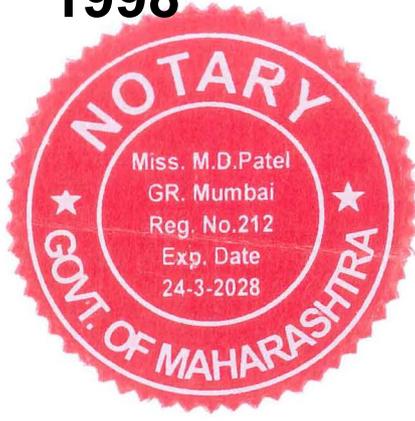


1998



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 33/2019**

Tanaji Gambhire

... Applicant

V/s.

Union of India & Ors.

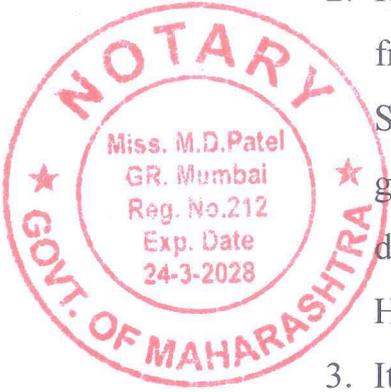
... Respondents

**REPLY AFFIDAVIT BY RESPONDENT NO. 4,
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY**

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

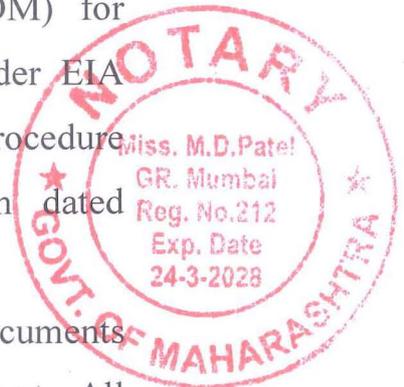
I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

1. The present case pertains to initiation of project without obtaining prior environmental clearance by the PP for their project named and styled as “Xrbia Hinjewadi Township” by Respondent No.16-M/s. Xrbia Developers Limited and Respondent No.17-M/s. Xrbia Hinjewadi Developers Private Limited having a residential and commercial project situated at Survey No. 36, 38/2, 38/3, 39, 40/1d, 42, 56, 57 of Village-Dattawadi (Nere) and 52, 53, 54 of Village-Kasarsai, Taluka-Mulshi, District Pune.
2. It seems that the PP obtained EC dated December, 27, 2006 from MoEF for construction of proposed township named as Silicon City at the above mentioned address, which was granted under the category of township and area development category on a plot having total area of 97.28 Ha.
3. It seems that PP has changed scope of the project, which they should have informed to MoEF and should have got fresh appraisal for the same as per Part B – General Condition no. 6 of the EC dated December, 27, 2006 granted by MoEF.
4. PP could have applied for EC under the Amnesty Scheme of MoEF&CC dated 14-03-2017, however PP haven't applied under it.
5. PP made an application for Fresh EC on 16-02-2022 under the 07-07-2021 SoP issued by MoEF&CC to deal with cases under the violation category. Copy of Application by PP dated 16-02-2022 is marked and annexed as Annexure 1.



① 3/2/22

6. SEAC – 3 considered the application for EC in their 137th Meeting 29th to 31st of March, 2022. Application for EC was submitted to SEIAA through SEAC, Maharashtra on 02.12.2011. An agreement was done with Xrbia Hinjewadi Developers Private Limited for development of sectors R-22 to R-28 and Sector R-29 on 20.07.2012. A separate application for Environmental Clearance was submitted to SEIAA through SEAC, Maharashtra for development of sectors R-22 to R-28 and Sector R-29 on 12.06.2013. PP did not pursue their two EC applications dated 02-12-2011 and 12-06-2013.
7. The total construction of around 17.5 ha (1,75,879 m²) was completed for residential sectors (R -22 to R-28 and R-29) in the year 2016-2017 against the 48.64 ha (4,86,400 m²) without EC.
8. PP has accepted the violation and has applied for Terms of Reference and Environment Clearance (Fresh Case) for the changes / addition / variation in total covered builtup construction area that occurred and executed in the project under violation as per Office Memorandum (OM) for identification and handling of violation cases under EIA Notification, 2006 and the Standard Operating Procedure (SOP) on 07.07.2021 and Office Memorandum dated 28.01.2022.
9. The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal was submitted to SEIAA for further guidance.



13 Shree

Copy of SEAC Minutes of Meeting are marked and annexed as Annexure 2.

10. SEIAA considered the proposal in their 242nd Meeting held on 21-04-2022 and observed that in view of pendency of the present case before the Hon'ble NGT, SEIAA decided to defer the proposal. Copy of SEIAA Minutes of Meeting are marked and annexed as Annexure 3.

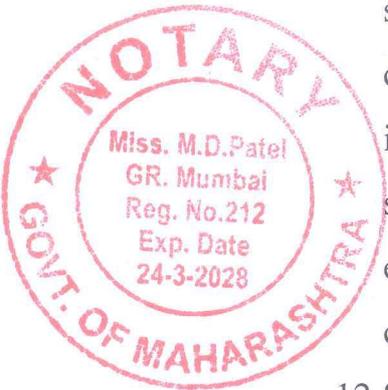
11. Further, SEIAA considered the application of PP in their 258th Meeting dated 3rd April, 2023. PP submitted that, in some cases before the Hon'ble NGT, Hon'ble NGT has clarified that proceeding for grant of ex post fact EC, which is pending before SEIAA, shall not be treated to have been stayed by Hon'ble NGT, rather the same would be expedited. PP further requested that, their case shall be considered on similar basis.

12. SEIAA further deliberated upon the fact that, SEIAA has issued instructions to SEACs regarding appraisal of the proposals of violations as per MoEF&CC Office Memo dated 07-07-2021 and 28-01-2022. SEIAA decided to refer back the proposal to SEAC for appraisal for Terms of Reference. (ToR).

Copy of SEIAA 258th MoM dated 3rd April, 2023 is marked and annexed as **Annexure 4.**

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





2002

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

Place: Mumbai

(Dattatray Suryakant Bhalerao)

Date: 17/05/2023

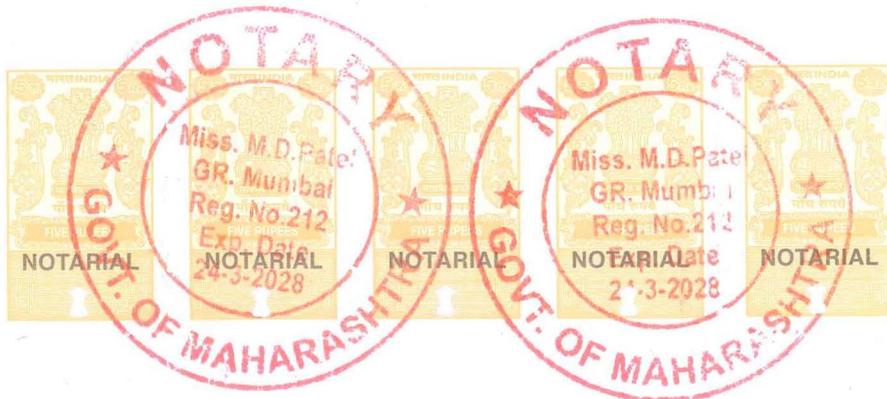
Scientist II & Under Secretary,
Environment & CC Department,
Government of Maharashtra



BEFORE ME

M. D. Patel
17-5-2023
Sr. No. 322
Bk. No. 2

MISS M. D. PATEL
ADVOCATE & NOTARY
Kohiar House,
4, Dhuswadi, Dhobitalao,
MUMBAI - 400 002.



VERIFICATION

I, Dattatray Suryakant Bhalerao, Age- 39, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at 15th floor, New Administrative Building, Mantralaya, Mumbai-400 032, do hereby verify and declare that the statements made in the aforesaid Para's are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.



Solemnly affirmed on this 17th day of the May, 2023 at
Mumbai.



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

BEFORE ME

M. D. Patel

17-5-2023

MISS M. D. PATEL
ADVOCATE & NOTARY
Kohier House,
4, Dhuswadi, Dhobitalao,
MUMBAI - 400 002.



16.02.2022

To,

The Member Secretary,
**State Environmental Impact Assessment
Authority (SEIAA) - Maharashtra**

Member Secretary
**State Expert Appraisal Committee-III
(SEAC-III) Maharashtra**
Environment Department, Govt. of Maharashtra
15th floor, New Administrative Building,
Mantralaya, Mumbai-400032

Subject: Application for 'Environmental Clearance': Terms of Reference (ToR) and Environment Clearance (Fresh case under violation): **read with EIA Violation Notification 14.03.2017 AND Office Memorandum dated 28.01.2022**

Project / Activity: **Xrbia Hinjewadi Developers Private Limited.**
(hereafter called as Project Proponent (PP) as Developers – Applicant)
Residential project – “Xrbia Hinjewadi Special Township” - Sector R-22 to R-28 and Sector R-29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District – Pune

Reference:

1. Environmental Clearance form GoI, MoEF file No. 21-153/2008-IA-III dated 27.12.2006 (Plot area 97.28 ha)
2. MoEF&CC Notification 14.03.2017
3. MoEF&CC OM dated 09.09.2019
4. Standard Operating Procedure (SOP) published by MoEF&CC on 07.07.2021
5. MoEF&CC OM dated 28.01.2022
6. NGT Order No. (I.A. No. 136/2020) of M/s Embassy Property Development Pvt. Ltd. dated 10.02.2022

2005

Dear Sir,

The application is hereby made without prejudice to the rights and subject to orders that may be passed from time to time from Hon'ble National Green Tribunal and/or any other competent court. This is without admitting but assuming that there is a cognizable violation, as may be finally decided by the Hon'ble Tribunal or Courts.

1. We, **Xrbia Hinjewadi Developers Private Limited. (hereafter called as Project Proponent (PP) as Developers – as Applicant)** had constructed a Residential project "**Xrbia Hinjewadi Special Township**" – Sector R-29 and Sector R-22 to R-28 at S.Nos.38/2 and others, Village Nere, Dattawadi, Taluka Mulshi, District Pune.
2. The earlier Environmental Clearance (EC) for development of township "Silicon City" was received on 27.12.2006 based on Form 1 & 1A and Conceptual Plan for total plot area 97.28 ha under Category 8(b) "Township and Area development project category". (As per EC, it was mentioned ... *the Township will have 1000 plots, which will be sold to individuals for construction of bungalows. The Total area for construction as per the approved plan is 48.64 ha...*)
3. Now, we are applying for a fresh application for Environmental Clearance for residential Sector R-29 and Sector R-22 to R-28 under 8(b) "Township and Area development project category". The project has been completed as per the revised sanctioned plan under Special Township PLU from PMRDA on 25.12.2015 and the revised NA order sanctioned by District Collector. Area allotment details have been mentioned below.

2006

Details (All areas in m ²)	Sector R-22 to 28	Sector R-29	Total
Sector area in m ²	79,109	38,123	1,17,232
FSI area in m ²	75,212	68,031	1,43,242
Non-FSI area in m ²	17,289	15,348	32,637
Total Construction area	92,501	83,378	1,75,879

4. The earlier EC letter granted on 27.12.2006.
5. The project was considered and discussed in the 60th State Expert Appraisal Committee (SEAC) meeting, Maharashtra, and had submitted a compliance reply on 06.12.2012.
6. Location clearance was received from Govt. of Maharashtra on 08.06.2009 as well as received the NA order from District Collector, Pune for Township on 07.09.2010 for the plot area 81.20 ha. Also revised NA order and Town planning letter have been received under Township development.
7. Agreement for development was done between Xrbia Hinjewadi Development Pvt. Limited, on 20.07.2012. (For sectors R-22 to R-28 and Sector R-29). Also received revised TP letter from Town planning, Collector Pune, and NA order on 10.09.2012, 08.11.2013, and 29.12.2015.
8. Again, re-submitted a separate application for EC under Category 8(b) for Sector R-22 to Sector R-28 and Sector R-29 on 12.06.2013 by Xrbia Hinjewadi Development Pvt. Limited.
9. We started the construction activity after receiving the Development Permission (DP) & Commencement Certificate (CC) from Collector Office on 10.09.2012. (Sector R-22 to Sector R-28)

2007

and have taken DP and CC from PMRDA for (Sector-29) on 20.10.2016.

10. The construction of all the residential sectors was completed in the year 2016-2017. Out of 4,86,400 m² (48.64 ha) of the total construction area granted in the EC, around 1,75,879 m² (17.5 ha) of the construction has been completed.
11. The occupancy Certificate was taken in the year 2016-2019. The project was handed over to society and registration was completed in the year 2017-2018.
12. Project Chronology (Diary of the events) is given below:

Sr.	Documents	Date
1.	Environmental Clearance from GoI, MoEF File No. 21-153/2008-IA-III Plot area - 97.28 ha Company Name: Eiffel Infocity Pvt. Ltd.	27.12.2006
2.	Consent to Establish from MPCB -Consent No. BO/RO/(P&P)/364 Plot area - 97.28 ha Company name: M/s. Nahar Silicon City	10.04.2006
3.	Consent to Establish from MPCB Consent No. BO/RO/(P&P)/EIC No. PN-3230- 09/E/CC/231 Plot area - 1,00,700 m ² BUA - 30,658 m ² Company Name : Eiffel Developers & Realtors Ltd. "Silicon City" S. No. 52, 53, 54, Village Dattawadi & Kasarsai, Taluka Mulshi, District Pune	08.07.2009
4.	Location Clearance form Govt. of Maharashtra क्रमांक -टिपीएस -१८०७/९९/प्र. क्र. ७५३/०७/नवि -१३ दिनांक - ८.०६.२००९ Plot area - 81.20 ha Company Name: Eiffel Infocity Pvt. Ltd.	08.06.2009
5.	Collector Office: Letter of Intent क्र. पमअ/कवि /१४९१/०९ पुणे -०१, दिनांक २४/०९/२००९	24.09.2009

2008

Sr.	Documents	Date
	Company name: Eiffel Developers and Realtors Ltd.	
6.	NA order क्र. पमअ/एनए/एसआर/३५५/०८ पुणे -०१, दिनांक ०७/०९/२०१० Plot area - 81.20 ha Company name: Eiffel Developers and Realtors Ltd.	07.09.2010
7.	Submitted application for Environmental Clearance at SEAC, Maharashtra	02.12.2011
8.	Revised - Town Planning letter to Collector	07.01.2012
9.	Revised NA order क्र. पमअ/टी एस /एसआर/२१/२०२१ पुणे -३१, दिनांक ३१/०३/२०१२ Plot Area : 58,34,335 m ² Company name: Eiffel Developers and Realtors Ltd.	31.03.2012
10.	Agreement for sale between Xrbia Development Limited and Xrbia Hinjewadi Development Pvt. Ltd.	20.07.2012
11.	Revised Letter of TP to Collector (Sector R-22 to Sector R-28 and Sector R-29)	23.07.2012
12.	Commencement Certificate (R-22 to R-28 and R-29)	10.09.2012
13.	Submitted separate application for Environmental Clearance at SEAC, Maharashtra (R-22 to R-28 and R-29) Company Name: Xrbia Hinjewadi Developers Pvt. Ltd.	12.06.2013
14.	Letter of TP to Collector (R-22 to R-28 and R-29)	19.08.2013
15.	Revised NA order (R-29)	08.11.2013
16.	Revised NA order (R-22 to R-28)	05.06.2014
17.	Special Township - PLU sanctioned plan Vide no. 42 dated 07/01/2012 Company name: Xrbia Developers Ltd.	25.12.2015
18.	Second revised NA order (Plot area 5,84,335 m ²)	29.12.2015
19.	Revised building plan from PMRDA (Development Permission and commencement Certificate) (Sector R-22- Sector R-28)	30.09.2016

2009

Sr.	Documents	Date
	Letter no. / C.R. No. 811/16-17/Mouze - नेरे दत्तवाडी Company Name: Xrbia Developers Ltd.	
20.	Revised building plan from PMRDA (Sector R -29) Letter no. / C.R. No. 10.02.16-17/Mouze - नेरे दत्तवाडी Mulshi Company name: Xrbia Developers Ltd.	20.10.2016
21.	Part Occupancy Certificate - PMRDA	07.11.2016
22.	Part Occupancy Certificate - PMRDA	27.01.2017
23.	Corrected Completion Certificate - PMRDA	01.02.2017
24.	Formation of Society - Certificate	11.09.2017

13. **For identifying and handling violation cases, The Ministry of Environment Forest & Climate Change (MoEF&CC) had published an independent Notification on 14.03.2017** for consideration of violation projects for scrutiny under EAC. *(Para 13 (1):the Central Government hereby directs that the projects or activities or the expansion or modernization of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-.....)*

2010

14. The window for submission was valid till 13.09.2017 and was extended further from 14.03.2018 to 13.04.2018 based on court direction and MoEF&CC Office Memorandum dated 16.03.2018.
15. **MoEF&CC also issued Office Memorandum (OM) 09.09.2019** w.r.t. 14.03.2017, about consideration of Category-B violations proposals at State level, under through "lateral entry".
16. **MoEF&CC published a Standard Operating Procedure (SOP) on 07.07.2021.** This SOP was challenged in the Madurai Bench of the High Court of Madras in the matter of W.P. (MD) No. 11757 of 2021 titled Fatima Vs Union of India and was interim stayed vide order dated 15.07.2021.
17. **As per the MoEF&CC OM dated 28.01.2022,** in a recent ***order of Hon'ble Supreme Court, in the matter of Electrosteel Steels Limited Vs Union of India and Ors., dated 9.12.2021,*** it was stated that the interim by Madras High Court was misunderstood. As per the Madras High Court, the interim stay order passed has no application beyond the territorial Jurisdiction of the Madras High Court.
18. Case of Violation was listed at Hon'ble National Green Tribunal (NGT) O.A. No. 33/2019 (I.A. No. 31/2019) and was disposed of by the Hon'ble National Green Tribunal (NGT). The enclosed following Daily Order dated 19.05.2021 was passed.
19. In light of this, MoEF&CC issued the detailed Office Memorandum, dated 28.01.2022, explaining the procedural way ahead to handle the violation cases, with emphasis supplied with it, including the Judgement of the Hon'ble Supreme Court.

2011

20. Hence, we would like to apply for Terms of Reference and Environment Clearance (Fresh Case) for the changes/addition/variation in total covered built-up construction area occurred and executed in the project under violation as per the MoEF&CC Notification 14.03.2017 and MoEF&CC published Office Memorandum (OM) for identification and handling of violation cases under EIA Notification 2006 a Standard Operating Procedure (SOP) on 07.07.2021 and Office Memorandum dated 28.01.2022.
21. In view of the submissions made above, kindly consider the application and expedite the process of grant of Environment Clearance.

Thanking you,

Yours faithfully,

For Xrbia Hinjewadi Developers Private Limited.



AUTHORIZED SIGNATORY

Enclosures:

1. Copy of Form 1 & 1 A including all respective Annexures
2. Copy of NGT Order

addition / variation in total covered built-up construction area, on 16.02.2022. The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8(b) B1.

The office memorandum dated 28.01.2022 mentions SOP in clause no 10 and sub clause no (i) mentions that “ *without prejudice to any other consequences, action to be initiated under section 15 read with section 19 of the Environment (Protection) Act, 1986 against all Violations.*

It is not clear that who will initiate the action under section 15 read with section 19 of Environment (Protection) act 1986. In violation cases the committee feels that proper procedure shall be laid down based on the of OM issued by MoEFCC. However Step 3 mentions about appraisal under EIA notification, 2006, the sub clause B (i) mentions about procedure of TOR to be issued in Violation cases.

Decision-

Considering above the application is submitted for further guidance in violation cases

23.	P-23	SIA/MH/MIS/72296/2022	Residential project – “Xrbia Hinjewadi Special Township” - Sector R 22 to R28 and Sector R 29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District – Pune M/s. Xrbia Hinjewadi Developers Private Limited. (hereafter called as Project Proponent (PP) as Developers – Applicant).
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Representative of PP Mr. Veer Bharti Kouls was present during the meeting along with environmental consultant M/s. Mahabal Enviro Engineers Pvt. Ltd.

It is noted that, the PP has submitted the application for prior Environmental clearance for total plot area of 1,17,232 m², FSI area of 1,43,242 m², Non FSI area of 32,637 m² and total BUA of 1,75,879 m².

Brief information of the proposal is as below:

1.	Proposal No.	SIA/MH/MIS/72296/2022	
2.	Name of Project	Residential project – “Xrbia Hinjewadi Special Township” - Sector R 22 to R28 and Sector R 29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District – Pune by Xrbia Hinjewadi Developers Private Limited	
3.	Project Category	8(b) B1	
4.	Type of institution	Private	
5.	Project Proponent	Name	Mr. Veer Bharti Kouls Authorized Person
		Address	First Floor, Mantri House, 929, Fergusson College Rd, near Dnyaneshwar Paduka Chowk, Pune- 411004, Maharashtra
		Tel	02066858659
		Mobile	99604 00259
		Email ID	veerkouls@xrbia.com
6.	Consultant	Name	Mahabal Enviro Engineers Pvt. Ltd.
		Address	Plot F-7, Road 21, MIDC Wagle Estate, Thane West - 400604
		Tel	022 25823154
		Mobile	98211 27972
		Email ID	mahabal.thane@gmail.com
		Accreditation no.	QCI/NABET/ENV/ACO/21/1967
7.	Applied for	Environmental Clearance (Violation)	
8.	Details of previous EC	EC letter vide File no. 21-153/2008-IA-III dated 27.12.2006 granted by Government of India, MoEF	
9.	Location of the project	Sector R 22 to R28 and Sector R 29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District – Pune	
10.	Latitude and Longitude	18°60'38.58" N 73°69'01.53" E	
11.	Total Plot Area (m ²)	Sector Area – R 22-28: 79,109 m ² Sector Area – R 29: 38,123 m ² Total Plot Area: (R-29, R22-28): 1,17,232 m ²	
12.	Deductions (m ²)	Nil	

2014

Minutes of 137th SEAC-3 meeting scheduled on 29th, 30th & 31st March, 2022 through Video Conference

13.	Net plot area (m ²)	Sector Area – R 22-28: 79,109 m ² Sector Area – R 29: 38,123 m ² Total Plot Area: (R-29, R22-28): 1,17,232 m ²				
14.	Proposed FSI area (m ²)	FSI area – Sector R 22-28: 75,212 m ² FSI area – Sector R 29: 68,031 m ² Total FSI area: 1,43,242 m ²				
15.	Proposed Non FSI area (m ²)	Non FSI area – Sector R 22-28: 17,289 m ² Non FSI area – Sector R 29: 15,348 m ² Total Non FSI area: 32,637 m ²				
16.	Proposed TBUA (m ²)	Total BUA area – Sector R 22-28: 92,501 m ² Total BUA area – Sector R 29: 83,378 m ² Total BUA area – Sector (R-29, R22-28): 1,75,879 m ²				
17.	Total Built up area (m ²) approved by Planning Authority till date	Total BUA area – Sector R 22-28: 92,501 m ² Total BUA area – Sector R 29: 83,378 m ² Total BUA area – Sector (R-29, R22-28): 1,75,879 m ²				
18.	Ground coverage (m ²) & %	17,987.63				
19.	Total Project Cost (Rs.)	Rs.347 Crore				
20.	CER as per MoEF&CC circular dated 01/05/2018	-				
21.	Details of Building Configuration:					
	Sr.	Building Name	Configuration	Total No of Flats (no.)	Population	Height (m)
		Sector R-29				
	1	A1	P+G+7	64	320	24.75
	2	A2	P+G+7	96	480	24.75
	3	A3	P+G+7	112	560	24.75
	4	A4	P+G+7	112	560	24.75
	5	A5	P+G+7	112	560	24.75
	6	A6	P+G+7	112	560	24.75
	7	A7	P+G+7	176	704	24.75
	8	A8	P+G+7	176	704	24.75
	9	A9	P+G+7	160	640	24.75
	10	A10	P+G+7	160	640	24.75
	11	A11	P+G+7	112	560	24.75
	12	A12	P+G+7	96	480	24.75

Secretary, SEAC-3

Chairman, SEAC-3

2015

Minutes of 137th SEAC-3 meeting scheduled on 29th, 30th & 31st March, 2022 through Video Conference

13	A13	P+G+7	80	480	24.75																									
	Total		1,568	7,248																										
	Club house	G+1			8.70																									
	Sector R-22-28																													
14	A14	P+G+8	72	360	27.5																									
15	A15	P+G+8	72	360	27.5																									
16	B1	P+G+7	176	704	24.75																									
17	B2	P+G+7	176	704	24.75																									
18	B3	P+G+7	64	320	24.75																									
19	B6	P+G+7	64	320	24.75																									
20	B7	P+G+7	80	480	24.75																									
21	B8	P+G+7	176	704	24.75																									
22	C2	P+G+7	64	320	24.75																									
23	C3	P+G+7	176	704	24.75																									
24	C4	P+G+7	80	480	24.75																									
25	C5	P+G+7	80	480	24.75																									
26	C6	P+G+7	80	480	24.75																									
27	C7	P+G+7	64	320	24.75																									
28	D1	P+G+7	64	320	24.75																									
29	D6	P+G+7	64	320	24.75																									
	Total		1,552	7,376																										
22.	Total tenements		3,120 nos.																											
23.	Water Budget		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Dry Season</th> <th style="width: 15%;">(in m³/day)</th> <th style="width: 25%;">Wet Season</th> <th style="width: 15%;">(in m³/day)</th> </tr> </thead> <tbody> <tr> <td>Fresh water</td> <td style="text-align: center;">1,316</td> <td>Fresh water</td> <td style="text-align: center;">1,316</td> </tr> <tr> <td>Recycled (Flushing)</td> <td style="text-align: center;">658</td> <td>Recycled (Flushing)</td> <td style="text-align: center;">658</td> </tr> <tr> <td>Recycled (Gardening)</td> <td style="text-align: center;">73</td> <td>Recycled (Gardening)</td> <td style="text-align: center;">15</td> </tr> <tr> <td>Total Water requirement</td> <td style="text-align: center;">1,974</td> <td>Total Water requirement</td> <td style="text-align: center;">1,974</td> </tr> <tr> <td>Waste water generation</td> <td style="text-align: center;">1,579</td> <td>Waste water generation</td> <td style="text-align: center;">1,579</td> </tr> </tbody> </table>				Dry Season	(in m ³ /day)	Wet Season	(in m ³ /day)	Fresh water	1,316	Fresh water	1,316	Recycled (Flushing)	658	Recycled (Flushing)	658	Recycled (Gardening)	73	Recycled (Gardening)	15	Total Water requirement	1,974	Total Water requirement	1,974	Waste water generation	1,579	Waste water generation	1,579
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Total Water requirement			1,974	Total Water requirement	1,974																									
Waste water generation			1,579	Waste water generation	1,579																									

24.	Water Storage Capacity for Firefighting / UGT										
25.	Source of Water	Pune Municipal Corporation (PMC)									
26.	Rainwater Harvesting (RWH)	7 no. of Recharge pits Recharge pits size: 2m × 2m × 2m									
27.	Sewage and waste water	Sewage generation: 1,579 m ³ /day STP Capacity: 1,600 m ³ /day									
28.	Solid Waste Management during Construction Phase	Not applicable									
29.	Solid Waste Management during Operation Phase	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Type</th> <th style="text-align: center;">Quantity (kg/day)</th> <th style="text-align: left;">Treatment / disposal</th> </tr> </thead> <tbody> <tr> <td>Dry waste</td> <td style="text-align: center;">1,754</td> <td>Handed over to Local Body</td> </tr> <tr> <td>Wet waste</td> <td style="text-align: center;">2,632</td> <td>Treated in OWC</td> </tr> </tbody> </table>	Type	Quantity (kg/day)	Treatment / disposal	Dry waste	1,754	Handed over to Local Body	Wet waste	2,632	Treated in OWC
Type	Quantity (kg/day)	Treatment / disposal									
Dry waste	1,754	Handed over to Local Body									
Wet waste	2,632	Treated in OWC									
30.	Green Belt (m ²)	Total RG area (m ²) : 11,876 m ²									
31.	Power requirement:	Source of Power Supply: MSEDCL									
32.	Details of Energy saving	-									
33.	Environmental Management plan budget during Construction phase	Not applicable									
34.	Environmental Management plan Budget during Operation phase	-									

35.	Parking	
36.	Details of Court cases / litigations w.r.t. the project and project location if any.	Yes

Deliberations:-

PP informed that “Xrbia Hinjewadi Special Township” (formerly known as Silicon City) is a residential project at Sector R 22 to R 28 and Sector R 29 located at S. No. 38/2 and others. The project has received an Environment Clearance from Government of India, on 27.12.2006 for the Plot area of 97.28 ha (9,72,800 m²) and Total Construction Area of 48.64 ha (4,86,400 m²) in the name of “Silicon city” by Eiffel Infocity Pvt. Ltd. Application for Environment Clearance was submitted to SEIAA through SEAC, Maharashtra on 02.12.2011. An agreement was done with Xrbia Hinjewadi Developers Private Limited for development of sectors R-22 to R-28 and Sector R-29 on 20.07.2012. A separate application for Environmental Clearance was submitted to SEIAA through SEAC, Maharashtra for development of sectors R-22 to R-28 and Sector R-29 on 12.06.2013. The total construction of around 17.5 ha (1,75,879 m²) was completed for residential sectors (R -22 to R-28 and R-29) in the year 2016-2017 against the 48.64 ha (4,86,400 m²). The part occupancy certificate was obtained on 07.11.2016 and 27.01.2017 and complete occupancy certificate was received on 01.02.2017. • The project was handed over to the society and registration was done on 11.09.2017. PP accepted the violation has applied for Terms of Reference and Environment Clearance (Fresh Case) for the changes/ addition/ variation in total covered builtup construction area that occurred and executed in the project under violation as per Office Memorandum (OM) for identification and handling of violation cases under EIA Notification 2006 a Standard Operating Procedure (SOP) on 07.07.2021 and Office Memorandum dated 28.01.2022. Since there was no provision of regularisation of violation cases the application was not submitted. However MoEFCC came out with office memorandum dated

28.01.2022 mentioning the procedure to be followed in case of violation already done. Accordingly PP applied for Terms of Reference for the changes/ addition / variation in total covered built-up construction area. The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised .

The office memorandum dated 28.01.2022 mentions SOP in clause no 10 and sub clause no (i) mentions that “ ***without prejudice to any other consequences, action to be initiated under section 15 read with section 19 of the Environment (Protection) Act, 1986 against all Violations.***

It is not clear that who will initiate the action under section 15 read with section 19 of Environment (Protection) act 1986. In violation cases the committee feels that proper procedure shall be laid down based on the of OM issued by MoEFCC. However Step 3 mentions about appraisal under EIA notification, 2006, the sub clause B (i) mentions about procedure of TOR to be issued in Violation cases.

Decision-

Considering above the application is submitted for further guidance in violation cases

31 st March, 2022			
24.	P-24	SIA/MH/MIS/70950/2018	Proposed Expansion in Environment Clearance of "Centre for Perfect Health" at Village Wahangaon, Taluka Mawal, District Pune, Maharashtra. By Maharishi Vedoddharak Foundation and Maharishi Vedic Healt.

Representative of PP Mr. Giridhari Kale was present during the meeting along with environmental consultant M/s. Mahabal Enviro Engineers Pvt. Ltd.

It is noted that, the PP has submitted the application for prior Environmental clearance for total plot area of 8,43,415 m², FSI area of 1,62,577 m², Non FSI area of 4,066 m² and total BUA of 1,67,048 m².

Item no. 37

Proposal No.:- SIA/MH/MIS/72296/2022

Type of Project: TOR

Subject- Environment Clearance for Residential project – “Xrbia Hinjewadi Special Township” - Sector R 22 to R28 and Sector R 29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District- Pune by Xrbia Hinjewadi Developers Private Limited

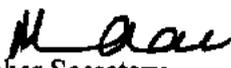
Project Details-

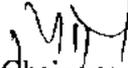
Representative of PP Mr. Veer Bharti Kouls was present during the meeting along with environmental consultant M/s. Mahabal Enviro Engineers Pvt. Ltd.

It is noted that, the PP has submitted the application for prior Environmental clearance for total plot area of 1,17,232 m², FSI area of 1,43,242 m², Non FSI area of 32,637 m² and total BUA of 1,75,879 m².

Brief information of the proposal is as below:

1.	Proposal No.	SIA/MH/MIS/72296/2022	
2.	Name of Project	Residential project – “Xrbia Hinjewadi Special Township” - Sector R 22 to R28 and Sector R 29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District – Pune by Xrbia Hinjewadi Developers Private Limited	
3.	Project Category	8(b) B1	
4.	Type of institution	Private	
5.	Project Proponent	Name	Mr. Veer Bharti Kouls Authorized Person
		Address	First Floor, Mantri House, 929, Fergusson College Rd, near Dnyaneshwar Paduka Chowk, Pune- 411004, Maharashtra
		Tel	02066858659
		Mobile	99604 00259
		Email ID	veerkouls@xrbia.com
6.	Consultant	Name	Mahabal Enviro Engineers Pvt. Ltd.
		Address	Plot F-7, Road 21, MIDC Wagle Estate, Thane West - 400604
		Tel	022 25823154
		Mobile	98211 27972
		Email ID	mahabal.thane@gmail.com
	Accreditation no.	QCI/NABET/ENV/ACO/21/1967	
7.	Applied for	Environmental Clearance (Violation)	
8.	Details of previous EC	EC letter vide File no. 21-153/2008-IA-III dated 27.12.2006 granted by Government of India, MoEF	
9.	Location of the project	Sector R 22 to R28 and Sector R 29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District – Pune	
10.	Latitude and Longitude	18°60'38.58" N 73°69'01.53" E	


Member Secretary


Chairman

11.	Total Plot Area (m ²)	Sector Area – R 22-28: 79,109 m ² Sector Area – R 29: 38,123 m ² Total Plot Area: (R-29, R22-28): 1,17,232 m ²				
12.	Deductions (m ²)	Nil				
13.	Net plot area (m ²)	Sector Area – R 22-28: 79,109 m ² Sector Area – R 29: 38,123 m ² Total Plot Area: (R-29, R22-28): 1,17,232 m ²				
14.	Proposed FSI area (m ²)	FSI area – Sector R 22-28: 75,212 m ² FSI area – Sector R 29: 68,031 m ² Total FSI area: 1,43,242 m ²				
15.	Proposed Non FSI area (m ²)	Non FSI area – Sector R 22-28: 17,289 m ² Non FSI area – Sector R 29: 15,348 m ² Total Non FSI area: 32,637 m ²				
16.	Proposed TBUA (m ²)	Total BUA area – Sector R 22-28: 92,501 m ² Total BUA area – Sector R 29: 83,378 m ² Total BUA area – Sector (R-29, R22-28): 1,75,879 m ²				
17.	Total Built up area (m ²) approved by Planning Authority till date	Total BUA area – Sector R 22-28: 92,501 m ² Total BUA area – Sector R 29: 83,378 m ² Total BUA area – Sector (R-29, R22-28): 1,75,879 m ²				
18.	Ground coverage (m ²) & %	17,987.63				
19.	Total Project Cost (Rs.)	Rs.347 Crore				
20.	CER as per MoEF&CC circular dated 01/05/2018	-				
21.	Details of Building Configuration:					
	Sr.	Building Name	Configuration	Total No of Flats (no.)	Population	Height (m)
		Sector R-29				
	1	A1	P+G+7	64	320	24.75
	2	A2	P+G+7	96	480	24.75
	3	A3	P+G+7	112	560	24.75
	4	A4	P+G+7	112	560	24.75
	5	A5	P+G+7	112	560	24.75
	6	A6	P+G+7	112	560	24.75
	7	A7	P+G+7	176	704	24.75
	8	A8	P+G+7	176	704	24.75
	9	A9	P+G+7	160	640	24.75
	10	A10	P+G+7	160	640	24.75
	11	A11	P+G+7	112	560	24.75
	12	A12	P+G+7	96	480	24.75

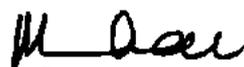

Member Secretary

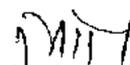

Chairman

2021

Minutes of 242th (Day-2) meeting of SEIAA held on 21.04.2022

13	AI3	P+G+7	80	480	24.75																									
	Total		1,568	7,248																										
	Club house	G+1			8.70																									
	Sector R-22-28																													
14	A14	P+G+8	72	360	27.5																									
15	A15	P+G+8	72	360	27.5																									
16	B1	P+G+7	176	704	24.75																									
17	B2	P+G+7	176	704	24.75																									
18	B3	P+G+7	64	320	24.75																									
19	B6	P+G+7	64	320	24.75																									
20	B7	P+G+7	80	480	24.75																									
21	B8	P+G+7	176	704	24.75																									
22	C2	P+G+7	64	320	24.75																									
23	C3	P+G+7	176	704	24.75																									
24	C4	P+G+7	80	480	24.75																									
25	C5	P+G+7	80	480	24.75																									
26	C6	P+G+7	80	480	24.75																									
27	C7	P+G+7	64	320	24.75																									
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25.	Source of Water		Pune Municipal Corporation (PMC)																											
26.	Rainwater Harvesting (RWH)		7 no. of Recharge pits Recharge pits size: 2m × 2m × 2m																											
27.	Sewage and waste water		Sewage generation: 1,579 m ³ /day STP Capacity: 1,600 m ³ /day																											

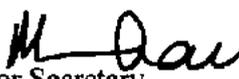

Member Secretary


Chairman

28.	Solid Waste Management during Construction Phase	Not applicable	
29.	Solid Waste Management during Operation Phase	Type	Quantity Treatment / disposal
		Dry waste	1,754 Handed over to Local Body
		Wet waste	2,632 Treated in OWC
30.	Green Belt (m ²)	Total RG area (m ²) : 11,876 m ²	
31.	Power requirement:	Source of Power Supply: MSEDCL	
32.	Details of Energy saving	-	
33.	Environmental Management plan budget during Construction phase	Not applicable	
34.	Environmental Management plan Budget during Operation phase	-	
35.	Parking		
36.	Details of Court cases / litigations w.r.t. the project and project location if any.	Yes	

SEAC Deliberation –

PP informed that “Xrbia Hinjewadi Special Township” (formerly known as Silicon City) is a residential project at Sector R 22 to R 28 and Sector R 29 located at S. No. 38/2 and others. The project has received an Environment Clearance from Government of India, on 27.12.2006 for the Plot area of 97.28 ha (9,72,800 m²) and Total Construction Area of 48.64 ha (4,86,400 m²) in the name of “Silicon city” by Eiffel Infocity Pvt. Ltd. Application for Environment Clearance was submitted to SEIAA through SEAC, Maharashtra on 02.12.2011. An agreement was done with Xrbia Hinjewadi Developers Private Limited for development of sectors R-22 to R-28 and Sector R-29 on 20.07.2012. A separate application for Environmental Clearance was submitted to SEIAA through SEAC, Maharashtra for development of sectors R-22 to R-28 and Sector R-29 on 12.06.2013. The total construction of around 17.5 ha (1,75,879 m²) was completed for residential sectors (R -22 to R-28 and R-29) in the year 2016-2017 against the 48.64 ha (4,86,400 m²). The part occupancy certificate was obtained on 07.11.2016 and 27.01.2017 and complete occupancy certificate was received on 01.02.2017. • The project was handed over to the society and registration was done on 11.09.2017. PP accepted the violation has applied for Terms of Reference and Environment Clearance (Fresh Case) for the changes/ addition/ variation in total covered builtup construction area that occurred and executed in the project under violation as per Office Memorandum (OM) for identification and handling of violation cases under EIA Notification 2006 a Standard Operating Procedure (SOP) on 07.07.2021 and Office Memorandum dated 28.01.2022. Since there was no provision of regularisation of violation cases the application was not submitted. However MoEFCC came


Member Secretary


Chairman

out with office memorandum dated 28.01.2022 mentioning the procedure to be followed in case of violation already done. Accordingly PP applied for Terms of Reference for the changes/ addition / variation in total covered built-up construction area. The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised .

The office memorandum dated 28.01.2022 mentions SOP in clause no 10 and sub clause no (i) mentions that “ without prejudice to any other consequences, action to be initiated under section 15 read with section 19 of the Environment (Protection) Act, 1986 against all Violations. It is not clear that who will initiate the action under section 15 read with section 19 of Environment (Protection) act 1986. In violation cases the committee feels that proper procedure shall be laid down based on the of OM issued by MoEFCC. However Step 3 mentions about appraisal under EIA notification, 2006, the sub clause B (i) mentions about procedure of TOR to be issued in Violation cases.

Recommendations of SEAC-

Considering above the application is submitted for further guidance in violation cases

Deliberation in SEIAA-

PP made application under violation SOP. SEAC-3 in its 137th meeting pointed out that, the office memorandum dated 28.01.2022 mentions SOP in clause no 10 and sub clause no (i) mentions that “without prejudice to any other consequences, action to be initiated under section 15 read with section 19 of the Environment (Protection) Act, 1986 against all Violations.”

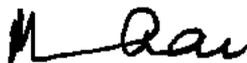
SEAC further pointed out that, it is not clear that who will initiate the action under section 15 read with section 19 of Environment (Protection) act 1986. In violation cases the committee feels that proper procedure shall be laid down based on the of OM issued by MoEFCC. However Step 3 mentions about appraisal under EIA notification, 2006, the sub clause B (i) mentions about procedure of TOR to be issued in Violation cases.

Hence SEAC forwarded the proposal for further guidance in the matter.

During the meeting SEIAA observed that, there is a matter pending in Hon'ble High Court. SEIAA decided to defer the proposal till the matter in NGT is decided.

SEIAA Decision-

SEIAA decided to defer the proposal.



Member Secretary



Chairman

Minutes of 258th Day 1 (Part D) meeting of SEIAA held on 03rd April, 2023

Item no. 54

Proposal No.:- SIA/MH/MIS/72296/2022

Type of Project: TOR

Subject- Environment Clearance for Residential project – “Xrbia Hinjewadi Special Township” - Sector R 22 to R28 and Sector R 29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District– Pune by Xrbia Hinjewadi Developers Private Limited (Compliance)

Project Details-

Representative of PP Mr. Veer Bharti Kouls was present during the meeting along with environmental consultant M/s. Mahabal Enviro Engineers Pvt. Ltd.

It is noted that, the PP has submitted the application for prior Environmental clearance for total plot area of 1,17,232 m², FSI area of 1,43,242 m², Non FSI area of 32,637 m² and total BUA of 1,75,879 m².

Brief information of the proposal is as below:

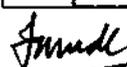
1.	Proposal No.	SIA/MH/MIS/72296/2022	
2.	Name of Project	Residential project – “Xrbia Hinjewadi Special Township” - Sector R 22 to R28 and Sector R 29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District – Pune by Xrbia Hinjewadi Developers Private Limited	
3.	Project Category	8(b) B1	
4.	Type of institution	Private	
5.	Project Proponent	Name	Mr. Veer Bharti Kouls Authorized Person
		Address	First Floor, Mantri House, 929, Fergusson College Rd, near Dnyaneshwar Paduka Chowk, Pune- 411004, Maharashtra
		Tel	02066858659
		Mobile	99604 00259
		Email ID	veerkouls@xrbia.com
6.	Consultant	Name	Mahabal Enviro Engineers Pvt. Ltd.
		Address	Plot F-7, Road 21, MIDC Wagle Estate, Thane West - 400604
		Tel	022 25823154
		Mobile	98211 27972
		Email ID	mahabal.thane@gmail.com
		Accreditation no.	QCI/NABET/ENV/ACO/21/1967
7.	Applied for	Environmental Clearance (Violation)	
8.	Details of previous EC	EC letter vide File no. 21-153/2008-IA-III dated 27.12.2006 granted by Government of India, MoEF	
9.	Location of the project	Sector R 22 to R28 and Sector R 29 at S. Nos. 38/2 and others, Village Nere - Dattawadi, Taluka - Mulshi, District – Pune	


Member Secretary


Chairman

Minutes of 258th Day 1 (Part D) meeting of SEIAA held on 03rd April, 2023

10.	Latitude and Longitude	18°60'38.58" N 73°69'01.53" E				
11.	Total Plot Area (m ²)	Sector Area – R 22-28: 79,109 m ² Sector Area – R 29: 38,123 m ² Total Plot Area: (R-29, R22-28): 1,17,232 m ²				
12.	Deductions (m ²)	Nil				
13.	Net plot area (m ²)	Sector Area – R 22-28: 79,109 m ² Sector Area – R 29: 38,123 m ² Total Plot Area: (R-29, R22-28): 1,17,232 m ²				
14.	Proposed FSI area (m ²)	FSI area – Sector R 22-28: 75,212 m ² FSI area – Sector R 29: 68,031 m ² Total FSI area: 1,43,242 m ²				
15.	Proposed Non FSI area (m ²)	Non FSI area – Sector R 22-28: 17,289 m ² Non FSI area – Sector R 29: 15,348 m ² Total Non FSI area: 32,637 m ²				
16.	Proposed TBUA (m ²)	Total BUA area – Sector R 22-28: 92,501 m ² Total BUA area – Sector R 29: 83,378 m ² Total BUA area – Sector (R-29, R22-28): 1,75,879 m ²				
17.	Total Built up area (m ²) approved by Planning Authority till date	Total BUA area – Sector R 22-28: 92,501 m ² Total BUA area – Sector R 29: 83,378 m ² Total BUA area – Sector (R-29, R22-28): 1,75,879 m ²				
18.	Ground coverage (m ²) & %	17,987.63				
19.	Total Project Cost (Rs.)	Rs.347 Crore				
20.	CER as per MoEF&CC circular dated 01/05/2018	-				
21.	Details of Building Configuration:					
	Sr.	Building Name	Configuration	Total No of Flats (no.)	Population	Height (m)
		Sector R-29				
	1	A1	P+G+7	64	320	24.75
	2	A2	P+G+7	96	480	24.75
	3	A3	P+G+7	112	560	24.75
	4	A4	P+G+7	112	560	24.75
	5	A5	P+G+7	112	560	24.75
	6	A6	P+G+7	112	560	24.75
	7	A7	P+G+7	176	704	24.75
	8	A8	P+G+7	176	704	24.75
	9	A9	P+G+7	160	640	24.75
	10	A10	P+G+7	160	640	24.75


Member Secretary


Chairman

	11	A11	P+G+7	112	560	24.75																									
	12	A12	P+G+7	96	480	24.75																									
	13	A13	P+G+7	80	480	24.75																									
		Total		1,568	7,248																										
		Club house	G+1			8.70																									
		Sector R-22-28																													
	14	A14	P+G+8	72	360	27.5																									
	15	A15	P+G+8	72	360	27.5																									
	16	B1	P+G+7	176	704	24.75																									
	17	B2	P+G+7	176	704	24.75																									
	18	B3	P+G+7	64	320	24.75																									
	19	B6	P+G+7	64	320	24.75																									
	20	B7	P+G+7	80	480	24.75																									
	21	B8	P+G+7	176	704	24.75																									
	22	C2	P+G+7	64	320	24.75																									
	23	C3	P+G+7	176	704	24.75																									
	24	C4	P+G+7	80	480	24.75																									
	25	C5	P+G+7	80	480	24.75																									
	26	C6	P+G+7	80	480	24.75																									
	27	C7	P+G+7	64	320	24.75																									
	28	D1	P+G+7	64	320	24.75																									
	29	D6	P+G+7	64	320	24.75																									
		Total		1,552	7,376																										
22.		Total tenements		3,120 nos.																											
23.	Water Budget			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Dry Season</th> <th>(in m³/day)</th> <th>Wet Season</th> <th>(in m³/day)</th> </tr> </thead> <tbody> <tr> <td>Fresh water</td> <td>1,316</td> <td>Fresh water</td> <td>1,316</td> </tr> <tr> <td>Recycled (Flushing)</td> <td>658</td> <td>Recycled (Flushing)</td> <td>658</td> </tr> <tr> <td>Recycled (Gardening)</td> <td>73</td> <td>Recycled (Gardening)</td> <td>15</td> </tr> <tr> <td>Total Water requirement</td> <td>1,974</td> <td>Total Water requirement</td> <td>1,974</td> </tr> <tr> <td>Waste water generation</td> <td>1,579</td> <td>Waste water generation</td> <td>1,579</td> </tr> </tbody> </table>				Dry Season	(in m³/day)	Wet Season	(in m³/day)	Fresh water	1,316	Fresh water	1,316	Recycled (Flushing)	658	Recycled (Flushing)	658	Recycled (Gardening)	73	Recycled (Gardening)	15	Total Water requirement	1,974	Total Water requirement	1,974	Waste water generation	1,579	Waste water generation	1,579
Dry Season				(in m³/day)	Wet Season	(in m³/day)																									
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Total Water requirement				1,974	Total Water requirement	1,974																									
Waste water generation				1,579	Waste water generation	1,579																									
24.	Water Storage Capacity for Firefighting / UGT																														
25.	Source of Water			Pune Municipal Corporation (PMC)																											
26.	Rainwater Harvesting (RWH)			7 no. of Recharge pits Recharge pits size: 2m × 2m × 2m																											

Small
Member Secretary

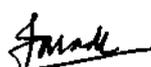
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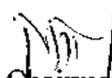
Minutes of 258th Day 1 (Part D) meeting of SEIAA held on 03rd April, 2023

27.	Sewage and waste water	Sewage generation: 1,579 m ³ /day STP Capacity: 1,600 m ³ /day		
28.	Solid Waste Management during Construction Phase	Not applicable		
29.	Solid Waste Management during Operation Phase	Type	Quantity (kg/day)	Treatment / disposal
		Dry waste	1,754	Handed over to Local Body
		Wet waste	2,632	Treated in OWC
30.	Green Belt (m ²)	Total RG area (m ²) : 11,876 m ²		
31.	Power requirement:	Source of Power Supply: MSEDCL		
32.	Details of Energy saving	-		
33.	Environmental Management plan budget during Construction phase	Not applicable		
34.	Environmental Management plan Budget during Operation phase	-		
35.	Parking			
36.	Details of Court cases / litigations w.r.t. the project and project location if any.	Yes		

SEAC Deliberation –

PP informed that “Xrbia Hinjewadi Special Township” (formerly known as Silicon City) is a residential project at Sector R 22 to R 28 and Sector R 29 located at S. No. 38/2 and others. The project has received an Environment Clearance from Government of India, on 27.12.2006 for the Plot area of 97.28 ha (9,72,800 m²) and Total Construction Area of 48.64 ha (4,86,400 m²) in the name of “Silicon city” by Eiffel Infocity Pvt. Ltd. Application for Environment Clearance was submitted to SEIAA through SEAC, Maharashtra on 02.12.2011. An agreement was done with Xrbia Hinjewadi Developers Private Limited for development of sectors R-22 to R-28 and Sector R-29 on 20.07.2012. A separate application for Environmental Clearance was submitted to SEIAA through SEAC, Maharashtra for development of sectors R-22 to R-28 and Sector R-29 on 12.06.2013. The total construction of around 17.5 ha (1,75,879 m²) was completed for residential sectors (R -22 to R-28 and R-29) in the year 2016-2017 against the 48.64 ha (4,86,400 m²). The part occupancy certificate was obtained on 07.11.2016 and 27.01.2017 and complete occupancy certificate was received on 01.02.2017. • The project was handed over to the society and registration was done on 11.09.2017. PP accepted the violation has applied for Terms of Reference and Environment Clearance (Fresh Case) for the changes/ addition/ variation in total covered builtup construction area that occurred and executed in the project under violation as per Office Memorandum (OM) for identification and handling of violation cases under EIA


Member Secretary


Chairman

Notification 2006 a Standard Operating Procedure (SOP) on 07.07.2021 and Office Memorandum dated 28.01.2022. Since there was no provision of regularisation of violation cases the application was not submitted. However, MoEF&CC came out with office memorandum dated 28.01.2022 mentioning the procedure to be followed in case of violation already done. Accordingly, PP applied for Terms of Reference for the changes/ addition / variation in total covered built-up construction area. The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised.

The office memorandum dated 28.01.2022 mentions SOP in clause no 10 and sub clause no (i) mentions that "without prejudice to any other consequences, action to be initiated under section 15 read with section 19 of the Environment (Protection) Act, 1986 against all Violations.

It is not clear that who will initiate the action under section 15 read with section 19 of Environment (Protection) act 1986. In violation cases the committee feels that proper procedure shall be laid down based on the of OM issued by MoEF&CC. However, Step 3 mentions about appraisal under EIA notification, 2006, the sub clause B (i) mentions about procedure of TOR to be issued in Violation cases.

Recommendations of SEAC-

Considering above the application is submitted for further guidance in violation cases

Deliberation in SEIAA-

PP made application under violation SOP. SEAC-3 in its 137th meeting pointed out that, the office memorandum dated 28.01.2022 mentions SOP in clause no 10 and sub clause no (i) mentions that "without prejudice to any other consequences, action to be initiated under section 15 read with section 19 of the Environment (Protection) Act, 1986 against all Violations."

SEAC further pointed out that, it is not clear that who will initiate the action under section 15 read with section 19 of Environment (Protection) act 1986. In violation cases the committee feels that proper procedure shall be laid down based on the of OM issued by MoEF&CC. However Step 3 mentions about appraisal under EIA notification, 2006, the sub clause B (i) mentions about procedure of TOR to be issued in Violation cases. Hence SEAC forwarded the proposal for further guidance in the matter.

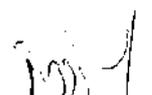
Proposal was then considered by SEIAA in its 242nd meeting and deferred the proposal till the matter in NGT is decided. Now, PP submitted that, in some cases before Hon'ble NGT, Hon'ble NGT has cleared that, proceeding for grant of ex post facto EC, which is pending before SEIAA, shall not be treated to have been stayed by Hon'ble NGT, rather the same would be expedited. PP further requested that, their case shall be considered on similar basis. SEIAA noted the same.

SEIAA further deliberated upon the fact that, SEIAA has issued instructions to SEACs regarding appraising the proposals of violations as per MoEF&CC Office Memorandum dated 07.07.2021 and 28.01.2022. SEIAA decided to refer back the proposal to SEAC for appraisal for Terms of Reference (TOR)

SEIAA Decision-

SEIAA decided to refer back the proposal to SEAC.


Member Secretary


Chairman