



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
M.A. NO. 01/2025
In OA No. 65/2019**

Brahma Corp Ltd.

... Appellant

v/s.

Ajay Jaywantrao Bhosale & Ors.

... Respondents

REPLY AFFIDAVIT BY RESPONDENT NO. 5, SEIAA

I, Dattatray Suryakant Bhalerao, working as Scientist I & Deputy 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. It is submitted that at the very outset this respondent denies each averment made in the present application which is contrary to and inconsistent with the averments made and facts states in the present reply. It is submitted that nothing stated in the application may deemed to have been admitted by this respondent unless and until the same has been admitted by the respondent.
2. The present application is not maintainable in the present format. Heading of the present application is clarification of the direction of the judgment dated 29-11-2024. In para no. 2 of the present application, the applicant seeks rectification of the said order on various grounds.
3. However, if the prayers of the present application are to be perused, the prayers are seeking reliefs which are not related to the title and the grounds of the present application, and therefore the present application cannot be considered and cannot be allowed.
4. Regarding the prayer nos. (b) and (c) of the application it is submitted, that the PP made application for Environment Clearance under the SoP dated 07-07-2021 issued by the MoEF&CC. According to the para 11, Step 3, (viii) the bank guarantee has to be deposited by a project proponent prior to grant of environmental



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clearance and will be released after successful implementation of the Remediation Plan and Natural and Community Resource Augmentation Plan. Copy of the SoP dated 07-7-2021 issues by the MoEF&CC is attached as **Annexure 1**.

5. In the present case, PP was to implement the Remediation Plan and Natural and Community Resource Augmentation Plan within 6 months from the grant of the EC as recorded in the SEIAA Minutes of Meeting dated 19-10-2023. SEIAA is not aware about the status of the implementation of the said plans. PP has submitted a letter simpliciter dated 18-12-2024 to the SEIAA for release of the Bank Guarantee without submitting the status of the implementation of the plans. PP has not produced the status of the said plans in the present application as well. Without verification of the implementation of the plans, Bank Guarantee cannot be released. The present applicant is seeking release of the Bank Guarantee without following the procedure given in the SoP, they are trying to misguide the Hon'ble Tribunal. Copy of SEIAA Minutes of Meeting dated 19-10-2023 is attached as **Annexure 2**.
6. 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.

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

16 APR 2025

Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra



VERIFICATION

I, Dattatray Suryakant Bhalerao, Scientist I & Deputy 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 paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

Solemnly affirmed on this 16 day of April, 2025 at Mumbai.

Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra



BEFORE ME

Adv. S. N. Dhanage
Notary Govt. of India
Regd. No. 15376, MUMBAI (MS)
404-405, 4th Floor, Davar House,
197/199, Near Central Camera Bldg.
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NOTED & REGISTERED
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Date... 16 APR 2025...

F. No. 22-21/2020-IA.III

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

Indira ParyavaranBhawan
Jor Bagh Road, Aliganj
New Delhi – 110003
sujit.baju@gov.in

Date: 7th July, 2021**Office Memorandum**

Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) **for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process**".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "**...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, **the Hon'ble courts have, *inter-alia*, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014).** The salient extracts of the judgements are as under:

Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:

i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014

Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."

*"(...) the proposal of the petitioner company for **environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.**"*

ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

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*pollution laws or the pollution, if any, can conveniently and effectively be checked. **The answer necessarily has to be in the negative.***

“29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms.”

Issue 2: Environmental Clearance – Prospective & not ex-post facto:

Hon’ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017

*Held: “(...) an EC will come into force **not earlier than the date of its grant.**”*

Issue 3: ‘Principles of Proportionality’ – to be applied:

Hon’ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

*Held: “(...) **this Court must take a balanced approach** which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord **with the principle of proportionality**”*

**Issue 4: ‘Polluter pays’ principle &
&**

Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

Hon’ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)

Held:

*a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will **include giving directions ...** and also the power to **impose the cost of remedial measures** on the offending industry and utilize the amount so recovered for carrying out remedial measures.....*

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b) **Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5** which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the "**Polluter Pays**" **Principle**. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

9. Definition of Violation and Non-compliance:

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:

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i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure – Guiding Principles:

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2.	If prior EC is available for existing/old unit	Order to revert the activity/production to permissible limits.
3.	If prior EC was not required for earlier production level but is now required	Restrict the activity/production to the extent to which prior EC was not required.

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

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Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished.***

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present**

form/configuration/features then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA).** The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.**

Note - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, **shall be effective only from the date of issuance of such clearance** and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

12. Penalty provisions for Violation cases and applications:

a. For new projects:

- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
- ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report **PLUS** 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

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b. For expansion projects:

- i. **Where operation/production with expanded capacity has not commenced:**
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

13. Identification of Violation cases:


With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior



Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.

- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
 - iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.
14. This is issued with the approval of the Competent Authority.


(Dr. Sujit Kumar Bajpayee)
Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors.(order dated 24.05.2021).

Minutes of 267th Day 3 (Part A) meeting of SEIAA held on 19th October, 2023.

Item no. 11

Proposal No.:- SIA/MH/INFRA2/432570/2023

Type of Project: EC

Subject- Environmental Clearance for Proposed residential project “Bramha Exuberance” at S. No. 13, H. No. 1, 2 & 3, Village- Kondhwa Khurd, Taluka Haveli, District Pune, Maharashtra by M/s.BramhaCorp Ltd.

Project Details-

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

Brief information of the proposal is as below:

1	Proposal Number	SIA/MH/INFRA2/432570/2023											
2	Name of Project	Proposed residential project “Bramha Exuberance” at S. No. 13, H. No. 1, 2 & 3, Village- Kondhwa Khurd, Taluka Haveli, District Pune, Maharashtra by BramhaCorp Ltd.											
3	Project Category	8(a) B2 Category											
4	Type of Institution	Private											
5	Name of Project Proponent	<table border="1" style="width: 100%;"> <tr> <td>Name</td> <td>Mr. Sachin Shah</td> </tr> <tr> <td>Regd. Office address</td> <td>The Residency Club, 3 Queen’s Garden Road, Pune Maharashtra 411001</td> </tr> <tr> <td>Contact number</td> <td>020-41423333</td> </tr> <tr> <td>Email ID</td> <td>ec@bramhacorp.in</td> </tr> </table>		Name	Mr. Sachin Shah	Regd. Office address	The Residency Club, 3 Queen’s Garden Road, Pune Maharashtra 411001	Contact number	020-41423333	Email ID	ec@bramhacorp.in		
Name	Mr. Sachin Shah												
Regd. Office address	The Residency Club, 3 Queen’s Garden Road, Pune Maharashtra 411001												
Contact number	020-41423333												
Email ID	ec@bramhacorp.in												
6	Consultant	<table border="1" style="width: 100%;"> <tr> <td>Name</td> <td>Mahabal Enviro Engineers Pvt. Ltd.</td> </tr> <tr> <td>Address</td> <td>Plot F-7, Road No. 21, Wagle Estate, Thane (West)-400604</td> </tr> <tr> <td>Telephone</td> <td>022-25823154</td> </tr> <tr> <td>Email ID</td> <td>mahabal.thane@gmail.com</td> </tr> <tr> <td>QCI Accreditation Status</td> <td>QCI NABET Accreditation QCI/NABET/ENV/ACO/23/2853 Re-Accreditation dated 11.08.2023 valid up 10.11.2023</td> </tr> </table>		Name	Mahabal Enviro Engineers Pvt. Ltd.	Address	Plot F-7, Road No. 21, Wagle Estate, Thane (West)-400604	Telephone	022-25823154	Email ID	mahabal.thane@gmail.com	QCI Accreditation Status	QCI NABET Accreditation QCI/NABET/ENV/ACO/23/2853 Re-Accreditation dated 11.08.2023 valid up 10.11.2023
Name	Mahabal Enviro Engineers Pvt. Ltd.												
Address	Plot F-7, Road No. 21, Wagle Estate, Thane (West)-400604												
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Email ID	mahabal.thane@gmail.com												
QCI Accreditation Status	QCI NABET Accreditation QCI/NABET/ENV/ACO/23/2853 Re-Accreditation dated 11.08.2023 valid up 10.11.2023												
7	Applied for	Environmental Clearance											
8	Details of previous EC	NA											
9	Location of project	Sr. No.13, H. No. 1, 2, & 3 of Village- Kondhwa Khurd, Taluka- Haveli, Pune, Maharashtra											
10	Latitude and Longitude	18°28'31.22"N, 73°53'42.44"E											
11	Total Plot area (m ²)	17,433.10 m ²											
12	Deductions (m ²)	2,833.35 m ²											
13	Net Plot Area (m ²)	14,599.75 m ²											
14	Proposed FSI Area (m ²)	21,798.69 m ²											
15	Proposed Non-FSI Area (m ²)	28,749.68 m ²											
16	Proposed Total BUA area (m ²)	50,548.37 m ²											


Member Secretary


Chairman

Minutes of 267th Day 3 (Part A) meeting of SEIAA held on 19th October, 2023.

17	TBUA (m ²) approved by Planning Authority till date	14,805.95 m ² (FSI area) as per Sanctioned plan No. DPO5191/VI/39 dated 14.09.2005 & 50,548.37 m ² as per sanction no. CC/0819/17 dated 21.06.2017.			
18	Total ground coverage (m ²) & %	3,007.72 m ² (21 %) of total net plot area			
19	Total project cost (Rs.)	Rs.50.21 Crore			
20	CER as per MoEF & CC Circular dated 01.05.2018	Not applicable			
21	Details of Building Configuration	Sr.	Building Name	Configuration	Height (m)
		1	A Building	LP + P +11 floors	34.90
		2	B Building	LP + P +11 floors	34.90
		3	C Building	LP + P +11 floors	34.90
		4.	D Building	LB + LP + P + 11 floors	34.90
		5.	E Building	LP + P +11 floors	34.90
		6.	Club House	G + 1	7
22	Total number of tenements/shops/offices	Tenements: 249 Nos.			
	Number of expected residents / users	Total Population: 1,432 Nos.			
23	Water Budget				
		Dry Season	Wet Season		
	Freshwater (in m ³ /day)	123 m ³ /day	123 m ³ /day		
	Recycled water (Flushing)	62 m ³ /day	62 m ³ /day		
	Recycled water (Gardening)	20 m ³ /day	10 m ³ /day		
	Swimming pool	NA	NA		
	Total water requirement	185 m ³ /day	185 m ³ /day		
	Wastewater generation	173 m ³ /day	173 m ³ /day		
24	Water Storage Capacity for Firefighting				
	Firefighting (Underground water tank)	250 m ³			
	Firefighting (Overhead water tank)	125 m ³			
24	Source of water	Pune Municipal Corporation			
25	Rain Water Harvesting (RWH)				
	i) Level of the groundwater table	Groundwater table: Summer Season – 18.67 m. to 25.00 m. BGL. (21.84 M. Average) Rainy Season – 7.00 m. to 10.00 m. BGL. (8.50 M. Average) Winter Season – 12.84 m. to 17.50 m. BGL. (15.17 M. Average)			


Member Secretary


Chairman

Minutes of 267th Day 3 (Part A) meeting of SEIAA held on 19th October, 2023.

	ii) Size and no of RWH tank(s) and Quantity	NA							
	iii) Quantity and size of recharge pits	Total 3 nos. of recharge pits: (Existing Pits 2 No's & Proposed Pit 1 No.) <ul style="list-style-type: none"> 1 for Roof-Top (Roof-Top recharge pit size - 1.25 m x 1.25 m x 1.00 m) 2 for existing Surface Run-Off (Surface Run-Off recharge pit size - 1.25 m x 1.25 m x 1.25 m) 							
	iv) Details of UGT tanks if any:	Domestic UG tank capacity: 189 m ³ Flushing UG tank capacity: 47.2 m ³ Firefighting UG tank capacity: 250 m ³							
26	Sewage and wastewater Demand	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">i) Sewage generation in KLD</td> <td style="width: 40%;">173 m³/day</td> </tr> <tr> <td>ii) STP technology</td> <td>MBBR</td> </tr> <tr> <td>iii) No. and Capacity of STP</td> <td>1 no. x 70 m³/day Existing 1 no. x 115 m³/day Proposed</td> </tr> </table>		i) Sewage generation in KLD	173 m ³ /day	ii) STP technology	MBBR	iii) No. and Capacity of STP	1 no. x 70 m ³ /day Existing 1 no. x 115 m ³ /day Proposed
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ii) STP technology	MBBR								
iii) No. and Capacity of STP	1 no. x 70 m ³ /day Existing 1 no. x 115 m ³ /day Proposed								
27	Solid Waste Management during Construction phase: 0 kg/day								
28	Solid Waste Management during operation Phase:								
	Type	Quantity (kg/day)	Treatment/disposal						
	Total waste generation	699 kg/day							
	Wet waste	419 kg/day	Through vermicomposting pit. Generated manure used for gardening.						
	Dry waste	280 kg/day	Handed over to the authorized recycling agency						
	Hazardous waste	NA	NA						
	Biomedical waste	NA	NA						
	STP sludge (dry)	1.7 kg/day	Used as manure						
	E-waste	NA	NA						
29	Green Belt Development								
	Total RG area	2,045.85 m ²							
	Existing trees on plot	392							
	Number of trees to be planted	NA							
	No of trees to be retained	NA							
	Number of trees to be transplanted/cut	NA							
30	Power requirement								
	Source of power supply	MSEDCL							
	During Construction Phase (Demand Load)	NA							
	During Operation phase (Connected Load)	1,438 kW							
	During Operation phase (Demand Load)	1,007 kW							
	Transformer	2 nos. x 630 kVA							
	DG set	1 no. x 82.5 kVA							


Member Secretary


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Minutes of 267th Day 3 (Part A) meeting of SEIAA held on 19th October, 2023.

	Fuel Used	Diesel			
31	Details of Energy saving				
	Energy Conservation Measures			Quantity	
	Energy-saving due to use of solar PV			9.27 %	
	Energy-saving due to Auto Timer Logic Controller			5.43%	
	Energy-saving due to Electronic V3F drive for Lifts			1.68%	
	Energy-saving due to Solar Water heater			3.94%	
	Overall energy saving			20.33%	
32	Environmental Management plan budget during Construction phase: NA				
33	Environmental Management plan budget during Operation phase				
	Sr.	Component	Details	Capital cost (Rs. In Lakh)	O&M cost (Rs. In Lakh/year)
	1.	Storm water management	Laying of storm & Sewer line up to final disposal point	11.00	0.90
	2.	Sewage Treatment Plant	1 no. of STP having capacity 70 m ³ /day existing & 115 m ³ /day to be proposed	32.25	1.6
	3.	Rain Water Harvesting	3 no. of recharge borewell	1.90	0.50
	4.	Solid Waste Management	Cost for Treatment of biodegradable garbage in vermicomposting	3.00	0.40
	5.	Landscape development	Tree Plantation	17.26	1.5
	6.	Energy Conservation	Solar PV panels for electricity generation, LED etc.	25.00	2.6
	7.	Environmental Monitoring	Monitoring and analysis of Air, Water, Noise, Soil, surface water, STP treated water etc.	5.00	0.5
	8.	Firefighting system	Installation and operation of Fire Fighting system	14.50	1.7
		Total		109.91	9.7


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34	Traffic Management:	Type	Required as per DCR	Actual Provided	Area per parking (m²)
		4 -wheeler	140 nos.	233 nos.	35 m ² for basement parking, 30 m ² for covered parking
		2 -wheeler	388 nos.	411 nos.	4.2 m ²
		Cycle	388 nos.	393 nos.	4.2 m ²
35	Details of Court cases / litigations w.r.t. the project and project location if any.	Yes Court case details- NGT Western zone bench at Pune – Case no.65/2019			

SEAC Deliberation –

PP stated that, the application is a residential project located at Village- Kondhwa Khurd, Taluka Haveli, District Pune, PP further stated that, they have applied for prior EC under SOP for Identification and Handling of Violation Cases vide circular dated 07/07/2021.

PP stated that, as per sanction 2005, A & B (4 wings each), D, and E (5 wings each) buildings were constructed with 'built-up area of 39,037.99 m2. PP further stated that, it comprises 4 residential buildings with 249 flats in 2005 as per the Sanctioned plan No. CC/2342/05 dated 21/9/2005 & CC/3387/05 dated 30/12/2005 and the entire work was completed in 2009.

PP stated that, the Occupancy Certificate was granted to the project on 04/12/2009 and Society registration was done on 29/08/2011 and the possession of the flats and buildings was handed over to the buyers 'residents' society in the year 2012. PP further stated that, as per sanction plan, Building No. C was constructed and the total built-up area of the C building is 11,510.38 m2 with building configuration Lower Parking + Podium +1 Floors & 55 flats.

PP stated that, the 20000 m2 construction area was crossed on dated 20/11/2006. PP informed that, they have submitted the violation application on PARIVESH portal as per MoEF&CC Office Memorandum dated 07/07/2021 and 28/01/2022 vide F. No. 22-21/2020-IA.III (E 138949). PP further stated that, the NGT matter OA 65/2019(WZ) Tanaji Gambhire was pending before NGT with no adverse order. NGT by Daily Order dated 09/11/2022 has stated; "11..... However, we also deem it appropriate that the SEIAA, before which the application dated 14/01/2022 for ex-post facto Environmental Clearance is pending should be directed to decide the same within a period of one month from today, particularly in this matter and direct accordingly."

PP informed following points:

- (i) PP have calculated violation days from first sanction plan dated 21.09.2005 to the date of the EC application dated 17.05.2022 i.e.,6,083 days.


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Minutes of 267th Day 3 (Part A) meeting of SEIAA held on 19th October, 2023.

- (ii) EIA Notification 07.07.2004 is not applicable for this project because as per this notification “any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes, for 1,000 (one thousand) person or below or discharging sewage of 50,000 (fifty thousand) litres per day or below or with an investment of Rs.50,00,00,000/- (Rupees fifty crores) or below” and at that time the resident population of the project was below 1,000 and the sewage discharge was below 50,000 liters per day considering at least 40% of the total water requirement being met from waste recycling and rain water harvesting.
- (iii) The building configuration stated in the OC of respective buildings and the building configuration mentioned in the architect certificate is different. Though, the nomenclature is different but built-up area in both cases is same.
- (iv) The damage assessment plan and remediation & Natural community augmentation plan is prepared as per approach paper “Assessment for Environmental Damage and Estimation of Remediation Costs for Building Construction Projects initiated without obtaining mandatory Environmental clearance (Violation Cases) dated 18.03.2019” issued by SEIAA Maharashtra.

SEAC-3 appraised the proposal as per Circular issued by SEIAA vide dated 22.08.2022. 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(a) B1.

Construction status at site

Sr.	Building Name	Building configuration	Present status
1	A Building	Basement+ Podium parking + 1 st – 11 th floor	Completed (2007)
2.	B Building	Basement+ Podium parking + 1 st – 11 th floor	Completed (2007)
3.	C Building	Podium parking, 1 st – 11 th floor	Completed (2019)
4.	D Building	Lower basement parking +Upper podium parking +Podium parking + 1 st – 11 th floor	Completed (2009)
5.	E Building	Basement+ Podium parking + 1 st – 11 th floor	Completed (2007)
6.	Club House	G + 1	Completed

Construction area statement as informed by the PP is as below:

Sr	Particulars	Building A	Building B	Building C	Building D	Building E	Total
1	FSI	3191.55	3191.55	4706.14	4867.09	5443.65	21399.98


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Sr	Particulars	Building A	Building B	Building C	Building D	Building E	Total
2	Excess balcony					398.71	398.71
3	Staircase	213.73	213.73	94.38	97.46	136.84	756.14
4	Lift area	10.24	10.24	7.82	10.24	10.24	48.78
5	Balcony area	564.08	564.08	692.78	846.45	928.18	3595.57
6	Lobby area	487.30	487.30	922.57	645.70	817.96	3360.83
7	Terrace area		1199.46	970.89	418.09	703.25	3291.69
8	Refuge area	73.25	73.25	25.60	72.57	99.69	344.36
9	Podium area	1464.70		3023.17	1474.18	1763.76	7725.81
10	Lift M. room	--	--	--	--	--	--
11	Built up Area of residential buildings						40921.87
12	Area of club house						310.06
13	Area of Transformer room						20
14	Area of undergrounds tanks						100
16	Area of Security cabin						25
17	Area of Parking below podium						7197.37
18	Terrace (11 th floor of each building)- A=296.80+B=296.80+C=427.47+D=449.06+E=503.94						1974.07
	Total built up area of the project						50548.37

Project details:

1	Name and address of Project	Proposed residential project "Bramha Exuberance" at S. No. 13, H. No. 1, 2 & 3, Village- Kondhwa Khurd, Taluka Haveli, District Pune, Maharashtra by Bramha Corp Ltd.	
2	Name of Directors	Mr. Sachin Shah	
3	Total construction completed (built-up area as per EC notification):	FSI area	21,798.69 m ²
		Non FSI area	28,749.68 m ²
		Total construction area	50,548.37 m ²


Member Secretary


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Minutes of 267th Day 3 (Part A) meeting of SEIAA held on 19th October, 2023.

4	Total construction proposed, built-up area as per EC notification	FSI area	21,798.69 m ²
		Non FSI area	28,749.68 m ²
		Total construction area	50,548.37 m ²
5	Whether the project has any EC; if yes, give details including approved built-up area	No	
6	The total cost of the project and total cost of the project already executed? Also, give total cost of the project constructed without EC.	Total cost of the project – Rs.50.21 Crore.	
7	Date of commencement of project Commencement certificate details		
	Building name	File no.	Date
	Building A, B, C, D, E	CC/2342/05	21.09.2005
	Building A, B, C, D, E	CC/3387/05	30.12.2005
	Club house	CC/1246/06	07.07.2006
	Building A, B, C, D, E	CC/1847/06	28.08.2006
	Building A, B, C, D, E	CC/3582/06	08.01.2007
	Building A, B, C, D, E	CC/0138/09	13.04.2009
	Building A, B, C, D, E	CC/4370/11	17.03.2012
	Building A, B, C, D, E	CC/3954/13	04.03.2014
	Building A, B, C, D, E	CC/1169/14	15.07.2014
	Building A, B, C, D, E	CC/3213/15	30.12.2015
Building A, B, C, D, E	CC/0819/17	21.06.2017	
8	Date of violation of EC regulation (please justify with documentary evidence)	First sanction plan dated 21.09.2005	
9	Date of first submission of information of such violation to the SEIAA or SEAC, if self- notified, along with stoppage of construction work	Date of application for EC: 17.05.2022 Completion/Stoppage of construction: Building C OC no. OCC/1333/18 dated 18.01.2019	
	No. of days of violation (9-8)	6,083 days	
10	Name and address of Environmental consultant, with date of engagement of such consultant	Mahabal Enviro Engineers Pvt. Ltd. Plot F-7, Road 21, MIDC Wagle Estate, Thane-400604 Phone: 02235087207 mahabal.thane@gmail.com	
11	Any other case of EC violation is reported or pending or decided earlier for projects where any of the directors are involved? If yes, give details	No	
12	Any court case related to EC violation pending or decided against any of the directors including High Court, NGT and sessions court?	Yes Court case details- NGT Western zone bench at Pune – Case no.65/2019	

Description Of Activities Contributing to the Environmental Damage And Degradation:

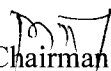

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Minutes of 267th Day 3 (Part A) meeting of SEIAA held on 19th October, 2023.

A.	Demolition, site preparation																																					
1	Whether any demolition work was carried out prior to EC? If yes what is date of commencement of demolition and also date of completion of demolition?	No. The construction was done on vacant plot																																				
2	Whether such demolition or site had some asbestos, industrial waste or contaminated soil or hazardous waste etc. and if yes, how these types of waste have been segregated and disposed?	No																																				
3	If the project is located on any industrial site, whether any due diligence or environmental status of site was assessed? If yes, give details	No. The plot was vacant.																																				
4	State the quantity of demolition waste disposed from the site, including quantity and disposal location along with location map and photographs	Not applicable																																				
5	Any air quality (including noise) monitoring done during demolition work? If yes, results	Not applicable																																				
6	Whether building plan and layout approved and permission from local authorities is taken to commence the work prior to demolition work	Not applicable																																				
B.	Construction stage																																					
1	Date of Commencement of construction and completion of construction, if any																																					
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2	Whether the construction carried out is strictly as per the sanction plan given by concerned local authority? If yes, please provide such certification.	Yes, construction of residential building completed as per sanction received from Pune Municipal Corporation dated 21.09.2005, 30.12.2005, 04.03.2014, 21.06.2017.																																																												
3	In the additional construction, how much construction material including, sand, bricks, cement etc. was required to be transported? No. of truck sand it save rage haulage?	<p>Construction material for already constructed area;</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 5px 0;"> <thead> <tr> <th style="width: 5%;">Sr.</th> <th style="width: 30%;">Material</th> <th style="width: 10%;">Unit</th> <th style="width: 15%;">Total</th> <th style="width: 40%;">Life Span years</th> </tr> </thead> <tbody> <tr><td>1.</td><td>RMC</td><td>cum</td><td>2,389</td><td>70</td></tr> <tr><td>2.</td><td>Cement</td><td>MT</td><td>8,960</td><td>70</td></tr> <tr><td>3.</td><td>Fly Ash</td><td>bags kg</td><td>6,65,870</td><td>70</td></tr> <tr><td>4.</td><td>Gravel</td><td>cum</td><td>11,639</td><td>70</td></tr> <tr><td>5.</td><td>Steel</td><td>MT</td><td>1,575</td><td>75</td></tr> <tr><td>6.</td><td>Crush Sand</td><td>cum</td><td>14,479</td><td>70</td></tr> <tr><td>7.</td><td>AAC block (Autoclaved aerated concrete)</td><td>cum</td><td>9,94,705</td><td>50</td></tr> <tr><td>8.</td><td>River sand</td><td>cum</td><td>9,210</td><td>70</td></tr> <tr><td>9.</td><td>Tiles</td><td>m²</td><td>54,271</td><td>25</td></tr> <tr><td>10.</td><td>Flush Doors</td><td>m²</td><td>1,372</td><td>50</td></tr> <tr><td>11.</td><td>Glass</td><td>m²</td><td>3,114</td><td>70</td></tr> </tbody> </table>	Sr.	Material	Unit	Total	Life Span years	1.	RMC	cum	2,389	70	2.	Cement	MT	8,960	70	3.	Fly Ash	bags kg	6,65,870	70	4.	Gravel	cum	11,639	70	5.	Steel	MT	1,575	75	6.	Crush Sand	cum	14,479	70	7.	AAC block (Autoclaved aerated concrete)	cum	9,94,705	50	8.	River sand	cum	9,210	70	9.	Tiles	m ²	54,271	25	10.	Flush Doors	m ²	1,372	50	11.	Glass	m ²	3,114	70
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4	How many labors were engaged in construction, average per day?	100 no. of labours/ day																																																												
5	Whether, the additional construction work, over and above valid EC, if so available, has any additional ground footprint? If yes please state, ground footprint in sqm as per EC, approved layout and current proposed layout?	No																																																												


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6	Whether the expansion was carried out simultaneously with EC approved work? If not give details of time frame? If yes, please give incremental additional time required for construction of additional area	No
7	Is there any change in foundation design, i.e. depth of foundation, basement etc. that were done due to additional area? If yes, what is the additional soil quantity excavated for such incremental foundation depth? Where it is disposed?	No change in foundation design.
8	What is the quantity of top soil removed and how it is managed?	920 m ³ of Top soil excavated during the construction phase of the existing building is reused for plinth filling, backfilling, landscaping & gardening.
9	Also, if water is encountered at such foundation depth, what is the volume of water pumped for such additional depth of excavation?	Groundwater was not encountered during the excavation and foundation work of completed work.
10	How much additional water was required for curing and construction purpose? Source of water?	The quantity of water required for the construction of an additional area of 1,01,097 KLD (2 KL/ m ² x 50,548.37 m ² violation area= 1,01,097 KLD) The source of water is through borewell.
11	Rain Water harvesting details	2 No. of recharge borewells were constructed on site. 1 no. of recharge pit will be constructed.
12	Solar PV panels, water heating details	We have installed solar panel for residential buildings Solar PV panels having capacity 135000 KWH/Annum. Solar water heating system having capacity 57420 KWH/Annum.
13	Use fly ash bricks ensured? Details there of	Not Applicable


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14	Whether any noise or air pollution control measures taken, if so what are they?	For Noise and Air pollution control Barricading was done along the periphery of the site. Regular water sprinkling to avoid spreading of dust particles
15	Whether any air quality and noise level monitoring done during construction stage, if yes attach results	<p>Air Pollution Control Measures</p> <ul style="list-style-type: none"> • Water sprinkling on unpaved roads to arrest air bourne dust • Covered vehicles for carrying construction materials • Sand, murrum, loose soil, cement, stored on site • covered adequately so as to prevent dust pollution. • Use of ready-mix concrete • Use of PUC certified vehicles <p>Noise Pollution Control Measures</p> <ul style="list-style-type: none"> • Barricading to plot boundary • No excavation and foundation were done during night time • PPEs were provided to construction workers • Plantation along the plot boundary
16	Whether any third-party rights are created on the construction without EC?	Not applicable
17	Whether any of the construction without EC has already been occupied? If yes, number of families gave such occupation. Also give total commercial area being used presently. Also, state type of commercial activity i.e. offices, shops, hotels, restaurants, etc.	Yes, 249 nos. of tenements (A building -43 nos., B building-43 nos., C building - 55 nos., D building – 54 nos., E building-43 nos.) are occupied.
18	How many flats sold which are in the area of EC violation and total sale value of such flats?	249 nos. of tenements are sold (A building -43 nos., B building-43 nos., C building - 55 nos., D building – 54 nos., E building-43 nos.) Total turnover=Rs.95.87 Crore
19	How much commercial area sold which is in area of EC violation and total sale value of such commercial area.	Not applicable
C	Commissioning of project	


Member Secretary


Chairman

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1	Date of when the project was made operational either by giving possession of residential or commercial areas of the project?	As per Completion certificate		
		Building name	File no.	Date
		Building A, B, E	BCO/14/7/148	22.10.2007
		Building D (Part I)	350	05.10.2009
		Building D (Part II)	421	04.12.2009
		Building C (Part I)	OCC/0717/18	01.09.2018
		Building C (Part II)	OCC/1333/18	18.01.2019
2	How many families are staying in project?	249 nos. of families staying in building A, B, C, D & E.		
3	What is total water supply to project, source and quality	Source of water – Pune Municipal Corporation. Fresh water required for the project – 123 m ³ /day Total water requirement for project 185 m ³ /day		
4	Total sewage generation m ³ /day	Total sewage generation of project is 173 m ³ /day		
5	STP details	Existing STP - 70 KLD Proposed STP – 115 KLD		
6	Treated waste water disposal	Total sewage generated from whole project is 173 KLD and it is connected to municipal sewer line.		
7	Any DG sets, are they complying the norms	Existing: We have installed 1 no. X 82.5 kVA DG set on project site.		

Format of Assessment of Environmental Damage:

Attributes	Scope of saving on account of environmental protection measures	Non-recurring cost (Rs.)	Recurring cost, Rs. /day
Air Pollution	<ul style="list-style-type: none"> ● Water requirement for sprinkling (KL/day): ● Plot area of the project 17,433 m². ● Water requirement for sprinkling per m² = = 2 liters (Calculated as per CSIR NEERI, Dust suppressant note_Annexure-I) ● Total water requirement for 17,433 m² = 35 KLD ● Water from borewell was used for sprinkling purpose ● As per (As per CGWA notification dt 24th September, 2020, Page No. 41 	Nil	525


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Attributes	Scope of saving on account of environmental protection measures	Non-recurring cost (Rs.)	Recurring cost, Rs. /day
	<p>Ground water abstraction charges for infrastructure project is Rs.1/m³. However, we have considered Rs.15/m³ Annexure-II</p> <ul style="list-style-type: none"> • Cost of 1 KL water (Rs.) considered is Rs.15 per kL • Recurring cost for 35 KLD water consumption = 35 KLD x Rs.15/KL =Rs.525 • Water helped to reduce 25%-30% pollutants which holds moisture for about 15 min. Application in 1 hr. in a day. i.e., total cost in rupees for 1 hr.= Rs.525 x 1 = Rs.525 day 		
Water Pollution	A. Cost of water requirement:		
	<ul style="list-style-type: none"> • Construction phase: • Water requirement for labour • No. of labour = 100 nos. • Total water consumption=4.5 KLD • PMC domestic water supply rate is Rs.8 per m³- Annexure-III • Cost of 1 KL water is Rs.8 • Recurring cost for 4.5 KLD water consumption = Rs.36/day • Water requirement for construction purpose • Violation construction area=50,548.37 m² • The water required for construction has been considered from a Research paper titled "Assessment of water resource consumption in building construction in India" - Rs. 2KL / m² Annexure-IV • Total water required during construction purpose =50,548.37 m² x 2KL/m² =101097 KL • Cost for construction water=Rs.15,16,451 	15,16,451	36
	<p>a) Operation phase:</p> <ul style="list-style-type: none"> • Building A, B, C, D & E is in under violation • No. of flats of Building A, B, C, D & E -249 nos. (2 BHK-130 nos., 3 BHK-119 nos.) 	69,513	984


Member Secretary


Chairman

Attributes	Scope of saving on account of environmental protection measures	Non-recurring cost (Rs.)	Recurring cost, Rs. /day
	<ul style="list-style-type: none"> ● Total fresh water= (No of flats x residential occupancy x 90 lpd water as per NBC 2016) + 5% visitors x 5 lpd water as per NBC 2016 = (130 x 5 x 90) + (119 x 6 x 90) + 68 x 5 = 123 KLD ● PMC domestic water supply rate is Rs.8 per m³ ● Cost of 1 kL water is Rs.8 ● Recurring cost for 123 KLD water consumption = Rs.984/day ● Total water supply pipeline cost = Rs.69,513 (As per water connection charges & road cutting charges paid challan_ Annexure-V) 		
	B. Cost of sewage treatment, reuse & disposal:		
	a) Construction phase: <ul style="list-style-type: none"> ● No. of labours = 100 nos. ● Total water consumption=4.5 KLD ● Sewage generation= 4 KLD ● Cost for capacity of 5 KLD Septic tank = Rs.25,000 (As per regular practice) ● O & M -10% of capital cost/day=Rs.7/day 	25,000	7
	b) Operation phase: <ul style="list-style-type: none"> ● Total Sewage generation of buildings = 173 KLD ● Required STP-182 KLD ● Provided STP capacity for all building = 70 KLD ● Total capital cost of sewage treatment in MBBR is Rs.32,25,000 ● O & M cost/day=Rs.442 ● Cost of 70 KLD sewage treatment in MBBR =Rs.11,25,000 (As per STP work order_ Annexure-VI) ● O & M cost/day = Rs.154/day 	32,25,000	442
	C. Quantity of water pumped out during excavation and a lumpsum cost of Rs. 50 per cum for such unauthorized water extraction and disposal (Ground water was not encountered during excavation and foundation work of	Nil	Nil


Member Secretary


Chairman

Attributes	Scope of saving on account of environmental protection measures	Non-recurring cost (Rs.)	Recurring cost, Rs. /day
	completed work.)		
	<p>C. Cost of construction & maintenance of recharge well:</p> <ul style="list-style-type: none"> • No. of required recharge pits= 4 nos. • Cost of recharge pit as per DSR 2022-2023 is Rs.51,500 (pg. no.317) i.e. Rs.51,500/recharge pit_ Annexure-VII • Construction cost of 4 recharge pits = Rs.2,06,000 • On project site we have constructed total 2 nos. of recharge pits • Operation and maintenance cost/day=Rs.28/day 	2,06,000	28
Soil environment	In case of demolition has carried out, the cost of demolition waste management plan needs to be discussed and finalized as non-recurring cost. Demolition work not done.	Nil	Nil
	In case there is some hazardous waste like asbestos or the site is located on industrial area where hazardous chemical or waste was handled, the cost based on due diligence of the project site, as given by consultants. (The report must include soil analysis, water analysis, MPCB consent copies, manifest of HW if any). This requires critical examination from SPCB.	-	No Hazardous waste generation
	Cost of preservation of top soil & excavated earth to be considered. <ul style="list-style-type: none"> • Excavated quantity: 920 m³ • Cost of excavation of soil as per the CSR 2022-2023 for 1 m³ is Rs.98.90 (pg. no. 21) _ Annexure-VIII • Cost for excavation = 920 x 98.90 = Rs.90,988 	90,988	Nil
Noise and Vibration	For damage due to noise pollution & vibration, the cost of barricades around the project site should be considered.	91,49,794	Barricading was done during construction. No


Member Secretary


Chairman

Attributes	Scope of saving on account of environmental protection measures	Non-recurring cost (Rs.)	Recurring cost, Rs. /day
	<p>[perimeter(m)x height of the barricade (m)x cost of the sheet)</p> <ul style="list-style-type: none"> ● Barricading cost as per DSR 2022-2023 is Rs.5,078 (pg. no. 298) _ Annexure-IX ● Perimeter (720.74 m) x height of the barricade (2.5 m) x cost of the sheet (Rs.2,539) = Rs. 91,49,794 		saving on this item.
Green Belt	<p>In case of any tree cutting without EC Cost of Rs.10000/-per tree apart from any statutory action for such tree cutting if any, Cost of planting & maintaining trees (Number of trees as per the bye-laws) Cost of compensatory tree plantation (5 trees for each tree cut)</p> <ul style="list-style-type: none"> ● No. of required trees=218 nos. ● On project site we have planted 392 nos. of trees. ● Labour rates has been considered from the gazette of India circular under Gramin Vikas Mantralay - Rs. 256/ day. Tree sapling rate a has been considered from Krishi Aayuktalay – Maharashtra circular published in 2021 - Rs. 200/ Tree (maximum has been considered) _ Annexure-X ● No trees were cut. ● Tree plantation cost= 392 x 200=Rs.74,800 ● Cost of labour for pits: Pits dug per day=10 no. ● Labor cost=256 x 392/10=Rs.10,035 ● Total cost= Rs.74,800 + Rs.10,035 =Rs.88,435 	88,435	Nil
RH/OHS	<p>Cost of workers benefits to be considered in view of Building and Other Construction Workers Welfare Cess Act,1996</p> <p>Cost of health checkups of workers Cost of safety measures including PPEs:</p> <ul style="list-style-type: none"> ● The Cost of Health check-up for labour has been considered as per the full body check-up plans available in the diagnostic centers - Rs.1500/ Labour ● Total labour 100 no. 	1,99,600	546


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Attributes	Scope of saving on account of environmental protection measures	Non-recurring cost (Rs.)	Recurring cost, Rs. /day
	<ul style="list-style-type: none"> • Cost of PPE has been calculated considering the requirements such as Safety Harness: Rs.1000, Helmet: Rs. 210, Shoes: Rs. 400, Goggles: Rs. 100, Safety Gloves: Rs. 470, Masks and ear plugs: Rs. 100 and First aid Kits: Rs. 200 -Rs.2480 / PPE Kit. • The Cost of Health check-up for labour has been considered as per the full body check-up plans available in the diagnostic centers - Rs. 1500/ Labour = (100 x 1500 + 2480 x 20) = 1,99,600/- • Total cost=Rs. 1,99,600 		
Total		1,45,70,781	2,568/day

Environmental Management Plan for Operation Phase:

Operational Activities	Potential Impacts	Mitigation Measures
Impact due to Water Consumption & Wastewater Generation	Fresh water consumption	<ul style="list-style-type: none"> • Use of low flow and low flush – water saving plumbing fixtures, automatic level controllers at water tanks to reduce / optimize the demand side of water resource.
	Sewage generation & disposal problems	<ul style="list-style-type: none"> • Onsite Sewage Treatment Plant of capacity 70 KLD based on MBBR technology has been provided and 115 KLD will be provided.
Impact due to rainwater discharges	Water Pollution	<ul style="list-style-type: none"> • Rain water harvesting through 3 no. recharge borewell (2 no. existing + 1 no. proposed) • Rain water & storm water management plan is incorporated. • Annual Cleaning of Recharge pits, RWH filters and SWD.
	Flooding conditions	<ul style="list-style-type: none"> • Adequate Storm water drains to collect, carry, recharge/discharge storm- water runoff. • Regular Cleaning of SWD
	Biological Environment	<ul style="list-style-type: none"> • Plantation of Native trees along the plot boundary and RG area • Tree already planted: 392 Nos. • Landscape area provided: 2,045.85 m²
Impacts due to Solid Waste generation	Land pollution	<ul style="list-style-type: none"> • Separate dustbins for collection of wet & dry waste have been provided.


Member Secretary


Chairman

Operational Activities	Potential Impacts	Mitigation Measures
		<ul style="list-style-type: none"> ● Wet garbage has composted using vermicomposting system and used as organic manure for landscaping ● The inorganic material is handed over to authorized vendors.
Impact due to Energy Consumption	Energy Consumption for building utilities and functions	<ul style="list-style-type: none"> ● We have installed solar PV panel for residential building having capacity 135000 KWH/Annum. ● Solar hot water system is provided for buildings having capacity 57420 KWH/Annum ● The site planning has been done such that none of the building blocks are hinder light access to other buildings ● The project is using pumps, motors and transformers with minimum losses and as per the ECBC 2007 requirements.
Parking	Traffic congestion	<ul style="list-style-type: none"> ● Proper entry and exit points and driveways are provided for easy movement of vehicles ● Vehicular movement and signages have been installed. ● Adequate parking space is provided
DG set and Traffic	Noise Pollution	<ul style="list-style-type: none"> ● Existing DG set: We have installed 1 no. X 82.5 kVA DG set on project site. ● Traffic management measures to reduce noise. ● Plantation along plot boundary, Creepers on Plot boundary
Energy Consumption for Thermal Comfort of people	<ul style="list-style-type: none"> ● Tree plantation done along the periphery of the project site ensuring adequate buffer and reducing heat gain by the building ● The project design uses high energy performing building materials which would have low U value (Thermal Conductance) as compared to the conventional materials. The external wall of proposed building would use fly ash blocks & glass have mandatory SHGC as required by ECBC. 	
Energy Consumption for Lighting	<ul style="list-style-type: none"> ● Internal and external lighting designs are provided as required by ECBC with Lighting Power Density as per space requirements. ● The project provides 20% lower LPD than as specified in ECBC, to achieve energy saving, while providing the require illumination levels, by using high efficacy lighting. ● Solar PV units of having capacity 135000 KWH/Annum provided for buildings. ● Solar hot water system is provided for buildings having capacity 57420 KWH/Annum. 	
Safety hazards	<ul style="list-style-type: none"> ● The Transformer or the Sub Station for the project are adequately protected from entry, allowing only authorized personnel to enter the facility 	


Member Secretary


Chairman

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Operational Activities	Potential Impacts	Mitigation Measures
		<ul style="list-style-type: none"> All required energy protection measures such as high voltage cut-off, shock protector etc. had installed.
Impacts due to Cleaning & repairing activities		<ul style="list-style-type: none"> A Manual is created by the PP to make occupants aware of these measures to be undertaken: Choose non-toxic, biodegradable substitutes for household cleaning agents. Avoid products with potentially harmful ingredients such as sponges with antibacterial ingredients. Conserve water, sweep instead of wet mop when possible. Use biodegradable drain clog removers made with natural enzymes. Don't pour hazardous chemicals through the sink or the drain; Don't use chlorine-based bleach for cleaning The regular monitoring & repairing of the equipment's such as STP, DG sets etc. to avoid the sudden failure. Cleaning of building premises, parking areas and common areas are doing on a regular basis, taking care to see that no solid waste is carried to the storm water drains. Green Guideline Brochure circulated to AMC workers.

Budget Allocation for Operation Phase:

Sr.	Component	Details	Capital cost Rs. Lakh	O&M cost Rs. Lakh/year
1.	Storm water management	Laying of storm & Sewer line up to final disposal point	11.00	0.90
2.	Sewage Treatment Plant	1 no. of STP having capacity 70 KLD Existing & 115 KLD to be proposed	32.25	1.6
3.	Rain Water Harvesting	3 no. of recharge Borewell	1.90	0.50
4.	Solid Waste Management	Cost for Treatment of biodegradable garbage in vermicomposting	3.00	0.40
5.	Landscape development	Tree Plantation	17.26	1.50
6.	Energy Conservation	Solar PV panels for electricity generation, LED etc.	25.00	2.60
7.	Environmental Monitoring	Monitoring and analysis of Air, Water, Noise, Soil, surface water, STP treated water etc.	5.00	0.50
8.	Firefighting	Installation and operation of	14.50	1.70


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Sr.	Component	Details	Capital cost Rs. Lakh	O&M cost Rs. Lakh/year
	system	Fire Fighting system		
	Total		109.91	9.7

Calculation of cost of remediation plan and natural & community resource augmentation plan :

Sr.	Description	Details	Amount
A	Assessment of Environment Damage		
1.	Total of recurring cost	Cost arrived from above table per day X number of days in violation	Rs.2,568/day x violation days 6,083 Nos. = Rs.156 Lakh
2	Non-recurring cost	Cost as arrived from above tables	Rs.146 Lakh
3	Subtotal (1+2 above)	Subject to minimum Rs. 1 Crore	Rs.302 Lakh
4	Excluding Cost of STP, recharge bore well, planted trees, cost of barricades around the project site and O & M cost		Rs.115 Lakh
5	Overall total (3-4 above)		Rs.187 Lakh
B	Economic benefits accrued due to violation		
1.	Economic benefits	1 % of Total project cost including land, as declared by PP before SEAC, subject to maximum Rs. 10 crores	<ul style="list-style-type: none"> ● Total project cost of constructed building is Rs.50.21 Crore ● 1% of project cost i.e., Rs.50.21 Lakh
2.	Track record of Project proponent	Incremental cost of Rs. 10 lakhs for each EC violation by PP observed at any other projects in last 3 years.	All directors on board have no track record of other violation
C	Cost of remediation plan and natural community resource augmentation plan	Sum of A & B above or amount equivalent to the MoEF&CC's office Memorandum no. F. No. 22-65/2017-IA-III dated 01/05/2018, whichever is higher.	<ul style="list-style-type: none"> ● Sum of A & B – Rs.237.2 Lakh ● As per MoEF&CC's office Memorandum no. F. No. 22-65/2017-IA-III dated 25/02/2021, CER not applicable for B2 category projects. ● Therefore, the cost of remediation plan is Rs.237.2 Lakh which is higher.


Member Secretary


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Remediation cost bifurcation:

Sr.	Description of Activity	% allocation	Total cost will be spent within one years after the receipt of EC (Rs. In Lakh)	Activities to be done at	Implementing agency	Remarks
1.	Afforestation (can include plantation, garden development)	25%	59.3	Plantation will be done at both sides of roads & garden in the 1 km to 3 km vicinity from the project site.	Social forestry and Local body (Pune Municipal Corporation)	The afforestation can be either through social forestry or the local body. Preferably within 50 km from project site
2.	Water conservation program (Jalyuktshivar, etc.)	25%	59.3	In consultation with Pune Municipal Corporation in the water shortfall areas.	Local body (Pune Municipal Corporation)	Preferably within 50 km radius from project site
3.	Urban environment and sanitation (can include swatchta Bharat, playground development, urban ground-water recharge schemes etc.)	20%	47.4	Slum area at Pune village in consultation with respective local authority	Local body (Pune Municipal Corporation)	
4.	Sewerage lines and STP, solid waste management	20%	47.4	Development of sewerage line and STP & solid waste management in slum area of Pune Municipal Corporation.	Local body (Pune Municipal Corporation)	
5.	Urban air/noise Pollution	10%	23.7	We will be provided air pollution	Local body (Pune Municipal Corporation)	


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Sr.	Description of Activity	% allocation	Total cost will be spent within one years after the receipt of EC (Rs. In Lakh)	Activities to be done at	Implementing agency	Remarks
	control initiatives			measure machines & noise barrier in traffic prone areas near project site and also in consultation with Pune Municipal Corporation.	Corporation)	
		100%	237.2			

Penalty provision for violation application as per OM dated 07.07.2021 and OM 28.01.2022 under EIA Notification 14.09.2006 for new project as follows:

Sr.	Details	Amount in INR
A.	Project cost attributed to violation area incurred up to the date of filing of the application	Rs.50.21 Crore
B.	1% of A	Rs.50.21 Lakh
C.	Total project turnover during the period of violation	Rs.95.87 Crore
D.	0.25% of the total turnover during the period of violation	Rs.23.97 Lakh
E.	B+D	Rs.74.18 Lakh

(The proposal does not involve sue moto declaration of violation, hence Damage costing (i.e. penalty) was not halved.)

It is noted that,

- As per the Office Memorandum issued by Ministry of Environment Forest and Climate Change vide orders no F.No.22-21/2020-IA.III Dated 7th July 2021, The penalty cost is arrived at **Rs. 74.18 Lakh**
- As per format given in SEIAA Circular, the Damage Assessment value is arrived at **Rs. 237.2 Lakh.**

Recommendations of SEAC-

Committee decided to recommend the proposal for Environmental Clearance to SEIAA subject to aforementioned observations.


Member Secretary


Chairman

Deliberation in SEIAA-

Proposal a new construction project under violation category. PP haw applied under MoEF&CC OM dated 07.07.2021. Proposal is recommended by SEAC-3 in its 178th total plot area of 17,433.10m², FSI area 21,798.69m², Non FSI area 28,749.68 m² and total BUA of 50,548.37 m².

SEAC recommended the proposal for grant of Environment Clearance under violation category as per MoEF&CC OM dated 07.07.2021 with damage assessment value of Rs. 237.2 Lakh and Penalty of Rs. 74.18 Lakh.

The authority noted the ecological damage assessment and the economic benefits accruing as a result of the violation and also the penalty amount as appraised by SEAC. Authority also noted the corresponding Environment Management Plan stipulated by the SEAC costing Rs. 237.2 Lakh taking into consideration the remediation plan and Natural and Community Resource augmentation Plan. The Authority accepted the recommendations of the SEAC and decided to grant Environment Clearance subject to submission of Bank Guarantee of Rs. 237.2 Lakh towards effective implementation of remediation plan and Natural and Community Resource augmentation Plan and submission of penalty of Rs. 74.18 Lakh.

Further, SEIAA also directed SEIAA cell to confirm with Maharashtra Pollution Control Board whether action has been initiated against the PP under the Section 15 (read with Section 19) of Environment (Protection) Act, 1986.

During the meeting, SEIAA asked PP regarding the provision of RG. PP submitted that, they have provided mandatory RG having area 2045.85 m² on mother earth without any construction. SEIAA asked PP to submit area undertaking to that effect. PP submitted the same dated 01.09.2023.

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

SEIAA further observed that, there is a case pending before the Hon'ble NGT (OA 65/2019) with respect to proposal under consideration. SEIAA decided to grant EC subject to outcome of the case pending before the Hon'ble NGT.

SEIAA after deliberation decided to grant EC for-FSI- 21,798.69 m², Non FSI- 28,749.68 m², total BUA- 50,548.37 m². (Plan approval No-CC/0819/17, dated-21.06.2017)

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

1. PP to submit Bank Guarantee of Rs. 237.2 Lakh towards effective implementation of remediation plan and Natural and Community Resource augmentation Plan. PP to implement remediation plan and Natural and Community Resource augmentation Plan within 6 months from grant of this Environment Clearance. PP also to submit penalty of Rs. 74.18 Lakh.
2. Maharashtra Pollution Control Board to ensure that, action has been initiated against the PP under the Section 15 (read with Section 19) of Environment (Protection) Act, 1986 for violation provisions of EIA notification, 2006.


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Chairman

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3. EC is subject to outcome of case pending before the Hon'ble NGT (OA 65/2019).
4. PP submitted that, they have provided mandatory RG having area 2045.85 m² on mother earth without any construction. Local planning authority to ensure the compliance of the same.
5. PP to keep open space unpaved so as to ensure permeability of water. However, whenever paving is deemed necessary, PP to provide grass pavers of suitable types & strength to increase the water permeable area as well as to allow effective fire tender movement.
6. PP to achieve at least 5% of total energy requirement from solar/other renewable sources.
7. PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA III dt.04.01.2019.
8. SEIAA after deliberation decided to grant EC for-FSI- 21,798.69 m², Non FSI- 28,749.68 m², total BUA- 50,548.37 m². (Plan approval No-CC/0819/17, dated-21.06.2017)

SEIAA Decision-

SEIAA after deliberation decided to grant Environment Clearance.


Member Secretary


Chairman