

what is stated in the present Affidavit. Nothing contained in the Original Application should deem to be admitted by the answering Respondent for the want of specific traverse unless the same would be specifically admitted herein below. I crave leave of this Hon'ble Tribunal to file an additional Affidavit as and when the occasion so arises.

4. It is submitted that the present Original Application is filed relating to two different Projects namely, "Sai Dwaraka Part- I" & "Sai Dwaraka Part- II" at village: Yewalewadi, Taluka Haveli, Dist: Pune. The present OA is filed seeking the demolition, compensation, damages and further alleging that the various Environmental Rules and Regulations and Pollution control Laws are violated.
5. SITE IN QUESTION, "SAI DWARAKA PART-I"
 - a) Sai Dwaraka is a building project developed on the land bearing S. No. 40, H.No. 1/1 + 1/2 + 1/3/1, Yewalewadi, Pune. The said project has its own open space. Vide CC/003406/13 dated 09/04/2014, construction of the said project initiated. Vide CC/3296/17 dated 09/03/2018 it has been revised. FSI Area details as per the CC/3296/17 dated 09/03/2018 are as below,



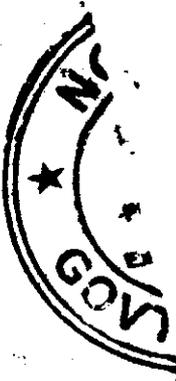
Sr No	Wings	Propo. Floors	Propo. Tenements	FSI in sq.m.	Present Status
01.	D1+D2	P+10	79	4020.83	P+10 Completed
02.	E	P+11	43	2907.62	P+11 Completed
03.	F1+F2	P+11	87	3871.76	P+11 Completed
TOTAL	5 Wings		209	10,800.21	

b) Non-FSI Area details as per the CC/3296/17 dated 09/03/2018 are as below,

Balcony In sq m	Staircase In sq m	Passage In sq m	Terrace In sq m	Lift+ L.M.R. In sq m	Refuge Area In sq m	Top Terrace In sq m	OHT+ UGT+STP+TR In sq m	Total In sq m
1245.16	1158.64	2482.17	1700.26	28.42	180.52	1365.89	395.93	8556.99

c) Sai Swarika Part-I has its revision vide CC/0403/20 dated 24/08/2020 (Layout for IOD purpose). The details of built up area as per layout are as below,

Sr No	Wings	Propo. Floors	Propo. Tenements	FSI in sq.m.	Present Status
1.	D1+D2	P+11	88	4204.47	P+11 Completed
2.	E	P+12	48	3411.59	P+11 Completed

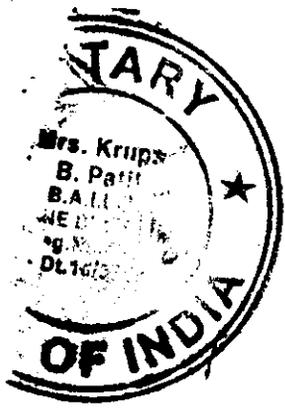


3.	F1+F2	P+12	96	4584.91	P+12 Completed
Total	5 wings		232	12,300.97	

The Non-FSI area details according to Commencement Certificate CC/0403/20 dated 24/08/2020

Balcony In sq m	Staircase In sq m	Passage In sq m	Terrace In sq m	Lift+ L.M.R. In sq m	Refuge Area In sq m	Top Terrace In sq m	OHT+ UGT+STP+TR In sq m	Total In sq m
1278.38	1257.87	2024.58	1854.25	8.58	227.06	1415.85	403.06	8,469.63

- d) 10% open space & 15% Amenity space is provided as per the provision of Development Control Rules.
- e) TBUA (FSI + Non-FSI) is 19,357.20 sq m as per CC/3296/17 dated 09/03/2018. This area being less than 20,000 sq m, hence EC certificate was not mandatory for carrying out for Sai Dwarika Part_I, according to EIA Notification,2006 dated 14/09/2006.
- f) As per letter issued by Architect MR Mahendra Dhanorkar, inward No.-3470 dated 10/08/2021, the construction at the abovementioned site is already initiated and completed Built-up Area is 19315.42 sq. m. which is also less than 20,000 sq m,.

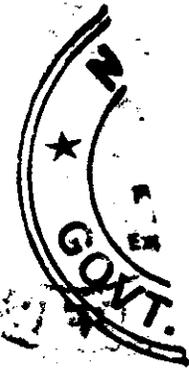


FSI	10,800.21 sq m
Non-FSI	8515.21 sq m
Total Built-up Area	19,315.42 sq m

g) Environment Department, Govt. of Maharashtra also mentioned in their letter no. Comp-2019/CR-24?SEIAA, dated 26/11/2019 that, "Sai Dwarika Part-I and Sai Dwarika Part-II" are two different projects and are liable to be excluded from getting the environment clearance as per provision of Environment (P) Act." Part Completion certificate is issued to Sai Dwarika Part-I for Wing E and F1+F2 vide OCC/1463/18 dated 31/02/2019 from the PMC.

6. SITE IN QUESTION, "SAI DWARAKA PART-II"

a) Sai Dwaraka Part-II is a building project developed on the land bearing S. No. 40, H.No. 1/3/2 + 1/4 + 1/5, Yewalewadi, Pune. The said project has its own open space. The said project has its own open space. Vide CC/0011/14 dated 01/04/2014, construction of the said project initiated. Vide CC/3294/17 dated 09/03/2018 it has been revised. The details of FSI Area details as per the CC/3294/17 dated 09/03/2018 are as follows.



Sr No	Wings	Propo. Floors	Propo. Tenements	FSI in sq.m.	Present Status
1.	A1+A2	P+11	87	3842.22	P+11 completed
2.	B	P+11	43	3404.35	P+11 Completed
3.	C1+C2	P+10	79	3568.08	P+10 Completed
Total	5 wings		209	10,814.65	

b) The Non-FSI details as per the CC/3294/17 dated 09/03/2018 are as follows,

Balcony In sq m	Staircase In sq m	Passage In sq m	Terrace In sq m	Lift+ L.M.R. In sq m	Refuge Area In sq m	Top Terrace In sq m	OHT+ UGT+STP+TR In sq m	Total In sq m
1073.62	1158.64	2660.49	1801.62	28.42	175.39	1365.89	391.26	8655.33

c) Sai Dwarika Part-II has its revision vide CC/0404/20 dated 24/08/2020 are as follows,

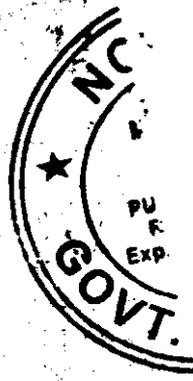
Sr No	Wings	Propo. Floors	Propo. Tenements	FSI in sq.m.	Present Status
1	A1+A2	P+11	88	4105.47	P+11 Completed
2	B	P+11	44	3556.70	P+11 Completed
3	C1+C2	P+11	88	4305.19	P+10 completed
Total	5 wings		220	11,967.33	



The Non-FSI area details according to Commencement Certificate CC/0404/20 dated 24/08/2020 are as follows,

Balcony In sq m	Staircase In sq m	Passage In sq m	Terrace In sq m	Lift+ L.M.R. In sq m	Refuge Area In sq m	Top Terrace In sq m	OHT+ UGT+STP+TR In sq m	Total In sq m
1102.83	1219.94	2228.07	1892.86	8.58	227.06	1415.85	427.60	8522.79

- d) 10% open space & 15 % Amenity space is provided as per the provision of Development Control Rules.
- e) The FSI area of Sai Dwarika Part-II is 10,814.65 sq m and Non-FSI area is 6855.33 sq m. The TBUA as per is 19,469.98 sq meter as per plan approved by PMC vide CC/3294/17 dated 09/03/2018, which is less than 20,000 sq m, hence EC certificate was not mandatory for carrying out construction work of Sai Dwarika Part-II, according to EIA Notification,2006 dated 14/09/2006.
- f) As per letter issued by Architect MR Mahendra Dhanorkar, inward No.-3470 dated 10/08/2021, the construction at the abovementioned site is already initiated and completed Built-up Area is 19315.42 sq. m. which is also less than 20,000 sq m,



FSI	10,814.65 sq m
Non-FSI	8615.06 sq m
Total Built-up Area	19,429.71 sq m

g) Pune Municipal Corporation has served STOP Work notice to developers M/s. Maa Sankalp Buildcon on 08/11/2019 vide office letter no. Zone 2/4404 after receiving complaint of Mr. Tanaji Gambhire. Thereafter developer M/s. Maa Sankalp Buildcon has submitted letter issued by Principal Secretary, Environment Department, Government of Maharashtra vide No. Comp-2019/CR-24?SEIAA, dated 26/11/2019 mentioning, "Sai Dwarika Part-I and Sai Dwarika Part-II" are two different projects and are liable to be excluded from getting environment clearance (EC) certificate as per provision of Environment (p) Act. Hence Stop work notice was withdrawn for the projects.

7. I say that Tree NOC dated 01/02/2020 is obtained from the Tree Authority for one project and for the other project, there is provisional NOC dated 28/12/2018 obtained.

8. I say that Project Proponent has provided fire and safety measures at site and thereby obtained Fire NOC for both the projects from Chief Fire Officer, PMC Fire on 08/10/2018



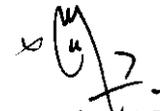
and 27/08/2019.

9. It is submitted that the plans are sanctioned on the application made under sec. 44 of MRTP Act. 1966 through a licensed Architect, thereafter proposals are sanctioned under sec 45 of MRTP Act. In 2014 Environment Department Govt of Maharashtra also made it mandatory that EC will be granted only after sanctioning of the plans. Earlier EC was granted on conceptual plans and after 2014 is granted only after sanctioning of Plans from the Planning Authority.

10. Therefore it is submitted that PMC, has granted permissions as per the provisions of Maharashtra Regional and Town Planning Act, 1966 and DC Rules and have not violated provisions under law on the contrary, PMC has always followed the due procedure, functioned in accordance with law hence it is requested that no adverse order may be passed against PMC.

Pune

Date


Respondent No. 8 and 9

VERIFICATION

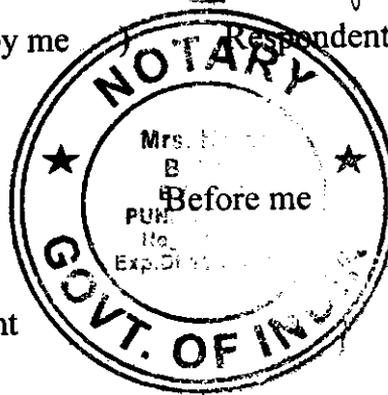
I, Hemant More, Age 55 years, Executive Engineer, Building Permission Dept. Zone-2 PMC, authorized signatory PMC do hereby state on solemn affirmation that what is stated in foregoing paras is true and correct to the best of my knowledge and belief.

Solemnly affirmed at Pune)

This ^{01st}~~20th~~ day of ^{May}~~April~~, 2023)

Explained & Interpreted by me Respondent No.8 and 9

Hemant
Advocate for the Deponent



BEFORE ME
Krupa B. Patil
MRS. KRUPA B. PATIL
ADVOCATE & NOTARY
GOVT. OF INDIA
PUNE DISTRICT

NOTED & REGD.
Sr.No. A098/23

01 MAY 2023

