

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE, PUNE

IN

ORIGINAL APPLICATION No. 48 of 2020

IN THE MATTER OF:-

TANAJI BALASAHEB GAMBHIRE

.... APPLICANT

VERSUS

UNION OF INDIA AND ORS

....RESPONDENT(s)

INDEX

SR. NO.	PARTICULARS	PAGE NO.
1.	Reply Affidavit on behalf of Respondent No. 1 being the Ministry of Environment, Forest and Climate Change	1-8
2	Annexure 1: A copy of Public Hearing	9-21
3.	Annexure 2: A copy of EC dated 10.04.2007	22-26
4.	Annexure 3: A copy of the letter dated 30.11.2021 to SEIAA, Maharashtra and RO, Nagpur	27

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

IN

ORIGINAL APPLICATION No. 48 of 2020

IN THE MATTER OF:-

TANAJI BALASAHEB
GAMBHIRE

.... APPLICANT

VERSUS

UNION OF INDIA AND
ORS

....RESPONDENT(S)

**REPLY ON BEHALF OF RESPONDENT NO.1 MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE**

MOST RESPECTFULLY SHOWETH:-

I, Suresh Kumar Adapa, S/o Shri Ramulu Adapa, aged about 42 years working as Scientist "E" in the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change (MoEF&CC), at Nagpur, the deponent herein do hereby solemnly affirm and state on oath as under:-

1. That I am competent to swear the present counter affidavit on behalf of MoEF&CC and I am aware of the facts and circumstances of the case based on

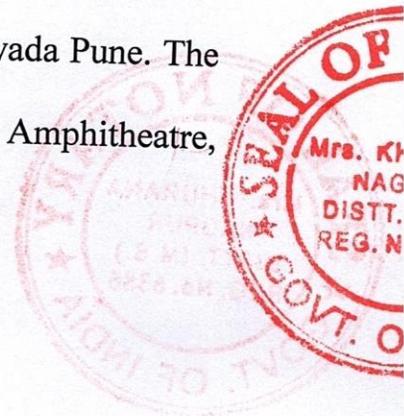
record.



A. Suresh Kumar

2. That I have perused the contents of the above captioned petition filed by the application and I am duly authorized to depose by way of the present affidavit.
3. That the Answering Respondent is not replying to the present affidavit in para-wise manner, however, the Answering Respondent craves leave to file a detailed affidavit as and when necessary and required by this Hon'ble Tribunal.
4. That the applicant has filed this application w.r.t the illegalities committed by the project proponent namely respondent no. 14 (M/s Yarrowda Investments Limited) & 15 (M/s Deepak Fertilizers and petrochemicals corporation limited), a joint development in the form of commercial building construction project namely Ishanya Mall situate at survey No. 190(P), 192 (P), CTS Number:2185-A, Plot Number:A,B&C, Shastri Nagar, Village-Yerwada, Taluka-Haveli, District-Pune-411006 and despite the fact that total project land area is ad-measuring to an extent of 59399.43 Sqm. have unauthorizdly extended the area of construction and put up construction for more than 94569.64 Sqm.
5. It is submitted that the Project Proponent M/s Deepak Fertilizers & Petrochemicals and Corporation submitted their proposal on 29th May 2006 for construction of Shopping Mall "Ishanya" at Shrastri Nagar, Yerwada Pune. The project involves development of Shopping Mall comprising of Amphitheatre,

A. Suresh Kumar



Art Galleries and Computer simulation area etc. in total plot area of 41806.35 sq.m. The total built up area as indicated is 34,170.83 sq.m.

6. In this regard, it is submitted that the answering respondent issued an Environmental Impact Assessment Notification number S.O. 1533 E dated 14, September 2006 superseding the Environmental Impact Assessment Notification 1994. The EIA Notification, 2006 regulates developmental projects in different parts of the country.

7. That as per the EIA Notification, 2006, the following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

1. All new projects or activities listed in the Schedule to this notification;
2. Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which



A. Suresh Kumar

cross the threshold limits given in the Schedule, after expansion or modernization;

3. Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

8. That it is submitted that under the provisions of the EIA Notification, 2006, Environment Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006. The entry 8(a) and 8(b) of the Schedule of EIA Notification 2006 provides as follows;

“8(a): Building and Construction projects - ≥ 20000 Sqm. and < 150000 Sqm. of built-up area require EC.

8(b): Townships and Area Development projects - Covering an area ≥ 50 ha. and or built up area >150000 Sqm. – require EC. (All projects under Item 8(b) shall be appraised as Category B1).

9. That the aforementioned entries under item 8(a) and 8(b) are qualified as category ‘B’ projects under the EIA Notification, 2006 and requires appraisal by the State Level Expert Appraisal Committees (SEACs) and approved by the State Level Environment Impact Assessment Authorities (SEIAAs). Further, that as per the EIA Notification, 2006, in the absence of a duly constituted

A. Suresh Kumar



SEIAA/SEAC, a category 'B' project shall be considered at the Central Level as category 'B' project.

10. It is submitted that the proposal was received prior to EIA Notification of 14th September 2006 and was processed for consideration for grant of environmental Clearance as per procedure in EIA Notification 1994 in terms of provision of para 12 of EIA Notification, 2006 dated 14.09.2006 read with para 2.1.1.(i) of the circular dated 13.10.2006. The proposal is of B2 category and has been considered by the Expert Appraisal Committee at Central Level as then the SEAC had not been constituted for the State.

11. It is also submitted that Public hearing in the instant case was conducted 22nd February, 2006. During the Public Hearing issues were raised and after detailed discussion the following was been resolved:

- (i) The Project Proponent will built and maintain the Shopping Mall as promised and eco-friendly atmosphere will be maintained.
- (ii) Rain Water harvesting shall be followed wholeheartedly.
- (iii) As, promised, the River Osmosis system shall be installed and implemented accordingly.
- (iv) Solar energy system shall be implemented.
- (v) The green belt shall be developed while constructing the project as assured in the public hearing.

A. Suresh Kumar



A copy of Public Hearing is annexed as Annexure-1

12. It is submitted that the project proposal was submitted to the Additional Expert Committee constituted for considering environmental clearance for new construction projects. The committee discussed the proposal in the eight meeting held on 15-16 December, 2006 and recommended that Environmental Clearance may be accorded to the project proposal for construction of shopping Mall. **A copy of EC dated 10.04.2007 is annexed as Annexure-2.**

13. However, w.r.t. the allegation made by the applicant in the application, the SEIAA, Maharashtra and the Regional Office, Nagpur have been requested to undertake inspection of the aforesaid unit in question alongwith the EC for submitting the report before the Hon'ble Tribunal. **A copy of the letter dated 30.11.2021 to SEIAA, Maharashtra and RO, Nagpur annexed as Annexure-3.**

14. It is submitted that the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Court may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

A. Surash Khan



15. That other/ancillary issues raised in the petition under reply do not pertain to the answering respondent. The Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.

A. Suresh Kumar
(सुरेश कुमार आडपा)
DEPONENT

(Suresh Kumar Adapa)

वैज्ञानिक-ई/Scientist-E

पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय
Ministry of Environment Forest and Climate Change
एकीकृत क्षेत्रिय कार्यालय, नागपुर-440 001
Integrated Regional Office, Nagpur-440 001

(Suresh Kumar Adapa)
Integrated Regional Office, Nagpur-440 001
Ministry of Environment Forest and Climate Change



ADVOCATE, NAGPUR.
SHEET NO. 100
SWORN BEFORE ME ON THIS ... DAY OF ... AT NAGPUR BY ... WHO HAS BEEN IDENTIFIED BY ...



VERIFICATION

Verified at Nagpur on this 1st day of December, 2021 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed therefrom.

A. Suresh Kumar
01/12/2021

DEPONENT
(सुरेश कुमार आडपा)
(Suresh Kumar Adapa)

वैज्ञानिक-ई/Scientist-E
पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय
Ministry of Environment Forest and Climate Change
एकीकृत क्षेत्रिय कार्यालय, नागपुर-440 001
Integrated Regional Office, Nagpur-440 001

NOTARIAL REG
ENTRY No. 41918
DATE 11/12/2021

SEAL OF NOTARY
Mrs. KHURANA
NAGPUR
DISTT. (M.S.)
REG. No. 6386
GOVT. OF INDIA

SWORN BEFORE ME ON THIS 1st TH
DAY OF Dec 20 21 AT NAGPUR BY
SHRI / SMT/ KU. Suresh kumar Adapa
R/O NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT. Arundhati Roy Adv.
ADVOCATE, NAGPUR.


Mrs. CHANCHAL KHURANA
Advocate & Notary
Res./Off.: H/No. 410/3, Maccosbag
NAGPUR-440 014
Reg. No 6386

NOTARY
Mrs. CHANCHAL KHURANA
Nagpur Dist.
(M.S.) INDIA
Regd. No.
6386
GOVT. OF INDIA

NOTARY NAGPUR GOVT. OF INDIA
NOTARY NAGPUR GOVT. OF INDIA
NOTARY NAGPUR GOVT. OF INDIA

**MINUTES OF THE PUBLIC HEARING MEETING OF PROPOSED
SHOPPING MALL "ISHANYA" CONSTRUCTION PROJECT OF M/S
DEEPAK FERTILIZER & PETROCHEMICALS CORPORATION LTD.,
C.S.NO.190/192, OPP.GOLF COURSE, SHASTRI NAGAR, YERWADA,
PUNE**

Public Hearing for the proposed shopping mall "Ishanya" construction project of M/s Deepak Fertilizer & Petrochemicals Corporation Ltd., C.S. No.190/192, Opp.. Golf Course, Shastri Nagar, Yerawada, Pune was conducted on 22nd February, 2006 at 11.00 hrs at meeting hall of Collector Office, Pune. Following were the panel members of the public hearing :-

- | | | | |
|----|-----------------------------------------------------------------------------------------------------------------|---|----------|
| 1. | Shri Tanaji Shinde
Sub Divisional Officer- Haveli, Dist-Pune
(representative of District Collector, Pune) | - | Chairman |
| 2. | Representative of Environment
Deptt. Govt. of Maharashtra
Mantralaya, Mumbai | - | Member |
| 3. | Shri B. S. Dalvi
(representative of General Manager
District Industries Center, Pune) | - | Member |
| 4. | Shri V. N. Mundhe
Regional Officer, MPCB, Pune
(Representative of Chairman, MPCB) | - | Member |

LOCAL BODY REPRESENTATIVE :-

- | | | | |
|----|-----------------------------------------------------|---|--------|
| 4. | Shri Aaba Nikam
Corporator,
Sangamwadi, Pune | - | Member |
| 5. | Shri Mohansingh Rajpal
Corporator, Yerwada, Pune | - | Member |
| 6. | Mrs Rajlaxmi Bhosale
Corporator, Pune | - | Member |

..2..

(61)

SENIOR CITIZENS :-

- | | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| 7. | Shri Arun Rajabhau Patharkar
Retd. Director, Town Planning,
Govt. of Maharashtra,
Anant Park Society, Shankarsheth Road,
Pune | - | Member |
| 8. | Dr. B. P. Kapadnis,
O.B.11/1, Behind Post Office,
University of Pune Campus,
Pune | - | Member |
| 9. | Dr. A.K. Nikumbha,
Rohan Garima, Near Shivaji Hsg. Soc.,
Pune | - | Member |
| 10. | Shri P. P. Dhayagude
Sub Regional Office, Pune-I
MPCB, Pune | - | Convener |

Representative from Environment Deptt., Govt. of Maharashtra, Mumbai; Shri. Aaba Nikam, Member were unable to attend the public hearing due to their pre-occupations. Leave of absence was considered to them by the Chairman.

Shri P.P. Dhayagude, Convenor of the Committee welcomed Chairman of the Committee, Panel Members, Govt. officials, company representatives and general public who were present and informed that as per the Government Resolution of Govt. of India 27th January, 1994 followed dated 10th April, 1997, public hearing has become mandatory for the listed projects whom requires 'Environmental Clearance' from Deptt. of Environment, India, New Delhi. The Notification dated 27th January,

(81)

..3..

1994 was further amended on 7th July, 2004 wherein inserted additional entries in the Schedule -I for New Constructions Projects and New Industrial Estates.

Shri Dhayagude informed that as per the amended notification, new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for One thousand persons or above or discharging sewage of 50,000/3 (Fifty thousand) liters per day or above or with an investment of Rs.Fifty Crores or above shall be required to obtain Environmental Clearance from Ministry of Environment & Forests, Govt. of India.

The Notification further provided that -

- a) New construction projects which were undertaken without obtaining the clearance required under this notification, and where construction work has not come up to the plinth level, shall require clearance under this Notification with effect from the 7th July, 2004;
- b) Any project proponent intending to implement the proposed project mentioned under para 1 in a phased manner or in modules shall be required to submit the details of the entire project covering all phases or modules for appraisal under this Notification. Non compliance or violation of any of above

..4..

(61)

..4..

mentioned provisions is an offence punishable under Section 15 of the Environment (Protection) Act, 1986. Here, said construction project falls under such category.

Shri Dhayagude, further informed that the basic theme of the public hearing is that general public who are going to be affected by the project have been given an opportunity to put up their objections from pollution and environmental safety point to Govt. for its consideration while granting permission/environment clearance.

Shri Dhayagude, Convenor informed that as per the Notification of the public hearing, a one month advance public notice was published in local newspaper in Daily Loksatta dated 21st February, 2006 in Marathi and in Indian Express dated 21st February, 2006 in English. The public in general were appealed to send their objections if any for the proposed Shopping Moll "Ishanya" construction project of M/s Deepak Fertilizer and Petrochemicals Corporation Ltd., at C.S.No.190/192, Opp. Golf Course, Shastri Nagar, Yerwada, Pune. Further the documents were made available at Collector Office, Pune; District Industries Center, Pune; Dett. Of Environment, Mantralaya, Mumbai; Pune Municipal Corporation, Pune; Zilla Parishad, Pune; Sub Divisional Office, Haveli, Dist-Pune and at sub regional and regional offices of MPCB at Pune and at Head Office. He informed that not a single objection is received by the office. He requested Chairman of the Committee to allow to start the

..5..

201

..5..

proceedings and informed project officials to explain the details about construction activities and environment safety measures in local language Marathi so that common public who are attending the hearing should know the efforts the company is going to take for pollution control.

Chairman of the Committee welcomed all and appealed general public in particular to come forward fearlessly and raise the objections if any about the proposed activity. He also directed company officials to inform the details of proposed construction activities, the activities therein and provision of pollution control devices in local language Marathi, being official language of Maharashtra and local people understands it. He informed that after explaining the details of the project, there will be question and answer session.

Shri Shirish Desai, Vice President of the Deepak Fertilizer & Petrochemicals Corporation Ltd., welcomed all and informed all that India, the world's largest democratic country who has gained the fame through its ceaseless efforts. With basic amenities, it is need of the time that there should be good shopping complexes who can meet the need of the people in proximity of their places of residence or working place. Realizing the need of the time, Deepak Fertilizers & Petro Chemicals Ltd., has decided to develop ISHNAYA, the shopping mall with speciality products and services in the heart of the city. Our experience is that still the common man has not adopted the culture of malls which we think is due to lack of

..6..

18

right time mall, building design does not attracts it and more over the services. Shri Desai informed that in Ishanya, only shops will not be built, but there will "Knowledge Center." For trade business, we have to think Mumbai, which is commercial capital of our country. We have decided to built it in Pune as Pune, the culture capital of Maharashtra is also becoming business city in IT field etc.,

The company has decided to built the same considering all the positive aspects which will be first in our country. The project proponent has accepted the aim of "green building." And perhaps this project will be first knowledge center of the World. The Ishanya is for creative people. Consumer should not only just come for purchasing, but artistic vastu should satisfy his feelings. Hence natural features, land scaping will be done in large places.

Project proponent Shri Desai informed that international standards will be maintained while constructing the building and extending the services. He informed that "Knowledge Center" means "A Technical Reference Library," "Information Center," "Design Studios," "Mock-Up Spaces," "Exhibition Areas," "Auto Cad Design Studio."

Shri Desai informed that the design is prepared by Indian Institute of Interior Design (IID) which is one of the famous institutions of the nation. The project proponent has decided to take "Green Building Concept." The project will not be multi stored building. There will be

22

lush greenery around the project. Shri Desai further informed that the project proponent has given EIA to Riverinements Biosys Pvt. Ltd., Pune. He asked Dr. Bhosale to explain about pollution control and eco-friendly measures the project proponent planned.

Dr. Bhosale welcomed all and informed that City of Pune has a special place in our country from 17th century from Great Maratha Warrior Shri Shivajimaharaj till today. Pune is called Oxford of East due to the large number of quality education institutions. Hence the students from all over the country and even from middle east, south east asia are coming to Pune for education. As there is availability of quality human resources, this is one of the reasons that some of the best software companies and services are planned to enter in Pune, with other automobile giants.

Dr. Bhosale informed that in India our cities are developed as "Ribbon Type Development" i.e. development at both sides of river only. Hence we are facing traffic jams, waste disposal and other urban problems. To overcome this, now our approach in 21st century is "Sector Type Development." After getting independence, now the Central Government has realized that the local municipal bodies are not capable to cope up with the need of the citizens of India. After long discussions, in 1998 the Central Government has declared National Housing Policy in which private groups were also invited. And in 1999-2000, the constructions activities opened to NRIs. The Govt. of Maharashtra, Urban

23

..8..

Development Department realized the need of development of housing in regulated manner and approved "Special Township Scheme" in the year 2004. "Special Township Scheme" should minimize the burden on common public utility services such as transport, health etc.

Besides good housing, it is necessary to have good shopping complexes meeting the need of the local residents. The project proponent has decided to built the mall which will looked as module in India. Every aspect is considered to keep eco-friendly atmosphere. Dr. Bhosale affirmed that this project will be an integrated product and display center covering the spectrum of construction and interior industry.

This project is an effort to bridge the gap between knowledge, availability and application of right materials and techniques for creation of efficient living, work and recreation environment. Dr. Bhosale desired that this mall should be an engine of growth for Pune which is WISDOM CITY of our country.

Dr. Bhosale, explained all the details of EIA and Environment Management Plan of the project.

Chairman of the committee appealed committee members and general public to ask any objections or can give suggestions if any.

Shri Patharkar, Member raised the objection that in the report, there is no mention that whether the mall will be single stored or multi stored. If it multi stored building, how can it be as it is very near to airport. Secondly, the FSI which is mentioned is totally wrong as it violates the

..9..

219

town planning norms. Shri Desai, project proponent informed that the mall will be of four storied and the buildings will model to others:

Shri Mundhe and Dr. Kapadnis, Members asked about the water pollution due to this activity. Dr. Bhosale, project consultant informed that waste water is being generated to the tune of 2,45,000 litrs will be treated in the well designed sewage treatment plant and treated water shall be reused for the gardening and cooling. Shri Munde, Member asked about the treatment details and details of tertiary treatment. Dr. Bhosale informed that primary, secondary and tertiary treatment will be given to waste water. So also multi media filter, activated carbon and on line chlorination dosing will be provided. Shri Mundhe, Member asked about BOD of treated waste water. Dr. Bhosale, project consultant informed that the BOD will be less than 30 ppm, Shri Mundhe, Member opined that if the project proponent plans for recycle and reuse of treated water, "Reverse Osmosis" system should be adopted. The committee discussed the suggested that the project proponent shall adopt "Reverse Osmosis" system.

Dr. Nikumbha, Member asked about sources of air pollution. Shri Shirish Desai, project proponent informed that there is no industrial activity in the shopping mall. Only source of air pollution is from D.G. set and flue gasses will be released at the higher level. The chimney attached to the D.G. set will be as per the guidelines of MPCB.

25

Chairman of the committee opined that when the project proponent is planning such a good project, vehicular pollution should be prevented in the project area. Hence the vehicles whom have valid PUC whether two wheeler or four wheeler as the case may be should only be allowed. All the members welcomed the suggestion. Shri Desai, project proponent informed that the suggestion will be implemented in toto. He informed that vehicular traffic within the complex shall be regulated and all the vehicles will be provided with mufflers to control the dust and gaseous emissions.

Mrs Rajlaxmi Bhosale, Member raised the objection that the project seems to be good, but there is no mention of common toilets blocks for entrants i.e. for transportation officials i.e. drivers, cleaners and others who will come in the mall to deliver the goods. Hence toilet block and bathing space should be provided to them. Shri Desai promised for the same and it is directed to mention the same in detailed plan while approaching to MoEF.

Dr. Kapadnis and Shri Dalvi asked about the treatment and disposal of solid waste. Dr. Bhosale, company consultant informed that solid waste will be generated at the site will be mainly from commercial complexes and cafeteria. The solid waste will be bio-degradable and recyclable. It will be properly segregated and reused and the compostable waste shall sent to the garbage processing area of the project for vermi composting. The composted material shall be reused as manure in the project premises only.

98

27

..11..

Shri Patharkar, Member opined that the requirement of water for the completed project should be minimized. Shri Desai informed that rain water harvesting will be implemented. Shri Patharkar and Shri Dalvi, Members opined that as per new Rules, in commercial complexes, providing special facility to physically handicapped/challenged persons is mandatory. Nothing is mentioned here. Shri Desai promised to rectify the same and it will inserted while approaching to MoEF.

Mrs Rajlaxmi Bhosale, Member expressed the view that there is no mention of packaging material and packaging strips in the solid waste. The volume of the packaging material will be definitely high. It should be segregated on the spot and the packaging material should be disposed of properly as per the guidelines. Project officials promised for the same.

Shri Jayant Joshi, an NGO from Harmony asked about the ground coverage of the project. He pointed out that project proponent will remove the fertile soil and where the soil will be disposed. So also there is no ratio mentioned of removing of fertile land and land fill. Shri Joshi, further asked how much soil will be removed and whether the local body i.e.PMC has any pocket for the land fill site. Project proponent reported that the soil removed will be stored at one side and same will be utilized for gardening. He further added that PMC has land fill site at Devachi Urull. Shri Joshi reported that the land filling can be done in the pockets mentioned in Regional Plan.

..12..

Handwritten signature/initials in a circle.

Shri Dalvi, Member asked about the total requirement of electrical power. Shri Desai informed that electrical sub station will be installed and requirement of power is calculated for regular load, stand bye load. In case of power failure only, D.G. sets will be used.

Dr. Kapadnis, Member asked the status of ground water quality. Dr. Bhosale informed that the results shows that ground water is unfit to drink. Ground water can be made potable after conventional treatment followed by chlorination.

Dr. Nikumbha, Member asked whether the pipelines will be rusted and what are the preventive measures. Project officials informed that PVC pipe line of good quality will be used to avoid rusting.

Shri Mohan Sing Rajpal, Member expressed the views that the project is so good and it should be completed in the scheduled time. All the members supported for the same.

Mrs Rajlaxmi Bhosale, Member remarked that project officials has not mentioned the numbers of elevator and safety measures properly. She opined that there should be separation that customer and goods should use different elevator. Project officials promised for the same.

Dr. Nikumba, Member opined that in such a good project, there is no mention of solar energy. Solar lamps can be fitted in the garden or in the passages. Project officials promised for the same.

After detailed discussions, it is resolved that –

- 1) The project proponent will built and maintain the Shopping Mall as promised and eco friendly atmosphere will be maintained.
- 2) Rain water harvesting shall be followed wholeheartedly.
- 3) As promised, the Reverse Osmosis System shall be installed and implemented accordingly.
- 4) Solar energy system shall be implemented.
- 5) The green belt shall be developed while constructing the project as assured in the public hearing;

Thus the project proponent is allowed to approach Ministry of Environment & Forest, Govt. of India for obtaining Environment Clearance;

Chairman of the committee thanked all members and officials for attending this meeting and general public who raised the objections. Meeting ended extending thanks to the Chair.

(D. B. BORALKAR)
Member Secretary

Pradhan/Public hearing-Ishanya,Pune (22nd Feb. 06)



234

BY SPEED POST

No. 21-243/2006-IA -III
Government of India
Ministry of Environment and Forests
(I.A. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road
New Delhi 110003
Dated: 10th April, 2007

To

Shri Shirish M. Desai,
M/s. Deepak Fertilizers & Petrochemicals and
Corporation Limited.
Opp. Golf Course,
Shastri Nagar,
Yerwada, Pune-411006
Maharashtra

**Subject: Environmental Clearance for construction of proposed Shopping Mall
"Ishanya" at Shastri Nagar, Yerwada, Pune, Maharashtra.**

Sir,

I am directed to refer to your application seeking prior environmental clearance for the above project under the EIA Notification 1994 as amended on July 7, 2004. The above proposal has been appraised as per prescribed procedure on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, EIA, EMP, Public Hearing proceedings and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee (EAC) constituted by the competent authority in its eighth meeting held on 15-16 December, 2006 and provisions under EIA Notification 2006.

2. The project proponent is proposing for development of Shopping Mall "Ishanya" at C.S. No. 190 & 192, Shastri Nagar, Yerwada, Pune, Maharashtra. The project involves development of Shopping Mall comprising of Amphitheatre, Art Galleries and Computer simulation area etc. in total plot area of 41806.35 sq.m. The total built up area as indicated is 34,170.83 sq. m. Total water requirement will be 637 cu.m./day. and total wastewater generation from the complex will be 245 cu. m./day. A STP having capacity of 300 cu.m/day to treat wastewater generated from the Mall will be installed at site.

3. The EIA report submitted along with the application predicts that there will not be any significant impact on air quality during construction as well as operation phase. There will be minor negative impact on water quality. There will be positive impact on land use pattern due to landscaping and greenbelt development. Plantation of 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

235

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 mixed area (commercial) 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.
- 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.

23^h

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 plant 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.

viii. The solid waste generated should be properly collected & segregated. Wet garbage should be composted and dry/inert solid waste should be disposed of for land filling.

ix. Any hazardous waste including biomedical waste should be disposed of as per applicable Rules & norms with necessary approvals of the Maharashtra State Pollution Control Board.

x. The green belt design along the periphery of the plot shall achieve attenuation factor conforming to the day and night noise standards prescribed for residential land use. The open spaces inside the plot should be suitably landscaped and covered with vegetation of indigenous variety.

xi. Incremental pollution loads on the ambient air quality, noise and water quality should be periodically monitored after commissioning of the project.

xii. The ground water levels and its quality should be monitored regularly in consultation with Central Ground Water Authority.

xiii. A Report on the energy conservation measures should be prepared incorporating details about building materials & technology, R & U Factors etc and submitted to the Ministry in three months time.

237

xiv. The values of R & U for the building envelope should meet the requirements of the hot & humid climatic location. Details of the building envelope should be worked out and furnished in three months time.

PART - B. GENERAL CONDITIONS

i) The environmental safeguards contained in the EIA Report should be implemented in letter and spirit.

ii) Provision should be made for the supply of kerosene or cooking gas and pressure cooker to the laborers during construction phase.

iii) All the laborers to be engaged for construction works should be screened for health and adequately treated before the issue of work permits.

iv) 6 monthly monitoring reports should be submitted to the Ministry and its Regional Office.

5. Officials from the Regional Office of MOEF, Bhopal who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF should be forwarded to the CCF, Regional office of MOEF, Bhopal.

6. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.

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, State Forest Department, Wild Life Act, 1972 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.

228

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, 1994 including the amendments.

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.

13. Under the provisions of Environment (Protection) Act 1986, legal action shall be initiated against the project proponent if it was found that construction of the project had started without obtaining environmental clearance.

SD—
(K.C. RATHORE)
 Additional Director (IA)
 rathore27@yahoo.com
 Tele: 24360789

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

File No. IA3-3/57/2021-IA.III
 Government of India
 Ministry of Environment, Forest and Climate Change
 (IA-III (Infrastructure) Division)

Indira Paryavaran Bhawan, East Wing,
 Jor Bagh Road, Aliganj, New Delhi - 110003

30th November, 2021

To,

Ms. Manisha Patankar Mhaiskar
 Member Secretary,
 State Level Environment Impact Assessment Authority,
 Room no. 217, Second Floor, Mantralaya Annex,
 Madam Cama Road, Mumbai-32
 E.mail: psec.env@maharashtra.gov.in

Subject: Original Application No. 48 of 2020 Tanaji Balasaheb Gambhire Vs Union of India before the NGT, WZ, Pune-regarding

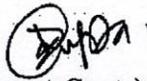
Dear Madam,

This is with reference to the subject mentioned above regarding complaints as regards the illegalities committed by the Project Proponent, namely Respondent no. 14 (M/s Yarrowada Investment Limited) and 15 (M/s Deepak Fertilizers and petrochemicals corporation limited), a Joint Venture Company, in the construction of the commercial building Project, namely "Ishanya Mall", measuring 59399.43 Sqm and un-authorizedly extending the area of construction to more than 94569.64 Sqm. The PP obtained an EC from the Ministry on 10.04.2007 for the total built up area of 34,170.83 Sqm.

Therefore, as per the allegation made by the applicant, you are kindly requested to carry out inspection of the Project along with the EC provided by the Ministry and submit the report before the Hon'ble Tribunal under intimation to this Ministry at the earliest.

This issues with the approval of Competent Authority.

Yours Faithfully,


 (Dr. Dharmendra Kumar Gupta)
 Director(s)/Scientist-F

Copy to:

Shri Suresh Kumar Adapa,
 Scientist-E,
 Ministry of Environment Forest and Climate Change,
 Integrated Regional Office, Ground Floor, East Wing, New Secretariat
 Building, Civil Lines, Nagpur-440001

012
 30/11/2021