to 1st Operate for Part-II for redevelopment of construction project at the aforesaid site to the Respondent No.7 -Project Proponent on 21/10/2022 on certain terms and conditions, which is valid for a period upto 30/6/2025. A copy of the Renewal of Consent to Operate for 1st (Part) & Consent to 1st Operate for Part-II dated 21/10/2022 is annexed herewith as an **Exhibit-G**.
- 11) I further say and submit that in the meantime, the Respondent Board in compliance of this Hon'ble Tribunal order dated 23/7/2021 had filed the Joint Committee Report before this

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Hon'ble Tribunal on 9/5/2022, which was taken on record by the Hon'ble NGT. At the time of visit on 1/12/2021, the Joint Committee observed that the STP and OWC were in operation.

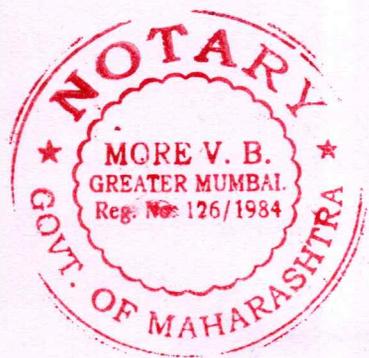
Solemnly affirmed on this 19th day of April, 2023 at Mumbai.

I know the affiant,

For and on behalf of MPCB – Respondent No.3

ADVOCATE

Tanaji
(Tanaji Yadav)
Sub-Regional Officer-Mumbai-1



BEFORE ME
Vasant B. More
12/4/2023
VASANT B. MORE
Notary Gr. Mumbai

REGISTER Sr. No. / 2023

REGISTER ON NOV 11 2023



MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 2402 0781 / 2401 0437

Fax : 2402 4068

Visit us at :

Website : <http://mpcb.mah.nic.in>

E-mail : Infrastructure@mpcb.mah.nic.in



Kalpataru Point,
2nd, 3rd & 4th floor,
Opp. Cineplanet,
Near Sion Circle, Sion (E),
Mumbai - 400 022.

Consent No. BO/RO (P&P)/EIC No. MU-1195-09/E/CC-393 Date: 05/11/2009
Consent to Establish is granted to M/s. Dudhwala Real Estate & Investment

CS no. 226, Byculla Division situated at 258,
Retreat Compound, Bellasis Road,
Mumbai Central, Mumbai 400 008.

located in the area declared under the provisions of Water Act (P&CP) 1974, Air Act (P&CP), 1981 and Authorization under the provisions of H.W (M & H) Rules and amendments thereto subject to the provisions of the Acts and the Rules and the Orders that may be made further and subject to the following terms and conditions :-

1. **The Consent to Establish is valid up to Commissioning of the Project or five years whichever is earlier.**

For development of land/plot as new construction activities for construction of Residential project named as **M/s. Dudhwala Real Estate & Investment**, CS no. 226, Byculla Division situated at 258, Retreat Compound, Bellasis Road, Mumbai Central, Mumbai 400 008, **on total plot area of 4994 Sq mtrs, total Built up area of 13613.49 Sq mtrs & construction built up area 28024.53 Sq. mtrs** including utilities for residential project and services as per construction commencement certificate issued by local body.

2. **CONDITIONS UNDERT WATER (Prevention & Control of Pollution) ACT, 1974: -**

- (i) The quantity of sewage effluent from above construction project shall not exceed **151 M³/Day**.

- (ii) **Sewage Effluent Treatment:** The Applicant shall provide a comprehensive sewage treatment plant and treatment as is warranted with reference to influent quality and corresponding mode of disposal and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards: -

(1)	pH	Not to exceed	6.5 to 9.0	
(2)	Suspended Solids	Not to exceed	100	mg/l.
(3)	BOD 3 days 27 CC.	Not to exceed	20	mg/l.
(4)	Fecal Coliform	Not to exceed	500/100/l	ml.
(7)	Residual Chlorine	Not to exceed	01	mg/l.
(8)	Detergent	Not to exceed	01	mg/l.
(9)	Floating matters	Not to exceed	10	mg/l
(10)	COD	Not to exceed	50	mg/l

- (iii) **Sewage effluent Disposal: -**

The treated domestic effluent shall be 80% recycled and reused for flushing, fire fighting and cooling of Air conditioners and remaining shall be discharged to Municipal sewer. In no case, effluent shall find its way to any water body directly/indirectly at any time.

- (iv) **Non-Hazardous Solid Waste: -**

The total quantity shall be segregated and treated as follows: -

Sr	Type of Segregated solid waste	Quantity	Treatment	Disposal
1	Biodegradable	561.68	Composting	Used as Manure
2	Non Biodegradable	Kg/Day		MCGM site



EC-2012
11/Dec/EC
29,2576 Sqm

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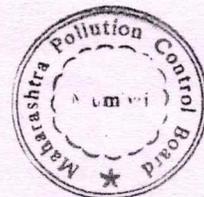


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3. Other Conditions (During Construction Phase): -

1. All activities shall be in resonance with the provisions of Indian Forest Act, 1927 (16 of 1927), Forest (Conservation) Act, 1980 (69 of 1980) and Wildlife (Protection) Act, 1972 (53 of 1972), and special notification published for area wherever applicable and all the Environmental Statutes and Instruments.
2. This Consent to Establish is issued only for New Construction/Developing Construction Project purposes.
3. No quarrying activities shall be commenced in the area unless appropriate permissions are obtained for a limited quarrying material required for construction of local residential housing and traditional road maintenance work, provided that such quarrying is not done on Forest Lands and the material is not exported to the outside area.
4. There shall be no felling of trees whether on Forest, Government, Revenue or Private lands except as per prevailing Rules.
5. Extraction of Groundwater for the project shall require prior permission of the State Ground Water Authority or other relevant authorities, as applicable;
6. Near the activities that are related to water (like activity of water parks, water sports) and/or in the vicinity of lake, Dissolved Oxygen shall not be less than 5 mg/liter.
7. In order to ensure that the water from this project do not enter into outside environment, the nallas crossing the township/complex premises, shall be lined, covered and made water tight by the applicant within the premises with intermittent inspection of chambers following good engineering practices as per the regulations of local body.
8. The Applicant shall prepare management plan for water harvesting, roof-water reclamation, water/storm water conservation and implement the same before handing over of complex for occupation.
9. Applicant shall provide 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.
10. The Applicant shall draw plans for the segregation of solid wastes into biodegradable and non-biodegradable components. The biodegradable material shall be recycled through scientific in-house composting (i.e vermi-composting facility within premises) with the approval of local body. The proper demarked area shall be identified for collection & storage of MSW properly which, shall be finally disposed off at approved Municipal Solid Waste landfill site of local body environmentally acceptable location and method. It is clarified that the term solid waste includes domestic, commercial, and garden wastes, but does not include hazardous and bio-medical wastes. The activities of bio-composting and engineered landfill shall be as per the Municipal Solid Waste (M&H) Rules, 2000.
11. Applicant shall be responsible to take adequate precautionary measures as detailed in this consent.
12. The applicant/generator shall be responsible for safe and scientific collection, transportation, treatment and disposal of Bio-Medical Waste as per the provisions made under the Bio-Medical Waste (Management & Handling) Rules, 1998. Any activity as defined under BMW (M & H) Rules has to obtain a separate Authorization from Maharashtra Pollution Control Board.
13. For disinfections of waste water ultra violet radiation shall be used in place of chlorination
14. Vehicles hired for construction activities should be operated only during non peak hours.

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15. Ready mixed concrete used in building construction should apply separately for consent from the Board.
16. The applicant, during the construction stage shall provide
- Septic tank and soak pit of adequate capacity for the domestic effluent generated due to workers residing at site.
 - Proper loading and unloading of construction material, excavated material and its proper disposal as per MSW (M&H) Rules 2000.
 - Cutting of trees is not permitted, however in unavoidable conditions necessary permission from the local body shall be obtained.
 - Green belt of 33% of the open space shall be developed.

4. The Applicant shall comply with all the provisions of, the Water (Prevention and Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and Rules as Amended, 2003 and Rules there under:-

The daily water consumption for the following categories shall not exceed, as under

(i) **Domestic**

(In CMD)

- | | |
|--------------------------|-----|
| a) Domestic | 172 |
| b) Fire Fighting | -- |
| c) Swimming | -- |
| d) Flushing | -- |
| e) Agriculture/Gardening | 02 |

5. **CONDITIONS UNDER AIR (Prevention & Control of Pollution) ACT, 1981: -**

- (I) The Applicant may install 01 no. of diesel generating sets (DG Sets), of capacity 01 x 250 KVA and shall be equipped with comprehensive control system as is warranted with reference to generations of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards: -

Standards for emissions of air Pollutants

i)	SPM/TPM	Not to Exceed	150	mg/Nm ³
ii)	SO ₂ (DG set)	Not to Exceed	20	Kg/day

(II) **The following measure shall be taken.**

- a) Adequate mitigation measures shall be taken to control emissions of SO₂, NO_x, SPM, RSPM.
- b) Applicant shall achieve following Ambient Air Quality standards.

1	SPM	Not to Exceed (Annual Average)	140	µg/ m ³
		Not to Exceed (24 hours)	200	µg/ m ³
2	SO ₂	Not to Exceed (Annual Average)	60	µg/ m ³
		Not to Exceed (24 hours)	80	µg/ m ³
3	NO _x	Not to Exceed (Annual Average)	60	µg/ m ³
		Not to Exceed (24 hours)	80	µg/ m ³
4	RSPM	Not to Exceed (Annual Average)	60	µg/ m ³
		Not to Exceed (24 hours)	100	µg/ m ³

(III) **The Applicant shall observe the following fuel patterns**

No.	Type of Fuel	Quantity
01	Diesel	40 Lit/Hr

(IV) **The Applicant shall erect the Chimney (s) of the following specifications**

No.	Chimney attached to DG	Height above roof of Bldg
1	DG set 1 x 250 KVA	3.5 mtrs





(V) **Conditions for DG Sets: -**

1. Noise from DG Sets shall be controlled by providing acoustic enclosure or by treating the room acoustically.
2. Applicant 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.
3. The Applicant 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.
4. Installation of DG Set must be strictly in compliance with recommendations of DG set manufacturer.
5. A proper routine and preventive maintenance procedure for DG Set shall be set and followed in consultation with the DG manufacturers, which would help to prevent noise levels of DG Sets from deteriorating with use.
6. The DG set shall be operated only in case of power failure. The applicant shall make arrangement for regular electrical power.
7. The Applicant shall not cause any nuisance in the surrounding area due to operation of DG sets.
8. In case of problems, the D.G. set shall not be operated until it is set back to satisfactory position.

(VI) **Other Conditions:**

- a) The Applicant shall provide ports in the chimney and facilities such as ladder, platform etc for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's staff. The chimneys shall be numbered, as S-1, S-2 etc and these shall be painted/ displayed to facilitate identification.
- b) Water spraying shall be done on ground to avoid fugitive emissions.
- c) Construction material shall be carried in enclosed vehicles during construction activities.

(VII) **Conditions for Utilities like Kitchen, Eating Places etc: -**

1. The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
2. The toilet shall be provided with exhaust system connected to chimney through ducting.
3. The air conditioner shall be vibration proof and the noise shall not exceed 68 dB (A).
4. The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such way that no nuisance is caused to neighbors.

(VIII) 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 55 dB(A) during day time and 45 dB(A) during the night time. Daytime is reckoned as between 6 a.m. to 10 p.m. and Nighttime is reckoned between 10 p.m. to 6 a.m.

(IX) Construction equipments generating noise of less than 65/90 db(A) are permitted

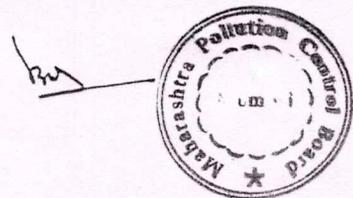
(X) No construction work is permitted during nighttime.

6. CONDITIONS UNDER HW (Management, Handling & Transboundary) RULES 2008

(i) The applicant shall handle hazardous wastes as specified below:

Sr. No.	Item No. of Process generating HW as per Schedule-I	Type of Waste	Quantity	Disposal
1]	5.1	Used Oil	5 Litrs/M	Authorized reprocessor
2]	33.3	Barrels/drums	12 Nos./Y	

(ii) The authorization is hereby granted to operate a facility for collection, storage, transport and disposal of hazardous waste.

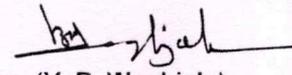


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7. The applicant shall certify that the bricks used in construction are manufactured using the ash from Thermal Power stations if it is within a radius of 100 km. from Thermal Power Plant and submit the names of bricks manufacturer. The applicant shall use fly ash based material/products as per the provisions of fly ash Notification of 14.09.1999 and as amended on 27.08.2003.
8. The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.
9. The applicant shall adopt environment friendly technology in development of the project.
10. The applicant shall take the proper remediation measures to ensure that the ground water and soil contamination is prevented and follow due diligence at the construction stage.
11. Energy conservation measures like installation of solar panels for lighting the area outside the building should be integrated part of the project design.
12. The applicant should not take any effective steps for implementation of the project before obtaining Environmental Clearance as per EIA Notification 2006 and amendments thereto.
13. This Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the Applicant;
14. The capital investment of the project is Rs. 49/- Crores.

To
M/s. Dudhwala Real Estate & Investment
CS no. 226, Byculla Division situated at 258,
Retreat Compound, Bellasis Road,
Mumbai Central, Mumbai 400 008

For and on behalf of the
Maharashtra Pollution Control Board


(V. B. Waghjale)
Regional Officer (P&P)

Copy forwarded with compliments to
The Collector, Mumbai
Copy to

1. Regional Officer, Mumbai, MPCB,
2. Sub Regional officer, Mumbai-I, MPCB,
3. Chief Accounts Officer, Mumbai, MPCB,



Received consent fee of

Amount	DD No.	Date	Drawn on
Rs 50000/-	029449	11.09.2009	Union Bank of India

4. Cess Branch, MPCB, Mumbai.
5. Master file.

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EXHIBIT - B

MAHARASHTRA POLLUTION CONTROL BOARD
Regional Office, Mumbai

Phone : (022) - 24016239
Fax : (022) - 24015269
Email : romumbai@mpcb.gov.in
Visit At : <http://mpcb.gov.in>



Regional Office, Mumbai,
Kalpataru Point, 1st Floor, Sion Circle,
Sion (E), Mumbai- 400 022

No: MPCB/ROM/PD- 2101080002

Date: 08/01/2021

To,
M/s. Dudhwala Real Estate and Investment,
CS. No. 226, Byculla Division Situated at 258
Retreat Compound Bellasis Road, Mumbai Central,
Mumbai - 400 008.

Sub: Proposed directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 & 31 A of the Air (Prevention & Control of Pollution) Act, 1981

- Ref:**
1. Consent to Establish granted by the Board vide 05.11.2009 valid upto Commissioning of the unit or 04.11.2014.
 2. Complaint of Shri Sayyad Mohammad Sabir Usama through Hon'ble MLA Shri Ram Vitthal Saatpute
 3. Visit of Board Officials vide dtd 30.09.2020

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WHEREAS, the Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 is applicable to the State of Maharashtra as declared in Official Gazette. **AND,** the area where your unit is situated, falls under the said declared area.

AND WHEREAS, complaint was received against your project vide ref. 2 above and accordingly Officials of Board have visited your activity on dtd 30.09.2020 to investigate the complaint received and SRO Mumbai-I has reported following non compliances;

- 1) You have completed construction of 28 floors of the building and have handed over possession upto 20th floor without obtaining part consent to Operate for completed part of your project from the Board.
- 2) You have not obtained revalidation of Consent to Establish which was valid up to 04.11.2014.
- 3) The sewage treatment plant for treatment of sewage generated from your activity was not in operation during visit, thereby discharging untreated sewage in to MCGM drain.
- 4) You have not provided organic waste convertor for treatment and disposal of organic waste generated from your project.

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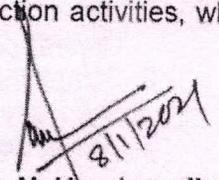
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NOW THEREFORE, in exercise of the power confirmed by the Board upon me u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981 following proposed direction are issued against your unit as to –



- 1) Why your existing activity shall not be closed down?
- 2) Why the competent authorities shall not be directed to disconnect water & electricity supply for closing down your activity.
- 3) Why legal action shall not be initiated against your project for violations of Environmental acts.

You are hereby directed to submit your reply within seven days from the receipt of these directions, failure to this, it will be assumed that you have nothing to say, and closure directions will be confirmed & competent authorities will be directed to disconnect your water & electricity supply to stop your construction activities, which may please be noted.


(Dr. A. N. Harshvardhan)
Regional Officer, Mumbai

Copy submitted to:-

1. Asst. Secretary (Tech.), MPC Board, Sion, Mumbai – for information.

Copy to:

- 1) Sub Regional Officer, MPC Board, Mumbai -I
- He is directed to serve copy of direction to industry, take necessary follow-up towards compliance of the direction and submit Action taken report.
- 2) Master File.

M/s. Dudhwala Real Estate and Investment,
CS. No. 226, Byculla Division Situated at 258
Retreat Compound Bellasis Road, Mumbai Central,
Mumbai – 400 008.

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
Fax: 24044532/4024068/4023516
Website: <http://mpcb.gov.in>
Email: jdwater@mpcb.gov.in



Kalpataru Point, 2nd and
4th floor, Opp. Cine Planet
Cinema, Near Sion Circle,
Sion (E), Mumbai-400022

Infrastructure/RED/L.S.I

No:- Format1.0/CC/UAN No.0000116015/CE 2110000353

Date: 07/10/21

To,
Dudhwala Real Estate & Investment
C.S. No 226 of Byculla Division at
258,Retreat Compound, Bellasis Road
Mumbai Central, Mumbai



Your Service is Our Duty

Sub: Revalidation of Consent to Establish with expansion for redevelopment construction project in Red Category

- Ref:**
1. consent to Establish granted vide No BO/RO(P&P)/EIC No. MU-1195-09/E/CC-393 dtd 05.11.2009
 2. Minutes of 7th Consent Committee Meeting held on 03.09.2021 & 09.09.2021

Your application NO. MPCB-CONSENT-0000116015

For: grant of Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundry Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I,II,III & IV annexed to this order:

1. The consent is granted for period upto commissioning of the project or co terminus with the validity of EC dtd 20.05.2016 whichever is earlier
2. The capital investment of the project is Rs.96.0 Cr. (As per undertaking submitted by pp).
3. The Consent to Establish-revalidation with expansion is valid for redevelopment construction project named as M/s Dudhwala Real Estate & Investment, at C.S. No 226 of Byculla Division at 258,Retreat Compound, Bellasis Road, Near ST Depo, Mumbai Central, Mumbai on Total Plot Area of 4994 SqMtrs for total construction BUA of 42565.53 SqMtrs as per EC granted dated 20.05.2016 including utilities and services
4. Conditions under Water (P&CP), 1974 Act for discharge of effluent:

Sr No	Description	Permitted (in CMD)	Standards to	Disposal
1.	Trade effluent	Nil	NA	NA
2.	Domestic effluent	175	As per Schedule - I	The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be connected to the sewerage system provided by local body



5. **Conditions under Air (P& CP) Act, 1981 for air emissions:**

Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
S-1	DG Set-250 KVA	01	As per Schedule -II

6. **Conditions under Solid Waste Rules, 2016:**

Sr No	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Biodegradable Waste	315 Kg/Day	OWC and Composting	As Manure
2	Non-Biodegradable	211.59 Kg/Day	Segregation	To Local Body
3	STP Sludge	15 Kg/Day	Dewatering	As Manure

7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for treatment and disposal of hazardous waste:**

Sr No	Category No.	Quantity	UoM	Treatment	Disposal
1	5.1 Used or spent oil	60	Ltr/A	Reprocessing	To Authorized Reprocessor

8. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
10. Project Proponent shall install online monitoring system for the parameter pH, SS, BOD and flow at the outlet of STP.
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 provide the Organic waste digester with composting facility or biodigester with composting facility effectively.
13. The project proponent shall make provision of charging of electric vehicles in atleast 30 % of total available parking area.
14. The Project Proponent shall submit Bank Guarantee of Rs 9.6 Lakhs (amounting 0.1 % of Capital investment). The same shall be forfeited as PP has not obtained revalidation of consent to establish dtd 05.11.2009, thus violated the consent conditions.
15. The Project proponent shall submit Board Resolution in prescribed format within 15 days as PP has not obtained revalidation of consent to establish after 05.11.2014, thus violated the consent conditions. PP shall submit Bank guarantee of Rs 2.0 lakhs towards submission of Board Resolution.
16. The project proponent shall take adequate measures to control dust emission and noise level during construction phase.
17. PP shall submit an affidavit in Board's prescribed format within 15 days regarding compliance of C to E & Environmental Clearance conditions.



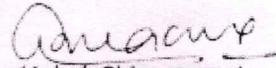
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Maharashtra Pollution Control Board
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16. The Project Proponent shall comply with the Environmental Clearance obtained vide No SEAC-2015/CR-199(I)/TC-1 dtd 20.05.2016 for construction project having total plot area of 4994.0 Sqm and total construction BUA of 42565.53 Sqm.

For and on behalf of the
Maharashtra Pollution Control Board.


(Ashok Shingare IAS),
Member Secretary

Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	496000.00	MPCB-DR-4519	23/02/2021	RTGS
2	4000.00	MPCB-DR-7239	30/07/2021	NEFT

Copy to:

1. Regional Officer, MPCB, Mumbai and Sub-Regional Officer, MPCB, Mumbai |
- They are directed to ensure the compliance of the consent conditions.
2. Chief Accounts Officer, MPCB, Sion, Mumbai



SCHEDULE-I

Terms & conditions for compliance of Water Pollution Control:

- 1) A) As per your application, you have provided Two Sewage Treatment Plant (STP) with design capacity of 175 CMD & 75 CMD capacity based on MBBR
- B) The Applicant shall operate the sewage treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

Sr.No	Parameters	Limiting concentration not to exceed in mg/l, except for pH
1	pH	5.5-9.0
2	BOD	10
3	COD	50
4	TSS	20
5	NH4 N	5
6	N-total	10
7	Fecal Coliform	less than 100

- C) The treated domestic effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and connected to the sewerage system provided by local body.
- 2) The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto.
- 3) The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 4) **The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, and other provisions as contained in the said act.**

Sr. No.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	172.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00

- 5) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time.



SCHEDULE-II

Terms & conditions for compliance of Air Pollution Control:

- 1) As per your application, you have provided the Air pollution control (APC) system and erected following stack (s) and to observe the following fuel pattern-

Stack No.	Stack Attached To	APC System	Height in Mtrs.	Type of Fuel	Quantity & UoM
S-1	DG Set-250 KVA	Acoustic Enclosure	3.5	Diesel	40 Ltr/Hr

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

Total Particular matter	Not to exceed	150 mg/Nm ³
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- 3) The Applicant shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement well before its life come to an end or erection of new pollution control equipment.
- 4) The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).
- 5) **Conditions for utilities like Kitchen, Eating Places, Canteens:-**

- a) The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
- b) The toilet shall be provided with exhaust system connected to chimney through ducting.
- c) The air conditioner shall be vibration proof and the noise shall not exceed 68 dB(A).
- d) The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such a way that no nuisance is caused to neighbors.

SCHEDULE-III

Details of Bank Guarantees:

Sr. No.	Consent(C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Consent to Operate(1st Part)	Rs 10 Lakhs	15 Days	Operation & Maintenance of Pollution Control Systems	Continuous	30.06.2022
2	Consent to Operate(1st Part)	Rs 2 Lakhs	15 Days	Towards submission of Board Resolution	Continuous	30.06.2022
3	Consent to Operate(1st Part)	Rs 6.7 Lakhs	15 Days	Compliance of Consent Conditions	Continuous	30.06.2022

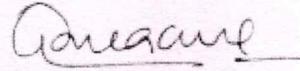
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Maharashtra Pollution Control Board
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- d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
- e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
- f) D.G. Set shall be operated only in case of power failure.
- g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
- h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
- 6 Solid Waste - The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rule 2016 & E-Waste (M & H) Rule 2011.
- 7 Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
- 8 Applicant shall submit official e-mail address and any change will be duly informed to the MPCB.
- 9 The treated sewage shall be disinfected using suitable disinfection method.
- 10 The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-V as per the provision of rule 14 of the Environmental (Protection) Second Amended rule 1992.
- 11 The applicant shall make an application for renewal of the consent at least 60 days before date of the expiry of the consent.

For and on behalf of the
Maharashtra Pollution Control Board.


(Ashok Shingare IAS),
Member Secretary

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
Fax: 24044532/4024068/4023516
Website: <http://mpcb.gov.in>
Email: jdwater@mpcb.gov.in



Kalpataru Point, 2nd and
4th floor, Opp. Cine Planet
Cinema, Near Sion Circle,
Sion (E), Mumbai-400022

Infrastructure/RED/L.S.I

No:- Format1.0/CC/UAN No.0000108772/CO 2110000866

Date: 20/10/21

To,
Dudhwala Real Estate & Investment
C.S. No 226 of Byculla Division at
258,Retreat Compound, Bellasis Road
Mumbai Central, Mumbai



Sub: Consent to Operate(1st part) for redevelopment construction project in Red Category

- Ref:
1. consent to Establish granted vide No BO/RO(P&P)/EIC No. MU-1195-09/E/CC-393 dtd 05.11.2009
 2. Revalidation of consent to Establish granted vide No Format1.0/CC/UAN No 0000116015/CE/2110000353 dtd 07.10.2021
 3. Minutes of 7th Consent Committee Meeting held on 03.09.2021 & 09.09.2021

Your application NO. MPCB-CONSENT-0000108772

For grant of Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundry Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I,II,III & IV annexed to this order:

1. The consent is granted for period upto 30.06.2022
2. The capital investment of the project is Rs.67.0 Cr. (As per C.A Certificate submitted by industry).
3. The Consent to Operate (part-I) is valid for redevelopment construction project named as M/s Dudhwala Real Estate & Investment, at plot bearing No C.S. No 226 of Byculla Division at 258,Retreat Compound, Bellasis Road, Mumbai Central, Mumbai on Total Plot Area of 4994.0 SqMtrs for part construction BUA of 24392.0 SqMtrs out of Total Construction BUA of 42565.53 SqMtrs as per EC granted dated 20.05.2016 including utilities and services
4. Conditions under Water (P&CP), 1974 Act for discharge of effluent:

Sr No	Description	Permitted (in CMD)	Standards to Disposal	
1.	Trade effluent	Nil	NA	NA

2016
20
2021
Widening
of CtoR



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Maharashtra Pollution Control Board

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Sr No	Description Permitted	Standards to	Disposal
2.	Domestic effluent	175 As per Schedule - I	The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be connected to the sewerage system provided by local body

5. **Conditions under Air (P& CP) Act, 1981 for air emissions:**

Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
S-1	DG Set-250 KVA	01	As per Schedule -II

6. **Conditions under Solid Waste Rules, 2016:**

Sr No	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Biodegradable Waste	315 Kg/Day	OWC and Composting	As Manure
2	Non-Biodegradable	211.59 Kg/Day	Segregation	To Local Body
3	STP Sludge	15 Kg/Day	Dewatering	As Manure

7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for treatment and disposal of hazardous waste:**

Sr No	Category No.	Quantity UoM	Treatment	Disposal
1	5.1 Used or spent oil	60	Ltr/A Reprocessing	To Authorized Reprocessor

8. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
10. Project Proponent shall install online monitoring system for the parameter pH, SS, BOD and flow at the outlet of STP.
11. Project Proponent shall operate the Organic waste digester with composting facility or biodigester with composting facility effectively.
12. The project proponent shall make provision of charging of electric vehicles in atleast 30 % of total available parking area.
13. The Project Proponent shall submit Bank Guarantee of Rs 6.7 Lakhs (amounting 0.1 % of Capital investment). The same shall be forfeited as PP has not obtained revalidation of consent to establish dtd 05.11.2009 and given possession of part completed project since 2017 without consent to operate.
14. The Project proponent shall submit Board Resolution in prescribed format within 15 days as PP has not obtained revalidation of consent to establish after 05.11.2014 and given possession of part completed project since 2017 without consent to operate, thus violated the consent conditions. PP shall submit Bank guarantee of Rs 2.0 lakhs towards submission of Board Resolution.
15. This consent is issued without prejudice to order passed or being passed in OA No 51/2021(WZ) filed before Hon'ble National Green Tribunal, Principal Bench, New Delhi.

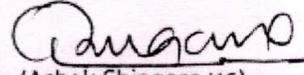
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Maharashtra Pollution Control Board
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18. The Project Proponent shall comply with the Environmental Clearance obtained vide No SEAC-2015/CR-199(I)/TC-1 dtd 20.05.2016 for construction project having total plot area of 4994.0 Sqm and total construction BUA of 42565.53 Sqm.

For and on behalf of the
Maharashtra Pollution Control Board.


(Ashok Shingare IAS),
Member Secretary

Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	248000.00	TXN2105001365	19/05/2021	Online Payment
2	500.00	MPCB-DR-6858	09/07/2021	NEFT
3	1500.00	MPCB-DR-7238	30/07/2021	NEFT
4	75000.00	MPCB-DR-8123	29/09/2021	RTGS

Copy to:

1. Regional Officer, MPCB, Mumbai and Sub-Regional Officer, MPCB, Mumbai I
- They are directed to ensure the compliance of the consent conditions.
- They are directed to obtain and forfeit the bank guarantee of Rs 9.6 lakh from the Project Proponent
2. Chief Accounts Officer, MPCB, Sion, Mumbai



SCHEDULE-I

Terms & conditions for compliance of Water Pollution Control:

- 1) A) As per your application, you have proposed to provide Two Sewage Treatment Plant (STP) with design capacity of 175 CMD & 75 CMD capacity based on MBBR
- B) The Applicant shall operate the sewage treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

Sr.No	Parameters	Limiting concentration not to exceed in mg/l, except for pH
1	pH	5.5-9.0
2	BOD	10
3	COD	50
4	TSS	20
5	NH4 N	5
6	N-total	10
7	Fecal Coliform	less than 100

- C) The treated domestic effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and connected to the sewerage system provided by local body.
- 2) The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto.
- 3) The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 4) **The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, and other provisions as contained in the said act.**

Sr. No.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	172.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00

- 5) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time.



Sr. No.	Consent (C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
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** The above Bank Guarantee(s) shall be submitted by the applicant in favour of Regional Officer at the respective Regional Office within 15 days of the date of issue of Consent.

Existing BG obtained for above purpose if any may be extended for period of validity as above.

BG Forfeiture History

Srno.	Consent (C2E/C2O/C2R)	Amount of BG imposed	Submission Period	Purpose of BG	Amount of BG Forfeiture	Reason of BG Forfeiture
1	Consent to Establish (Revalidation)	Rs 9.6 Lakhs	15 Days	Compliance of Consent Conditions	Rs 9.6 Lakhs	violation of consent condition

BG Return details

Srno.	Consent (C2E/C2O/C2R)	BG Imposed	Purpose of BG	Amount of BG Returned
NA				

SCHEDULE-IV

Conditions during construction phase

A	During construction phase, applicant shall provide temporary sewage and MSW treatment and disposal facility for the staff and worker quarters.
B	During construction phase, the ambient air and noise quality shall be maintained and should be closely monitored through MoEF approved laboratory.
C	Noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

General Conditions:

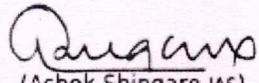
- 1 The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- 2 The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act 1986 and Solid Waste Management Rule 2016, Noise (Pollution and Control) Rules, 2000 and E-Waste (Management & Handling Rule 2011.
- 3 Drainage system shall be provided for collection of sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No sewage shall be admitted in the pipes/sewers downstream of the terminal manholes. No sewage shall find its way other than in designed and provided collection system.
- 4 Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.

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Maharashtra Pollution Control Board
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5. Conditions for D.G. Set
- a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
 - b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
 - c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
 - d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
 - e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
 - f) D.G. Set shall be operated only in case of power failure.
 - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
 - h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
6. Solid Waste - The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rule 2016 & E-Waste (M & H) Rule 2011.
7. Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
8. Applicant shall submit official e-mail address and any change will be duly informed to the MPCB.
9. The treated sewage shall be disinfected using suitable disinfection method.
10. The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-V as per the provision of rule 14 of the Environmental (Protection) Second Amended rule 1992.
11. The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.

For and on behalf of the
Maharashtra Pollution Control Board.


(Ashok Shingare IAS),
Member Secretary

MAHARASHTRA POLLUTION CONTROL BOARD
Regional Office, Mumbai

Ph. :- (022)- 25505928
Fax Ph. :- (022)- 25505926
Visit us at :- <http://mpcb.gov.in>
e-mail : romumbai@mpcb.gov.in



Regional Office, Mumbai,
Kalpataru Point, 1st Floor, Sion
Circle, Sion (E), Mumbai – 400 022

No: MPCB/ROM/ ID - 2112220001
To

Date: 22/12/2021

M/s. Dudhwala Real Estate and Investment
CS no. 226, Byculla
Division Situated at 258
Retreat Compound
Bellasis Road , Mumbai
Central Mumbai 400008

Sub: Interim Directions under the provisions of the Water (P & CP) Act, 1974, Air (P & CP) Act, 1981 and Hazardous & Other Waste (M & TM) Rules, 2016.

- Ref:** 1. Consent to Establish granted by the Board vide 05.11.2009 valid upto Commissioning of the unit or 04.11.2014.
2. Complaint of Shri Sayyad Mohammad Sabir Usama through Hon'ble MLA Shri Ram Vitthal Saatpute
3. Visit of Board Officials vide dtd 30.09.2020
4. Proposed Directions issued vide dated 08/01/2021.
5. Personal Hearing extended vide dated 30/11/2021

Proposed directions were issued by the board on dated 08/01/2021, there after Personal hearing was extended on 30/11/2021.

Considering the say submitted by you during the personal hearing and report submitted by SRO Mumbai-I following interim directions are issued for compliance:

1. You should not handover the flat above 20th floor before obtaining consent to operate and OC from competent authority.
2. PP should operate STP round O clock to achieve prescribed standards.
3. PP shall provide OWC & operate regularly.
4. You should take an adequate precaution to control the noise level so as to avoid nuisance to nearby local residence.
5. You should submit Bank Guarantee of Rs.16.03/- lakhs as per consent conditions & forfeiture of the same as per consent condition.



:2:

In case of your failure to comply with the above directions within 15 days, Board will proceed against you as per provision of Water (P & C P) Act, 1974 and Air (P & C P) Act, 1981 & Hazardous & Other Waste (M & TM) Rules, 2016 which may please be noted.

**FOR & ON THE BEHALF OF
MPC BOARD**

(J.S. Hajare)

I./C. Regional Officer, Mumbai

Copy submitted to:-

Asst. Secretary (Tech.), MPC Board, Sion, Mumbai – for information.

Copy to:

- 1) Sub Regional Officer, MPC Board, Mumbai -I
- He is directed to serve copies of direction to industry & keep necessarily follow up.
- 2) Master File.

**M/s. Dudhwala Real Estate and Investment
CS no. 226, Byculla
Division Situated at 258
Retreat Compound
Bellasis Road , Mumbai
Central Mumbai 400008**

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EXHIBIT - F

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701

Fax: 24024068 / 24023515

Website: <http://mpcb.gov.in>

E-mail: jdwater@mpcb.gov.in



Kalpataru Point, 2nd - 4th Floor

Opp. Cine Planet Cinema,

Near Sion Circle, Sion (E)

Mumbai-400 022.

"Your Service is our Duty"

No.BO/JD(WPC)/SCN/TB- 2208050019

Date: 05/08/2022

To,
M/s. Dudhwala Real Estate & Investment,
Plot bearing S. No. 226 of Byculla Division at 258,
Retreat Compound, Bellasis Road, Mumbai.

Sub: - Show Cause Notice for refusal of consent towards applied Consent to Operate.

Ref: - 1] Your application for Consent to Operate. Vide UAN No.0000142469

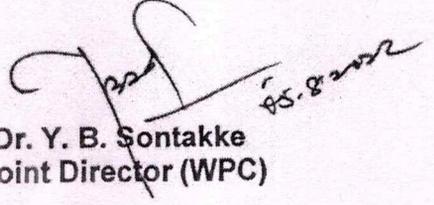
WHEREAS, you have applied for consent to establish Under Section 26 of the Water (Prevention and Control of Pollution) Act, 1974; under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Hazardous & Other Wastes (M & T M) Rules 2016.

AND WHEREAS, After going through your application below detail noncompliance observed.

- a. Not submitted status of NGT case having no QA.No.51/2021(WZ) filled before NGT Principal bench which mentioned in earlier issued consent.
- b. Applied with less C.I. as compare to earlier applied.
- c. Not submitted C.A. Certificate, submitted undertaking.
- d. Not submitted E.C. Verified compliance

NOW THEREFORE, you are hereby directed to show cause as to why your application for grant of Consent should not be refused under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 And Hazardous & Other Wastes (M & T M) Rules, 2016.

You are hereby called upon to submit your reply to this notice within a period seven days from the receipt of this communication, failing which, Board have no option than to refuse your Consent as mentioned above and to initiate appropriate legal action under the provision of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 against you, which may please be noted. discussed


Dr. Y. B. Sontakke
Joint Director (WPC)

Copy to-

1. Regional Officer MPCB Mumbai, Sub Regional Officer Mumbai-I – They are directed to submit present status report of the industry within 7 days and ensure that SCN to be served to the industry.

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Exhibit G

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
Fax: 24044532/4024068/4023516
Website: <http://mpcb.gov.in>
Email: jdwater@mpcb.gov.in



Kalpataru Point, 2nd and
4th floor, Opp. Cine Planet
Cinema, Near Sion Circle,
Sion (E), Mumbai-400022

Infrastructure/RED/L.S.I

No:- Format1.0/JD (WPC)/UAN No.0000142469/CO/2210001645

Date: 21/10/2022

To,
M/s. Dudhwala Real Estate & Investment,
Plot bearing S. No. 226 of Byculla Division
at 258, Retreat Compound, Bellasis Road,
Mumbai.



Your Service is Our Duty

Sub: Renewal of Consent to Operate for 1st (Part) & Consent to 1st Operate for Part- II for Redevelopment Construction Project.

- Ref:
1. Application Submitted by SRO-Mumbai-I
 2. Consent to Establish granted vide No BO/RO(P&P)/EIC No. MU-1195-09/E/CC-393 dtd 05.11.2009
 3. Revalidation of consent to Establish granted vide No Format1.0/CC/UAN No 0000116015/CE/2110000353 dtd 07.10.2021
 4. Consent to 1st Part Operate vide No.Format 1.0/CC/UAN No.0000108772/CO-2110000866, Dtd-20.10.2021.

Your application NO. MPCB-CONSENT-0000142469

For: grant of Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I,II,III & IV annexed to this order:

1. **The consent is granted for period upto 30.06.2025**
2. **The capital investment of the project is Rs.88.00 Cr. (As per undertaking submitted by pp).**
3. **The Renewal of Consent to Operate for 1st (Part) & Consent to 1st Operate for Part- II for Redevelopment Construction Project named as M/s. Dudhwala Real Estate & Investment, Plot bearing S. No. 226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Mumbai on Total Plot Area of 4994.0 Sq.Mtrs for construction BUA of 40430 Sq.Mtrs (existing obtained operate having BUA-24392.0 Sq.Mtrs and 1st operate (Part-II) BUA-16038.0 Sq.Mtrs, Remaining BUA-2135.53 Sq.mtrs) out of Total Construction BUA of 42565.53 Sq.Mtrs as per EC granted dated-20.05.2016 including utilities and services**

Sr.No	Permission Obtained	Plot Area (SqMtr)	BUA (SqMtr)
1	Environmental Clearance issued dtd-30.06.2012	4994.00	29576.00
2	Environmental Clearance issued dtd-20.05.2016	4994.00	42565.53
3	Re-validation of Consent to Establish with Expansion dtd-07.10.2021	4994.00	42565.53
4	Consent to 1st Operate (Part Operate)-20.10.2021	4994.00	24392.00

4. **Conditions under Water (P&CP), 1974 Act for discharge of effluent:**

Sr No	Description	Permitted (in CMD)	Standards to	Disposal
1.	Trade effluent	Nil	NA	NA
2.	Domestic effluent	168.3	As per Schedule - I	The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be connected to the sewerage system provided by local body

5. **Conditions under Air (P& CP) Act, 1981 for air emissions:**

Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
S-1	DG Set-250 KVA	01	As per Schedule -II
S-2	DG Set-320 KVA	01	As per Schedule -II

6. **Conditions under Solid Waste Rules, 2016:**

Sr No	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Biodegradable Waste	400 Kg/Day	OWC and Composting	As Manure
2	Non-Biodegradable	266 Kg/Day	Segregation	To Local Body
3	STP Sludge	16.8 Kg/Day	Dewatering	As Manure

7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for treatment and disposal of hazardous waste:**

Sr No	Category No.	Quantity	UoM	Treatment	Disposal
1	5.1 Used or spent oil	60	Ltr/A	Reprocessing	To Authorized Reprocessor

8. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
10. Project Proponent shall install online monitoring system for the parameter pH, SS, BOD and flow at the outlet of STP.
11. Project Proponent shall operate the Organic waste digester with composting facility or biodigester with composting facility effectively.
12. The project proponent shall make provision of charging of electric vehicles in atleast 40 % of total available parking area.
13. This consent is issued without prejudice to order passed or being passed in OA No 51/2021(WZ) filed before Hon'ble National Green Tribunal, Principal Bench, New Delhi.

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14. The Project Proponent shall comply with the Environmental Clearance obtained vide No SEAC-2015/CR-199(I)/TC-1 dtd 20.05.2016 for construction project having total plot area of 4994.0 Sqm and total construction BUA of 42565.53 Sqm.



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Signed by: Dr. Y.B.Sontakke
Joint Director (WPC)
For and on behalf of,
Maharashtra Pollution Control Board
jdwater@mpcb.gov.in
2022-10-21 18:58:58 IST

Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	375000.00	TXN2206003277	29/06/2022	Online Payment

Copy to:

1. Regional Officer, MPCB, Mumbai and Sub-Regional Officer, MPCB, Mumbai I
- They are directed to ensure the compliance of the consent conditions.
- They are directed to submit B.G. of Rs.10.0 Lakhs & 2.0 Lakhs towards Compliance of Consent condition and E.C. condition.
2. Chief Accounts Officer, MPCB, Sion, Mumbai



SCHEDULE-I

Terms & conditions for compliance of Water Pollution Control:

- 1) A] As per your application, you have provided Two Sewage Treatment Plant (STP) with design capacity of 175 CMD & 75 CMD capacity based on MBBR
- B] The Applicant shall operate the sewage treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

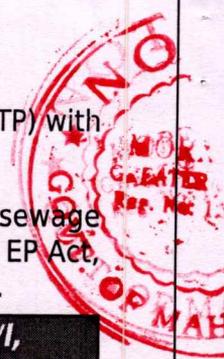
Sr.No	Parameters	Limiting concentration not to exceed in mg/l, except for pH
1	pH	5.5-9.0
2	BOD	10
3	COD	50
4	TSS	20
5	NH4 N	5
6	N-total	10
7	Fecal Coliform	less than 100

C] The treated domestic effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and connected to the sewerage system provided by local body.

- 2) The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto.
- 3) The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 4) **The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act,1974 and as amended, and other provisions as contained in the said act.**

Sr. No.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	186.90
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00

- 5) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time.



SCHEDULE-II

Terms & conditions for compliance of Air Pollution Control:

- 1) As per your application, you have provided the Air pollution control (APC) system and erected following stack (s) and to observe the following fuel pattern-

Stack No.	Source	APC System provided/proposed	Stack Height(in mtr)	Type of Fuel	Sulphur Content(in %)	Pollutant	Standard
S-1	DG Set-250 KVA	Acoustic Enclosure	3.50	HSD 30 Ltr/Hr	1	SO2	14.4 Kg/Day
S-2	DG Set-320 KVA	Acoustic Enclosure	3.50	HSD 40 Ltr/Hr	1	SO2	19.2 Kg/Day

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

Total Particular matter	Not to exceed	150 mg/Nm ³
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- 3) The Applicant shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement well before its life come to an end or erection of new pollution control equipment.
- 4) The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).
- 5) **Conditions for utilities like Kitchen, Eating Places, Canteens:-**
- The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
 - The toilet shall be provided with exhaust system connected to chimney through ducting.
 - The air conditioner shall be vibration proof and the noise shall not exceed 68 dB(A).
 - The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such a way that no nuisance is caused to neighbors.

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SCHEDULE-III

Details of Bank Guarantees:

Sr. No.	Consent(C2E/C20/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Renewal of Consent & II Part Operate	Rs 10 Lakhs	Extend the existing	Operation & Maintenance of Pollution Control Systems	Continuous	30.10.2025
2	Consent & II Part Operate	Rs 2 Lakhs	Extend existing B.G.	Towards submission of Board Resolution	Continuous	30.10.2025

** The above Bank Guarantee(s) shall be submitted by the applicant in favour of Regional Officer at the respective Regional Office within 15 days of the date of issue of Consent.
Existing BG obtained for above purpose if any may be extended for period of validity as above.

BG Forfeiture History

Srno.	Consent (C2E/C20/C2R)	Amount of BG imposed	Submission Period	Purpose of BG	Amount of BG Forfeiture	Reason of BG Forfeiture
NA						

BG Return details

Srno.	Consent (C2E/C20/C2R)	BG imposed	Purpose of BG	Amount of BG Returned
NA				

SCHEDULE-IV

General Conditions:

- 1 The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- 2 The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act 1986 and Solid Waste Management Rule 2016, Noise (Pollution and Control) Rules, 2000 and E-Waste (Management & Handling Rule 2011.
- 3 Drainage system shall be provided for collection of sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No sewage shall be admitted in the pipes/sewers downstream of the terminal manholes. No sewage shall find its way other than in designed and provided collection system.
- 4 Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 5 Conditions for D.G. Set
 - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.

- b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
- c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
- d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
- e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
- f) D.G. Set shall be operated only in case of power failure.
- g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
- h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
- 6 Solid Waste - The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rule 2016 & E-Waste (M & H) Rule 2011.
- 7 Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
- 8 Applicant shall submit official e-mail address and any change will be duly informed to the MPCB.
- 9 The treated sewage shall be disinfected using suitable disinfection method.
- 10 The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-V as per the provision of rule 14 of the Environmental (Protection) Second Amended rule 1992.
- 11 The applicant shall make an application for renewal of the consent at least 60 days before date of the expiry of the consent.

This certificate is digitally & electronically signed.

