

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

Original Application No. 33/2019 (WZ)

Tanaji Balasaheb Gambhire

.....Applicant

Versus

Union of India & Ors.

....Respondent(s)



**Reply Affidavit on behalf of Maharashtra Pollution Control
Board i.e. Respondent No. 7 & 8**

I, Nitin Shinde, age – 56 years, Occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune – 2 having my office at 02nd floor, Jog Center, Wakdewadi, Pune – 411 003 do hereby state on solemn affirmation as under –

- 1) I say and submit that Applicant has filed this Application against Respondent No. 16 & 17 i.e. M/s Xrbia Developers Limited and M/s Xrbia Hinjewadi Developers Pvt. Ltd. respectively for construction of residential and commercial building project 'Xrbia Hinjewadi Township or Megacity Hinjewadi or Silicon City' located and situated at survey Numbers 36, 38/2, 38/3, 39, 40/1d, 42, 56, 57 of village – Dattawadi (Nere) and 52, 53, 54 of

village –Kasarsai, Taluka – Mulshi and District – Pune, in violation of EIA Notification, 2006 and other environment enactments.

2) I say and submit that in compliance of Order passed by Hon'ble NGT on 28/11/2022, the MPC Board Official has carried out visit to the said Project in question on 9/1/2023 and observed as below–

i) The said project is residential cum commercial project. Respondent PP has obtained Environment Clearance from the competent authority i.e. MoEF, GoI on 27/12/2006 for construction of proposed township 'Silicon City' at village Dattawadi, Tal. Mulshi, Dist. Pune having Total Plot Area of 97.28 Ha and Total approved area of construction 48.64 Ha. A copy of the EC dated 27/12/2006 is attached and annexed herewith as an **Annexure – I**.

Respondent PP has obtained Consent to Establish from the Respondent MPC Board on 10/4/2006 for development of 97.28 Ha with new construction activity with the name 'M/s Nahar's Silicon City' located and situated at Vil. Dattawadi Nere, Marunji Talegaon Road, Taluka Mulshi, District Pune. A copy of the Consent to Establish dated



- vi) Respondent PP has not submitted any document either MoU or Agreement related to hand over the project to the society copy to Respondent MPC Board.
- vii) It was observed that there is water supply from dug wells of nearby 4 nos. of farmers. Respondent PP has installed water treatment plant.
- viii) Respondent PP has installed 2 nos. of Sewage Treatment Plants (STP) having capacity of 630 CMD and 730 CMD. During visit, STP plants were found in operation. Respondent PP has installed 3 nos. of OWC units. During visit, OWC plants were not found in operation.
- ix) During visit, no ongoing construction activity was found in operation.

A copy of Visit Report dated 9/1/2023 is attached and annexed as an **Annexure – IV**.

- 3) I say and submit that Respondent PP has given possession of flats without obtaining Consent to Operate from the MPC Board. I submit that after verification of the complaint on 30/8/2018, the Respondent Board had issued Proposed Directions to Respondent PP on 3/9/2018.

- 4) I say and submit that MPC Board has filed Regular Criminal Case No. 5023/2019 under the provisions of the Water (Prevention &



Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and u/s 15 of the Environment (Protection) Act, 1986 r.w. EIA Notification, 2006 before the Hon'ble Chief Judicial Magistrate, Pune against Respondent PP.

5) I say and submit that Respondent PP has not provided to the MPC Board any document related to Total Construction Area / Architect Certificate and document related to hand over of project to the Society.

Solemnly affirmed on this ... 19th ... day of January, 2023 at Pune.

I know the affiant.

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 7 & 8

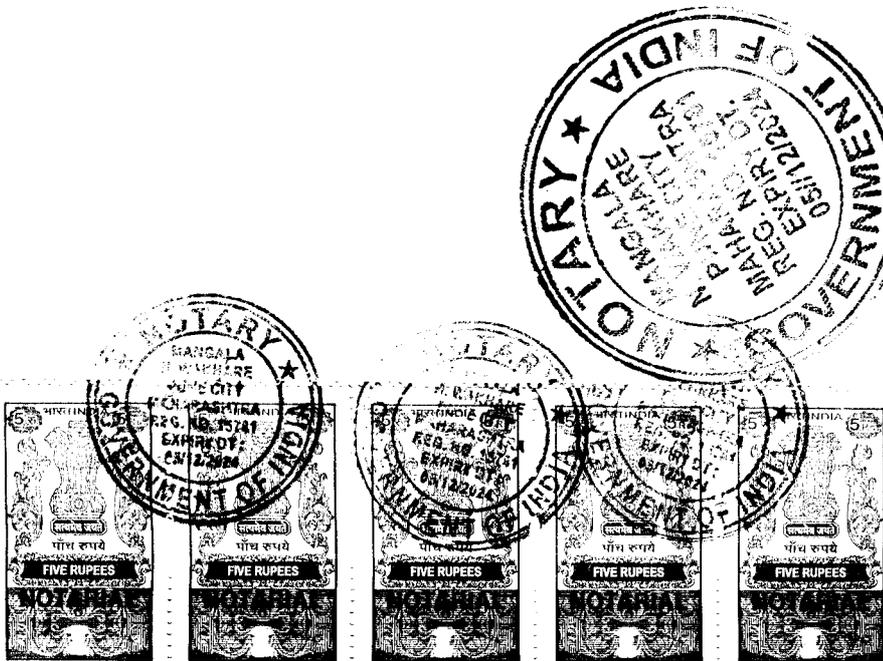
ADVOCATE

Nitin Shinde
18/1/23
(Nitin Shinde)
Sub-Regional Officer,
MPCB – Pune II

BEFORE ME

Mangala N. Wakhare
MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

19 JAN 2023



trees and development of recreational area, surrounding area will have positive impact on overall land use.

4. The EAC after due consideration of the relevant documents submitted by the project proponent, responses to the public concerns expressed during the public hearing and additional clarifications furnished in response to its observations have recommended the grant of environmental clearance for the project mentioned above subject to compliance with the EMP and other stipulated conditions. Accordingly, the Ministry hereby accords necessary environmental clearance for the project subject to the strict compliance with the specific and general conditions mentioned below:

PART A- SPECIFIC CONDITIONS

I. Construction Phase

i. All required sanitary and hygienic measures should be in place before starting construction activities, and to be maintained throughout the construction phase.

ii. Soil and ground water samples will be tested to ascertain that there is no threat to groundwater quality by leaching of heavy metals and other toxic contaminants.

iii. A First Aid Room will be provided at the project site both during construction and operation of the project.

iv. Adequate drinking water and sanitary facilities should be provided for construction workers at the site. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.

v. Disposal of muck including excavated material during construction phase should not create any adverse effects on the neighboring communities and be disposed off taking the necessary precautions for general safety and health aspects of people.

vi. Diesel power generating sets used during construction phase should be of "enclosed type" to prevent noise and should conform to rules made under Environment (Protection) Act 1986, prescribed for air and noise emission standards.

vii. Ambient noise levels should conform to residential standards both during day and night when measured at boundary wall of the premises. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase.

viii. Vehicles hired for bringing construction material at site should be in good condition and should have valid "pollution under check"(PUC) certificate and to conform to applicable air and noise emission standards.

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ix Construction spoils including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water.

x Any hazardous waste generated during construction phase should be disposed of as per applicable Rules & norms with necessary approvals of the Maharashtra State Pollution Control Board

xi Regular supervision of the above and other measures for monitoring should be in place all through the construction phase so as to avoid disturbance to the surroundings.

ii. Operation Phase

The environmental clearance recommended to the project is subject to the specific conditions as follows:

i. Necessary permission of competent authority shall be taken to store diesel in the premises for operation of DG set.

ii. Diesel power generating sets proposed as source of back up power for lifts and common area illumination should be of "enclosed type" and conform to rules made under Environment (Protection) Act 1986, prescribed for air and noise emission standards as per CPCB guidelines. Exhausts should be discharged by stack, raised to 4 meters above the rooftop.

iii. During nighttime the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

iv. Noise barriers should be provided at appropriate locations so as to ensure that the noise levels do not exceed the prescribed standards.

v. Weep holes in the compound walls shall be provided to ensure natural drainage of rainwater in the catchment area.

vi. The sewage treatment plants should be certified by an independent expert for efficiency as well as adequacy and should submit a report in this regard to the Ministry before the project is commissioned for operation. The wastewater should be treated to tertiary level and after treatment reused for flushing of toilets and gardening. Discharge of treated sewage, if any, shall conform to the norms & standards prescribed by Maharashtra State Pollution Control Board.

vii. Oil & Grease trap shall be provided to remove oil and grease from the surface run off and suspended matter shall be removed in a settling tank before its utilization for rainwater harvesting.



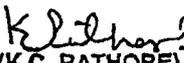
7. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.

8. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department (if required), CRZ Regulations etc. shall be obtained by project proponents from the competent authorities.

9. A copy of the environmental clearance letter would be marked to the local NGO(s), if any, from whom suggestion/representation were received at the time of public hearing.

10. The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded environmental clearance and copies of clearance letters are available with the Maharashtra State Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>. The advertisement should be made within 7 days from the day of issue of the clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Bhopal.

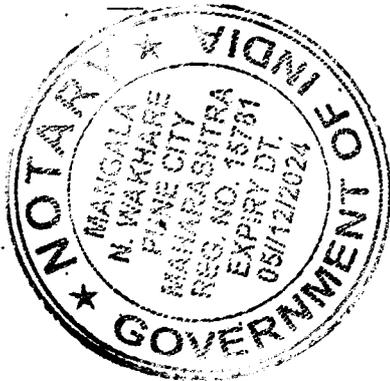
11. These stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.
12. The project authority will enter in to MOU with all buyers of the property, flats/shops etc. to ensure operation and maintenance of the assets handed over to the society formed by the residents/owners of the buildings.


(K.C. RATHORE)
Additional Director (IA)
rathore27@yahoo.com
Tel: 24368526

Copy to: -

1. The Secretary, Department of Environment, Government of Maharashtra, New Administrative Building, 15th Floor, Opp. Mantralaya, Mumbai.
2. The Member Secretary, Maharashtra State Pollution Control Board, Kalptaru Point, 3rd Floor, Near Sion Circle Opp. Cine Planet Cinema, Sion(E), Mumbai.
3. The CCF, Regional Office, Ministry of Environment & Forests, Bhopal.
4. IA - Division, MOEF, New Delhi - 110001.
5. Guard file.

(K. C. RATHORE)
Additional Director (IA)



MAHARASHTRA POLLUTION CONTROL BOARD

B : 24020781/24010437

Tel : 24024068

Website :

http://mpcb.mah.nic.in

e-mail: mpcb@vsnl.net

KALPATARU POINT, 3rd & 4th floor,
Opp. Cineplanet, Near Slon Circle,
Slon (East), MUMBAI : 400 022

Date: 10/1/2006.

ORANGE/LSI

Consent No. BO/RO (P&P) 364

Consent to Establish is granted to M/s. Nahar's Silicon City,
Village Dattwadi Nere,
Marunji Talegaon Rd., Tq. Mulshi,
Dist: Pune.

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

1. The Consent to Establish is Issued to M/s. Nahar's Silicon City,
Village Dattwadi Nere,
Marunji Talegaon Rd., Tq. Mulshi,
Dist: Pune.

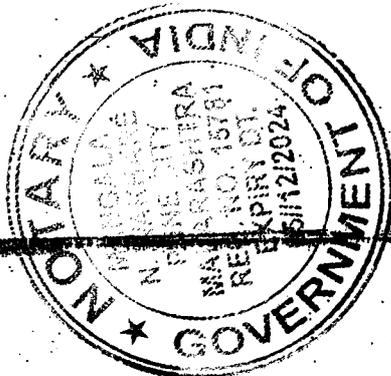
For development of land/plot as new construction activities named as M/s. Nahar's Silicon City, Village Dattwadi Nere, Marunji Talegaon Rd., Tq. Mulshi, Dist: Pune on 97.28 Ha. including utilities and services such as commercial/educational/health and recreation amenities etc. as per construction commencement certificate issued by local body.

2. CONDITION UNDER WATER ACT :-

- (i) The daily quantity of (a) sewage effluent from above construction project including (b) waste water from swimming tank/water sports shall not exceed 40 cubic meters per day.
- (ii) Sewage Effluent Treatment : The Applicant shall provide a comprehensive sewage treatment plant as is warranted with reference to influent quality and corresponding mode of disposal and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards:-

PARAMETERS	Limit	Standards for sub-streams		
		(A)	(B)	Unit
pH	In between	5.5 to 8	7 to 8.5	
Suspended Solids	Not to exceed	100	10	mg/l
B.O.D. 3 days 27 C.	Not to exceed	30	10	mg/l
Oil & Grease	Not to exceed	10	NIL	mg/l
Dissolved Phosphates (as P)	Not to exceed	5	5	mg/l
Dissolved Oxygen	Not less than	5	5	mg/l
R. Chlorine	Not to exceed	0.1	0.1	Mg/l

- (iii) Sewage effluent Disposal :- Domestic treated effluent shall be disposed of on-land for gardening/ irrigation/ lawns/ tree-plantations within own premises. Excess treated sewage effluent shall be disposed into to under ground drainage scheme provided by local body. In no case, effluent shall find its way to any water body directly/indirectly at any time.



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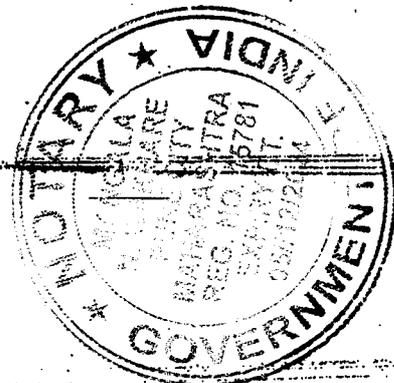
(iv) Non-Hazardous Solid Waste:-

The total quantity shall not exceed 360 Kg per day and shall be segregated and treated as follows:-

Sr	Type of Segregated solid waste	Quantity Kg/day	Treatment	Disposal
1	Organic	180	In vessel Composting at site only	Self-use
2	Inert	180	Segregation	At approved landfill
3	Paper Packing		Segregation	Sale
4	Rubber		Segregation	At approved landfill
5	Glass		Segregation	Sale
6	Miscellaneous (STP Sludge)	---	Segregation	Sale/At approved landfill

3. Other Conditions:-

- All activities shall be in resonance with the provisions of Indian Forest Act, 1927 (19 of 1927), Forest (Conservation) Act, 1980 (69 of 1980) and Wildlife (Protection) Act, 1972 (53 of 1972), CRZ notification, and special notifications published for Daharu, Murud Jangira, Matheran and Mahabaleswar area wherever applicable and all the Environmental Statutes and Instruments.
- This Consent to Establish is issued only for Developing Construction Project purposes.
- No quarrying activities shall be commenced in the area unless appropriate permissions are obtained for a limited quarrying material required for construction of local residential housing and traditional road maintenance work, provided that such quarrying is not done on Forest Lands and the material is not exported to the outside area.
- There shall be no felling of trees whether on Forest, Government, Revenue or Private lands except as per prevailing Rules.
- Extraction of Groundwater for the residential complex shall require prior permission of the State Ground Water Authority or other relevant authorities, as applicable.
- Near the activities that are related to water (like activity of water parks, water sports) and/or in the vicinity of lake, Dissolved Oxygen shall not be less than 5 mg/liter.
- In order to ensure that the water from this residential complex do not enter into outside environment, the nallas crossing the township/complex premises, shall be lined, covered and made water tight by the applicant within the premises with intermittent inspection of chambers following good engineering practices as per the regulations of local body. This management shall be such as also to help in excluding the external pollutants degrading the internal environment of residential complex.
- The Applicant shall prepare management plan for water harvesting, roof-water reclamation, water/storm water conservation and implement the same before handing over of complex for occupation.
- The Applicant shall draw plans for the segregation of solid wastes into biodegradable and non-biodegradable components. The biodegradable material shall be recycled through scientific in-house composting with the approval of local body and the inorganic material shall be disposed off at approved Municipal Solid Waste landfill site of local body environmentally acceptable location and method. It is clarified that the term solid waste includes domestic, commercial, and garden wastes, but does not include hazardous and bio-medical wastes. The activities of bio-composting and engineered land fill shall be as per the Municipal Solid Waste (M&H) Rules, 2000.
- Applicant shall be responsible to take adequate precautionary measures as detailed in this consent.



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11. The applicant/generator shall be responsible for safe and scientific collection, transportation, treatment and disposal of Bio-Medical Waste as per the provisions made under the Bio-Medical Waste (Management & Handling) Rules, 1998. Any activity as defined under BMW (M & H) Rules has to obtain a separate Authorization from Maharashtra Pollution Control Board.

12. The applicant, during the construction stage shall provide

- Septic tank and soak pit of adequate capacity for the domestic effluent generated due to workers residing at site.
- Proper loading and unloading of construction material, excavated material and its proper disposal as per MSW (M&H) Rules 2000.
- Cutting of trees is not permitted, however in unavoidable conditions necessary permission from the local body shall be obtained.
- Green belt of 33% of the open space shall be developed excluding lawns.

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

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

(i) Domestic	From ULB	From other sources
	(in CMD)	(In CMD)
a) During construction stage	---	30
b) After completion	60	---
(i) For Fire Fighting (make up water)	---	---

The Applicant shall regularly submit to the Board, the returns of water consumption in the prescribed form and pay the cess as specified under Section 3 of the said Act.

5. CONDITIONS UNDER AIR ACT :-

The Applicant may install _____ numbers of diesel generating sets (DG Sets), of capacity _____, and shall be equipped with comprehensive control system as is warranted with reference to generations of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:-

(i) Standards for emissions of air Pollutants

i)	SPM/TPM	Not to Exceed	150	mg/Nm ³
ii)	SO ₂	Not to Exceed	50	PPM
iii)	NO _x	Not to Exceed	60	PPM
iv)	SO ₂ (D.G.Set)	Not to Exceed	48	Kg/8 Hrs.

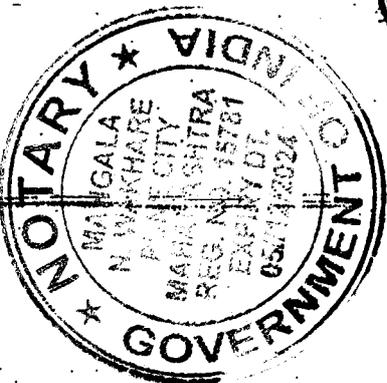
(ii) The Applicant shall observe the following fuel patterns

No.	Type of Fuel	Quantity
1	---	---

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

No.	Chimney attached to	Height above roof level
1:	---	---
2:	---	---
3:	---	---

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



(iv) Conditions for DG Sets :-

1. Noise from DG Sets shall be controlled by providing acoustic enclosure or by treating the room acoustically.
2. Applicant should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room shall be designed for minimum 25 dB(A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB(A) shall also be provided. The measurement of insertion loss shall be done at different points at 0.5 meters from acoustic enclosure/ room and then average.
3. The Applicant should make efforts to bring down noise level due to DG Set, outside the premises, with ambient noise level requirements by proper setting and control measures.
4. Installation of DG Set must be strictly in compliance with recommendations of DG set manufacturer.
5. A proper routine and preventive maintenance procedure for DG Set shall be set and followed in consultation with the DG manufacturers, which would help to prevent noise levels of DG Sets from deteriorating with use.
6. The DG set shall be operated only in case of power failure. The applicant shall make arrangement for regular electrical power.
7. The Applicant shall not cause any nuisance in the surrounding area due to operation of DG sets.
8. In case of problems, the D.G. set shall not be operated until it is set back to satisfactory position.

6. Conditions For Utilities like Kitchen, Eating Places etc., :-

1. The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
2. The toilet shall be provided with exhaust system connected to chimney through ducting.
3. The air conditioner shall be vibration proof and the noise shall not exceed 68 dB(A).
4. The exhaust hot air from A.C. shall be attached to Chimney at least 6 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such way that no nuisance is caused to neighbors.

(i) The Applicant shall take adequate measures for control of noise levels from its own sources within the complex (residential cum Commercial) in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned as between 6 a.m. to 10 p.m. and night time is reckoned between 10 p.m. to 6 a.m.

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

(iii) No construction work is permitted during night time.

7. CONDITIONS UNDER HW (M & H) & AMENDMENT RULES 2003

The Applicant shall not generate or handle any hazardous waste.

8. The proposed activity comes under Entry 31 (New Construction Project) listed in schedule I of the EIA Notification dated January 27, 1994 (as amended till date) issued by Ministry of Environment & Forest, Govt. of India, New Delhi and therefore, Environmental Clearance from Govt. of India (MoEF) shall be required as per conditions in the amended EIA Notification dated July 07, 2004.

9. The applicant shall certify that the bricks used in construction are manufactured using the ash from Thermal Power stations if it is within a radius of 100 km. from Thermal Power Plant and submit the names of bricks manufacturer.

10. This "Consent to Establish" is issued subject to the planning permission and permission for non-agricultural (N.A.) use from the Competent Authority.



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11. The applicant shall obtain Environmental Clearance from MoEF, GOI before taking any steps to develop/ start construction the site.
12. The applicant shall not handover the residential complex unless obtain Consent to Operate/NOC from Maharashtra Pollution Control Board and compliance of Environment Clearance granted by MoEF Government of India.
13. The applicant shall take the proper remediation measures to ensure that the ground water and soil contamination is prevented and follow due diligence at the construction stage.
14. This Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the Applicant,



For and on behalf of the
Maharashtra Pollution Control Board

D. B. Boralkar
(Dr. D. B. Boralkar)
Member Secretary

To
M/s. Nahar's Silicon City,
Village Dattwadi Nere,
Marunji Talegaon Rd., Tq. Mijshi,
Dist: Pune.

Copy forwarded with compliments to

1. The Collector, Mumbai.

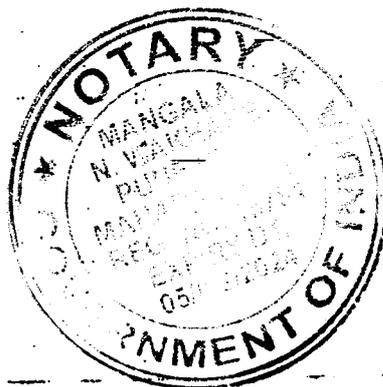
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1. Regional Officer, MPCB, Mumbai.
2. Sub Regional Officer, MPCB, Mumbai
3. Chief Accounts Officer, MPCB, Mumbai

Received consent fee of

Amount	DD No.	Date	Drawn on
Rs. 50,000/-	017421	13.01.2008	Union Bank of India

4. Cess Branch, MPCB, Mumbai.
5. Master file.
6. EIC, M.P.C.Board, Mumbai.



MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 2402 0781 / 2401 0437
 Fax : 2402 4068
 Visit us at :
 Website : <http://mpcb.mah.nic.in>
 E-mail : mpcb@vsnl.net



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

Infrastructure Project/LSI.

Consent No. BO/RO (P&P)/EIC No. PN-3230-09/E/CC-231

Date: 08/07/2009

Consent to Establish is granted to M/s Eiffel Developers & Realtors Ltd

"Silicon City" S. No. 52, 53 & 54,
 Village Dattawadi & Kasarsai, Tal Mulshi,
 Dist Pune

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

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

For development of land/plot as new construction activities for construction of residential project named as M/s Eiffel Developers & Realtors Ltd, "Silicon City" S.-No. 52, 53 & 54, Village Dattawadi & Kasarsai, Tal Mulshi, Dist Pune, on total plot area of 100700 sq mtrs & total Built up area 30658 sq. mtrs including utilities of residential project and services such as per construction commencement certificate issued by local body.

2. CONDITIONS UNDERTWATER (Prevention & Control of Pollution) ACT, 1974: -

- (i) The quantity of sewage effluent from above construction project shall not exceed 600 M³/Day.
- (ii) Sewage Effluent Treatment: The Applicant shall provide a comprehensive sewage treatment plant and treatment as is warranted with reference to influent quality and corresponding mode of disposal and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards:-

(1) Suspended Solids	Not to exceed	100	mg/l.
(2) BOD 3 days 27 CC.	Not to exceed	100	mg/l.

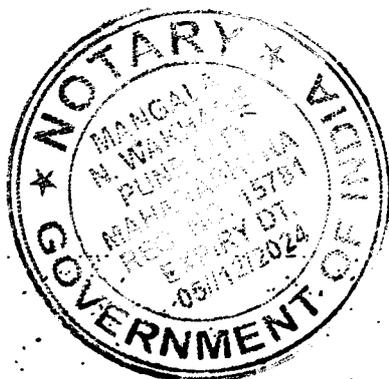
- (iii) Sewage effluent Disposal: -

The treated domestic effluent shall be 80% recycled and reused for flushing, fire fighting and cooling of Air conditioners and remaining shall be used on own land for gardening/Municipal sewer. In no case, effluent shall find its way to any water body directly/indirectly at any time. The project authorities should opt environmental friendly technologies like ozonation, UV treatment etc by replacing chlorination. Project proponent shall operate STP for five years from the date of obtaining Occupation Certificate.

- (iv) Non-Hazardous Solid Waste: -

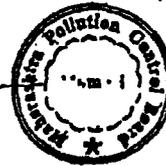
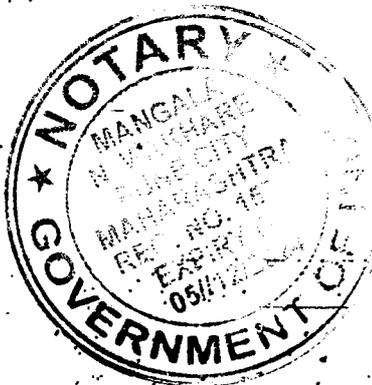
The total quantity shall be segregated and treated as follows: -

Sr	Type of Segregated solid waste	Quantity	Treatment	Disposal
1	Biodegradable Waste	350 Kg/Day	Composting	Proposed site
2	Non Biodegradable Waste	460 Kg/Day		Landfill MSW site of PMC



3. Other Conditions: -

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



:3:

- c) Cutting of trees is not permitted, however in unavoidable conditions necessary permission from the local body shall be obtained.
- d) Green belt of 33% of the open space shall be developed.
- 4. The Applicant shall comply with all the provisions of, the Water (Prevention and Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and Rules as Amended, 2003 and Rules there under: -
The daily water consumption for the following categories shall not exceed, as under

(i) Domestic		(In CMD)
a) Domestic		675
b) Swimming pool		---
c) Club House & Gym		---
d) Flushing		---
e) Agriculture/Gardening		150

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

- (i) The Applicant may install 05 no. of diesel generating sets (DG Sets), of capacity 05 x 125 KVA and shall be equipped with comprehensive control system as is warranted with reference to generations of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards: -

Standards for emissions of air Pollutants

i) SPM/TPM	Not to Exceed	150	mg/Nm ³
ii) SO ₂ (DG set)	Not to Exceed	34	Kg/day

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

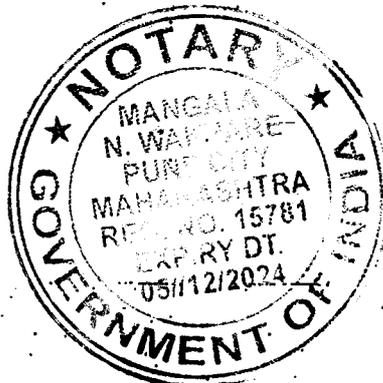
1	SPM	Not to Exceed (Annual Average)	140	µg/ m ³
		Not to Exceed (24 hours)	200	µg/ m ³
2	SO ₂	Not to Exceed (Annual Average)	60	µg/ m ³
		Not to Exceed (24 hours)	80	µg/ m ³
3	NO _x	Not to Exceed (Annual Average)	60	µg/ m ³
		Not to Exceed (24 hours)	80	µg/ m ³
4	RSPM	Not to Exceed (Annual Average)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

- (iii) The Applicant shall observe the following fuel patterns .

No.	Type of Fuel	Quantity
01	HSD	70 Ltr/hr

- (iv) The Applicant shall erect the Chimney (s) of the following specifications

No.	Chimney attached to DG	Height above roof of Bldg
1	DG set 05 x 125 KVA	3 mtrs each



- (V) **Conditions for DG Sets: -**
1. Noise from DG Sets shall be controlled by providing acoustic enclosure or by treating the room acoustically.
 2. Applicant should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room shall be designed for minimum 25 dB(A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB(A) shall also be provided. The measurement of insertion loss shall be done at different points at 0.5 meters from acoustic enclosure/ room and then average.
 3. The Applicant should make efforts to bring down noise level due to DG Set, outside the premises, with ambient noise level requirements by proper setting and control measures.
 4. Installation of DG Set must be strictly in compliance with recommendations of DG set manufacturer.
 5. A proper routine and preventive maintenance procedure for DG Set shall be set and followed in consultation with the DG manufacturers, which would help to prevent noise levels of DG Sets from deteriorating with use.
 6. The DG set shall be operated only in case of power failure. The applicant shall make arrangement for regular electrical power.
 7. The Applicant shall not cause any nuisance in the surrounding area due to operation of DG sets.
 8. In case of problems, the D.G. set shall not be operated until it is set back to satisfactory position.

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

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

(VIII) The Applicant shall take adequate measures for control of noise levels from its own sources within the complex (residential cum Commercial) in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Daytime is reckoned as between 6 a.m. to 10 p.m. and Nighttime is reckoned between 10 p.m. to 6 a.m.

- (IX) Construction equipments generating noise of less than 65/90 db(A) are permitted.
 (X) No construction work is permitted during nighttime.

6. **CONDITIONS UNDER HW (M & H) & AMENDMENT RULES 2003**

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

Sr. No.	Item No. of Process generating HW as per Schedule-I	Type of Waste	Quantity	Disposal
1)	5.1	Waste Oil	10 Lit/Year	MPCB authorized reprocessor

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

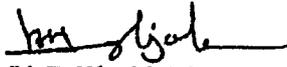


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7. The applicant shall certify that the bricks used in construction are manufactured using the ash from Thermal Power stations if it is within a radius of 100 km. from Thermal Power Plant and submit the names of bricks manufacturer. The applicant shall use fly ash based material/products as per the provisions of fly ash Notification of 14.09.1999 and as amended on 27.08.2003.
8. The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.
9. The applicant shall adopt environment friendly technology in development of the project.
10. The applicant shall take the proper remediation measures to ensure that the ground water and soil contamination is prevented and follow due diligence at the construction stage.
11. Energy conservation measures like installation of solar panels for lighting the area outside the building should be integrated part of the project design.
12. The applicant should not take any effective steps for implementation of the project before obtaining Environmental Clearance as per EIA Notification 2005 and amendments thereto
13. This Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the Applicant;
14. The capital investment of the project is Rs. 24.24/- Crores

To
M/s Eiffel Developers & Realtors Ltd.
 "Silicon City" S. No. 52, 53 & 54,
 Village Dattawadi & Kasarsai, Tal Mulshi,
 Dist Pune

For and on behalf of the
 Maharashtra Pollution Control Board


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

Copy forwarded with compliments to
 The Collector, Pune

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



Received consent fee of

Amount	DD No.	Date	Drawn on
Rs 50000/-	031758	19.03.2009	Union Bank of India

4. Cess Branch, MPCB, Mumbai.

5. Master file.



MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE, PUNE- 2

Ph. 020-25811694
Fax. 020-25811029
E-mail-sropune2@mpcb.gov.in



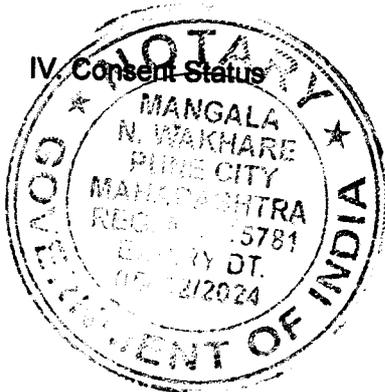
Jog Center Bldg.
2nd floor, Wakdewadi,
Mumbai - Pune Highway,
Pune 411003

Original Application No. 33 of 2019 (WZ)
Tanaji Balasaheb Gambhire Vs Union of India & Ors.

Visit Report

- I. Name & Address of Industry : M/s. Xrbia Hinjewadi Developers Pvt. Ltd.
S. No. 38/2, 38/3, 39, 56, 57, Vill. Nere,
Dattawadi, Tal. Mulshi, Dist. Pune
- II. Date of visit : 09/01/2023
- III. Representative of the Project Proponent : Shri. Jalindar Shitole (Estate Manager)

IV. Consent Status



- Mobile No. 7741935555
- a) Consent to Establish dtd. 10/04/2006 –
M/s. Nahar's Silicon City at Vill. Dattawadi,
Tal. Mulshi, Dist. Pune
- b) Consent to Establish dtd. 08/07/2009 –
M/s. Eiffel Developers & Realtors Ltd., "Silicon
City" S. No. 52, 53, & 54, Vill. Dattawadi &
Kasarsai, Tal. Mulshi, Dist. Pune

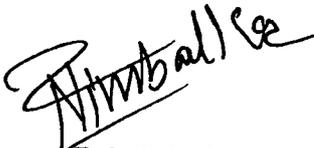
V. Observations made during the visit :

With reference to the Hon'ble NGT order dtd. 28/11/2022 in the matter O.A. No. 33/2019 (WZ), the undersigned has visited the site on 09/01/2023 and following observations were made :-

1. It is residential cum commercial project. Project Proponent (PP) has obtained Environment Clearance dtd. 27/12/2006 on the name M/s. Silicon City at Vill. Dattawadi, Tal. Mulshi, Dist. Pune for total plot area 97.28 Ha. and construction area 48.64 Ha. Copy of the said EC is attached herewith as Annexure No. I.
2. PP has obtained Board's Consent to Establish dtd. 10/04/2006 on the name M/s. Nahar's Silicon City at Vill. Dattawadi, Tal. Mulshi, Dist. Pune for development of 97.28 Ha area. Copy of the said Consent to Establish is attached herewith as Annexure No. II.
3. PP has obtained Board's Consent to Establish dtd. 08/07/2009 on the name M/s. Eiffel Developers & Realtors Ltd., "Silicon City" S. No. 52, 53, & 54, Vill. Dattawadi &

Kasarsai, Tal. Mulshi, Dist. Pune for total plot area 1,00,700 Sq. Mtr. and total built up area 30658 Sq. Mtr. Copy of the said Consent to Establish is attached herewith as **Annexure No. III.**

4. PP has completed construction work of Phase- I which comprises of Building No. A-1 to A-13 (total 13 buildings- total flats 1558 nos.) and Phase- II which comprises of Building No. A-14, 15, B-1, B-2, B-3, B-6, B-7, B-8, C-2, C-3, C-4, C-5, C-6, C-7, D-1 & D-6 (total 16 buildings – total flats 1560 nos.)
5. All the buildings except A-14 & A-15 are - Parking + Ground + 7th Floor. Building No. A-14 & A-15 – Parking + Ground + 8th Floor.
6. Occupancy observed in all above mentioned buildings.
7. PP has not submitted any documents to this office. PP has not submitted MOU / Agreement Copy about handed over project to the society.
8. Water supply is from dug wells of nearby 4 nos of farmers. PP has installed water treatment plant.
9. PP has installed two numbers of STP plants having capacity 630 & 730 CMD. STP plants were found in operation. JVS of STP outlet from both the STP's were collected for further analysis.
10. PP has installed three OWC units. However, all the OWC units are found not in operation.
11. No any ongoing construction activities found at site.
12. Previously Board has issued Proposed Direction dtd. 03/9/2018 based on the non-compliance observed during the visit dtd. 30/08/2018.
13. So far PP has not complied the above mentioned Proposed Direction as PP has handed over flats to the flat owners without obtained Consent to Operate from the Board's which has been already instructed by the Board in the said directions.
14. This office has filed Criminal Case vide RCC No. 5023/2019 in the court of Hon'ble Chief Judicial Magistrate, Pune. The case is under consideration before Hon'ble CJM, Pune.


(Rahul Nimbalkar)

Field Officer,
SRO Pune-II



(Nitin Shinde)
Sub-Regional Officer,
Pune-II

