

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH,**PUNE, AT PUNE****ORIGINAL APPLICATION NO.92 OF 2022**

COMMODORE (BRIG. RANK)

RAKESH VERMA

.....

APPLICANT**Versus**

M/s. VT PARLESHA LLP & MOHITE ASSOCIATES

AND OTHERS

..... **RESPONDENTS****INDEX**

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PUNE

DATE : 23/03/2023



ADVOCATE FOR THE RESPONDENTS 01

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COMMODORE (BRIG. RANK)

RAKESH VERMA

.. APPLICANT

V/S

M/s.VT PARLESHA LLP & MOHITE ASSOCIATES

AND OTHERS

.. RESPONDENTS

REPLY ON BEHALF OF**RESPONDENT NO.1****MAY IT PLEASE THE HON'BLE TRIBUNAL**

1. At the outset, it is submitted that, this Respondent No.1 does not admit the contents of the Original Application and that the same needs to be dismissed, as the Applicant has failed to make out the case before this Hon'ble Tribunal. The Respondent No.1 is not deemed to have admitted anything unless it is stated more specifically hereunder. The Respondent No.1 craves leave to file a detailed response, if needed in the circumstances of the present case.
2. The Respondent No.1 submits that, the Respondent No.1 has undertaken the construction of the project situated at S.Nos.58/2/1A, 58/2/1A, 58/2/2A, 58/2B situated at Undri, Tal. Haveli, Dist. Pune the said project consists of 5 residential buildings having 362 flats being "Urban Nest and commercial buildings namely "Market Place having 84 units and "Trade Park" having 196 units.The Respondent No.1 has already constructed the said buildings, handed over the 345 flats and formed a Co-operative Housing Society. The Respondent

No.1 has received necessary Completion Certificate / Occupancy Certificates from the Pune Municipal Corporation. The details of the Occupancy Certificate are as under: -

<u>Sr.No.</u>	<u>Building No.</u>	<u>No.of Flats</u>	<u>Date of Occupancy Certificate</u>
1.	A-1	88	27-08-2020
2.	A-2	66	27-08-2020
3.	A-3	87	27-08-2020
4.	B-1	77	30-06-2021
5.	B-2	44	21-12-2021
6.	Commercial Building – 1	84	30-08-2021 & 21-12-2021
7.	Commercial Building – 2	196	30-08-2021 & 30-03-2022

3. The Respondent No.1 submits that, the project of the Respondent No.1 has received Environment Clearance Certificate from the Respondent No.6 on 21st September 2016. The said EC was further amended on 03rd September 2021. The Respondent No.1 submits that based on the receipt of the Environmental Clearances, the Respondent No.15, has sanctioned the building plans of the project. The designated space for the erection of the Sewage Treatment Plant (STP) has been shown in the sanctioned plan and the plant has been erected according to the said plan. Copy of the sanctioned building plan is annexed hereto and marked as **ANNEXURE – R-1**.

4. The Respondent No.1 submits that, the Respondent No.6 had granted Environment Clearance to the Respondent No.1 on 21th September 2016. The challenge to the EC can be made only by filing an Appeal u/s 16 of the NGT Act, 2010. The limitation provided u/s 16 of the Act is 30 days from the date of the receipt of the order and further period of 60 days can be granted by explaining the reasons for delay on the part of the person preferring the appeal. In the present case, the Applicant has not challenged the EC and thus, to forgo the said bar of limitation, the Applicant has preferred the present Original Application u/s 14, 15 of the NGT Act. It is trite law that, if the Litigant cannot do directly before the Court or Tribunal, he cannot do the same indirectly. The Original Application is in effect a challenge to the EC dated 29th September 2016, and the same is evident from the pleadings, as also from the findings of the NGT. Such a challenge, being an order specified as an appealable order under Sec.16, was necessarily to be challenged only under the said Section. However, if the Applicant had done so, the same would be hopelessly barred by limitation, as it has to be filed within 60 days from the date on which the order was passed. In the instant case, even taking the date on which the judgment in *Society for Protection of Environment & Biodiversity* was rendered i.e., 8th December 2017, there would have been a delay of over 2 years in filing the same. The Original Applicant, therefore to get over the bar of limitation preferred the said OA which was otherwise not maintainable. Copy of the environmental clearance certificate dated 21th September 2016 and 3rd September 2021 is annexed hereto and marked as ANNEXURE – R-2 and R-3 respectively.

5. The Respondent No.1 has also appointed a third party technical expert being the COEP Technological University Pune to assess the carrying capacity of the STP installed at the project. The Agency has time and again given its recommendations and the same has been complied by the Respondent No.1. The said fact has also been communicated to the Respondent No.9 herein. The Respondent No.1 craves leave to refer to and rely upon the said reports at the time of hearing of the present Application.

6. The Applicant herein has not joined the necessary parties to the present application, as the Respondent No.1 has in all constructed 7 buildings (including Residential and Commercial) and has created third party rights by selling flats to the intended purchasers by executing agreements with the said purchasers. Not only that, the Respondent No.1 has also handed over the possession to respective flat buyers / owners of Co-operative Housing Society and purchasers of commercial units. Even, the Applicant has also not made party to the said Society. Therefore, on this count alone, the present Original Application is liable to be dismissed with cost.

7. The Applicant herein is indulging in fishing and roving enquiry by filing the present application. The Applicant has not produced any material evidence on record to point out that the STP is causing nuisance to him. By this application, he is requesting the Hon'ble Tribunal to appoint committees and gather the material to support his case, which is impermissible in law. The Respondent No.1

further submits that the Applicant has indulged in forum shopping. On one end, he has approached this Hon'ble Tribunal and on the other end, he has also approached the Kondhwa Police Station, who have transferred it to the Sub Divisional Magistrate, Haveli. The prayers before them are identical. Copy of the plaint before the SDM is annexed hereto and marked as ANNEXURE – R-4.

8. The Hon'ble Tribunal had constituted a Committee vide its order dated 5th December 2022 and in view of the said order, the Committee constituted by this Hon'ble Tribunal has caused the visit. It is submitted in the earlier report, which was filed by the Committee, it was observed that, the Committee stated on record that, there is a slight nuisance of odour found near the STP Plant. It is submitted that, the STP plant is installed for treating the sewage, which is generated at the residential project. If the same is tested by going near to the said plant, there is possibility that, odour can be sensed at the said site. to the project of the Respondent No.1. In accordance with the said report, it has been concluded by the Committee that, the Respondent No.1 has implemented corrective measures to ensure that, there is no noise pollution in the area. However, in respect of all the other aspects, the project has been complied by the Respondent in accordance with the various permissions received from the respective various authorities. The applicant has failed to substantiate his case and failed to produce the relevant documents to highlight that there has been any nuisance of odour on account of the installation of STP plant, installed by the Respondent.

In view of the facts narrated above, the present Original Application is devoid of any merit and needs to be dismissed with compensatory costs.

Date: 23/03/2023

Place: PUNE

A handwritten signature in blue ink, appearing to be 'S. S. Sani', written over a horizontal line.

ADVOCATE FOR RESPONDENT NO.1



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

ORIGINAL APPLICATION NO. 92 OF 2022

COMMODORE (BRIG. RANK)
 RAKESH VERMA

.. APPLICANT

V/S

M/s.VT PARLESHA LLP & MOHITE ASSOCIATES
 AND OTHERS

.. RESPONDENTS

AFFIDAVIT IN SUPPORT OF REPLY

MAY IT PLEASE THE HON'BLE TRIBUNAL

I, Bhushan Vilas Palresha, aged about 41 years, occupation: business having office at VTP House, Survey no. 34, Vadgaon Sheri, Pune Nagar Road, Pune – 411014, do hereby state on solemn affirmation as under: -

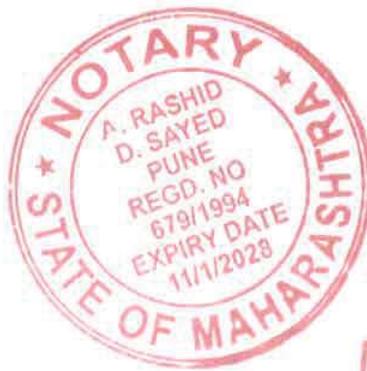
1. I say that I am the Authorised Signatory of the Respondent No.1 and am duly authorized to file the present Affidavit. I say that I am handling the day to day affairs of the Respondent No.1. I am aware of the facts and circumstances of the present case and hence am able to depose the same on oath.



2. I say that I am filing the present reply in response to the Original Application. I say that the contents of the said reply and the present affidavit are true and correct to the best of my knowledge, information, belief and the legal advice which I believe to be correct.

WHATEVER stated herein above is true and correct to the best of my knowledge and belief and for the same I have signed hereunder at Pune on 23/03/2023.

Affiant



BEFORE ME

A. Rashid D. Sayed
Notary, State of Maharashtra
PUNE
23 MAR 2023

Noted & Registered
At Sr. No.: A4375/202



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

SEAC-III-2015/CR-12/TC-3
 Environment department
 Room No. 217, 2nd floor,
 Mantralaya Annexe,
 Mumbai- 400 032.
 Date: 21st September, 2016

To,
 M/s. VTP & Mohite Associates.
 Sr. No. 58/2b, Katraj Hadapsar Bypass
 Road, Near Undri Chowk,
 Undri, Pune- 411 060.

Subject: Environment clearance Proposed Construction Project "Urban Nest" on S.No.58/2/1A, 58/2/2A, 58/2B, Village Undri, Tehsil Haveli, District Pune by M/s. VTP & Mohite Associates

Sir,

This has reference to your communication on the above mentioned subject. The proposal was considered as per the EIA Notification - 2006, by the State Level Expert Appraisal Committee-III, Maharashtra in its 36th meeting and recommend the project for prior environmental clearance to SEIAA. Information submitted by you has been considered by State Level Environment Impact Assessment Authority in its 95th meeting.

2. It is noted that the proposal is considered by SEAC-III under screening category 8(a) B2 as per EIA Notification 2006.

Brief Information of the project submitted by you is as-

1.	Name of Project	"Urban Nest"
2.	Project Proponent	Mr. Bhushan Palresha M/s. VTP & Mohite Associates
3.	Consultant	M/s. Ultra-Tech Environmental Consultancy & Laboratory
4.	Accreditation of consultant(NABET Accreditation)	NABET ACCREDITATION NO. NABET/EIA/1417/RA010
5.	Type of project: Housing project /Industrial Estate/SRA scheme/ MHADA /Township or others	Proposed Residential & Commercial Project.
6.	Location of the Project	S. No.58/2/1A+58/2/2A,58/2B,Village Undri, Taluka - Haveli Pune, State - Maharashtra.
7.	Whether in Corporation /Municipal/other area	Grampanchyat Undri
8.	Applicability of the DCR	Town Planning, Pune
9.	IOD/IOA/Concessiondocument or any other form of document as applicable(Clarifying its con	Shall be applied for

	disposal (If applicable)	
26.	Total Water Requirement	<p>Residential:</p> <p>Dry season: Source: Grampanchayat</p> <ul style="list-style-type: none"> • Freshwater: 192 m³/day • Recycled water(Flushing): 96 m³/day • Recycled water(Gardening): 23m³/day • HVAC Makeup: NA • Total water Requirement : 311 m³/day • Excess treated water:153 m³/day • Swimming Pool: NA • Firefighting(m³): 250 m³/day <p>Wet Season:</p> <ul style="list-style-type: none"> • Freshwater: 192 m³/day • Recycled water(Flushing): 96 m³/day • Recycled water(Gardening): 0 m³/day • HVAC Makeup: NA • Total Water Requirement :288 m³/day • Excess treated water: 176 m³/day • Swimming Pool: NA • Firefighting(m³): 250 m³ <p>Commercial:(Amenity included in commercial)</p> <p>Dry season: Source: Grampanchayat</p> <ul style="list-style-type: none"> • Freshwater: 108 m³/day • Recycled water(Flushing): 97 m³/day • Recycled water(Gardening):0 • HVAC Makeup: NA • Total Water Requirement : 205 m³/day • Excess treated water: 99 m³/day • Swimming Pool: NA • Firefighting(m³):175 m³ <p>Wet Season: (Amenity included in commercial)</p> <ul style="list-style-type: none"> • Fresh water: 108 m³/day • Recycled water(Flushing): 97 m³/day • Recycled water(Gardening): 0 • HVAC Makeup: NA • Total Water Requirement : 205 m³/day • Excesstreatedwater:99 m³/day • Swimming Pool: NA • Firefighting(m³): 175 m³
27.	Details about Swimming Pool:	<p>Swimming Pool : NA</p> <p>Dimension of Swimming Pool: NA</p> <p>Total water Requirement in m³: NA</p>

		<p>Water requirement for makeup in m³: NA</p> <p>Details of Plant & Machinery used for treatment of Swimming pool water: : NA</p> <p>Details of quality to be achieved for swimming pool water and parameters to be monitored:</p> <ul style="list-style-type: none"> • Budgetary allocation (Capital cost and O & M cost): <p>Capital cost: Rs. --/-Lacs O &M Cost: Rs. -- Lacs/ Annum</p>
28.	Rain Water Harvesting (RWH)	<ul style="list-style-type: none"> • Level of the Groundwater table: 8 to 10m, • Size and no. of RWH tank(s) and Quantity: 2.0 x 2.0 x 2.0 Mtr & 7 nos. • Capacity of RWH tanks: 56 m³/day • Location of the RWH tank(s): • No. of recharge pits: 7 No. • Pit sizes = 2.0 x 2.0 x 2.0 Mtr <ul style="list-style-type: none"> • Commercial: NA • No. of RWH Tanks: NA • Capacity of RWH tanks: NA • Location of the RWH tank(s):NA • No. of recharge pits: NA <ul style="list-style-type: none"> • Budgetary allocation (Capital cost and O & M cost): <p>Capital cost: 14.00 Lacs O &M Cost: 2.10 Lacs/annum</p>
29.	UGT tanks	<p>Residential :</p> <p>Domestic UG tank Capacity: 290 m³/day Flushing UG tank Capacity: - 150 m³/day Fire UG tank Capacity: 250 m³</p> <p>Commercial: (Amenity included in commercial)</p> <p>Domestic UG tank Capacity: 165 m³/day FlushingUGtankCapacity:150 m³/day Fire UG tank Capacity: 175m³</p>
30.	Storm water drainage	<ul style="list-style-type: none"> • Natural water drainage pattern: West to East • Quantity of storm water: 464 m³ • Size of SWD: --
31.	Sewage and Waste water	<ul style="list-style-type: none"> • Residential: • Sewage generation (m³/day): 277m³/day • Capacity of STP(m³): 300 m³ • STP technology: MBBR Technology • Total area provided: 150 m² • Location of STP: As shown in service layout <p>Commercial: (Amenity included in commercial)</p>

		<ul style="list-style-type: none"> • Sewage generation (m³/day): STP 1= 41, STP 2= 116, STP 3= 54 • Capacity of STP(m³): - STP1= 45 m³, STP 2 = 120 m³, STP 3= 55m³ • STP technology: MBBR Technology • ETP Technology: 5 m³ with AOP • Total area provided: STP 1= 30 m², STP 2= 55 m², STP 3= 32.5m². • DG sets (during emergency) Residential, commercial & Club House: NA • Budgetary allocation (Capital cost and O & M cost): <ul style="list-style-type: none"> • Capital Cost: Rs.117.40+ (ETP) Rs.10.50 = 127.0 lacs • O &M Cost: Rs. 19.78 +(ETP) 2.0= 21.78 Lacs/annum
32.	Solid waste Management	<p>Waste generation in the pre-Construction and Construction phase:</p> <ul style="list-style-type: none"> • Waste generation: 45 kg/day • Quantity of the top soil to be preserved: 7887.01m³ • Disposal of the construction waste debris: • Construction debris, Waste concrete and broken bricks will be utilized in low-land leveling, secondary concrete, below roads. Some quantity of Excavation soil will be use for backfilling and remaining will be hand over to authorized vendor. <p>Waste generation in the operation phase Residential, commercial & Amenity:</p> <ul style="list-style-type: none"> • Biodegradable waste: 1522 kg/day • Non-Biodegradable waste: 652 kg/day • E-waste: NA • Hazardous waste: NA • Biomedical waste(Kg/month)(If applicable): • STP sludge: 101 kg/day <p>Mode of Disposal of waste:</p> <ul style="list-style-type: none"> • Dry waste: Handed over to SWACH • Wet waste: Treated in Samruddhi Composting machine • E-waste: NA • Hazardous waste: NA • Biomedical waste(Kg/month)(If applicable): Handed over to Authorized Vendor • STP sludge: Used as manure <p>1. Location(s): as shown in service layout. 2.Totalarea provided for the storage & Treatment of the</p>

		solid waste: 193m ² 3. Budgetary allocation • Capital Cost: 45.3 Lacs • O&M Cost: 7.85 Lacs/annum			
33.	<p><i>Green Belt Development</i> Total RG area: 3230 m². • Number & list of trees species to be planted in the ground RG: 315 Nos List of Proposed Plantation for the scheme:</p>				
	No.	Botanical name	Common name	Qty	Ecological Importance
	1	<i>Ailanthus Excelsa</i>	Maharukh	10	Native & medicinal value
	2	<i>Swetenia Mahogany</i>	Mahogany	9	Native, deciduous, control soil erosion
	3	<i>Pongamia Pinnate</i>	Karaj	15	Native & medicinal value
	4	<i>Peltoherum</i>	Copor pod	10	Shady tree for roadside plantation
	5	<i>Tebebuia Aregntia</i>	Trumpet tree	27	ornamental tree for road side plantation with attractive yellow flowers
	6	<i>Spathodea Campanulata</i>	African Tulip tree	13	Flowering tree, the flower bud contains water, these buds are often used by the childrens to play with. The flowers are cup-shaped and hold rain and dew making them attractive to many species of bird.
	7	<i>Saraca Indica</i>	Sita Ashok	6	Shady tree with red-yellow flowers.
	8	<i>Mangifera Indica</i>	Mango	15	Fruit Bearing Tree, native, evergreen, attracts birds & insects, cultural significance
	9	<i>Tabbuia Rosea</i>	Pink Trumpt Tree	26	ornamental tree with pink and white colour flowers for road side plantation. Attract bees, birds and butterflies
	10	<i>Lagestromia Flosreginea</i>	Lagestroma	10	Ornamental plant with medicinal value.
	11	<i>Casia Fistula</i>	Bahava	10	Native, deciduous, medicinal value
	12	<i>Michelia Champaka</i>	Champa	20	Conical tree with fragrant flowers.
	13	<i>Erythrima Indica</i>	Indian Coral Tree	14	Tree with lot of medicinal value.
	14	<i>Psidium Guajava</i>	Guava Tree	10	Fruit bearing & evergreen
	15	<i>Nyctanthes Arbortristis</i>	Parijatak	36	Flowery tree, the seeds, leaves and flowers all have medicinal value.
	16	<i>Murraya Koengii</i>	Kadipatta	13	Small tree leaves used in cooking.

17	<i>Plumria Alba</i>	Temple tree	33	Ornamental plant with medicinal value.
18	<i>Bauhinea Purpurea</i>	Kanchan	28	Native, deciduous, control soil erosion
19	<i>Syzyguim Jambos</i>	Jamun	10	Fruit bearing tree, Large tree, medicinal plant, Bird host plant.
	Total		315	

- Number & list of shrubs & bushes species planted in the podium RG:

No.	Shrubs	Quantity
1	Botanical Name	
2	<i>Canna dwarf</i>	1700
3	<i>Golden Duranta</i>	2760
4	<i>Plumbago Zeylanica</i>	2510
5	<i>Hemelia Patients</i>	1359
6	<i>Casia Tora</i>	1490

- Number & list trees species to be planted around the border of nallah/steam/pond(If any): NA
- No. of Existing Trees: NA

Budgetary allocation:

Capital Cost- Rs. 35.33 lacs

O&M Cost: Rs. 3.53 lacs /annum

34.	Energy	<p>Power Supply:</p> <ul style="list-style-type: none"> • Connected load : 6933.34 KW • Maximum demand: 5546.67 KW • Total DG power consumption for residential buildings: 150 KVA-1 No. + 275 KVA-1 No. DG Sets • Total DG power consumption for clubhouse and commercial buildings: 6 DG Sets: Commercial-1-500 KVA-2 Nos. Commercial-2-1500 KVA-2Nos. Amenity Area-500 KVA-2Nos. • Energy saving measures • Solar Lights /T5/CFL/LED/Drive for Lifts/Solar Hot Water • Detail calculations& % of saving: 16% <p>Compliance of the ECBC guidelines:(Yes/No)(If yes then submit compliance in tabular form): No.</p> <ul style="list-style-type: none"> • Budgetary allocation 1.DG SET Capital Cost: Rs. 2.71 Cr O & M Cost: Rs 27.125 Lac/Annum
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		<p>2. Solar Energy (street light) (Non-conventional energy)</p> <p>Capital Cost: Rs. 5.5 Lacs O & M Cost: Rs 0.25 lacs /Annum</p> <p>3. Conventional Energy (LED & T5 with Timer)</p> <p>Capital Cost: Rs: 10.05 Lac O & M Cost: Rs: 0.50 lacs /Annum</p> <p>4. Solar Panel for Hot Water</p> <p>Capital Cost: Rs. 13.5 Lac O & M Cost: Rs 0.67lacs /Annum</p> <p>Number and capacity of the DG sets to be used: 09 DG Sets: 1 of 125 kVA, 1 of 150 kVA, 1 of 180 kVA, 4 of 500kVA, 2 of 1500kVA.</p>
35.	<p>Environmental Management plan Budgetary Allocation: During Construction Phase: Rs.33.05 lac</p> <p>Capital cost : Rs. 286 Lacs O & M Cost: Rs. 71.15 Lacs/Annum</p>	

36.	Parking Statement																																																																						
	<table border="1"> <thead> <tr> <th rowspan="2">Criteria</th> <th colspan="3">Required Parking</th> <th colspan="3">Provided Parking</th> </tr> <tr> <th>Car</th> <th>Scooter</th> <th>Cycles</th> <th>Car</th> <th>Scooter</th> <th>Cycles</th> </tr> </thead> <tbody> <tr> <td>3 tenements having Built up area upto 50.00 to 100.00 sq.m.</td> <td>1</td> <td>3</td> <td>3</td> <td>1</td> <td>3</td> <td>3</td> </tr> <tr> <td>For 426 Tenements</td> <td>142</td> <td>426</td> <td>426</td> <td>142</td> <td>426</td> <td>426</td> </tr> <tr> <td>For Commercial Area – For every 100 sq.m. b/up area</td> <td>1</td> <td>3</td> <td>3</td> <td>1</td> <td>3</td> <td>3</td> </tr> <tr> <td>For 3933.97 sq. mt area</td> <td>40</td> <td>120</td> <td>120</td> <td>51</td> <td>136</td> <td>130</td> </tr> <tr> <td>For 11,175.18 sq. mt area</td> <td>112</td> <td>336</td> <td>336</td> <td>150</td> <td>336</td> <td>336</td> </tr> <tr> <td>For Amenity: For every 100 sq.m. b/up area.</td> <td>1</td> <td>2</td> <td>2</td> <td>1</td> <td>2</td> <td>2</td> </tr> <tr> <td>For 4518 sq.mt</td> <td>46</td> <td>92</td> <td>92</td> <td>46</td> <td>92</td> <td>92</td> </tr> <tr> <td>Total Parking Required</td> <td>340</td> <td>974</td> <td>974</td> <td>389</td> <td>990</td> <td>984</td> </tr> </tbody> </table>		Criteria	Required Parking			Provided Parking			Car	Scooter	Cycles	Car	Scooter	Cycles	3 tenements having Built up area upto 50.00 to 100.00 sq.m.	1	3	3	1	3	3	For 426 Tenements	142	426	426	142	426	426	For Commercial Area – For every 100 sq.m. b/up area	1	3	3	1	3	3	For 3933.97 sq. mt area	40	120	120	51	136	130	For 11,175.18 sq. mt area	112	336	336	150	336	336	For Amenity: For every 100 sq.m. b/up area.	1	2	2	1	2	2	For 4518 sq.mt	46	92	92	46	92	92	Total Parking Required	340	974	974	389	990	984
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	<table border="1"> <thead> <tr> <th colspan="6">Traffic Management Parking efficiency statement for Residential Building</th> </tr> <tr> <th rowspan="2">Level</th> <th rowspan="2">Required Equivalent Car Space</th> <th>Proposed car parking nos.</th> <th rowspan="2">Required area for proposed park as per NBC norms</th> <th rowspan="2">Proposed Parking Area (Sq.mt.)</th> <th rowspan="2">Provided Equivalent Car Space (Sq.mt.)</th> </tr> <tr> <th>4W</th> </tr> <tr> <th>A</th> <th>B</th> <th>C</th> <th>D</th> <th>E</th> <th>F</th> </tr> <tr> <td></td> <td></td> <td></td> <td>= B X C</td> <td>At actual</td> <td>= E/ C</td> </tr> </thead> <tbody> <tr> <td>Basement Parking</td> <td>35</td> <td>180</td> <td>6300</td> <td>6960.60</td> <td>38.67</td> </tr> <tr> <td>Stilt parking</td> <td>30</td> <td>143</td> <td>4290</td> <td>5005.00</td> <td>35.00</td> </tr> <tr> <td>Open Parking</td> <td>25</td> <td>65</td> <td>1625</td> <td>1787.50</td> <td>27.50</td> </tr> </tbody> </table>		Traffic Management Parking efficiency statement for Residential Building						Level	Required Equivalent Car Space	Proposed car parking nos.	Required area for proposed park as per NBC norms	Proposed Parking Area (Sq.mt.)	Provided Equivalent Car Space (Sq.mt.)	4W	A	B	C	D	E	F				= B X C	At actual	= E/ C	Basement Parking	35	180	6300	6960.60	38.67	Stilt parking	30	143	4290	5005.00	35.00	Open Parking	25	65	1625	1787.50	27.50																										
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38.	Distance from Protected Areas/Critically Polluted areas/Eco-sensitive areas /inter-State boundaries	--																																																																					

3. The proposal has been considered by SEIAA in its 95th meeting & decided to accord environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implementation of the following terms and conditions :

General Conditions for Pre- construction phase:-

- (i) This environmental clearance is issued subject to land use verification. Local authority / planning authority should ensure this with respect to Rules, Regulations, Notifications, Government Resolutions, Circulars, etc. issued if any.

Judgments/orders issued by Hon'ble High Court, Hon'ble NGT, Hon'ble Supreme Court regarding DCR provisions, environmental issues applicable in this matter should be verified. PP should submit exactly the same plans appraised by concern SEAC and SEIAA. If any discrepancy found in the plans submitted or details provided in the above para may be reported to environment department. This environmental clearance issued with respect to the environmental consideration and it does not mean that State Level Impact Assessment Authority (SEIAA) approved the proposed land use.

- (ii) Occupation certificate shall be issued by the Local Planning Authority to the project only after ensuring sustained availability of drinking water and connectivity of the sewer line to the project site.
- (iii) E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
- (iv) This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.
- (v) PP has to abide by the conditions stipulated by SEAC & SEIAA.
- (vi) The height, Construction built up area of proposed construction shall be in accordance with the existing FSI/FAR norms of the urban local body & it should ensure the same along with survey number before approving layout plan & before according commencement certificate to proposed work. Plan approving authority should also ensure the zoning permissibility for the proposed project as per the approved development plan of the area.
- (vii) "Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
- (viii) All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.

General Conditions for Construction Phase-

- (i) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche and First Aid Room etc.
- (ii) Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- (iii) The solid waste generated should be properly collected and segregated. dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
- (iv) Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- (v) Arrangement shall be made that waste water and storm water do not get mixed.
- (vi) All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.

- (vii) Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- (viii) Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
- (ix) Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- (x) Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dumpsites for such material must be secured so that they should not leach into the ground water.
- (xi) Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
- (xii) The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
- (xiii) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.
- (xiv) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- (xv) Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
- (xvi) Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and amended as on 27th August, 2003. (The above condition is applicable only if the project site is located within the 100Km of Thermal Power Stations).
- (xvii) Ready mixed concrete must be used in building construction.
- (xviii) The approval of competent authority shall be obtained for structural safety of the buildings due to any possible earthquake, adequacy of firefighting equipment's etc. as per National Building Code including measures from lighting.
- (xix) Storm water control and its re-use as per CGWB and BIS standards for various applications.
- (xx) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.

- (xxi) The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- (xxii) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the MPCB and Environment department before the project is commissioned for operation. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treated effluent emanating from STP shall be recycled/refused to the maximum extent possible. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treatment of 100% gray water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP.
- (xxiii) Permission to draw ground water and construction of basement if any shall be obtained from the competent Authority prior to construction/operation of the project.
- (xxiv) Separation of gray and black water should be done by the use of dual plumbing line for separation of gray and black water.
- (xxv) 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.
- (xxvi) Use of glass may be reduced up to 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows.
- (xxvii) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
- (xxviii) Energy conservation measures like installation of CFLs /TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible like installing solar street lights, common solar water heaters system. Project proponent should install, after checking feasibility, solar plus hybrid non conventional energy source as source of energy.
- (xxix) Diesel power generating sets proposed as source of back up power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
- (xxx) Noise should be controlled to ensure that it does not exceed the prescribed standards. 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.

- (xxxix) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
- (xxxii) Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code, which is proposed to be mandatory for all air-conditioned spaces while it is aspiration for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
- (xxxiii) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.
- (xxxiv) 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.
- (xxxv) 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 has been started without obtaining environmental clearance.
- (xxxvi) Six monthly monitoring reports should be submitted to the Regional office MoEF, Bhopal with copy to this department and MPCB.

General Conditions for Post- construction/operation phase-

- (i) Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line. No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement in Para 2. Prior certification from appropriate authority shall be obtained.
- (ii) Wet garbage should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. Local authority should ensure this.
- (iii) Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
- (iv) A complete set of all the documents submitted to Department should be forwarded to the Local authority and MPCB.
- (v) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
- (vi) A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
- (vii) Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures

shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.

- (viii) The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at <http://ec.maharashtra.gov.in>.
 - (ix) Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
 - (x) A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
 - (xi) The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
 - (xii) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
 - (xiii) The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.
 5. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environmental Clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.
 6. The Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter, for any other administrative reason.

7. **Validity of Environment Clearance:** The environmental clearance accorded shall be valid for a period of 7 years as per MoEF&CC Notification dated 29th April, 2015.
8. In case of any deviation or alteration in the project proposed from those submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.
9. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.
10. Any appeal against this environmental clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1st Floor, D-, Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.


 (S. M. Gavai)
 Member Secretary, SEIAA

Copy to:

1. Shri. Jagdish Joshi, Chairman, IAS (Retd.), SEAC-III, Flat no. 3, Tahiti chs. Juhu Vers Ova Link Road, Andheri (W), Mumbai- 400 053.
2. Additional Secretary, MOEF, 'MoEF& CC, Indira Paryavaran Bhavan, Jorbagh Road, Aliganj, New Delhi-110003.
3. The CCF, Regional Office, Ministry of Environment and Forest (Regional Office, Western Region, Kendriya Paryavaran Bhavan, Link Road No- 3, E-5, Ravi-Shankar Nagar, Bhopal- 462 016). (MP).
4. IA- Division, Monitoring Cell, MoEF& CC, Indira Paryavaran Bhavan, Jorbagh Road, Aliganj, New Delhi-110003.
5. Managing Director, MSEDCL, MG Road, Fort, Mumbai
6. Collector, Pune.
7. Member Secretary, Maharashtra Pollution Control Board, with request to display a copy of the clearance.
8. Regional Office, MPCB, Pune.
9. Select file (TC-3)



(EC uploaded on

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STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

No. SIA/MH/MIS/166840/2020
 Environment & Climate
 Change Department
 Room No. 217, 2nd Floor,
 Mantralaya, Mumbai- 400032.
 Date: 03/09/2021

To
 M/s. V.T. Palresha LLP &
 Mohite Associates,
 S. no. 58/2/1A/2A/2B(B-PLOT),
 58/2/1A/2A/2B, 58/2/1A/2A/2B,
 Undri Tal- Haveli, Dist Pune.

Subject : Environment Clearance for Proposed Residential and commercial project at S. no. 58/2/1A/2A/2B(B-PLOT), 58/2/1A/2A/2B (Amenity Plot), 58/2/1A/2A/2B (Road widening), Undri Tal- Haveli, Dist Pune, by M/s. V.T. Palresha LLP & Mohite Associates.

Reference : Application no. SIA/MH/MIS/166840/2020

This has reference to your communication on the above mentioned subject. The proposal was considered by the SEAC-3 in its 119th meeting under screening category 8 (a) B2 as per EIA Notification, 2006 and recommend to SEIAA. Proposal then considered in 228th meeting of State Level Environment Impact Assessment Authority (SEIAA).

2. Brief Information of the project submitted by you is as below:-

Proposal Number	SIA/MH/MIS/166840/2020	
Name of Project	Proposed Residential and commercial project at S. no. 58/2/1A/2A/2B(B-PLOT), 58/2/1A/2A/2B (Amenity Plot), 58/2/1A/2A/2B (Road widening), Undri Tal- Haveli, Dist Pune, by M/s. VTP & Mohite Associates	
Project category	8(a) Building & construction projects.	
Type of Institution	Private	
Project Proponent	Name	Mr. Bhushan Palresha
	Regd. Office address	VTP House, Near Phoenix Mall, Nagar Road, Pune-411014
	Contact number	901190000
	e-mail	bhushan@vtpgroup.com
Consultant	VK:e Environmental LLP Pune.	
Applied for	Amendment In EC	
Details of previous EC	SEAC-III-2015/CR-12/TC-3 dated 21 st September 2016 for plot area 35,300.00 sqm & total Construction Area 78,978.69 sqm.	
Location of the project	S. no. 58/2/1A/2A/2B(B-PLOT), 58/2/1A/2A/2B (Amenity Plot), 58/2/1A/2A/2B (Road widening), Undri Tal- Haveli, Dist Pune,	

Latitude and Longitude	18°26'57.83"N 73°54'48.36"E				
Total Plot Area (m2)	35300.00				
Deductions (m2)	12142.03				
Net Plot area (m2)	23157.97				
Proposed FSI area (m2)	45820.90				
Proposed non-FSI area (m2)	31333.59				
Proposed TBUA (m2)	77154.49				
TBUA (m2) approved by Planning Authority till date	IOD received from Pune Municipal Corporation no. CC/2883/19 dated 17/02/2020 Total Built-up area- 77154.49 sqm				
Ground coverage (m2) & %	7309.15 (% on total plot area open to sky)				
Total Project Cost (Rs.)	Rs- 120 core				
CER as per MoEF & CC circular dated 01/05/2018	Activity	Location	Cost (Rs.)	Duration	
	Tree Plantation	Katraj-Hadapsar bypass road	40,00,000/-	3 years	
	Solar Street Lights	Katraj-Hadapsar bypass road	50,00,000/-	3 years	
Details of Building Configuration:					Reason for Modification / Change
Previous EC / Existing Building			Proposed Configuration		
Building Name	Configuration	Height (m)	Building Name	Configuration	Height (m)
A1	P+P+12	42.50	A1	2P+11	37.50
A2	P+P+12	42.50	A2	2P+11	37.50
A3	P+P+12	42.50	A3	2P+11	37.50
B1	P+P+12	42.50	B1	2P+11	37.50
B2	P+P+12	42.50	B2	2P+11	37.50
B3	NA	NA	B3	LP+G+M+1	9.00
Comm.1	B+G+3	16.75	Comm.1	LP+GR+3	14.85
Comm.2	2B+G+3	16.50	Comm.2	LP1+LP2+GR+MEZZANINE+3	17.80
Amenity Building	B+G+3	12.90	Amenity Building LG+G+M+2		14.80
Amenity Building	G+3	12.90			
Club House	G+1	7.65	Club House	G+1	7.65
Total number of tenements	No. of Residential Flats: 362 Commercial: Retail Shops-223, Offices-113, Commercial Units-7				
Total number of populations	Residential population –1810, Commercial users –4316 Total – 6126				
Water Budget	Dry Season (CMD)			Wet Season (CMD)	
	Fresh Water	255	Fresh Water	255	

	Recycled (landscape)	16	Recycled(landscape)	00
	Swimming Pool	3	Swimming Pool	3
	Flushing	150	Flushing	150
	Total	424	Total	408
	Wastewater Generation	364	Wastewater generation	364
Water Storage Capacity for Firefighting / UGT	500 KLD			
Source of water	Pune Municipal Corporation			
Rainwater Harvesting (RWH)	Level of the Ground water table:	Pre-Monsoon: 15 to 20 m Post Monsoon: 5 to 8 m		
	Size and no of RWH tank(s) and Quantity:	NA		
	Quantity and size of recharge pits:	2.0x1.0x2.0Mtr, 13.0 Nos		
	Details of UGT tanks if any:	NA		
Sewage and Wastewater	Sewage generation in CMD:	364 M3		
	STP technology:	MBBR Technology		
	Capacity of STP (CMD):	410 KLD (250KLD+100 KLD+30KLD+30KLD)		
Solid Waste Management during Construction Phase	Type	Quantity (kg/d)	Treatment / disposal	
	Dry waste:	8 kg/day	The maximum construction waste will be used within the site for Leveling purposes and base course preparation of internal approach roads.	
	Wet waste:	12 kg/day		
	Construction waste	20 kg/day		
Solid Waste Management during Operation Phase	Type	Quantity (kg/d)	Treatment / disposal	
	Dry waste:	1009 kg/day	Handed over to authorized recycle for further handling & disposal purpose	
	Wet waste:	975 kg/day	Wet waste will be treated in on-site Organic waste Converter machine.	
	Hazardous waste:	NA	NA	
	Biomedical waste	NA	NA	
	E-Waste	14.3 kg/day	Handed over to authorized recycle for further handling & disposal purpose	
	STP Sludge (dry)	28 kg/day	Will be used as manure	
Green Belt Development	Total RG area (m2):	2737.25		
	Existing trees on plot:	127		
	Number of trees to be planted:	341 (127 Existing+ 214 proposed)		
	Number of trees to be cut:	00		
	Number of trees to be transplanted:	00		

Power requirement: Awaited	Source of power supply:		MSEDCL		
	During Construction Phase (Demand Load):		100 KW		
	During Operation phase (Connected load):		5094 kW		
	During Operation phase (Demand load):		2914 kW		
	Transformer:		630KVA x 4 nos, 315 KVA x 1No		
	DG set:		2x 200 kVA, 1 x 100 kVA, 1 x 82.5 kVA		
	Fuel used:		HSD		
Details of Energy saving	<ul style="list-style-type: none"> ➤ Generally we have proposed high efficiency transformer, motors etc. to reduce losses. ➤ External Lighting with Astronomical Timers. ➤ Basement Lighting with Sensors <p>Total Energy Saving: 9.51%</p>				
Environmental Management plan budget during Construction phase	Type	Details		Cost per year (Rs.)	
	1	Air Environment-Erosion control – dust Suppression measures, barricading and topsoil preservation		34,98,856/-	
	2	Land- Labour Camp toilets & sanitation.		4,80,000/-	
	3	Health and Safety -Labour Safety Equipment's and training		4,00,000/-	
	4	Health facility- Disinfection and Health Check-ups		51,000/-	
	5	Environment Management- Environment management cell		1,75,000/-	
	6	Environment Management- Environmental Monitoring		3,26,000/-	
	7	CER		90,00,000/-	
Environmental Management plan Budget during Operation phase	Component	Details		Capital (Rs)	O&M (Rs./Y)
	Sewage treatment Plant	STP		1,35,00,000/-	35,78,000/-
	RWH	Recharge pits		12,50,000/-	1,25,000/-
	Solid Waste	Organic waste convertor		20,75,000/-	4,66,050/-
	Green belt development	Landscape operation and maintenance		21,31,262/-	4,34,144/-
	Energy saving	Solar PV Panels		1,20,10,500/-	9,84,375/-
	Environmental Monitoring	Environmental Monitoring		--	1,85,000/-
	Bio-medical waste	Biomedical Waste		1,00,000/-	--
Disaster Management	Lightning Arrestor		5,00,000/-	--	
Traffic Management Awaited	Type	Required as per DCR	Actual Provided	Area per parking (m2)	
	4-Wheeler	531	531	18,741.62	
	2-Wheeler	1757	1757		
	Cycle	1325	1325		

3. The proposal has been considered by SEIAA in its 228th meeting. PP has obtained earlier EC vide letter dated 21st September 2016 for total construction area 78,978.69 Sq.mt.

Amendment is due to change in planning. Now, Proposed total built up area is 77154.49 Sq.mt. SEIAA decided to accord Environment Clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implantation of following terms and conditions-

Specific Conditions:

A. SEAC Conditions-

1. PP to submit the photographs of existing sewer line & Manhole
2. PP to submit the road network infrastructure map.
2. PP to submit Commercial building plan submitted for appraisal in earlier EC.
3. PP to submit details of UGT.
4. PP to submit Co-ordinated layout plan.

B. SEIAA Conditions-

1. PP to provide grass pavers of suitable types & strength to increase the water permeable mother earth area up to 1/3rd of plot area as well as allow effective fire tender movement.
2. PP to achieve at least 5% of total energy requirement from solar/other renewable sources.
3. PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA.III dt.04.01.2019.
4. SEIAA after deliberation decided to grant EC for – FSI-46820.90 m2, Non-FSI-31333.59 m2, Total BUA-77154.49 m2. (Plan approval – CC/2883/19, dated-12.02.2020)

General Conditions:

a) Construction Phase :-

- I. The solid waste generated should be properly collected and segregated. Dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable material.
- II. Disposal of muck, Construction spoils, including bituminous material during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in the approved sites with the approval of competent authority.
- III. Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
- IV. Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- V. Arrangement shall be made that waste water and storm water do not get mixed.
- VI. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices.
- VII. The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- VIII. Permission to draw ground water for construction of basement if any shall be obtained

from the competent Authority prior to construction/operation of the project.

- IX. 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.
- X. The Energy Conservation Building code shall be strictly adhered to.
- XI. All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- XII. Additional soil for levelling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- XIII. Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- XIV. PP to strictly adhere to all the conditions mentioned in Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as amended during the validity of Environment Clearance.
- XV. The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
- XVI. PP to strictly adhere to all the conditions mentioned in Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 as amended during the validity of Environment Clearance.
- XVII. Vehicles hired for transportation of Raw material shall strictly comply the emission norms prescribed by Ministry of Road Transport & Highways Department. The vehicle shall be adequately covered to avoid spillage/leakages.
- XVIII. Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
- XIX. Diesel power generating sets proposed as source of backup power for elevators and common area illumination during construction phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel is preferred. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
- XX. 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 by a separate environment cell /designated person.

B) Operation phase:-

- I. a) The solid waste generated should be properly collected and segregated. b) Wet waste should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. c) Dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable material.

- II. E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
- III. a) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the MPCB and Environment department before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/ reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP. b) PP to give 100 % treatment to sewage /Liquid waste and explore the possibility to recycle at least 50 % of water, Local authority should ensure this.
- IV. Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement.
- V. The Occupancy Certificate shall be issued by the Local Planning Authority to the project only after ensuring sustained availability of drinking water, connectivity of sewer line to the project site and proper disposal of treated water as per environmental norms.
- VI. Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
- VII. PP to provide adequate electric charging points for electric vehicles (EVs).
- VIII. Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
- IX. A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
- X. Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes.
- XI. The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at <http://parivesh.nic.in>
- XII. Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
- XIII. A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.

- XIV. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.

C) General EC Conditions:-

- I. PP has to strictly abide by the conditions stipulated by SEAC & SEIAA.
- II. If applicable Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
- III. 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 has been started without obtaining environmental clearance.
- IV. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
- V. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
- VI. No further Expansion or modifications, other than mentioned in the EIA Notification, 2006 and its amendments, shall be carried out without prior approval of the SEIAA. In case of deviations or alterations in the project proposal from those submitted to SEIAA for clearance, a fresh reference shall be made to the SEIAA as applicable to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.
- VII. This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.

4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.

5. This Environment Clearance is issued purely from an environment point of view without prejudice to any court cases and all other applicable permissions/ NOCs shall be obtained before

starting proposed work at site.

6. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environment clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.

7. Validity of Environment Clearance: The environmental clearance accorded shall be valid as per EIA Notification, 2006, amended time to time.

8. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.

9. Any appeal against this Environment clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1st Floor, D-Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

M. Rau
 Manisha Patankar-Mhaiskar
 (Member Secretary, SEIAA)

Copy to:

1. Chairman, SEIAA, Mumbai.
2. Secretary, MoEF & CC, IA- Division MOEF & CC
3. Member Secretary, Maharashtra Pollution Control Board, Mumbai.
4. Regional Office MoEF & CC, Nagpur
5. District Collector, Pune.
6. Commissioner, Pune Municipal Corporation
7. Regional Officer, Maharashtra Pollution Control Board, Pune.



BEFORE THE HON'BLE SUB-DIVISIONAL OFFICER,
HAVELI, PUNE AT PUNE

Case No. /2022

Commodore (Brig. Rnk) Rakesh Verma

Residing at : 'Surakshay House', S. No. 57/2/22,
Undri Pune - 411016

... Applicant

Versus

1. **M/s V. T. Parlesha LLP & Mohite Associates.**
Through Chairman Mr. Bhushan Parlesha And it's Partners
Mr. Chetan Parlesha
Mr. Vilas Parlesha (Chairman)
Mr. Shrikant Dhole (Vice President)
Mr. Uday Sutar (Site Manager)
 having office address at :
 VTP House, Nagar Road,
 Near Phoenix Mall, Beside PVR,
 Kargil Vijay Nagar, Wadgaon Sheri,
 Pune - 411 014.

having site address at :
 "Urban Nest", Sr. No.58 /2b, Katraj
 Hadapsar Bypass Road,
 Near Undri Chowk, Undri,
 Pune - 411 060.
 Email Address : vtp@vtpgroup.in

... Respondent

The Applicant most respectfully and humbly submits as follows;

1. That the address of the Applicant is as given above for the service of notice of this Application.
2. That the address of the Respondent(s) are as given above for the service of notice of this Original Application.

Copy for
Other side.
09/11/2022.
Chetan A. Chavan
Advocate for
Applicant.

3. That the Present Original Applicant is being filed under section 133 of Criminal Procedure Code, 1973, by the aggrieved person, as the is related / affecting to the Applicant and the Family of the Applicant, which is resulting in Public Nuisance.
4. The Applicant is a permanent resident of Pune and is residing on the address mentioned as above.
5. The Respondent is into the business of construction and is carrying out its business in the state of Maharashtra and is operating the same from Pune.
6. The Applicant is the responsible citizen of the country who is proudly serving and is having an engineering field background. The Applicant is Environmentally Conscious Citizen who is deeply concerned for the Environment and strives to protect and preserve the same.
7. The Applicant submits that the Respondent have been jointly addressed as M/s. V. T. Palresha LLP & Mohite Associated, M/s. VTP & Mohite Associates. This nomenclature used in the said information is representing two separate entities that have entered into a Joint Venture). The Applicant submits that the present dispute is with regards to one of the project of the Respondent known as '**Urban Nest**'. (hereinafter referred to as the '**said scheme**').
8. The Applicant says and submits that the Applicant resides in the said vicinity since 2014 adjacent to the said scheme and there is only a boundary wall and **20 feet wide road** that separates the said scheme and plot of land on which the bungalow of the Applicant is constructed. The detailed address of the bungalow of the Applicant, which is a adjacent to the said scheme is as follows:

'Surakshay House', S. No. 57/2/22, Undri Pune – 411016

9. The Applicant submits that the Respondent has started the construction work for the said project in the year 2014 and is still under construction without obtaining "*prior*" statutory permissions. The Applicant submits that the said scheme comprises 6 residential tower units and 3 commercial building units. The said scheme is facilitated by 4 Sewage Treatment Plants, as of now. (hereinafter referred to as 'STP'). The Applicant submits that the sanctioned layout plan of the said scheme is annexed at *Annexure – 'A'*.
10. The Applicant submits that the plot on which the said scheme only 1 STP which caters for all the residential towers, is functional but is not compliant. The Applicant submits that out of the said STPs, 2 STPs are for the commercial unit are under construction, but for which the occupancy certificate already been issued by Pune Municipal Corporation. The Applicant submits that the 1 STP for the third commercial building, is yet to be constructed. The Applicant submits that the 2 STP catering for the residential unit and commercial unit, is hardly 20 feet away from the plot on which the bungalow of the Applicant constructed.
11. The Applicant submits that the STPs situated in the said scheme of the Respondent, is emitting extremely obnoxious odour and generating excessive noise. The STP tank covers are left open which is causing serious health issues, breeding of mosquitos, environment pollution, nuisance and is causing degradation in all aspects of health and financials to the Applicant and the family of the Applicant. The Air Pollution has caused the Applicant serious health issues like skin problems inability to breathe fresh air and wholesome air, hypertension, headache, frequent bouts of vomiting and regular basis dizziness, diarrhea, gastrointestinal problem etc. because of this odour problem the Applicant has to keep all windows and doors of its house permanently closed, at all times.

12. The Applicant submits that the Air Pollution caused by the STP's installed in the said scheme of the Respondent, has robbed the Applicants fundamental right to live under *Article 21 of the Constitution of India*.
13. The Applicant submits that the blatant violation of the Air Protection Act 1986 has been committed by Respondent since August – September 2021, till today and despite reporting the Air and Environment Pollution caused by the Respondent, there is a continuous growth in odour and noise problem day by day in the violation of various laws without any remorse and repair.
14. The Applicant submits that the Respondent has committed grave nuisance and offence under various laws nationally and internationally. The Respondent has given scant respect to the statutory laws, acts and have failed to follow the guidelines which are enacted under the legal framework of the statutory laws and acts.
15. The Applicant submits that the Respondent has commissioned the operation of the subject STP at the said scheme without taking prior approval or consent to operate from the Pune Municipal Corporation. Further, the Respondent has not followed any mandatory provision as stipulated in various orders, approval for operation and maintenance of the subject STP. The Applicant further submits that the Respondent has given false declaration and misrepresented various facts to the Pune Municipal Corporation, for obtaining approvals for construction at incorrect location causing immersive mental, health, financial and social loss.
16. The Applicant submits that in the said scheme of the Respondent the Respondent has wrongly constructed the said STPs in the said scheme. The placement of the said STPs is not correct as the said

STPs are causing nuisance to the Applicant and the Family of the Applicant as the said STPs are emitting obnoxious odour and noise. The said nuisance is resulting in deteriorating the health of the Applicant and the Family of the Applicant. The Applicant further submits that the Applicant is complaining about this issue to the Respondent since January 2020, till today. The Applicant submits that till today the STPs are functioning and no improvement is seen on the part of the Respondent for the nuisance caused by the STPs, in the said scheme.

17. The Applicant submits that after getting no response from the Respondent, the Applicant since September 2021, contacted the other Respondents who are government authorities in the present matter, seeking help in lieu of the said nuisance and prayed for relocation of the STPs in the said scheme and also strict action be taken against Respondent for the Environmental Violations.
18. The Applicant submits that the obnoxious odour and noise pollution emitted from the said scheme was increasing on daily bases. The Applicant submits that all the writings made by the Applicant were vain and no action was taken by the various government authorities. The Applicant submits that considering this issue the Applicant through its Advocate issued legal notice dated 12/04/2022 to all the Respondents and complained about the nuisance caused to the Applicant. The said legal notice issued by the Applicant was replied by the Respondent through its advocate. The said notice reply is dated 30/05/2022. The said Legal Notice is Annexed at *Annexure 'B'*
19. The Applicant submits that despite the STP are not fully functional and efficient, the Pune Municipal Corporation has issued the Occupancy Certificate to the Respondent. The Occupancy Certificates are as follows;

Sr. No.	Occupancy Certificates	Date	Location (Wing / Tower)
1.	OCC/0182/20	27/08/2020	A1, A2, A3
2.	OCC/0242/21	30/06/2021	B1
3.	OCC/0898/21	21/12/2021	B2
4.	OCC/0454/21	30/08/2021	Trade Part I, II

The said Occupancy Certificates are annexed at *Annexure 'C'*.

20. The Applicant submits that as per the mandatory guidelines, a buffer zones is to be created for the efficient functioning of the STP. The Applicant further submits that the terrain, contour and wind directions are also to be considered for the placement of the STP. The Applicant further submits that the location of the STP should be *“appropriately distanced”* from the neighborhood residential site.
21. The Applicant submits that the Respondent has overlooked the problems which have been raised due to not maintaining the STPs in the proper manner, as prescribed by the act and statutory guidelines. The Applicant submits that the said STPs are emitting harmful chemical gases which are been regularly inhaled by the Applicant. The Applicant submits that no measures have been taken by the Respondent in order to control the harmful gases emitted by the said STP. The Applicant submits that the Respondent has failed miserably in installing equipment for control the emission of gases and odour.
22. The Applicant submits that for the said scheme the Respondent is having a commercial approached for which the Respondent has put the life of the people in the surrounding, at danger. The Applicant submits that in Respondent in order to earn maximum

margins and profit out of the said scheme, the Respondent has overlooked the STP. The Respondent has not invested into installation of proper control mechanisms for the said STP for the efficient functioning and output. The Respondent has not appointed skilled agencies as their services are higher than compared to others.

23. The Applicant submits that there are chemicals that are provided to the person / vendor looking after the STP and the unskilled person is instructed by the Respondent to add more chemical when the smell or the foul odour increases from the STP thereby causing more chemical pollution in addition to the unbearable obnoxious odour and noise pollution. The Applicant further submits that on the other end the Respondent during the construction of the tower named A1, A2, A3, B1 and B2 have not taken any air pollution preventive actions and the Respondent moreover has carelessly let the dust particles and the cement and dust particles to pass on by airflow / wind flow from the said scheme to the bungalow of Applicant, which air is then inhaled by Applicant, further causing respiratory problems to Applicant. Moreover, whenever Applicant faced these issues, Applicant has then and there has informed the Respondent and its associates about the problem of noise, foul smell, dust particles, etc. for which Applicant had to take medical treatment, thereafter. This is also causing Applicant breathing problems and other medical issues.
24. The Applicant submits that the said scheme is located at the southernmost side and on the boundary wall, abutting the survey where the Applicant's bungalow is located. The Applicant's bungalow is just 20 feet away from the said STP. The wind blows from Southern west side and the source brings the bad odour from the STP into the bungalow thereby filling all the

space in the bungalow with disgusting and nauseating take odour at all times.

25. The Applicant submits that the Applicant requested the Respondent not to construct the STPs bang opposite the bungalow of Applicant as it will be creating air pollution. The Applicant submits that subsequently since September 2021, the Applicant regularly requested the Respondent to attend the odour problem and the noise created by the STP caused operation of the said STP. The Applicant further submits that the Applicant also requested the Respondent to stop the functioning of the defective STP and re-locate the same to another place, the Respondent refused to do so and did not change its STP placement in the said scheme.
26. The Applicant submits that the Respondent did not give any heed to the request made by Applicant and further also requests made by Applicant to the Respondent were in vain. The Applicant further submits that after getting no response from the Respondent Applicant decided to address this issue to the government authorities and to the other addressed sanctioning authorities for the Pune district and Environment Departments. The Applicant submits that Applicant made various complaints to the State Expert Appraisal Committee, Maharashtra, Maharashtra Pollution Control Board and Senior Police Inspector Kondhwa Police Station, The Hon'ble Collector Pune, Pune Municipal Corporation, etc. Applicant says that only nominal responses have been received by the Applicant but no action till date has been initiated by the government authorities. The Applicant submits that Applicant started complaining about this issue to the government authorities since September 2021, but till now no response or no action has been taken by the government authorities. The Applicant further submits that in the in the year 2020 when the work for STP had

started, Applicant also contacted the Respondent on WhatsApp and conveyed the potential problems regarding the STP, which would be faced by Applicant, in future. The Respondent did not provide any heed to the WhatsApp messages and simply ignored them. Till date, the WhatsApp messages have been left unanswered and no response from the Respondent has been received by Applicant for the WhatsApp messages, till date. The Applicant submits that the various complaints made by the Applicant to the various government authorities and to the Respondent are annexed at *Annexure 'D'*.

27. The Applicant submits that the STP is left open in the area and is adjacent to the boundary wall of the bungalow of Applicant. The STP room has windows which open into the neighbourhood which is extreme opposite to the windows, doors, shafts, various large openings, etc of the bungalow of the Applicant. The Respondent has created opening to the window towards the neighbouring vicinity and not in its own surrounding. The Respondent has not considered the golden rule, which is in old Latin maxim, which says "*sic utere tuo ut alienum non laedus*". This shows that the Respondent has an evil mind-set of causing harm to the people residing the surrounding areas of the said scheme.
28. The Applicant submits that the next and the very important measure is given in the said guideline is that to ensures the operation is carried out under the best management practices. The Applicant further submits that upon inspection Applicant found out that no such practice has been followed by the Respondent for the treatment and the operation of the STP. The Applicant further submits that the Respondent has appointed a vendor who does not have necessary certification and is not competent in said field for the maintenance of the STP. The Applicant further submits that the

said 'vendor', has hired unskilled person who is clueless^y about the chemicals and their chemical compositions, which are to be used in the process of maintenance of STP. The Respondent has just instructed the person to just add the chemical when there is an increase in the odour/ bad smell. As stated by Applicant no such measures or technology, to suppress the odour and noise, as per the promulgated in the statutory guidelines, none have not been installed / taken care of, by the Respondent, in the said scheme.

29. The Applicant submits that the bad odour is extremely harmful and is continuously emitted out of the said STP day in and day out. The Applicant further submits that it becomes very difficult to stay in the vicinity of the said scheme. The odour and the bad smell is so strong that inhaling it has resulted into health problems to Applicant and the family of Applicant. The Applicant submits that the Applicant and the family of Applicant is suffering from sleeplessness, vomiting, headache, dizziness, diarrhoea, Gastrointestinal, etc. problems. Applicant also fears a very high possibility and high probability of death by this odour and noise pollution for which already police complaint has been made in which if such accident of that occurs it will be sole responsibility of the Respondent. In case if any incident takes place, *the chairperson of VTP i.e. Mr Bhushan Parlesha, Mr Shrikant Dhole, Mr Uday Sutar, Mr Chetan Parlesha, the VTP team and Mohite Team*, the communication is annexed at *Annexure 'E'*, who have purposely acted negligent despite the Applicant repeatedly informing these persons about the problems of bad odour and noise pollution in the said scheme and the problem caused to Applicant and his family.
30. The Applicant submits that upon the said communication by the Applicant the Respondent and the Architect Mrs. Minal A. Firake

have admitted the fact that the consent to operate is yet to be obtained and apologised for the inconvenience caused due to the STP of the said scheme. The said letters issued by Respondent to Pune Municipal Corporation, is annexed at *Annexure 'F'*.

31. The Applicant submits that from the day the STP has been installed in the said scheme by the Respondent it is not maintained properly, due to which at times the Applicant has to leave his bungalow and stay with a relative for few days but the problem is increasing day by day and there seems no solution out for this as of now and in the future, if no action is taken. The Applicant submits that this has happened several times wherein due to this issue Applicant has to change his place temporary and reside with a relative.
32. The Applicant further submit that the Applicant is been treating the same in *Command Hospital (Southern Command), Grant Medical Foundation, Ruby Hall Clinic and other Hospitals in Pune*. The Applicant further submits that the medical problem has become so immersive that the health of Applicant has seriously deteriorated doe which Applicant had to carry out medical tests have been done by Applicant. The Applicant submits that the Applicant has put in a major chunk of his savings for medical treatment due to the problems caused by the STP in the said scheme. The Applicant further submits that considering the overall situation Applicant will end up in "Financial Stress", for which all the Respondents shall be liable. The Applicant submits that the medical reports are attached at *Annexure 'G'*.
33. The Applicant submits that the noise pollution and odour has become very problematic to Applicant. The Applicant further submits that due to the noise pollution and the bad order, Applicant has become an outcast in the society and nobody visits the bungalow of Applicant. Further Applicant is unable to put the

house on rent and moreover the property value is drastically reducing over period. This odour and noise pollution has robbed Applicant the benefits prescribed in the Article 21 of the Indian Constitution.

34. The Applicant submits that considering the loss and the problem cost to Applicant is hereby addressing the Hon'ble Sub Divisional Officer, Haveli, to give appropriate directions to the Respondent take appropriate action to removal of nuisance and re-locate the STP plant which is set up near the boundary wall separating the said scheme and the bungalow of Applicant.
35. The Applicant submits that the said legal notice dated 12/04/2022, issued by the Applicant was replied by the Respondent. The said notice reply is dated 30/05/2022. The Respondent alongwith its notice reply issued the work order of the Consultant maintaining the said STP's. The said notice reply of the Respondent is annexed herewith at *Annexure 'H'*.
36. The Applicant submits that the said Respondent has failed to comply with the interim direction. The Applicant also submits that the work order issued by the Respondent to the Consultant, which is annexed at *Annexure 'H'*, does not contain the date of the Appointment of the Consultant. The Applicant submits that the said interim direction issued by the Maharashtra Pollution Control Boards are as follows;

This refers legal proposal vide reference (2) above and subsequent personal hearing extended on 24/03/2022. Now by considering your reply and presentation during the hearing, you are hereby directed to comply with the following Interim Directions,

- 1) You shall take precautionary measure to minimize odour and noise immediately.*

- 2) You shall appoint as an expert Governmental Educational Institute in Environment to study and suggest technical remedial measures so as to minimize the odour and noise pollution from ST. The expenditure of the study shall be paid by you.
- 3) You shall obtain report from Expert Agency within 01 month period.
- 4) You shall implement remedial measures as recommended by expert Governmental Educational Institute within next 01 month period.
- 5) You shall submit the Bank Guarantee of Rs. 5,00,000/- (Five Lakh Only) for validity of one year to ensure the compliance of above directions mentioned at Sr. No. (1) to (4).

In case you fail to comply with the above directions the Board will have no option than to issue appropriate directions as deem fit under the provisions of Water (P. & C. P.) Act, 1974 and under the provisions of Air (P. & C. P.) Act, 1981 & Hazardous & Other Waste (M & TM) Rules, 2016, which may please be noted.

The said interim direction issued by the Maharashtra Pollution Control Board are annexed at 'Annexure I'

37. The Applicant submits that the Respondent has not complied with all the compulsory conditions and directions as per the various authorities. The Respondent has committed a serious offense and knowing the consequences of this offense, the Respondent has continued to overlook the same and has committed the offence of carrying out illegal construction without necessary permission, repeatedly and regularly and further through its actions has showed disrespect and has insulted the authorities, thereby demonstrating absolute and total abandonment of their responsibilities towards the

preservation of environment. The Applicant further submits that from the actions of the Respondent, it is right to say that the Respondent is a Hard-core Environment Polluter.

38. The Applicant further submits considering the illegal activities of the Respondent, the Applicant through its advocate had issue a legal notice dated 12/04/2022 for giving the intimation regarding the illegal activities of the Respondent and the STP problem faced by the Applicant to the appropriate government authorities. The said notice has been duly served on the office address of the Respondent. The Respondent has given no heed to the said notice and has further continued its functioning of the STP and the illegal construction.
39. The Applicant submits that form such a massive violation of the illegal construction and the overall serious problems of STP, violation the Environment Clearance Permission and other necessary permission, it can be anticipated that the Respondent is grave offender of the environmental laws and has the unjustified interest in violating the laws, laid down by the authorities, for the welfare of the people. The Respondent is a repeated offender and is deliberately acted beyond law. The Applicant submits that completed the construction work and the Respondent has sold out the flats to the desired buyers. The Respondent has completed the construction in the said project by violating the Environmental laws and thereafter the foul smell and the odour emitted by the STP, is increasing day by day, till today.
40. The Applicant submits that the Respondent has not complied with all the compulsory conditions and directions as per law, for obtaining the necessary permission. The Respondent has committed a serious offense and knowing the offenses; the Respondent has continued to committing the same, repeatedly and

regularly and further through its actions has showed disrespect and has insulted the appropriate government authorities. From the actions of the Respondent, it can be seen that the Respondent is not following the principles of Sustainable Development, therefore, it is right to say that the Respondent is a Hard-core and Habitual Environment Polluter.

41. The Applicant submits all the necessary permissions obtained Respondent for the said project and its other ongoing projects of should be check and verified and the directions to this effect be given by this Hon'ble Tribunal.
42. The Respondent has ignored the problem of the Applicant and has thereafter continued the construction and completion of the work in the said scheme without having the necessary permission and the environmental sanctions.
43. The Applicant submits that the Respondent is a repeated, brutal, and a ruthless Environment Polluter also it is seen that the Respondent has violated the Environmental Laws, guidelines, etc. which has caused to damage the Environment and risking the life of innocent people including the Applicant.
44. The Applicant is residing within the territorial limits of this Hon'ble Sub Divisional Officer, Haveli and the Respondent is also catering the territorial limits of the jurisdiction of this Hon'ble Sub Divisional Officer, Haveli and therefore this Hon'ble Sub Divisional Officer, Haveli is having jurisdiction to try and entertain and decide the present application.

45. Prayer :

The Applicant most respectfully and humbly prays before this Hon'ble Sub Divisional Officer, Haveli;

- a. that the Respondent be directed to re-locate the said STP or the Respondent be directed to remove nuisance which caused to the Applicant and his family, due to the functioning of the said STP.
- b. that the Respondent be directed to stop the functioning of all the activities related to the said STP, which are causing nuisance to the Applicant and his family.
- c. that the Applicant be allowed to amend its application at any point of time in the said proceedings.
- d. that any other just and equitable order be passed in the interest of justice.

Pune

Dated : 03/11/2022

**Mr. Rakesh Verma
Commodore (Brig. Ruk)
Applicant**

Advocate for the Applicant

VERIFICATION

I, **Commodore (Brig. Ruk) Rakesh Verma**, the **Applicant** herein submits to this Hon'ble Sub Divisional Officer, Haveli on solemn oath and affirmation that the contents stated in paragraph no. 1 to paragraph no. 44 are true and correct to the best of knowledge, information and

belief and the same has been signed and verified by me on this day of
03rd day of November 2022.

Mr. Rakesh Verma
Commodore (Brig. Rnk)
Applicant



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

Original Application No.92 of 2022 (WZ)

COMMODORE (Brig.Rank) RAKESH VERMA

...APPLICANT

V/S

M/s.V.T. PARLESHA LLP & MOHITE ASSOCIATES & ors ...RESPONDENT(S)

VAKALATNAMA

KNOW ALL to whom these present shall come that we, the above named Mr. Bhushan Palresha, Authorised Signatory of the Respondent No.1 do hereby appoint:

Saurabh Kulkarni,
Advocate

Prashant Bhat
Advocate

M/s.D.V. Kulkarni & Co., Advocates
 420, Shaniwar Peth, Near Ahilya Devi School,
 Next to Sudarshan Hall, Pune – 411 030.
 Ph(O) 24459027
 (Email) sdkadvocate@gmail.com

Hereinafter called the Advocates to be **Respondent No.1 (M/s.V.T. PARLESHA LLP & MOHITE ASSOCIATES)** Advocates in the above noted case & authorize them;

To, act appear and plead in the above noted case in this court or in any other court in which the same may tried or heard.

To sign file, verify and present pleadings, appeals, cross-objections or petitions fee executions review, revision, withdraw compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the execution of the said case in all its stages subject to payment for fees for each stage.

To file and take back document, to admit &/or deny the document of opposite party

To take execution proceedings.

And I the undersigned do hereby agree to ratify and confirm all acts done by the Advocates or their substitute in the matter as my/our own acts, as if done by me/us intents and purposes.

AND I/We undertake that I/We or My/Our duly authorized agent would appear in court on all hearing & will inform the Advocate for appearance when the case in called

IN WITNESS WHEREOF we do hereunto set our hand to their presents the contents of which have been understood by us on this 3rd day of December 2022



ADVOCATES



Signature

I am not a member of Advocates Welfare Fund and therefore stamp of Rs.2 is not affixed herewith.

