

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH PUNE, AT PUNE

ORIGINAL APPLICATION NO. 148 OF 2016

IN THE MATTER OF

Mr. Tanaji Balasaheb Gambhire and Ors.Applicants

VERSUS

The Principal Secretary,

Environment Department and Ors.Respondents

REPLY ON BEHALF OF RESPONDENT NO. 13 RESPONDENT

NO.13-ALTISSIMO COOPERATIVE HOUSING SOCIETY

1. I state that the Applicant herein has filed the present O.A. No. 148 of 2016 before this Hon'ble Tribunal seeking demolition of the structures standing on Survey No. 168, Village Wakad, Tal. Mulshi Dist. Pune undertaken by the Respondent No. 10 & 11. The Applicant is seeking demolition of the structures on the ground that the said projects has been carried out without adhering to the environmental norms more





specifically to the EIA Notification, 2006 and not obtaining consent under Water and Air Act.

2. At the outset it is submitted that all the allegations, averments, statements and contentions made by the Applicant in the present application are false, frivolous, bogus, vexatious and are in any event denied. None of the contentions and facts raised in the present case should be deemed to have been admitted by the answering Respondent unless specifically admitted herein for the reason of non-traverse.

3. I state that the Survey No. 168 consists of **Three Plots**, Plot No. 1, 2 and 3. The structures which are under the challenge consists of two different Projects which are developed on two different Plots by two different developers with a 12 meter wide DP Road in between of the two Projects. Details of the two projects are as follows:-

- i. Madhupushpa Phase I Cooperative Housing Society Ltd. Respondent No. 12 which was constructed and developed by the R10 M/s Parmount Gaurav Shelters Pvt. Ltd. on **Plot No. 1**, Survey No. 168, Wakad, Pune admeasuring 10,097.95 Sq. Mtrs.



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- ii. Altissimo Cooperative Housing Society i.e. answering Respondent No. 13 was constructed and developed by the R11 M/s Karan Tej Parmount Properties Pvt. Ltd. on **Plot No. 3**, Survey No. 168, Wakad, Pune admeasuring 4,428.09 Sq Mtrs.

4. I state that the Respondent No. 13 is the Co-operative Society consisting of 110 members. This project was constructed by Respondent No. 11-Karan Tej Parmount Properties Pvt. Ltd. on Plot No. 3, Survey No. 168, Wakad, Pune admeasuring 4,428.09 Sq. Mtrs. falling in the limits of Pimpri Chinchwad Municipal Corporation Respondent No. 5. This Project was completed on 11/08/2016 i.e. on the date Occupation Certificate was issued to the Project by R5. After completion of the project possession of the 110 Flats were given to the 110 members of the answering Respondent.

5. I state that thereafter the members of the answering Respondent formed a Cooperative Housing Society which is registered on 15/12/2018. Hereto marked and annexed as **“Annexure R13-A”** is the copy of the Society registration certificate. Thereafter, a Conveyance Deed was registered transferring all the Rights and Title of Plot No. 3, Survey No.



168 Wakad, Pune admeasuring 4,428.00 Sq. Mtrs. by the Respondent No. 11 Karan Tej Parmount Properties Pvt. Ltd. in favour of Respondent No. 13. Hereto marked and annexed as "**Annexure R13-B**" the copy of Index II of the Conveyance Deed.

6. I state that Plot No. 3 has separate 7/12 extract (mutation entry) in the land records reflecting the name of answering Respondent No. 13 as the owner of this Plot. Hereto marked and annexed as the "**Annexure R13-C**" is the copy of 7/12 extract. I state that there is separate Demarcation Plan of the Plot No. 3 on Survey No. 168 issued by Land Records Department Government of Maharashtra reflecting that Plot No. 3 is a separate plot altogether. Hereto marked and annexed as "**Annexure R13-D**" is the copy of Demarcation Plan of Plot No. 3.

7. I say and submit that the Total Built Up Area of our society is 14,063.89 Sq. Mtrs. (FSI 7,103.29 Sq. Mtrs. + Non FSI 6,960.60 Sq. Mtrs.) therefore EIA Notification 2006 is not applicable in our case as the Total Built Up Area is less than 20,000 Sq. Mtrs. which is the threshold limit for obtaining environment clearance. Hereto marked and annexed

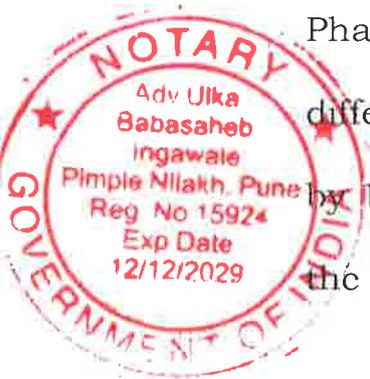


“Annexure R13-E” copy of Occupation Certificate issued by PCMC certifying the total built up are constructed on Plot No.

3.

8. I say and submit that as EC is not applicable for our society Consent to Establish and Consent to Operate under Water and Air Act are also not applicable. I say and submit that water requirement of our society is also less than 50 KLD which is supplied by R5 PCMC. Therefore, the criteria for obtaining Consents for the projects having water consumption of 50 KLD or more is also no applicable in our case. I say and submit that our society has a 50 KLD grey water treatment system which is operating very efficiently.

9. I say and submit our society has separate Entry-Exit points, separate Amenity space, separate open spaces, separate side margins, separate garden, separate parking, separate solar hot water system, separate rain harvesting system, separate firefighting system. Our society and R12 Madhupushpa Phase I Cooperative Housing Society Ltd. is altogether different project on different Plot numbers and are separated by 12 metre DP Road. R12 society is situated on one side of the road and R13 society of the other side of the road.



10. I state that there are Two different projects divided by a 12 metre DP road having different permissions, Plinth Checking Certificates, Completion Certificates, Occupancy Certificate, Side spaces, Separate Amenities Spaces and Separate Entry-Exit Points.

11. This Hon'ble Tribunal in the case of Tanaji Gambhire Vs UOI & Ors. in OA 20 of 2020 (Maa Sankalp Buildcon LLP) case have framed a Issue "*Whether the Phase-I & II and Phase-III & IV are integral part of one single project undertaken by respondent No.12 – Project Proponent or they should be treated to be two different projects?*". This Hon'ble Tribunal held that "*.....two different projects which are adjacent to each other and hold different permissions, plinth checking certificates, completion certificates, side spaces and separate amenity spaces, which clearly prove that the said projects are two different projects and not one as is being tried to be asserted by the applicant. We decide the issue No.(i) accordingly, holding that the projects namely "Sai Dwarika" at Survey Nos.40/1/1, 40/1/2 and 40/1/3/1 as Phase-III and IV and Survey Nos.40/1/3/2, 40/1/4 and 40/1/5 as Phase-I and II at village Yewalewadi, Taluka Haveli, District Pune, are two*



different projects.” Here to marked and annexed as “Annexure R13-F” is the copy of Judgment.

1. Preliminary objection:

The present Original Application filed by the Applicants is barred by limitation in terms of section 14(3) of the NGT Act, 2010.

a. Section 14(3) of the NGT Act, 2010 reads as follows:

“14....

(3) *No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which **the cause of action for such dispute first arose:***

*Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed **within a further period not exceeding sixty days....***”

b.I state that this Original Application was filed on 14/09/2016 i.e. after the Occupation / Completion Certificate was granted to R11 by R5. It is most





respectfully submitted that the construction of the said project was completed prior to filing this present O.A.

c. I state that as per Section 14 (3) of the NGT Act limitation commenced from the date of on which the cause of action first arose. In the present case the OA is filed after the Project was completed and completion certificate was issued. As per the Act limitation starts from the date of commencement of construction and not completion of project.

d. I state that in terms of the facts relied upon by the Applicants itself is his OA, in para 23 of the present application while claiming that the present application is within limitation it is the case of the applicant that since the Applicants got sufficient information and knowledge about gross alleged violations of various environmental laws on 15/07/2016. Therefore, as per the applicants the present matter is within limitation.

e. This Hon'ble Tribunal vide its order in O.A. 63 of 2019 (WZ) Ajay Jayvatrao Bhosale Vs Union Of India & Ors while considering the similar issue regarding the cause of action has held that



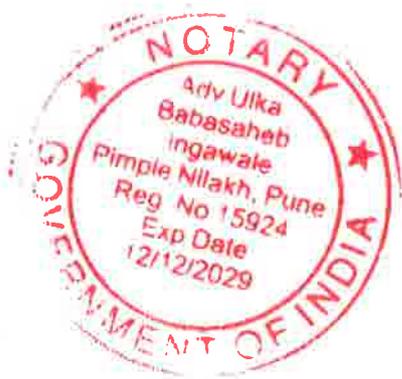


“the pretext of having come to know about this project being constructed through RTI on a later date as stated above appears to be only in order to bring the present Original Application within limitation period we agree with the Learned Counsel for the Project Proponent (PP) that it is very easy for any person to use RTI to seek information for any project on any date chosen by him. We are of the considerate opinion that such kind of practice cannot be allowed....”

Therefore, mere receipt of the information cannot be construed as a cause of action and thus, the present application as filed by the Applicant fails to comply with the provisions of Section 14 (3) of the NGT Act, 2010 ought to be dismissed in limine.

Hereto marked and annexed **“Annexure R13-G”** is the copy of Judgment.

- f. I state that mere receiving information and knowledge about the violation of Environment Laws at any point of time cannot be considered to overcome the limitation period.



g. Admittedly this OA was filed after the completion of project. Therefore, the said application is barred by the limitation in terms of section 14 (3) of the NGT Act.

2. The Applicants has no locus standi to file the Original Application.

a. The present application as filed by the Applicant per se is devoid of merits and the present Applicant has no locus to file the present Application before this Hon'ble Tribunal. The Applicant while filing the present application has failed to mention as to under which provision of law the present O.A. is being filed by the Applicant. However, on perusing the contents of the application and the prayers sought in the present O.A., it may be assumed that the Applicants are invoking the provisions of section 14 of the National Green Tribunal Act, 2010. Any application under section 14 or 15 needs to be made in consonance with the provisions of the section 18 (2) of the NGT Act, 2010. Section 18 (2) of the NGT Act, 2010 provides a list of persons who may seek





remedies under the NGT Act. However, on perusing the contents of section 18(2) NGT Act, 2010 the present Applicants are not at all person aggrieved by the project in question. It is submitted that the present Applicants have no concern as such with the environmental impact of the project in question. On the contrary the Applicant has filed the present application without there being any element of public interest in the alleged concern for environmental damage or public welfare therefore, the Applicant is not covered under the provisions of the Section 18 (2) of the NGT Act, 2010.

- b. Under the provisions of section 14 and 15 of the National Green Tribunal Act, 2010, the Application filed before this Hon'ble Tribunal cannot be in a form of a Public Interest Litigation. The Applicant on the basis of the facts and circumstances of a case must demonstrate that he is directly or indirectly concerned with the adverse environmental impacts likely to be caused as a result of the alleged violation. In the present case, the Applicant has completely



failed to demonstrate as to how the Applicant is affected under the provisions of section 14 of the National Green Tribunal Act, 2010. Thus, the present Applicant has no locus standi to prefer the present Application before this Hon'ble Tribunal as contemplated under the provisions of section 18(2) of the National Green Tribunal Act, 2010.

c. I state that the issue of Locus and Limitation for the Environment Law violation is pending before Hon'ble Supreme Court in the case of Civil Appeal No. 1258 of 2018. This Civil Appeal is admitted by the Hon'ble Supreme Court on 29/02/2024 and is under consideration of the Hon'ble Supreme Court. Hereto marked and annexed as **"Annexure R13-H"** is the copy Order dated 29/02/2024. I state and submit that R11 the Developer of our society has also filed an Interlocutory Application No. 163170 of 2022 in aforesaid Civil Appeal which is also pending for the consideration before the Hon'ble Supreme Court. Vide order dated 05/09/2023 Hon'ble Supreme Court passed an order directing that IA No. 163170





of 2022 shall be heard along with Civil Appeal No. 1258 of 2018. Hereto marked and annexed as “**Annexure R13-I**” is the copy Order dated 05/09/2023 alongwith the IA No. 163170 of 2022.

d. I say and submit that present Applicants has no Locus to file this Application.

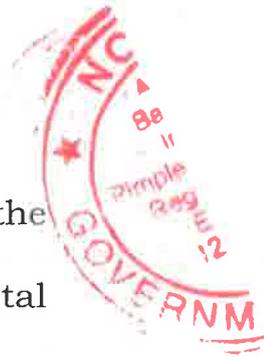
3. Plural remedies are not permissible under the NGT Act, 2010 and thus the present O.A. is not maintainable:

a. The Applicant vide the present application has relied upon multiple causes of action which are distinct from each other. It is submitted that under Rule 14 of National Green Tribunal (Practice and Procedure) Rules, 2011, an application before this Hon’ble Tribunal ought to be based on single cause of action and multiple reliefs can be sought provided the same are consequential to one another. Therefore, the provisions of Rule 14, categorically bars plural remedies in an application if the same are based on different cause of action. In the present case the Applicant is relied on multiple cause of action and has sought reliefs in pursuance thereof.



b. The Applicant in the present application under the guise of the non-compliance of the environmental clearance conditions has raised issues pertaining to MRTP Act and DC Rules and such other issues which may not be relevant to the environment. Thus, on a plain reading of the Application there is no ambiguity that the present application is based on multiple causes of action which are distinct from each other. The Hon'ble Tribunal in various judgements has categorically held that an application on multiple causes of action is not maintainable before this Hon'ble Tribunal as the same has to be based on a single cause of action as contemplated under Rule 14 of NGT Rules, 2011. In the present case as the application is based on multiple causes of action the same needs to be dismissed.

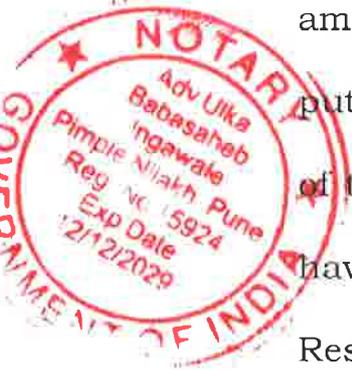
c. I say and submit that applicant is trying to mix two different projects in this OA. Both the project are different situated on different plot numbers, therefore the present Application shall be dismissed.





4. It is further submitted that similar issues which are raised herein above were considered by this Hon'ble Tribunal vide the O.A. 163 of 2016 whereby by an order dated 08.01.2018 this Hon'ble Tribunal rejected such preliminary issues. However, the said order is pending adjudication before the Hon'ble Supreme Court of India in Civil Appeal No. 1258 of 2018 filed under Section 22 of the NGT Act, 2010. In Civil Appeal No. 1258 of 2018 vide an Order dated 16/02/2018, the Hon'ble Supreme Court was pleased to issue notice and stayed further proceedings in O.A. No. 163 of 2016. Thus, the preliminary objections raised in the present O.A. by the answering Respondents are the pending adjudication before the Hon'ble Supreme Court of India. Hereto marked and annexed as "**Annexure R13-J**" is copy of Order dated 16/02/2018.

5. The members of the Respondent No. 13 have invested a huge amount for buying apartments. Some of the members have put their life investment in the said project to spend their rest of the life, hoping that their life savings would help them to have peaceful life in their old age. The members of the Respondent No. 13 are residing at given address for last





about 08 years and has now built their routine life around the said place. In terms thereof, if at all any adverse order is passed in the present application against the Respondent No. 11 irreparable loss shall be caused to the members of the Respondent No. 13.

6. It is most respectfully submitted that this Hon'ble Tribunal is governed by principles of equity and good conscience. When huge amounts have been invested by the members of Respondent No. 13 the balance of equity as on date is in favour of Respondent No. 13. Since, equity and good conscience are the guiding principles of this Hon'ble Tribunal, the Hon'ble Tribunal ought to consider the equitable rights of the members of the Respondent No. 13 by investing huge amounts, need to be considered by this Hon'ble Court.
7. It is submitted that after receiving the notice of this Hon'ble Tribunal this answering Respondent-13 requested the developer of this project i.e. R-11 to get an environment audit done of the Project by an accredited NABET Consultant.

8. I state and submit that accredited NABET coordinator from M/s Pollution and Ecology Control Services visited the site on





27/02/2024 and have submitted a Report dated 04/03/2024 which clearly mentioned that our society is following all Environment Parameters which could have been followed even if Environment Clearance granted to this project. Hereto marked and annexed **“Annexure R13-K”** copy of Report dated 04/03/2024.

9. It is most respectfully seeks leave of this Hon'ble Tribunal to rely on such affidavits or documents as and when required. Also, the Respondent No. 13 reserves the liberty to file any further additional affidavit or any such documents as and when required.

10. In the facts and circumstances mentioned herein above present O.A. ought to be dismissed with exemplary costs.

Pune

Date: / /2025

Respondent No. 13



VERIFICATION

I, Mr. Milind Jagtap....., Age Adult,
Secretary, Alfissimo, ^{SDC}
Flat NO. 1202, Wakad, Pune,
do hereby verify that the
contents of running paragraphs are true to my
knowledge/based on records of the maintained in the
ordinary course of business.

Solemnly Affirmed

Pune

Date: 28 day of July..., 2025.



Milind Jagtap

Respondent No. 13

Adv for Respondent No. 13

BEFORE ME
Accepted
ULKA BABASAHEB INGAWALE
NOTARY GOVT OF INDIA
SHIVAJI NAGAR, PUNE - 05



NOTED AND REGISTERED AT
SERIAL NUMBER 2054/2025

28 JUL 2025





सत्यमेव जयते

पीएनए/पीएनए(३)/एचएसजी
(टीसी)/ १९२१० /२०१८
दिनांक - १५ डिसेंबर, २०१८

महाराष्ट्र शासन
सहकार, पणन व वस्त्रोद्योग विभाग
नोंदणी प्रमाणपत्र

या प्रमाणपत्राद्वारे प्रमाणित करण्यात येत आहे की,
अल्टीसिमो सहकारी गृहरचना संस्था मर्या.,
स.नं..१६८/१ए/१(पी)+ १६८/१बी/१(पी)+१६८/१सी/१(पी)+ १६८/१/३(पी),
प्लॉट नं.३ वाकड

ही संस्था महाराष्ट्र सहकारी संस्थांचे अधिनियम १९६० मधील (सन १९६१ चा महाराष्ट्र अधिनियम क्रमांक २४) कलम ९ (१) अन्वये नोंदण्यात आलेली आहे.

उपरिनिर्दिष्ट अधिनियमाच्या कलम १२ (१) अन्वये व महाराष्ट्र सहकारी संस्थांचे नियम, १९६१ मधील नियम क्रमांक १० (१) अन्वये संस्थेचे

वर्गीकरण "गृहनिर्माण संस्था" असून
उपवर्गीकरण "भाडेकरु सहभागिदारी गृहनिर्माण संस्था" आहे.

ठिकाण : पुणे
दिनांक : १५/१२/२०१८



(सगनाथ कंजेरी)
उपनिबंधक, सहकारी संस्था,
पुणे शहर (३), पुणे



05/01/2020

सूची क्र.2

दुय्यम निबंधक : सह दु.नि.हवेली 23

दस्त क्रमांक : 358/2020

नोंदणी :

Regn:63m

गावाचे नाव : वाकड

(1) विलेखाचा प्रकार कन्व्हेंन्स डीड

(2) मोबदला 0

(3) बाजारभाव(भाडेपट्ट्याच्या बाबतितपट्टाकार आकारणी देतो की पट्टेदार ते नमुद करावे) 0.0

(4) भू-मापन,पोटहिस्सा व घरक्रमांक(असल्यास)

(5) क्षेत्रफळ

(6) आकारणी किंवा जुडी देण्यात असेल तेव्हा.

(7) दस्तऐवज करुन देणा-या/लिहून ठेवणा-या पक्षकाराचे नाव किंवा दिवाणी न्यायालयाचा हुकुमनामा किंवा आदेश असल्यास,प्रतिवादिचे नाव व पत्ता.

(8) दस्तऐवज करुन घेणा-या पक्षकाराचे व किंवा दिवाणी न्यायालयाचा हुकुमनामा किंवा आदेश असल्यास,प्रतिवादिचे नाव व पत्ता

(9) दस्तऐवज करुन दिल्याचा दिनांक 05/01/2020

(10) दस्त नोंदणी केल्याचा दिनांक 05/01/2020

(11) अनुक्रमांक,खंड व पृष्ठ 358/2020

(12) बाजारभावाप्रमाणे मुद्रांक शुल्क 500

(13) बाजारभावाप्रमाणे नोंदणी शुल्क 100

(14) शेरा

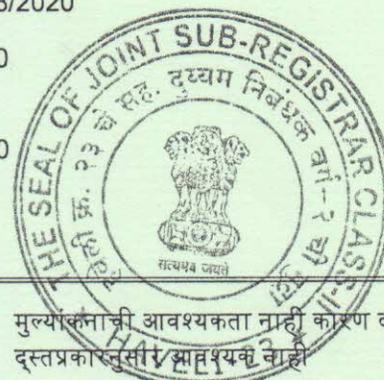


1) पालिकेचे नाव:पुणे म.न.पा. इतर वर्णन : इतर माहिती: गाव मौजे वाकड येथील स. नं. 168/1ए/1,168/1बी/1,168/1सी/1,168/1ए/2,168/1बी/2,168/1सी/2,168/2बी/3,168/1सी/3 आणि 168/1/1,168/1/2,168/1/3 या मिळकतीच्या मंजूर लेआऊट मधील प्लॉट नं 3 यांसी स. नं. 168/1ए/8 यांसी क्षेत्र 4428.09 चौ. मी. म्हणजेच 00 हे 44.28.09 आर व त्यावर बांधलेल्या अल्टीसीमो प्रोजेक्टमधील इमारत क्र. ए मधील डी विंग आणि इमारत क्र. बी मधील डी विंग असे दोन्ही इमारतीमधील एकूण 110 प्लॉट आणि 7 दुकाने ही मिळकत((Survey Number : 168 ;))

1) 4428.09 चौ.मीटर

1): नाव:-लिहून देणार क्र. 2 व 3 यांचेतर्फे कु.मु. म्हणुन महेंद्र जगन्नाथ येवले, नितीन कन्हैयालाल भन्साळी तर्फे कु.मु. म्हणुन व लिहून देणार क्र. 1 मे. करणतेज पॅरामाऊंट प्रॉपर्टीज प्रा. लि. तर्फे संचालक प्रज्ञा पी. वाघमारे वय:-43; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: एफ 1103, रोहन निलय-1, औंध, पुणे, महाराष्ट्र, पुणे. पिन कोड:-411007 पॅन नं:-AACCK8310L

1): नाव:-अल्टीसीमो सहकारी गृहचरणा संस्था मर्यादित तर्फे चेअरमन अविनाश हिरोजी पाटील वय:-41; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: रोड नं: स. नं. 167, हिस्सा नं. 2अ, 2ब, 2क, स. नं. 168, हिस्सा नं. 1अ/1, 1ब/1, 1क/1, वाकड, ता. मुळशी, जि. पुणे, महाराष्ट्र, पुणे. पिन कोड:-411057 पॅन नं:-AAJAA1738K
2): नाव:-अल्टीसीमो सहकारी गृहचरणा संस्था मर्यादित तर्फे सेक्रेटरी राम अवतर ओझा वय:-38; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: स. नं. 167, हिस्सा नं. 2अ, 2ब, 2क, स. नं. 168, हिस्सा नं. 1अ/1, 1ब/1, 1क/1, वाकड, ता. मुळशी, जि. पुणे, महाराष्ट्र, पुणे. पिन कोड:-411057 पॅन नं:-AAJAA1738K



सह. दुय्यम निबंधक वर्ग-२
हवेली क्र. २३, पुणे

मुल्यांकनासाठी विचारात घेतलेला तपशील:-

मुद्रांक शुल्क आकारताना निवडलेला अनुच्छेद :- :

मुल्यांकनाची आवश्यकता नाही कारण दस्तप्रकारानुसार आवश्यक नाही कारणाचा तपशील दस्तप्रकारानुसार आवश्यक नाही

(i) within the limits of any Municipal Corporation or any Cantonment area annexed to it.



महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसुल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- वाकड (९४४०८६)

तालुका :- मुळशी

जिल्हा :- पुणे



PU-ID : 10039359265

भुमापन क्रमांक व उपविभाग

१६८/१अ/८

10039359265

भुधारणा पद्धती भोगवटादार वर्ग -१

शेताचे स्थानीक नाव :

क्षेत्र, एकक व आकारणी	खाते क्र.	भोगवटादाराचे नाव	क्षेत्र	आकार	पो.ख.	फेरफार क्र	कुळ, खंड व इतर अधिकार
क्षेत्राचे एकक आर.चौ.मी	४०८५	[मधुकर बलवंत वाघमारे]				(१६७४१)	कुळाचे नाव व खंड
अकृषिक क्षेत्र	४३६३	[माधव रघुनाथ वाघमारे]				(१६७४१)	इतर अधिकार
बिन शेती	४४.२८.०९	[करणतेज परामाकंट प्रॉपर्टीज प्रा लि तर्फे]	१५ ८७.००			(१६५९८)	इतर
बिन शेती	०.००	प्रमोद मधुकर वाघमारे					बिनशेती क्षेत्र ४४२८.०९ चौ. मी. (१६४३७)
आकारणी							प्रलंबित फेरफार : नाही.
	१२५४५	[मधुपुष्प सहकारी गृह रचना संस्था मर्यादित]				(१६७४१)	शेवटचा फेरफार क्रमांक : १६७४१ व दिनांक : १७/०७/२०२०
		जेरमन मधुकर बलवंत वाघमारे					
		[सेक्रेटरी प्राची प्रमोद वाघमारे]				(१६७४१)	
		-----सामाईक क्षेत्र-----	०.००.००	०			
	१२९५९	[जयश्री विष्णू वाघमारे]				(१६७४१)	
		[सुहास विष्णू वाघमारे]				(१६७४१)	
		[साधना संजीव कांबळे]				(१६७४१)	
		[वंदना विलास चव्हाण]				(१६७४१)	
		[विष्णू बलवंत वाघमारे]				(१६७४१)	
		-----सामाईक क्षेत्र-----	०.००.००	०			
	१३४३४	[करणतेज परामाकंट प्रॉपर्टीज प्रा लि तर्फे]				(१६७४१)	
		प्रज्ञा प्रज्ञात वाघमारे					
	१३४९८	अल्टीसीमो सहकारी गृहरचना संस्था, मर्यादित	४४.२८.०९			(१६७४१)	

जुने फेरफार क्र : (१६४३७) (१६५९८)

सीमा आणि भुमापन चिन्हे :

हा गाव नमूना क्रमांक ७ दिनांक १७/०७/२०२०:०१:०६:४१ PM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमूना क्रमांक १२ चा डेटा स्वयंप्रमाणित असल्यामुळे ७/१२ अभिलेखावर वर कोणत्याही सही शिक्क्याची आवश्यकता नाही.

७/१२ डाउनलोड दि. : १७-०२-२०२५ : १६:३८:०३ PM. वैधता पडताळणीसाठी <https://digitalsatbara.mahabhumii.gov.in/dslr/> या संकेत स्थळावर जाऊन 2506100001137265 हा क्रमांक वापरावा.

पृष्ठ क्र. १/२

Digitally signed



गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २९]

गाव :- वाकड (१४४०८६)

तालुका :- मुळशी

जिल्हा :- पुणे

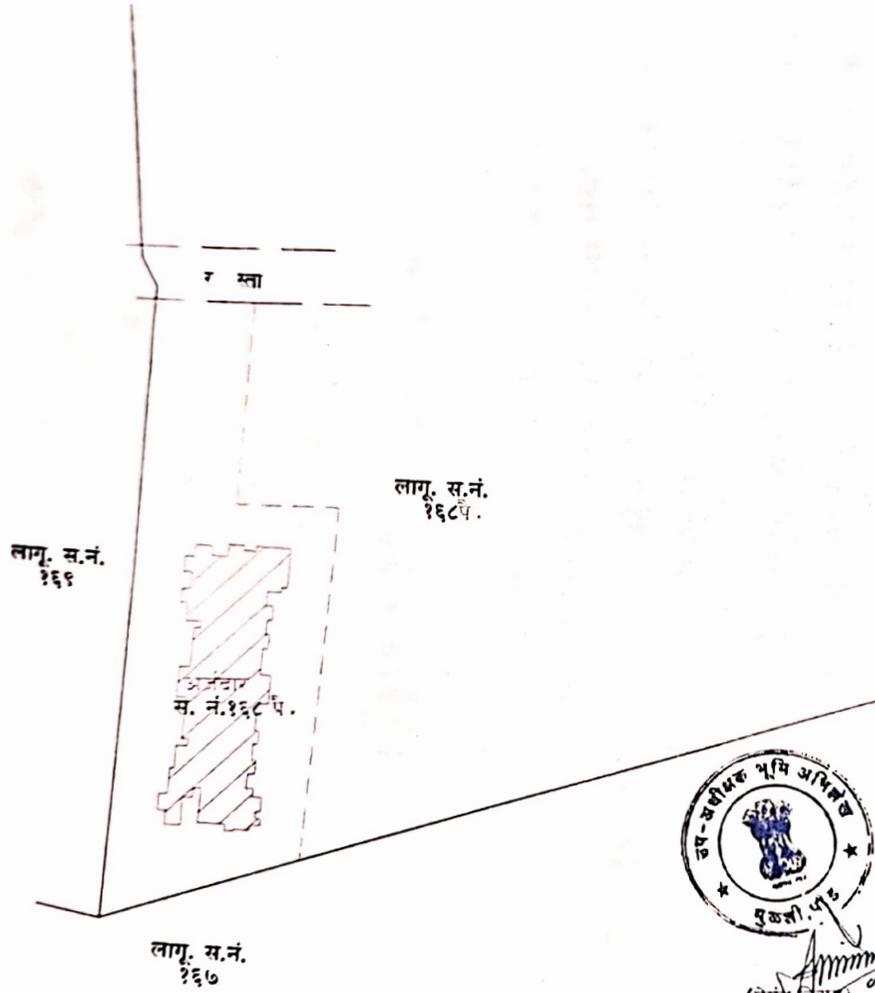
भूमापन क्रमांक व उपविभाग १६८/१अ/८

पिकाखालील क्षेत्राचा तपशील								लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा
वर्षे	हंगाम	खाते क्रमांक	पिकाचा प्रकार	पिकांचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप	क्षेत्र	
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)
					आर.चौ.मी	आर.चौ.मी			आर.चौ.मी	

टीप : ** सदरची नोंद मोबाइल ॲप द्वारे घेणेत आलेली आहे



"पूर्व"

लागू. स.नं.
१६६लागू. स.नं.
१६८ प.लागू. स.नं.
१६९अर्जदार
स. नं. १६८ प.लागू. स.नं.
१६७

(हेमंत निगड)
जम्. वि. प्र. स्त. धार
उप अधीक्षक भूमि अभिलेख
मुळशी (पोड)



"क" प्रत

मोजे	-	वाकड
तालुका	-	मुळशी
जिल्हा	-	पुणे

अति प्रतितातडी हद्दकायम मो. र. नं. १८९३/२०२०

मोजणीचे कारण -

अर्जदार :- अर्जदारीचे वाकडिंगे गृहकारणा वगैरे वळीत नव्हे व प्रत्यक्ष यांनी मो.ने वाकड देतील व. न. १६८ मालकाग
प्रमाणे १६८/१३४/८ ची मोजणी करणे कामी वळीत अर्जांनुसार मोजणी काम केले.

समजुतीच्या टिपा -

— या प्रमाणे सर्वे नंबर ची हद्द अभिलेखा प्रमाणे असे.

— या प्रमाणे अर्जदार यांनी मोजणी वळी प्रत्यक्ष दाखविलेली पहिवाट



— या प्रमाणे वाचकाय असे.

टिप - सदरचा मोजणी नकाशा वलियाट प्रमाणे असून त्याचा भुमी अभिलेखास अंमल नाही.



प्रमाण १ : १०००

मोजणी करणार -

U. Shinde
श्री. दामोदर एल. व्ही.
न. भू. लि.

मोजणी दिनांक -

११/०९/२०२०



पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११०१८

(मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ च्या २६३ (१) अन्वये)

भाग पूर्णत्वाचा दाखला क्र. २५२/२०१६

मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ चे कलम २५३ व २५४ अन्वये मॉजे वाकड येथील सन. १६८ पै मध्ये करन तेज परामाऊट प्रॉपर्टीज तर्फे श्री. प्रमोद वाघमारे यांना इमारतीचे बांधकाम करण्यास कार्यालयीन मूळ बांधकाम परवानगी क्र. बीपी/वाकड/२७/२००७, दि. २८/०३/२००७, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/२२/२००८, दि. ०५/०३/२००८ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/१९५/२००८, दि. १९/११/२००८ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/६७/२००९, दि. २१/११/२००९ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/१२५/२०११, दि. २५/११/२०११ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/१०५/२०११, दि. १९/०९/२०११ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/४१/२०१२, दि. ३१/०३/२०१२ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/२१/२०१३, दि. २१/०२/२०१३ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/२०/२०१६, दि. २९/०९/२०१६ सुधारीत रेखाकन बीपी/तेआऊट/वाकड/१९५/२०१५ दि. २३/११/२०१५ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/३२५/२०१६, दि. ३०/८/२०१६ अन्वये परवानगी देण्यात आली होती, वरील परवानगी प्रमाणे अर्जदार यांनी सर्व इमारतीचे बांधकाम पुणे केलेमुळे ती करन तेज परामाऊट प्रॉपर्टीज तर्फे श्री. प्रमोद वाघमारे यांना दि. ३०/५/२०१६ पासून खालील जमुद केलेल्या इमारतीचा भाग भोगवटा करणेस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलम २६३ (१) अन्वये खालील मंटीस आधीन राहून परवानगी देणेत येत आहे.

(इमारतीचे वर्णन)

विल्डींग डी

(रिकॉर्ड प्लॅननुसार)

क्र.	मजले	दिमा ए	दिमा बी	बांधकाम क्षेत्र	वाणिज्य क्षेत्र	बांधकाम क्षेत्र
१	पहीला मजला	१०३,१०४,१०५	१०१,१०२,१०३,१०४,१०५	४९५.५३	२.३.४,	१३१.६९
					५.६.७	
	दूसरा मजला	२०१,२०२,२०३,२०४,२०५	२०१,२०२,२०३,२०४,२०५	६२६.१६		
३	तिसरा मजला	३०१,३०२,३०३,३०४,३०५	३०१,३०२,३०३,३०४,३०५	६२६.०३		
४	चौथा मजला	४०१,४०२,४०३,४०४,४०५	४०१,४०२,४०३,४०४,४०५	६२५.७०		
५	पाचवा मजला	५०१,५०२,५०३,५०४,५०५	५०१,५०२,५०३,५०४,५०५	६२६.०३		
६	सहावा मजला	६०१,६०२,६०३,६०४,६०५	६०१,६०२,६०३,६०४,६०५	६२५.७०		
७	सातवा मजला	७०१,७०२,७०३,७०४	७०२,७०३,७०४,७०५	५०९.५३		
८	आठवा मजला	८०१,८०२,८०३,८०४,८०५	८०१,८०२,८०३,८०४,८०५	६२५.७०		
९	नऊवा मजला	९०१,९०२,९०३,९०४,९०५	९०१,९०२,९०३,९०४,९०५	६२६.०३		
१०	दहावा मजला	१००१,१००२,१००३,१००४,१००५	१००१,१००२,१००३,१००४,१००५	६२५.७०		
११	आकरावा मजला	११०३,११०४	११०२,११०३,११०४	३०६.५३		
१२	बारावा मजला	१२०३	१२०३	१०४.४८		
एकूण		५०	५३	४५९२.६६	६	१३१.६९



पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११०१८.

महाराष्ट्र महानगरपालिका अधिनियम २०१२

(जुना मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ चे कलम २६३ (१) अन्वये)

पूर्णत्वाचा दाखला क्र. २५३/२०१७

महाराष्ट्र महानगरपालिका अधिनियम २०१२, जुना मुंबई प्रांतिक महानगरपालिका अधिनियम (जुना) १९४९ चे कलम २६३ (१) अन्वये मौजे वाकड येथील सन. १६८ पै मध्ये करन तेज पॅरामाऊंट प्रॉपर्टीज तर्फे श्री. प्रमोद बांधमारे यांना इमारतीचे बांधकाम करण्यास कार्यालयीन मूळ बांधकाम परवानगी क्र. बीपी/वाकड/२७/२००७, दि. २८/०६/२००७, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/२२/२००८, दि. ०५/०३/२००८, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/११५/२००८, दि. १९/११/२००८, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/६७/२००९, दि. २९/११/२००९, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/१२५/२०११, दि. २५/११/२०११, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/१०५/२०११, दि. १९/०९/२०११, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/४१/२०१२, दि. २१/०३/२०१२, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/२६/२०१३, दि. २१/०२/२०१३, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/००/२०१६, दि. २९/०१/२०१६, सुधारित रेखांकित बीपी/लेआऊट/वाकड/१९५/२०१५, दि. २३/११/२०१५, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/१२५/२०१६, दि. ११/०८/२०१६, अन्वये परवानगी देण्यात आली होती, वरील परवानगी प्रमाणे अजंठार यांनी सर्व इमारतीचे बांधकाम पूर्ण केलेले ती करन तेज पॅरामाऊंट प्रॉपर्टीज तर्फे श्री. प्रमोद बांधमारे यांना दि. १७/०७/२०१७ पासून खालील नमुद केलेल्या इमारतीचा भोगवटा करणेस महाराष्ट्र महानगरपालिका अधिनियम २०१२, जुना मुंबई प्रांतिक महानगरपालिका अधिनियम (जुना) १९४९ चे कलम २५३ व २५४ अन्वये खालील अटीस आधीन राहून परवानगी देणेत येत आहे

(-इमारतीचे वर्णन-) बिल्डींग डी (रेकॉर्ड प्लॅननुसार)

अ.क्र.	मजले	ए	बी	बांधकाम क्षेत्र
१	आकरावा मजला	११०१, ११०२, ११०५	११०१, ११०५	२२९.९६
२	बारावा मजला	१२०२	१२०४	१५८.९८
३	मल्टीपर्पज हॉल	१२००, म्सीअर	१२००	---
एकूण		०४	०३	४७८.९४

बिल्डींग डी एकूण निवासी गाळे - ०७

बिल्डींग डी एकूण बांधकाम क्षेत्र - ४७८.९४ चौ मी

दाखला आज दिनांक २७/०७/२०१७ रोजी साडे सहीने व कार्यालयीन शिक्क्यानिशी दिला आहे.
पिंपरी-४११०१८.

स्थळ प्रतिबन्ध मा. सहा. सहा.
अभियंता यांची कार्यालयीन प्रती

सहसहाय्य अभियंता
पिंपरी चिंचवड महानगरपालिका,
पिंपरी-१८

- धतः १) सहा. मंडलाधिकारी
गांव- वाकड
२) वा. आर्कि. - श्री. प्रकाश कुलकर्णी
३) कर संकलन विभाग यांचेकडे माहितीसाठी
व तजविजीसाठी रवाना

टीप- आपल्या इमारतीचे सांडपाणी महानगरपालिकाच्या इंटेज्रला मालकाने स्वखर्चाने जोडावयाचे आहे.
पाणीपुरवठा विभागाकडील ना-हुरकत दाखला क्र. पापु/-कावि/१२/३६/२०१६ दि. ०५/०३/२०१६ नुसार सदर
प्रकल्पाने सनपाची पाणीपुरवठा व्यवस्था होईपर्यंत विकसकाने पाणीपुरवठा व्यवस्था स्वखर्चाने करावी

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.20 OF 2020 (WZ)

Mr. Tanaji Balasaheb Gambhire,
Age : Adult, Occu. Self-employed,
R/o CTS-296, Shukrawar Peth,
Laxmi Apartment, White House Lane,
Near Shivaji Maratha High School,
Pune – 411 002

.... **Applicant**

Versus

1. Union of India,
Through Secretary,
Ministry of Environment and Forest,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi – 110 001
2. Chief Secretary,
Government of Maharashtra,
Annex Building, Mantralaya, Mumbai – 400 032
3. The Principal Secretary,
Environment Department,
Government of Maharashtra,
Room No.217, 2nd Floor, Annex Building,
Mantralaya, Mumbai – 400 032
4. State Level Environment Impact Assessment
Authority – Maharashtra (SEIAA),
THROUGH Member Secretary,
15th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032
5. State Expert Appraisal Committee (III) –
Maharashtra (SEAC-III),
Through Member Secretary,
15th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032
6. Maharashtra Pollution Control Board,
Through Member Secretary,
Kalptaru Point, 3rd Floor, Near Sion Circle,
Opp. Cine Planet Cinema, Sion (E),
Mumbai – 400 022, Maharashtra
7. Maharashtra Pollution Control Board,
Through Regional Officer,
Jog Centre, 3rd Floor, Mumbai-Pune Old Highway,
Wakadewadi, Pune – 411 003, Maharashtra

8. Pune Municipal Corporation,
Through Municipal Commissioner,
Main Building, Shivaji Nagar,
Pune – 411 005
9. Building Permission Department-PMC,
Through City Engineer, Pune Municipal Corporation,
Shivaji Nagar, Pune – 411 005
10. Collector of Pune,
As Sanctioning Authority and President of
District Environment Protection Committee, Pune
Collector Office, Bund Garden, Pune – 411 001
11. Police Commissioner, Pune,
Police Commissioner Office,
Near Sadhu Waswani Chowk,
Pune – 411 001
12. M/s MAA Sankalp Buildcon LLP,
A limited liability partnership firm with
LLPIN-AAL-8904,
Having registered office at Shop No.25,
B-Wing KPCT Mall, Fatimanagar,
Near Mega Mart, Opp. Parmar Nagar,
Wanawadi, Pune – 411 013,
Through its Partners
12A. Vishal Suresh Pawar
12B. Hemat Pishorilal Malik

....**Respondents**

APPEARANCE :

- Applicant : Applicant-in-person along with Mr. Vijay Mhaske, Ms. Kajal Mandge and Ms. Pratiksha Kulkarni, Advocates
- Respondents : Mr. Rahul Garg, Advocate for R-1, R-8 and R-9
Mr. Aniruddha S. Kulkarni, Advocate for R-3, R-4 and R-5
Ms. Manasi Joshi, Advocate for R-6 and R-7
Mr. Saket Mone, Advocate along with
Mr. Abhishek Salian, Advocate for R-12

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

=====
Reserved on : 26.07.2023

Pronounced on : 26.09.2023
=====

JUDGMENT

1. This Original Application has been filed with the prayers that the respondents be directed to demolish illegal structures at the site in question and restore the area and respondent No.12/Project Proponent - M/s MAA Sankalp Buildcon LLP be directed to deposit heavy amount of environmental compensation on the principle of 'polluter pays'.

2. The facts of this case, in brief, are that respondent No.12/Project Proponent - M/s MAA Sankalp Buildcon LLP is constructing a project "Sai Dwarika" at Survey Nos.40/1/1, 40/1/2 and 40/1/3/1 as Phase-III and IV and Survey Nos.40/1/3/2, 40/1/4 and 40/1/5 as Phase-I and II at village Yewalewadi, Taluka Haveli, District Pune, in gross violation of Environment (Protection) Act, 1986 read with EIA Notification, 2006, Water (Prevention and Control of Pollution) Act, 1974 ("Water Act", for short) and Air (Prevention and Control of Pollution) Act, 1981 ("Air Act", for short). The details of the project are as follows:

<i>Description</i>	<i>EC & CTE permission</i>	<i>Completed</i>	<i>Under Construction</i>	<i>Total Proposal</i>
<i>ABC-Bldg.</i>	<i>0</i>	<i>3</i>	<i>0</i>	<i>6</i>
<i>ABC-Bldg.</i>	<i>0</i>	<i>3</i>	<i>0</i>	
<i>ABC Flats</i>	<i>0</i>	<i>244</i>	<i>0</i>	<i>486</i>
<i>DEF Flats</i>	<i>0</i>	<i>242</i>	<i>0</i>	
<i>ABC-BUA</i>	<i>0</i>	<i>19429.71</i>	<i>3213.23</i>	<i>22642.94</i>
<i>DEF-BUA</i>	<i>0</i>	<i>19315.42</i>	<i>3052.64</i>	<i>22368.06</i>
<i>Total BUA</i>	<i>0</i>	<i>38745.13</i>	<i>6265.87</i>	<i>45011</i>
	<i>PP have procured the ex-post facto ECs dated 05.10.2021 after filing of this OA and ex-post facto CTE dated 17.03.2020.</i>			

3. The above project is a single project, but the developer/Project Proponent is misleading the authorities on account of PMC sanctions and

other permissions issued by the Authorities under Development Control Rules (DCR), Maharashtra Regional and Town Planning Act (MRTP Act), Maharashtra Land Revenue Code (MLRC), Tree Felling Act and Fire & Safety Rules, etc. to show the same as two different projects. Following documents of the Project Proponent itself show that the entire project is a single project comprising two Phases, which would attract mandatory prior Environmental Clearance (EC) as provided under EIA Notification, 2006 and Consent to Establish under Water Act and the Air Act from the very inception of the project.

Document Type	Para/IMP Fact
<i>Notification 07.07.2004</i>	<i>Para-(iii), "Entire Project-Phase/Modules"</i>
<i>MoEFCC Notification 14.09.2006</i>	<i>Para-6, "Conceptual Plan"</i>
<i>Project Boucher/booklet</i>	<i>Site Layout</i>
<i>Site Photographs captured through Drone 29.04.2023</i>	<i>Single Compound Wall, Single premises, Sharing common garden, Sharing Common transformer, Shows single project, which is patently integral</i>
<i>Search & Title Report: Charge over the Property, Mortgage Deed and Site Conditions</i>	<i>Loan obtained for entire property as Single Project with single deed vide No.5459/2016 dated 06.04.2016 at Sub-Registrar, Haveli-22</i>
<i>Re-conveyance Deed: Mortgage Released dated 06.12.2017 (Index-II)</i>	<i>Release of entire property from Mortgage with single Re-conveyance deed vide No.12809/2017 dated 06.12.2017 at Sub-Registrar, Haveli-22</i>
<i>Joint Committee Report dated 06.09.2021</i>	<i>Adjacent to each other</i>

4. Sub-clause (iii) of Explanation to sub-para (ii) of para I of the EIA Notification dated 07.07.2004 provides as under:

"Any project proponent intending to implement the proposed project under sub-paras (g) and (h) in a phased manner or in modules, shall be required to submit the details of the entire project covering all phases or modules for appraisal under this notification."

5. The EIA Notification dated 14.09.2006, in para 6, provides as follows:

“Application for Prior Environmental Clearance (EC) :

*An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a **copy of the conceptual plan shall be provided**, instead of the pre-feasibility report.”*

6. The conceptual plan, which has been annexed from pages 461 to 488, in the form of Project Brochure/Booklet would indicate that the entire project, which is being shown by the Project Proponent as split into two parts is actually one project, photographs of the buildings under construction are also shown in colour. At page 1587 of the paper-book, photographs of the project in question are captured through drone on 29.04.2023, which clearly indicate that single compound wall, single premises, sharing of common garden, sharing common transformer. All these things would indicate that the entire project was a single project.

7. It is further submitted by the applicant that the loan which has been obtained for the entire property shows it to be a single project with single deed No.5459/2016 dated 06.04.2016 at Sub-Registrar, Haveli-22 and in this regard, Search and Title Report is annexed at pages 271 and 272 of the paper-book. The release of entire property from mortgage with single re-conveyance deed vide No.12809/2017 dated 06.12.2017 at Sub-Registrar, Haveli-22, which is annexed at page 1596 of the paper-book, which also relates to the entire property and not in two parts.

8. According to the applicant, apart from these documents, the Joint Committee report dated 06.09.2021 shows two alleged projects adjacent to each other, which the applicant says that it is nothing but averments of this report are that two phases of the same project are adjacent to each other, which should be treated to be in fact one project instead of two. The Project Proponent has adopted these Rules to defeat the provisions of EIA Notification, 2006, which would necessitate obtaining prior EC, had two projects been shown as one project because in that case, the area would have exceeded 20000 sq.mtrs at quite an early stage.

9. It is further submitted by the applicant that respondent No.12 – Project Proponent has procured *ex post facto* EC vide order dated 05.10.2021 for both the phases during the pendency of this Original Application and after submission of the Joint Committee report dated 06.09.2021 which are granted subject to the final outcome of this Original Application as per the specific condition No.IV stipulated therein. The details of the said ECs are given in tabular form as follows:

Sr. No.	Phase	Phase I & II	Phase III & IV	Total
1.	EC date	05.10.2021	05.10.2021	
2.	Project Name	Sai Dwarika Phase I & II	Sai Dwarika – Phase III & IV	
3.	Survey No.	40/1/3/2, 40/1/4, 40/1/5	40/1/1, 40/1/2, 40/1/3/1	
4.	Land Area (M ²)	10000	10000	20000
5.	Note on initiated work (M ²)	19429.71	19315.42	38745.13
6.	FSI Area (M ²)	13400.62	13320.65	26721.27
7.	Non- FSI Area (M ²)	9242.32	9047.41	18289.73

8.	Total BUA Area (M ²)	22642.94	22368.06	45011
9.	Project cost (Rs.)	334970715	331027519	665998234
10.	Total Water Requirement (KLD)	177.7	169.35	347.05
11.	Rain Water Harvesting (Nos.)	4	4 Nos.	8
12.	Sewage Generation	142.42	147.33	289.75
13.	STP (KLD)	150	150	300
14.	Dry Waste (Kg/Day)	244	242	486
15.	Wet Waste (kg/Day)	379.46	376.53	755.99
16.	STP Sludge (Kg/Day)	13.46	13.53	26.99
17.	Power Required Operation (KW)	473	482	955
18.	DG Sets	125KVA x 1	125 KVA x 1	2
19.	% Energy Saving	15%	15%	
20.	Specific Condition : IV	EC granted subject to OA	EC granted subject to OA	

10. Citing the above table, it is submitted by the applicant that the configuration of the project as shown above would show huge un-assessed and unapprised burden inflicted upon the Mother Nature due to substantial illegal construction carried out to the tune of 38745.13 sq.mtrs, out of 45011 sq.mtrs without mandatory prior EC, Consent to Establish (CTE) and Consent to Operate (CTO). Despite this project being single one, undertaken by single Project Proponent as single financial beneficiary, in collusion with the Government authorities by the Project Proponent, it has resulted, in a way, in damage to the environment and ecology, which requires imposition of heavy environmental compensation on the Project Proponent. Past violation of the Project Proponent cannot be overlooked on account of subsequent grant of *ex post facto* EC.

11. Further it is submitted by the applicant that the Project Proponent – respondent No.12 has taken *ex post facto* CTE vide order dated 17.03.2020 after the complaint was made by the applicant to MPCB on 29.06.2019, the details of the said grant of CTE and EC are given below in tabular form:

Sr. No.	Date	Event
1	28.02.2014	MoEF issued notification granting power to the SEIAA to action against violation u/s 5 of EPA, 1986
2	29.06.2019	Complaint to Respondent Authorities
3	07.08.2019	MPCB Site visit
4	08.08.2019	PP application for ex-post facto EC
5	13.08.2019	MPCB Warning Notice
6	29.08.2019	Show Cause Notice (SCN) by SEIAA & PS-DoE
7	09.10.2019	Online Complaint to PS-DoE, SEIAA, SEAC-III
8	11.11.2019	Personal Hearing conducted in the chamber of PS-DoE
9	26.11.2019	Withdrawal of Show Cause notice by PS-DoE
10	16.03.2020	OA filed before this NGT
11	17.03.2020	Ex-post facto CTE
12	06.09.2021	Joint Committee Report
13	05.10.2021	Ex-post facto EC

12. Further it is mentioned that both the Consents to Establish dated 17.03.2020 are granted *ex post facto*. The applicant, vide complaint dated 29.06.2019, exposed the Project Proponent for his violations and thereafter, the Project Proponent had applied for Consent to Establish on 08.08.2019 to cover up his violations.

13. The Project Proponent has not obtained any Consent to Operate so far relying on the judgment of the Hon'ble High Court of Delhi in ***Splendor Landbase Ltd. Vs. Delhi Pollution Control Committee;***

2010 SCC OnLine Delhi 3466 stating that the residential projects do not require Consent to Operate. It is essential to mention here that the Project Proponent has handed over the possession of the complete units since January, 2018 and has also obtained Consent to Establish. Besides that, this Tribunal has expressed its opinion about mandatory requirement of the Consents in **Forward Foundation's** case in Original Application No.222/2014 by order dated 07.05.2015 and in **S.P. Muthuraman** in Original Application 37/2015 vide order dated 07.07.2015, which have attained finality as the appeals as against those judgments in the Hon'ble Supreme Court have been dismissed. In view of this, the Project Proponent cannot take contrary stand that he did not require Consent to Operate.

14. Further it is submitted by the applicant that complaint dated 29.06.2019 was filed by him before the respondent Authorities for taking action against the Project Proponent for violations and infringements by them in not obtaining mandatory prior EC, CTE and CTO. The SEIAA and the Member Secretary of Department of Environment had jointly issued show-cause notice dated 29.08.2019 to the Project Proponent, but the same was withdrawn on 26.11.2019 without giving any opportunity to the applicant. The said order of withdrawal has been passed in collusion with the Project Proponent.

15. Further it is mentioned by the applicant that the Project Proponent – respondent No.12 has obtained following sanctions along with conditional commencement certificate in phase-wise manner indicating therein total BUA, details of which are given in tabular form as below:

Sr. No.	Phase	Phase-CC Date	Phase-BUA M²	Total BUA (M²)	Condition for EC & CTE
1	III&IV	09.01.2014	14788.49	29642.41	Condi.No.10

	<i>I&II</i>	<i>01.04.2014</i>	<i>14853.92</i>		<i>Condi.No.10</i>
<i>2</i>	<i>III & IV</i>	<i>20.10.2015</i>	<i>16674.50</i>	<i>33350.22</i>	<i>Condi.No.19</i>
	<i>I & II</i>	<i>23.11.2015</i>	<i>16675.72</i>		<i>Condi.No.19</i>
<i>3</i>	<i>III & IV</i>	<i>15.12.2016</i>	<i>18675.69</i>	<i>37512.4</i>	<i>Condi.No.10</i>
	<i>I & II</i>	<i>15.12.2016</i>	<i>18836.69</i>		<i>Condi.No.10</i>
<i>4</i>	<i>III & IV</i>	<i>31.03.2017</i>	<i>21577.18</i>	<i>43274.55</i>	<i>Condi.No.10</i>
	<i>I & II</i>	<i>03.05.2017</i>	<i>21697.37</i>		<i>Condi.No.10</i>
<i>5</i>	<i>III & IV</i>	<i>09.03.2018</i>	<i>21793.62</i>	<i>43584.83</i>	<i>Condi.No.27</i>
	<i>I & II</i>	<i>09.03.2018</i>	<i>21791.21</i>		<i>Condi.No.27</i>
<i>6</i>	<i>III & IV</i>	<i>13.03.2020</i>	<i>21885.06</i>	<i>43731.76</i>	<i>Condi.No. 4</i>
	<i>I & II</i>	<i>13.03.2020</i>	<i>21846.70</i>		<i>Condi.No.4</i>
<i>7</i>	<i>III & IV</i>	<i>24.08.2020</i>	<i>23428.19</i>	<i>46126.44</i>	<i>Condi.NO.27</i>
	<i>I & II</i>	<i>24.08.2020</i>	<i>22698.25</i>		<i>Condi.No.27</i>

16. The above table would indicate that the BUA of the proposed project on site since 01.04.2014 was more than 20,000 sq.mtrs, which mandated prior EC & CTE as per EIA Notification, 2006, but the Project Proponent misled the authorities by showing the project in question as two different projects. The details of the revised sanctions have also been indicated by the applicant in tabular form from pages 1549 to 1553 of the paper-book, which would indicate that not once, many times, revision has been cited by the Project Proponent in the project in question. The applicant has indicated the Architect's Certificates, which show total BUA of the project in question and are shown in tabular form as follows:

<i>Sr. No.</i>	<i>Date</i>	<i>Phase</i>	<i>TBUA (M²)</i>
<i>1.</i>	<i>TBUA as per sanction dated 09.03.2018</i>	<i>I & II</i>	<i>19469.98</i>

2.	<i>TBUA of Proposed Construction</i>	<i>I & II</i>	<i>22531.46</i>
3.	<i>TBUA of Completed Construction</i>	<i>I & II</i>	<i>19429.71</i>
4.	<i>TBUA as per sanction dated 09.03.2018</i>	<i>III & IV</i>	<i>19357.20</i>
5.	<i>TBUA of Proposed Construction</i>	<i>III & IV</i>	<i>22368.06</i>
6.	<i>TBUA of Completed Construction</i>	<i>III & IV</i>	<i>19315.42</i>

17. According to the applicant, the above TBUA is also misleading because the same has been shown by splitting a project into two.

18. The applicant has further indicated that respondent No.12 – Project Proponent has procured occupancy check certificates (OCC), details of which are given in tabular form as follows:

<i>Sr. No.</i>	<i>OCC date</i>	<i>Building</i>	<i>Phase</i>	<i>Exhibit</i>
1.	<i>21.02.2019</i>	<i>E & F</i>	<i>III & IV</i>	<i>CC</i>
2.	<i>No OCC obtained,</i>	<i>D</i>	<i>III & IV</i>	<i>Illegal occupancy</i>
3.		<i>A, B, C</i>	<i>I & II</i>	

19. It is submitted that the Project Proponent completed the construction of all the buildings in the Project and obtained Occupancy Certificate only in respect of Building E and F. The Project Proponent failed to obtain the Occupancy Certificate as well as Consent to Operate and started using the premises by giving the possession to the respective purchasers, which is illegal.

20. Further it is submitted that the Project Proponent has not annexed any permission for felling of trees as well as NOC from the Garden Department for completing the tree plantation of requisite

number of trees. In fact, he has not done any plantation as per norms, nor has he taken care for survival of the plants.

21. This matter was considered by us on 27.08.2020 and a Joint Committee was constituted directing it to submit the factual as well as action taken report and notices were directed to be issued to the respondents. In pursuance of the said order, the Joint Committee submitted its report, the relevant portion of which is quoted hereinbelow:

Sr. No.	Point Examined	Remarks
a	<i>The PP has been misleading, on account of the two different projects</i>	<i>M/s Maa Sankalp Buildcon is the construction company and M/s Sail Dwarka is the project name.</i> <i>As submitted by PMC vide letter dated 26.08.2021 M/s Maa Sankalp Buildcon (Project name is Sai Dwarka Part I and Part II) A1, A2,B, C1 & C2, S. No. 40, H. No. 1/3/2, + ¼ +1/5, Yewalewadi, Taluka Haveli District Pune are two different projects which are adjacent to each other, and hold different permissions, plinth checking certificates, completion certificates, side and front margins, separate recreational open spaces and separate amenity spaces which are adjacent to each other.</i> Project Sai Dwarka Part- I : <i>As per the PMC's report, M/s Maa Sankalp Buildcon (Project Name : Sai</i>
b	<i>BUA of the project was more than 20,000 sq.m but PP did not apply for EC and consent.</i>	
c	<i>PP has completed BUA of 38,745.13 sqm, proposed construction BUA is 6,2654.87sqm and total BUA is 45,011 sqm comprising 6 buildings and 486 flats, without obtaining any environment clearance from SEIAA, any prior consent to establish and any prior consent to operate from MPCB.</i>	
d	<i>BUA of project was more than 45,011 sqm but PP did not apply for Environment Clearance from SEIAA or any consent from MPCB.</i>	
e	<i>PP has not obtained any prior Environment Clearance from SEIAA or MoEF.</i>	
f	<i>PP has not obtained any prior Consent to Establish from MPCB</i>	

g	<p><i>The PP has achieved partial project completion in mid-2018 but has not applied for Consent to Operate and started using the project without the Consent to Operate.</i></p>	<p><i>Dwarka, Part I) has been constructed vide CC No. CC/003406/13 dated 09.01.2014, As per the layout sanctioned by PCM vide CC no. CC/3296/17 dated 09.03.2018, the total built-up area is 19,357.20 sq.m.</i></p> <p><i>As per the last revision vide CC no. CC/0403/20 dated 24.08.2020, the total built-up area is 22,770.6 sqm. However, PP has not yet started construction activity as per the CC, dated 24.08.2020 as it requires prior EC.</i></p> <p><i>Project Sai Dwarka Part II:</i></p> <p><i>As per report of PMC M/s Maa Sankalp Buildcon (project name- Sai Dwarka, Part-II has been constructed vide CC no. CC/0011/14 dated 01.04.2014. As per the layout sanctioned by PCM vide CC No. CC/3294/17 dated 09.03.2018, the total built-up area is 19,469.98 sq.m.</i></p> <p><i>As per the Architect's Certificate dated 10.08.2021, the total constructed built-up area is 19,429.71 sq.m.</i></p> <p><i>As per the last revision vide CC no. CC/0404/20 dated 24.08.2020, the total built-up area is 20,490.12 sq.m However, PP has not yet started construction activity as per CC dated 24.08.2020 as it requires prior EC.</i></p> <p><i>Copy of the PMC report, dated 26.08.2021 and the Architect's Certificate are attached in Annexure I & II.</i></p>
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		<p><i>Environment Department, Govt. of Maharashtra has issued Show Cause notice/ Proposed Direction under Section 5 of the Environment (p) Act 1986 r.w. EIA Notification dated 14.09.2006, issued top PP, vide letter dated 29.08.2019 for violation of EIA Notification. Subsequently, the Direction has been withdrawn as there was no violation of EIA Notification, 2006 vide letter no. COMP-2019/CR/24 SEIAA dated 26.11.2019.</i></p> <p><i>Copy of the Direction, dated 29.08.2019 and withdrawn direction dated 26.11.2019 are attached in Annexure III & IV.</i></p> <p><i>The PP has applied for Environment Clearance on 08.08.2019 for :</i></p> <p><i>M/s. Sai Dwarka- phase- I and II at S. NO. 40, H. NO. 1/3/2 ¼ + 1/5 Yewalewadi, Taluka Haveli District Pune for TPA-10,000 Sq.m and TBUA-22,642.94 Sq.m. and for</i></p> <p><i>M/s. Sai Dwarka- phase- III and IV at S. NO. H. No. 1/3/2, + ¼ + 1/5, Yewalewadi, Taluka Haveli Dstrict Pune for TPA- 10,000 Sq.m and TBUA-22,368.06 Sq.m</i></p> <p><i>The EC is under process</i></p> <p><i>Copy of the EC application dated 08.08.2019 is attached in Annexure V</i></p>
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		<p>The PP has obtained Consent to Establish from MPC Board, vide letter datd 17.03.2020, for M/s Maa Sankalp Buildcon, A1, A2, B, C1, & C2, S. No. 40, H. NO. 1/3/2 + ¼ + 1/5 Yewalewadi, Taluka Haveli District Pune for TPA-10,000 Sq.m and TBUA-22,642.94 Sq. m.</p> <p>The PP has obtained Consent to Establish from MPC Board, vide dated 17.03.2020 for M/s Maa Sankalp Buildcon, D1, D2, E, F1 & F2 S. No.40 H. NO. 1/3/2, + ¼ + 1/5, Yewalewadi, Taluka Haveli District Pune for TPA- 10,000 sq.m. and TBUA-22,368.06 Sq.m</p> <p>Copy of the Consent to Establish dated 17.03.2019 for both projects is attached in Annexure VI & VII.</p>
<i>h</i>	<i>PP carried out the construction activity without conducting an environment impact assessment.</i>	<i>An Environment Impact Assessment Report is required only when the proposed BUA exceeds the threshold limit of 1,50,000 sqm, as per EIA Notification 2006.</i>
<i>i</i>	<i>PP has extracted huge quantity of groundwater without any permission from two borewells for construction of the project.</i>	
<i>j</i>	<i>PP is illegally extracting groundwater without permission from competitive authority for operational purpose.</i>	
<i>k</i>	<i>PP has not provided any solid waste management system. The waste generated is dumped in the PMC waste yard, creating burden on public systems and this solid waste is generating various green house gases.</i>	
<i>l</i>	<i>PP has not provided any solid waste management system. The</i>	<i>PP has provided separate Organic Waste convertors of 250 KGD capacity</i>

	<i>waste generated is dumped in the PMC waste yard, creating burden on public systems and this solid waste is generating various greenhouse gases</i>	<i>each, for both projects, for the treatment of wet waste.</i>
<i>m</i>	<i>PP has not provided any energy conservation systems for energy saving like passive solar measures or solar panels system.</i>	<i>The PP has provided solar panels on the transformer room and club house for both projects.</i>
<i>n</i>	<i>PP has not provided any rain water harvesting system for groundwater recharge</i>	<i>A separate rainwater harvesting system has been provided by the PP for both projects.</i>
<i>o</i>	<i>PP has not preserved the top layer of fertile soil and there is no test for contamination.</i>	<i>The existing buildings have already been constructed and there was no ongoing construction activity during the visit. The committee is unable to comment on soil preservation.</i>
<i>p</i>	<i>PP has not grown tree plantation as per the norms</i>	<i>The Tree NOC from Tree Authority, PMC, dated 01.02.2020 for one project has been obtained, and for the other project, there is a provisional NOC obtained on 28.12.2018. Copy of NOC for both projects is enclosed herewith as Annexure VIII.</i>
<i>q</i>	<i>The PP has provided swimming tank which may create further pressure on water resources.</i>	<i>There is no swimming pool constructed on site.</i>
<i>r</i>	<i>PP has installed 2 DG sets at the project site and the operation of DG set is causing air pollution</i>	<i>PP has installed DG sets of 125 KVA capacity for both projects separately.</i>
<i>s</i>	<i>Huge quantity of sewage water is generated and there is no scientific treatment of sewage water by PP</i>	<i>PP has provided two STP of MBBR technology with filters of capacity 150 and 140 cmd respectively for each project separately.</i>
<i>t</i>	<i>PP is creating huge burden on the environment due to day to day waste generation by consumption of natural resources and it is causing huge burden on the public facilities and services on account of environment damage</i>	<i>Dry waste management is carried out by M/s SWACH pune Seva Sahakari Sanstha Ltd. Pune.</i>
<i>y</i>	<i>There is no approach road for fire engine</i>	<i>PP has obtained Fire NOC for both projects. Copy of both projects is</i>

		<i>enclosed herewith as Annexure IX</i>
<i>z</i>	<i>PP has not provided the slope in the ratio of 1:10</i>	<i>No ramps have been constructed in either project.</i>
<i>aa</i>	<i>PP has not provided site margin as per the DC Rules</i>	<i>Construction work is carried out as per the sanctioned plan approved by PMC</i>
<i>bb</i>	<i>PP has not provided fire and safety systems at site.</i>	<i>PP has provided fire and safety measures at site and obtained Fire NOC. Copy of both projects are enclosed herewith as Annexure IX.</i>

Remarks of committee:-

Upon perusal of the report submitted by the Executive Engineer of the Building Permission Department, Pune Municipal Corporation, Pune dated 26.08.2021 and Architect's Certificate, dated 10.08.2021, under Annexure- I & II, it is concluded that these are two different projects which are adjacent to each other and hold different permissions, plinth checking certificates, part completion certificates, side and front margins, separate recreational pen spaces and separate amenity spaces. The total constructed built up area of each developed individual project has not gone beyond 20,000 sq.m and hence does not require prior Environmental Clearance.”

22. Against the above Joint Committee report, the applicant has filed objections to the effect that the same has been prepared at the behest of the Project Proponent and former Principal Secretary, Department of Environment Mr. Anil Diggikar and his Secretary Mr. Kartikey Langote. The same has been prepared on the basis of PMC report as well as the information provided by the Project Proponent and that no actual fact finding has been done by the Committee members. The Joint Committee ignored the fact that the entire development, which has been carried out, is in single premises comprising of single boundary wall. There is no physical separation in the development of Phase-I & II and Phase-III & IV and mere obtaining separate permissions does not support the finding of

the Joint Committee. The Joint Committee also ignored that the project is a patently integral one situated at single location owned by single Project Proponent, having total BUA of both the phases to be more than 20,000 sq.mtrs, which mandated prior EC and CTE. The Committee failed to impose the Environmental Compensation for not obtaining prior EC as well as CTE & CTO. The Committee also failed to comment on the operation of OWC and stated that the OWC of 250 kg/day is provided in each project. Besides this, there are other grounds on which the Joint Committee report has been vehemently opposed by the applicant.

23. The stand taken by **respondent No.12 – Project Proponent** is that the answering respondent has undertaken two projects namely 'Sai Dwarka Phase-I and II' being developed on land Survey Nos.40/1/1, 40/1/2 and 40/1/3/1 and 'Sai Dwarka Phase III and IV' being developed on land Survey No.40/1/3/2, 40/1/4 and 40/1/5, at the village which has been already cited by the applicant. On 01.04.2014, the answering respondent has obtained approval of layout plans as per the then prevailing laws with respect to Sai Dwarka Phase I & II, which is provided with its own amenity space, garden, parking, club house, open area, etc. as mandated by the applicable municipal laws. The answering respondent also obtained commencement certificates on the same date. It has also given the details of the commencement certificates which have been obtained by it yearly from time to time with respect to Phase I & II. The Phase I & II is an independent residential project comprising of buildings A, B and C having total BUA of 22.642.94 sq.mtrs. Though the proposed construction is over 20,000 sq.mtrs., the answering respondent had carried out construction in pursuance of sanction dated 09.03.2018, which permitted to build only 19,429.71 sq.mtrs., which was below 20,000 sq.mtrs. Therefore, it is apparent that the answering respondent

has not carried out the construction over 20,000 sq.mtrs with respect to Phase I & II. Hence, the same did not require any prior EC.

24. With respect to Phase-III & IV, similar facts have been given by the answering respondent and it is stated that the said project consisted of buildings D, E and F having the total BUA of 22, 368.06 sq.mtrs and in this also, it had not exceeded the construction above 20,000 sq.mtrs and hence, no prior EC was required. For that, it is clarified by the answering respondent that both the projects are two different, distinct and independent projects having independent amenities like space, parking area, open space, clubhouse, STPs amongst others.

25. In order to show that the answering respondent – Project Proponent has not committed any error in not going for prior EC for the construction which it has already done, as the same is till date only below the threshold limit of 20,000 sq.mtrs. The reliance is placed by the Project Proponent upon the judgment of the Hon'ble High Court of Bombay dated 06.03.2013 in **Writ Petition (L) No.470 of 2013**, relevant part of which is quoted hereinbelow:

“17. We do, however, find some substance in the last submission made by the learned counsel for the petitioner that even if the petitioner is required to obtain CRZ clearance from MCZMA again on the basis that the built up area of the project will exceed 20,000 sq.meters, the petitioner is entitled to get the same reliefs which this court has been granting in case of many other parties where similar prayer was made. In Writ Petition NO. 1916 of 2012 (Varchman Developers Limited Vs. Union of India & Ors.) and Writ Petition NO. 2809 of 2012 (Nahur Vivekanad Cooperative Housing Society Ltd & Anr. Vs. Union of India & Ors.) We have rejected a similar contention urged on behalf of the respondent authorities that when the project proponent cannot undertake construction project for more than 20,000 sq. mtrs. of built up area without obtaining prior environmental clearance, the project proponent cannot be allowed to commence the construction within the limits of 20,000 sq. meters,

without obtaining prior environmental clearance. This court has held that when clearances are required only for projects with built up area exceeding 20,000 sq. meters, redevelopment projects for residential buildings should not be unnecessarily delayed even to the extent of construction up to 20,000 sq. meters when the developer is ready to give undertaking not to exceed the construction beyond 20,000 sq. meters without first obtaining environmental clearance. This court has noted that the Authorities take considerable time for taking a decision on the application for environmental clearance or for CRZ clearance. In the meantime the redevelopment projects are being delayed. This court has been granting relief in such cases on the basis that even if ultimately the authorities were to reject the applications for clearance, there will be no illegality in so far as the developer has made construction upto 20,000 sq. meters,”

26. It is clear from above that it provided that below threshold limit of 20,000 sq.mtrs., prior EC would not be required and it is only when the said threshold limit of 20,000 sq.mtrs. exceeds, the Project Proponent would be required to obtain prior EC.

27. Besides that, the answering respondent has also relied upon the judgment of the Hon'ble High Court of Bombay dated 09.05.2013 in **Writ Petition No.654 of 2014** (appears to be of **2013** and not 2014) in the case of **Tridhaatu Ventures LLP Vs. State of Maharashtra & Ors.**, wherein the above law is reiterated that the EC is not required for residential project, construction of which is below 20,000 sq.mtrs. The relevant portion of the said judgment is quoted hereunder:

“16. In judgment dated 6 March 2013 in Writ Petition (L) No.470 of 2013, this Court has dealt with a similar controversy and held as under:

“17. *We do, however, find some substance in the last submission made by the learned counsel for the petitioner that even if the petitioner is required to obtain CRZ clearance from MCZMA again on the basis that the built*

up area of the project will exceed 20,000 sq.meters, the petitioner is entitled to get the same reliefs which this court has been granting in case of many other parties where similar prayer was made. In Writ Petition NO. 1916 of 2012 (Varchman Developers Limited Vs. Union of India & Ors.) and Writ Petition NO. 2809 of 2012 (Nahur Vivekanad Cooperative Housing Society Ltd & Anr. Vs. Union of India & Ors.) We have rejected a similar contention urged on behalf of the respondent authorities that when the project proponent cannot undertake construction project for more than 20,000 sq. mtrs. of built up area without obtaining prior environmental clearance, the project proponent cannot be allowed to commence the construction within the limits of 20,000 sq. meters, without obtaining prior environmental clearance. This court has held that when clearances are required only for projects with built up area exceeding 20,000 sq. meters, redevelopment projects for residential buildings should not be unnecessarily delayed even to the extent of construction up to 20,000 sq. meters when the developer is ready to give undertaking not to exceed the construction beyond 20,000 sq. meters without first obtaining environmental clearance. This court has noted that the Authorities take considerable time for taking a decision on the application for environmental clearance or for CRZ clearance. In the meantime the redevelopment projects are being delayed. This court has been granting relief in such cases on the basis that even if ultimately the authorities were to reject the applications for clearance, there will be no illegality in so far as the developer has made construction upto 20,000 sq. meters,”

(emphasis supplied)

17. Having heard learned counsel for parties, and in the facts and circumstances of the case and particularly in view of the fact that the width of the road is sufficient as required by the DCR 1991 and as far as OM is concerned, the same is treated as advisory and not mandatory and in the facts of the present case where the petitioner does not propose to make any further digging in the earth or laying any further foundation structure for the purpose of putting up construction upto 19,000 sq. mtrs of built up area including 4935 sq. mtrs already put up by the petitioner, we are inclined to direct the respondent- Municipal Corporation to permit the petitioner to up construction upto to 19,000 sq. mtrs. including 4935 sq. mtrs. already put up, subject to following condition:

(i) that the petitioner as well as the Chairman of ‘Sri Swati Co operative Housing Society ‘ shall file undertakings stating that the petitioner and the society shall not put up any construction

exceeding 20,000 sq. mtrs including the existing construction on the site being land CTS NO. 275, 275/1 to 276/1 to 16 & 277 village of Borla, Govandi.

28. It is submitted by the answering respondent that in pursuance of the order of the Hon'ble High Court of Bombay dated 24.03.2014, passed in Writ Petition No.655 of 2014 (**Glomore Construction and others Vs. Union of India**), the Environment Department of the Govt. of Maharashtra issued Circular dated 21.04.2015, which is annexed at page 1069 of the paper-book, wherein it is clearly mentioned as follows:

“In view of the above orders of Hon'ble High Court, Mumbai, proposed construction projects wherein project proponent has undertaken total construction below 20,000 m2 may not be considered as a violation of EIA Notification of 2006 (Amended time to time) and read with OM of MoEF dated 12/12/2012 and 27/06/2013. However, it is to be noted that by this way indemnity is not given to the construction undertaken by project proponent. If, at the time of appraisal of the project, it is found that the construction undertaken is not fulfilling the environmental considerations, project proponent will have to comply with the direction of concerned committee to accommodate environmental concerns. Therefore, it is desirable that in such cases all environmental concerns are addressed at the planning stage only. The State Environmental Appraisal Committees (SEACs) should ensure the compliance of above order of Hon'ble High Court to avoid contempt of its orders. This is subject to further orders of the Hon'ble High Court.”

29. It is further submitted by respondent No.12 – Project Proponent that on 17.03.2020, the MPCB has granted Consent to Establish for construction of above housing project of Phase-I & II, which is valid for five years or till the commissioning of the project, whichever is earlier and on the same date, it also gave Consent to Establish for construction of housing project of Phase-III & IV with the same terms and conditions

for the same period. Further it is mentioned that since construction is not completed/commissioned, the answering respondent is not required to obtain Consent to Operate at this point in time.

30. Further it is submitted that all the allegations with respect to non-installation of rain water harvesting system, not doing soil preservation and soil system, non-installation of Sewage Treatment Plant (STP), illegal installation and operation of DG Sets and non-installation of Solar system, are false allegations as these lacunae have been taken care of by the answering respondent, who is responsible builder and take special care for protection of environment.

31. We also find that additional affidavit dated 19.06.2023 has been submitted by respondent No.12 – Project Proponent wherein same averments have been reiterated which are stated by it in their affidavit-in-reply, narrated by us herein above, except that one map/plan has been attached at page 1348 of the paper-book.

32. The stand taken by **respondent Nos.8 and 9 – PMC** is that it has granted permissions to the Project Proponent as per the provisions of the Maharashtra Regional and Town Planning (MRTP) Act, 1966 and DC Rules. There is no violation done at their end while granting said permissions.

33. From the side of **respondent Nos.6 and 7 – MPCB**, the stand taken is that for both projects of the Project Proponent, Consent to Establish was granted on 17.03.2020. This reply does not indicate as to whether the Consent to Operate was taken by the Project Proponent, as no such evidence has been given from the side of the Project Proponent.

34. From the side of **respondent No.4 – SEIAA**, following stand is taken:

According to the answering respondent, there are two plots having separate demarcation, independent layout sanctions and building

permission from the PMC dated 09.03.2018. The total BUA as per sanction is 19,357.20 sq.mtrs, which is less than 20,000 sq.mtrs. Therefore, there was no violation of EIA Notification 2006. A show-cause notice was issued by them under Section 5 of the Environment (Protection) Act , but later on the same was withdrawn and the complaint made in this regard against the Project Proponent was dismissed. It appears from paragraph No.7 of the reply that the Project Proponent moved proposal for granting prior EC for both phases i.e. Phase I & II and Phase III & IV, which was considered by SEAC in its meeting held on 28.12.2019, in which Phase-I & II was shown to have total BUA of 22,642.94 sq.mtrs and Phase-III & IV was shown to have total BUA of 22,368.06 sq.mtrs. Both these proposals were recommended by SEAC-III for grant of EC and the answering respondent decided to grant EC in its meeting held on 01.10.2021. We find few discrepancies in the dates of the meetings when the said proposals were considered because in paragraph No.8 of the reply, it is mentioned that the answering respondent decided in the meeting dated 01.10.2021 to grant EC while in another paragraph No.8 on page no.1400 of the paper-book, the date of meeting is mentioned as 05.08.2021 when the proposals were considered. But the date of grant of EC was taken to be 05.10.2021 as the same has been mentioned in two ECs granted for these projects, which bear the date of 05.08.2021. We deprecate the practice of SEIAA in submitting the affidavits before us in such light manner without verifying the same.

35. On the basis of above pleadings and the arguments made by the respective learned counsel, following issues are being framed by us for determination of the dispute involved herein:

Issues :

- (i) Whether the Phase-I & II and Phase-III & IV are integral part of one single project undertaken by respondent No.12 – Project Proponent or they should be treated to be two different projects ?
- (ii) Whether respondent No.12 – Project Proponent was required to obtain prior Environmental Clearance for each project separately because the total Built-up Area (BUA) is shown to be more than 20,000 sq.mtrs in each of these projects ?
- (iii) Whether the Consent to Establish and Consent to Operate were required to be taken by respondent No.12 – Project Proponent for each project separately ? If yes, from which date ?
- (iv) What should be the Environmental Damage Compensation, if any ?

Findings :**Issue No.(i) :**

36. As per this issue, we have to decide as to whether the Phase-I & II and Phase-III & IV are integral part of one single project undertaken by respondent No.12 – Project Proponent or they should be treated to be two different projects. In this regard, the learned counsel for the applicant vehemently argued that the project in question is owned by a single Project Proponent i.e. respondent No.12 who had secured loan by mortgaging the property in question, which shows that the entire property which comprises of Phase-I to II and Phase-III to IV, were mortgaged in order to secure the loan amount. Had they not been a single project, it would not have mortgaged the said property and would have redeemed the same subsequently on the basis of common documents. We are not in agreement with the said argument because if the Project Proponent is the same person for both the projects, who tries

to secure loan by mortgaging the property, that cannot be taken to mean that since the properties used for obtaining the loan were the same, the conclusion should be drawn that the project was one and not two different projects.

37. Next the learned counsel for the applicant has urged that the project brochure shows that the entire project consists of six buildings, three on one side and three on the other, which were adjacent to each other, which shows that the entire project was one and was deliberately divided into two in order to defeat the provisions of EIA Notification, 2006, which mandates that if construction goes beyond 20,000 sq.mtrs., then prior Environmental Clearance would be required. We are not in agreement with this argument because in the case in hand, the Project Proponent has obtained separate sanction for Phase-I & II and a different sanction for Phase-III and IV, which are also separate plots although they belong to the same developer. Besides that, the report of the Joint Committee indicates that these are two different projects which are adjacent to each other and hold different permissions, plinth checking certificates, completion certificates, side spaces and separate amenity spaces, which clearly prove that the said projects are two different projects and not one as is being tried to be asserted by the applicant. We decide the issue No.(i) accordingly, holding that the projects namely "Sai Dwarika" at Survey Nos.40/1/1, 40/1/2 and 40/1/3/1 as Phase-III and IV and Survey Nos.40/1/3/2, 40/1/4 and 40/1/5 as Phase-I and II at village Yewalewadi, Taluka Haveli, District Pune, are two different projects.

Issue No. (ii) :

37. As per this issue, we have to decide as to whether respondent No.12 – Project Proponent was required to obtain prior Environmental Clearance for each project separately because the total Built-up Area

(BUA) is shown to be more than 20,000 sq.mtrs in each of these projects. In respect of this, we have to consider the position of law in the light of the judgment of the Hon'ble High Court of Bombay in the case of **Glomore Construction and others** (supra), which clearly lays down that if the construction does not exceed 20,000 sq.mtrs, the prior Environmental Clearance (EC) would not be required and that prior EC would only be required when the said threshold limit of construction is going to be crossed by the Project Proponent. In the case in hand, we find from the evidence which has come on record that the record reveals that at page 1547 of the paper-book, the applicant has given the date of obtaining Commencement Certificate for Phase-I & II dated 03.05.2017 showing the total BUA to be 21,697.37 sq.mtrs and for Phase-III & IV, the date of obtaining Commencement Certificate is given as 31.03.2017 which shows total BUA as 21,577.18 sq.mtrs. Prior to that, the commencement certificates were issued for the area less than 20,000 sq.mtrs. It was in the year 2017 for the first time that the Project Proponent was granted Commencement Certificate for the area over 20,000 sq.mtrs. He applied for grant of EC on 08.08.2019 which is admitted by the parties and till that date i.e. 08.08.2019, he had raised construction as per the Architect Certificate dated 10.08.2021, the total BUA was below 20,000 sq.mtrs. in each project. In the Joint Committee report, it is mentioned that the Architect's Certificate dated 10.08.2021, indicated that total BUA by then was 19,315.42 sq.mtrs for Phase-I & II (Part-I) of the project. Similarly, the Architect's Certificate dated 10.08.2021 indicates that total BUA for Phase-III and IV (Part-II) of the project was 19,429.71 sq.mtrs. Therefore, it is evident from the above position given by the Joint Committee that in each project, the Project Proponent did not exceed the total BUA beyond 20,000 sq.mtrs and moved for prior EC to be granted before exceeding that threshold

construction limit by moving an application on 08.08.2019. We make it clear that in **Ajay Jayvantrao Bhosale Vs. Union of India and Ors. (Appeal No.26 of 2020, decided on 03.04.2023)**, we have already taken following view based on the judgment of the Hon'ble High Court of Bombay in the case of **Glomore Construction and others** (supra):

*"In respect of question No.1 and 2, we have gone through the judgment of Hon'ble Bombay High Court in **M/s Saumya Buildcon Pvt. Ltd. Vs. Union of India** case which in para-17 clearly says that if the Project Proponent does not exceed 20,000 sq.m. construction for residential buildings, without obtaining Environmental Clearance the same would not be treated to be violation of EIA Notification 2006, but as soon as it exceeds the said threshold level, it would require prior EC. This very position of law is reiterated by the Hon'ble Bombay High Court in the **Glomore Construction and Ors. Vs. the Union of India & Ors.** which is evident from the paragraph cited above. Against this judgment, there is a judgment of this Tribunal, in **Sunil Kumar Chugh & Anr. Vs. Secretary, Environment Department Government of Maharashtra & 5 others** case, which says that whether construction exceed 20,000 sq.m. or not, if the project is likely to exceed 20,000 sq.m. for which approval has been taken, prior EC must be obtained by the Project Proponent before starting any construction. In our view, EIA Notification 2006 is silent on this point as to whether before initiating any construction of building project, the prior EC would be required or not, if construction exceeds 20,000 sq.m at any future point of time but this grey area appears to have been covered by the above judgments cited by us. Since the Hon'ble Bombay High Court is the jurisdictional High Court under whose jurisdiction this Tribunal is functioning, the view taken by the Hon'ble Bombay High Court would have to be followed by us, though in our view the provision laid down in EIA Notification 2006 appears to be that if large building construction project is to be undertaken by any builder/Project Proponent who aims to certainly exceed 20,000 sq.mtrs. of Total Built Up Area, it should obtain prior EC in the interest of protection of environment because at the initial stage it would be feasible to put in place all such systems which would be*

conducive to protecting environment after thorough prior study. If at subsequent stage after crossing the Built Up Area of 20,000 sq.mtrs., further permission is granted to expand a project, that would certainly harm the environment. But because of the above view taken by the Hon'ble Bombay High Court, we are going by the same. In the present case, first Commencement Certificate was taken in the year 2008 for the BUA 17995.00 sq.m. which was below 20,000 sq.m. Threshold limit and hence prior EC was not required to be obtained before starting construction. The Project Proponent in this case has been granted commencement certificate on 09.04.2013 for Total Built up Area 21368.30 sq. m., exceeding 20,000 threshold limit. Therefore, it required prior EC to be obtained. On 07.09.2013, application for EC was moved before the SEIAA Maharashtra for which a long process started for considering the same which is apparent from the pleadings above and ultimately the impugned EC was granted on 18.02.2020. Prior to grant of impugned EC, the Project Proponent never exceeded the construction beyond the 20,000 sq. m. as stated by it in para 6.18 of their affidavit at Page No.261 of the paper book. Therefore, it is apparent that prior to applying for the prior EC and same having been granted, the Project Proponent did not exceed threshold limit of 20,000 sq. m and whatever construction below that was done by it would not be treated to be violation in terms of the judgments of the Hon'ble Bombay High Court cited above. Because of this reason, we also come to the conclusion that impugned EC would also not be treated to be ex- post facto. Therefore, question Nos.1 and 2 stand answered in favour of the Project Proponent against the appellant.”

38. Therefore, in our estimation, there is no violation of EIA Notification 2006 at the hand of the Project Proponent. We decide issue no. (ii) accordingly.

Issue No. (iii) and Issue No. (iv) :

39. As per these issues, we have to decide as to whether the Consent to Establish and Consent to Operate were required to be taken by respondent No.12 – Project Proponent for each project separately ? If yes,

from which date and what should be the Environmental Damage Compensation, if any.

40. First, we take up the issue as to Consent to Establish. As per directions issued by the Central Pollution Control Board (CPCB), vide letter dated 07.03.2016, for building and construction more than 20,000 sq.mtrs BUA, are categorized at serial No.21 and marked as Orange category project for obtaining Consent and under that category, the Project Proponent needs to obtain the Consent to Establish from the authorities concerned – MPCB. The Commencement Certificate for the project (Phase-I & II) is taken on 01.04.2014 and for Phase-III & IV, it is taken on 09.01.2014. Therefore, from these dates, we presume initiation of the construction of the project without any Consent to Establish as the same has been taken on 17.03.2020. Therefore, the period from 09.01.2014 to 17.03.2020 would be treated to be the period of violation, for which we direct the MPCB – respondent Nos.6 and 7 to calculate the Environmental Damage Compensation in accordance with the principles laid down in the case of ***Paryavaran Suraksha Samiti and another Vs. Union of India & Ors.*** We decide issue No.(iii) accordingly.

41. As far as the issue regarding Environmental Damage Compensation is concerned, it is admitted that the Project Proponent – respondent No.12 has procured the Occupancy Check Certificate (OCC) for Phase-III and IV of the project on 21.02.2019 and not for Phase-I & II. Therefore, we presume that Phase-III & IV was given Occupancy Check Certificate on 21.02.2019, but till date, it is apparent that no Consent to Operate has been taken. Therefore, from 21.02.2019 onwards, for the project i.e. Phase-III & IV, we direct MPCB – respondent Nos.6 and 7 to make calculation with respect to environmental compensation as per the principles laid down in the case of ***Paryavaran Suraksha Samiti***

(supra), after giving an opportunity of hearing to the Project Proponent – respondent No.12.

42. On the basis of analysis made by us, we are of the view that this Original Application needs to be disposed of with the direction to MPCB – respondent Nos.6 and 7 to make calculation of the environmental compensation as directed by us while deciding issue No.(iii) above, which exercise, we direct, shall be completed within two months from the date of uploading of this judgment and that the amount so calculated shall be deposited by respondent No.12 – Project Proponent with MPCB within one month thereafter. The said amount shall be utilized for improvement of the environment in the project affected area.

43. In view of disposal of Original Application, pending Interlocutory Applications stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

SEPTEMBER 26 , 2023
O.A. NO.20 OF 2020 (WZ)
npj

Item No. 4

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Original Application No. 63/2019(WZ)
(I.A. No. 100/2019 & I.A. No. 86/2021)

Mr. Ajay Jayvantrao Bhosale

.....Applicant

Versus

Union of India through MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 01.12.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Nitin Lonkar, Advocate

Respondent(s) : Ms. Manasi Joshi, Advocate for R-1, 6 & 7
Mr. Aniruddha Kulkarni, Advocate for R-3 to 5
Mr. S. Swaminathan, Advocate for R-8 & 9/PCMC
Mr. Saket Mone along-with Mr. Abhishek Salian,
Advocates for R-11/PP

ORDER

1. Today this matter is listed on the issue of limitation against which objection has been filed by the learned Counsel for the Applicant.
2. Heard the arguments of learned Counsel for the Applicant Mr. Nitin Lonkar and learned Counsel for Respondent No. 11/Project Proponent-Mr. Saket Mone along-with learned Counsel Mr. Abhishek Salian.

I.A. No. 86/2021(WZ)

3. This I.A. has been filed by the Respondent No. 11/Project Proponent (PP), praying for dismissal of the Original Application No. 63/2019(WZ). The main ground which has been set up in this application is that Original Application is time barred, therefore, it requires to be dismissed at the threshold itself. The core issue raised by the Applicant is

that the Respondent No. 11 did not obtain prior Environmental Clearance (EC) with respect to the project in question.

4. As per the Project Proponent (PP), he commenced the construction and excavation in the year, 2012, therefore, the cause of action in respect of the alleged construction first arose in the year, 2012 which is well over 07 years from the date of the filing of the present Original Application.

5. The Sections 14 and 15 of the National Green Tribunal Act, 2010 provide for 06 months from the date when the cause of action first arose within which the Original Application ought to have filed. Therefore, if the 06 months period is calculated from the year 2012, it would expire in the year 2013 and as regards Section 15, it provides for 05 years period from the date of cause of action first arose, which too would expire in the year, 2017, while the Original Application has been filed on 14.08.2019.

6. The learned Counsel for the Respondent No. 11 has drawn our attention to para no. 40 of the main petition, where-in it is stated by the Applicant that the Project Proponent carried out illegal construction on 0 sq. mtrs. to 18500 sq. mtrs. vide sanction dated 24.11.2016.

7. As per the Applicant in O.A., the Project Proponent had intention to go on beyond 36,500 sq. mtrs. vide sanction dated 31.03.2018. The civil construction activity is recurring process. The Project Proponent/Respondent No. 11 has increased the project capacity from 0 sq. mtrs to 18500 sq. mtrs. from 2011 to 19.05.2018, therefore, it is nothing but a recurring cause of action for building construction activity.

8. The Applicant in Original Application had obtained information through online search and under RTI Act from 2017 to 18.05.2018 and thereafter had sent legal notice through Counsel to the Respondents inviting their attention towards the violations committed by the Project

Proponent. Therefore, the cause of action first arose on 15.06.2019 when SEIAA issued a Show Cause Notice to the Project Proponent.

9. Therefore, 06 months period from 15.06.2019 should be counted, which would end on 14.12.2019, while the present application has been filed on 14.08.2019, therefore, it is within time.

10. As per Respondent No. 11/Project Proponent (PP), the above contention of the Applicant in Original Application is absolutely false because the Applicant is trying to establish the date 19.05.2019 as the date, when the first cause of action arose on the basis of his having obtained information under RTI. It is further argued by the learned Counsel for the Respondent No. 11 that any person may move an RTI application on a particular date of his choice in order to create cause of action so as to bring it within the period of limitation in order to initiate legal proceedings, which cannot be allowed to happen because that is not the intent of law.

11. The learned Counsel for the Respondent No. 11 has placed reliance of the Judgment *Jai Javan Jai Kisan and ors. v. Vidarbha Cricket Association and Ors.* [MANU/GT/0006/2017], where-in relevant para no. 11 is as follows:-

“11. Conjoint reading of Section 14 and 15 of the National Green Tribunal Act reveals that essentially any application moved for claiming reliefs there-under must necessarily present a Civil case wherein substantial question relating to environment or environmental damage arising under the enactments specified in the Schedule-I of the Act (including accident occurring while handling any hazardous substance) is involved. We are, therefore, of the considered opinion that it is the substantial question relating to the environment or environmental damage as aforesaid which gives rise to the cause for an action under the provisions of National Green Tribunal Act, 2010. In the present case, the question raised is about restoration of the environmental damage on account of injury to it as a result of raising VCA Stadium without EC or consent to operate under the provisions of Schedule-I Acts viz Environment (Protection) Act, 1986, the Air (Prevention and

Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974. As stated herein above, the causes of injury are insufficiency of Effluent Treatment Plant (ETP), open spaces, parking spaces and tree cover. These facts were very much manifest when the VCA stadium became functional in the year 2008. In our opinion, therefore, the cause of action for the present Application arose first when the VCA stadium became functional. There is nothing in the Application to state that these injuries stood compounded further to actuate the Applicants to initiate the action in the present case as framed.”

12. Thereafter, the learned Counsel for the Respondent No. 11 has placed reliance on *Graminee Environment Development Foundation v. Balaji Infrastructure Ltd. & Ors.* [(2017) SCC Online NGT 1098], where-in relevant para nos. 11 to 13 are as follows:-

“11. Section 15 (3) of the NGT Act, 2010 in clear terms requires the Application for restitution of the property damaged to be made within the period of five (5) years from the date on which cause for such relief first arose, and provides for discretion to the Tribunal to condone delay for ‘sufficient cause’ if the application is filed within further period of sixty (60) days and no further. In the present case, the Applicant avers that the cause of action first arose on 24.2.2015, when the letter was addressed by the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) to the Collector, Raigad to take action in respect of the grievance made by the Applicant and yet no action was taken by the authorities. The Applicant has further revealed in her Application that she has been making several complaints to the Authorities about the said grievance, first such complaint being made on 15.9.2014 to the Divisional Commissioner, Konkan Division, Navi Mumbai. Reading of the letter dated 24.2.2015, Annexure ‘I to the Application (Pg.81) reveals the nature of grievance made by the Applicant. In short, the Applicant was aggrieved by the alleged illegal blasting work, storage of minerals and reclamation by Dighi Port Ltd. Similarly, the grievance made with complaint dated 15.9.2014 is regarding alleged illegal work of reclamation of seashore and filling rocks at village Nanavali and intertidal land encroachment without EC by Dighi Port Ltd, and Balaji Infrastructure Ltd.

12. In our considered opinion, making of grievance of the kind in the present case by writing a letter cannot be constituted as ‘cause of action’ but the actual act or its consequence constitutes ‘cause of action’ in any case. In the present case, cause of action has arisen as a result of blasting work as well as dumping of rocks etc. by Dighi Port Ltd and its holding Company Balaji Infrastructure Ltd in the said land.

13. *A perusal of the Application gives some clue as to when such acts of blasting of hills and dumping of material excavated started. The Applicant has pleaded in her Application that Respondent No.1 encroached upon 3km of seashore of village Nanavali and without permission of any Govt. Authority dumped soil and rocks there. It is further pleaded that Respondent No.1 has been doing illegal activities of levelling, blasting, excavation of land, filling of land space with soil, dumping huge rocks and artificial land spaces without any permission; and in spite of such illegalities going on, Respondent Nos. 2 to 7- Govt. Authorities did nothing. The Applicant in her pleadings referred to EC granted in the name of Dighi Port Ltd on 30th September, 2005 for construction of Port at village Dighi, Taluka Shrivardhan, District Raigad and states that she does not challenge or dispute anything about such EC or any work at Dighi Port and her only grievance is that Respondent No.1 has encroached upon the property and extended various kinds of constructions beyond consented area. These facts as pleaded if read in conjunction with the plaint in Regular Civil Suit No.4 of 2009 filed by the Applicant in the Court of Civil Judge, Junior Division, Shrivardhan, do make sense as to when alleged activity had started. At para-7 of the said plaint, the Applicant has categorically stated that on 26.12.2008 the defendant (therein) i.e. Dighi Port Ltd came at the land adjacent to the house of the Applicant in order to make encroachment and reclaimed the land, and this highhanded activity of Dighi Port Ltd was resisted by the Applicant with objection that they cannot reclaim land by blasting the hills and dumping rocks at the said land. A clear fact emerges that the act of blasting the hill sides, dumping materials illegally and reclamation of land, first started in or about December, 2008. Thus, cause of action for the present Application clearly arose in or about December, 2008.”*

13. Based on the above provisions of law, it is vehemently argued by the learned Counsel for the Respondent No. 11/Project Proponent that the present application is time barred and needs to be dismissed on that ground alone.

14. During argument, the learned Counsel for the Applicant in Original Application has pointed out that he is relying on para no. 18.25 & 18.26 of the reply affidavit dated 26.10.2021, mentioned at page nos. 981 to 986 of the paper book, which are as follows:-

“18.25. *I state that, this Hon-ble Tribunal in the matter of "Forward Foundation, A Charitable Trust and Ors. Vs. State of Karnataka and Ors. (OA No. 222/2014) Judgment dated*

7th May, 2015”, reported in 2015 SCC Online NGT 5 in dealing with the issue of limitation and cause of action has specifically held as follows-

“24. The expression 'cause of action' as normally understood in civil jurisprudence has to be examined with some distinction, while construing it in relation to the provisions of the NGT Act. Such 'cause of action' should essentially have nexus with the matters relating to environment. It should raise a substantial question of environment relating to the implementation of the statutes specified in Schedule I of the NGT Act. A 'cause of action' might arise during the chain of events, in establishment of a project but would not be construed as a 'cause of action' under the provisions of the Section 14 of the NGT Act, 2010 unless it has a direct nexus to environment or it gives rise to a substantial environmental dispute. For example, acquisition of land simplicitor or issuance of notification under the provisions of the land acquisition laws, would not be an event that would trigger the period of limitation under the provisions of the NGT Act, 'being cause of action first arose'. A dispute giving rise to a 'cause of action' must essentially be an environmental dispute and should relate to either one or more of the Acts stated in Schedule I to the NGT Act, 2010. If such dispute leading to 'cause of action' is alien to the question of environment or does not raise substantial question relating of environment, it would be incapable of triggering prescribed period of limitation under the NGT Act, 2010. [Ref Liverpool and London S.P. and I Asson. Ltd. v. M.V. Sea Success I and Anr., (2004) 9 SCC 512, J. Mehta v. Union of India, 2013 ALL (I) NGT REPORTER (2) Delhi, 106, Kehar Singh v. State of Haryana, 2013 ALL (I) NGT REPORTER (DELHI) 556, Goa Foundation v. Union of India, 2013 ALL (I) NGT REPORTER DELHI 234].

25. In contradistinction to 'cause of action first arose', there could be 'continuing cause of action', 'recurring cause of action' or 'successive cause of action'. These diverse connotations with reference to cause of action are not synonymous. They certainly have a distinct and different meaning in law, 'Cause of action first arose' would refer to a definite point of time when requisite ingredients constituting that 'cause of action' were complete, providing applicant right to invoke the jurisdiction of the Court or the Tribunal. The Right to Sue' or 'right to take action' would be subsequent to an accrual of such right. The concept of continuing wrong which would be the foundation of continuous cause of action has been accepted by the Hon'ble Supreme Court in the case of Bal Krishna Savalram Pujari & Ors. v. Sh. Dayaneshwar Maharaj Sansthan & Ors., AIR 1959 SC 798.

18.26 Further I state that, the **Forward Foundation** Judgment was challenged before the Hon'ble Supreme Court in the matter of **Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016 reported in (2019) 18 SCC 494** has specifically held vide judgment dated 5th March, 2019 and has confirmed the said judgment

of Forward Foundation and even the Review petition of the same has been dismissed vide order dated 06/08/2019 and has thus become final and binding.

"In fact, in the original application before the Tribunal there was no mention of the provision under which it was being filed. It is well settled principal of law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass an order. It would be mere irregularity and would not vitiate the application or the judicial order of the Tribunal"

The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading. (See Kishore Lal v. Chairman, Employees' State Insurance Corpn. (2007) 4 SCC 579, para 17). The existence of the Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of the Act, would render it ineffective and toothless, and shall betray the legislative intent in setting up a specialized Tribunal specifically to address environmental concerns. The Tribunal, specially constituted with Judicial Members as well as with Experts in the field of environment, has a legal obligation to provide for preventive and restorative measures in the interest of the environment"

"The Tribunal has also jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. Further, under Section 15(1)(b) and 15(1)(c) the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. It is noteworthy that Section 15(1)(b) & (c) have not been made relatable to Schedule I enactments of the Act. Rightly so, this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment."

"Section 15(1)(c) of the Act is an entire island of power and jurisdiction read with Section 20 of the Act. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment."

15. The Applicant in Original Application has also placed reliance upon the important dates and events, which have been quoted by him in para

14 of the reply affidavit, mentioned at page nos. 926 to 928 of the paper book, which are as follows:-

“14. IMPORTANT DATES AND EVENTS:

I state that, the following events and dates are very important to understand the collusion between the Government Authorities and Respondent No. 11-PP and tactics, favouring practices adopted by the Joint Committee Members and Respondent No. 11-PP;

Sr. No.	Events	Date
1.	<u>1st Application for EC</u>	<u>07.09.2013</u>
2.	<u>1st Show Cause Notice by SEIAA & PS- DoE</u>	<u>30.08.2014</u>
3.	<u>1st Withdrawal Communication for SCN</u>	<u>10.03.2015</u>
4.	<u>1st Consent to Establish</u>	<u>10.03.2015</u>
5.	<u>2nd Application for EC</u>	<u>30.06.2016</u>
6.	<u>2nd Consent to Establish</u>	<u>12.10.2017</u>
7.	<u>3rd Application for EC</u>	<u>06.10.2018</u>
8.	<u>Notice/ Complaint of Original Applicant</u>	<u>19.05.2019</u>
9.	<u>MPCB 1st Site Visit by Field Officer</u>	<u>10.06.2019</u>
10.	<u>2nd Show Cause Notice by SEIAA & PS- DoE</u>	<u>15.06.2019</u>
11.	<u>MPCB 2nd Site Visit by SRO-2</u>	<u>27.06.2019</u>
12.	<u>Filing of OA</u>	<u>14.08.2019</u>
13.	<u>First Order of NGT</u>	<u>22.10.2019</u>
14.	<u>Service to Joint Committee of SEIAA & MPCB</u>	<u>02.11.2019</u>
15.	<u>Personal hearing given to PP by PS-DoE</u>	<u>11.11.2019</u>
16.	<u>2nd Withdrawal Communication for SCN</u>	<u>16.11.2019</u>
17.	<u>Second Order of NGT</u>	<u>10.12.2019</u>
18.	<u>Joint Committee Visit to project site</u>	<u>15.12.2019</u>
19.	<u>Architect Certificates prepared on</u>	<u>20.12.2019</u>
20.	<u>Joint Committee Report filed to NGT</u>	<u>07.01.2020</u>
21.	<u>Third Order of NGT issuing Notice 86 Show cause to PP</u>	<u>05.02.2020</u>
22.	<u>Service to the Respondent No. 11-PP</u>	<u>15.02.2020</u>
23.	<u>Grant of ex-post facto EC</u>	<u>18.02.2020</u>
24.	<u>Appeal No. 26/2020 filed on</u>	<u>19.03.2020</u>
25.	<u>Fourth Order of NGT</u>	<u>13.07.2020</u>
26.	<u>Respondent No. 11-PP Reply Affidavit Sworn on</u>	<u>24.09.2020</u>
27.	<u>Respondent No. 11-PP filed</u>	<u>24.09.2020</u>
28.	<u>Fifth Order of NGT</u>	<u>03.09.2021</u>
29.	<u>Respondent No. 11-PP filed 86/2020 filed on</u>	<u>06.10.2021</u>
30.	<u>Respondent No. 11-PP Corrected Reply Affidavit served on Original</u>	<u>09.10.2021</u>

	<u>Applicant</u>		"
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16. He has argued that in this case, there is recurring cause of action and therefore, the date which has stated in his application i.e. 15.06.2019, when the SEIAA issued a Show Cause Notice to the Project Proponent, should be treated to be the date of cause of action.

17. We have heard the arguments of the parties and perused the record and also have gone through the Judgments, which have been relied upon by both the parties, we find that as far as legal position is concerned, Sections 14 & 15 of the National Green Tribunal Act, 2010 provide as follows:-

“Section 14:- Tribunal to settle disputes.-

- (1)
- (2)
- (3) *No application for adjudication of dispute under this Section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:*

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.”

Section 15:- Relief, compensation and restitution –

- (1)
- (2)
- (3) *No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:*

Provided that the Tribunal, may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.”

18. According to the Applicant in Original Application, as per his own pleadings which are stated in para no. 40, it is clear that construction of the project by the Project Proponent was started in the year 2011 and continued till 19.05.2018. He states that he had obtained information

through online search and under RTI from 2017 to 18.05.2018. Thereafter, he had sent legal notice through Counsel on 19.05.2019. According to him, the SEIAA had issued first Show Cause Notice on 15.06.2019. Therefore, that date should be taken to be the date of cause of action, which first arose.

19. We are not inclined to accept this argument because according to his pleading, he had full knowledge in the year 2011 itself when the construction had started. The pretext of having come to know about this project being constructed through RTI on a later date as stated above appears to be only in order to bring the present Original Application within limitation period. We agree with the learned Counsel for the Project Proponent (PP) that it is very easy for any person to use RTI to seek information for any project on any date chosen by him. We are of the considered opinion that such kind of practice cannot be allowed. We are not inclined to accept the argument made by the learned Counsel for the Applicant in Original Application and are convinced with the argument raised by the learned Counsel for the Respondent No. 11/Project Proponent. We find that this Original Application is time barred, hence this Original Application stands dismissed as time barred.

20. All connected I.A.s also stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 01, 2022
Original Application No. 63/2019(WZ)
(I.A. No. 100/2019 & I.A. No. 86/2021)
P.Kr

ITEM NO.6

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1258/2018

GANGA SKIES COMPLEX COOPERATIVE HOUSING SOCIETY LTD Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 138934/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 183861/2022 - CLARIFICATION/DIRECTION
IA No. 14921/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 14922/2018 - EXEMPTION FROM FILING O.T.
IA No. 163170/2022 - INTERVENTION APPLICATION
IA No. 183860/2022 - INTERVENTION/IMPLEADMENT
IA No. 138931/2023 - INTERVENTION/IMPLEADMENT
IA No. 164711/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 25861/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 165915/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 14920/2018 - STAY APPLICATION)

WITH C.A. No. 1492/2018

(IA No. 17366/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 17368/2018 - EXEMPTION FROM FILING O.T.
IA No. 17364/2018 - STAY APPLICATION)

Date : 29-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s)

Mr. Vinay Navare, Sr. Adv.
Mr. Aman Varma, AOR
Ms. Riya Wasade, Adv.
Ms. Samridhi S. Jain, Adv.
Mr. Nrupal A. Dingankar, Adv.

Respondent(s)

Mr. Rajan Kumar Chourasia, Adv.
Ms. Sudhanshu Prakash, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

Mr. Mukesh Verma, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Yash Pal Dhingra, AOR

Ms. Aparna Jha, AOR

Mr. R. P. Gupta, AOR

Mr. Ajit Pravin Wagh, AOR
Ms. Shubhangi Pandey, Adv.
Ms. Astha Prasad, Adv.

Mr. Saket Mone, Adv.
Mr. Kush Chaturvedi, AOR
Mr. Abhishek Salian, Adv.
Mr. Syed Faraz Alam, Adv.
Mr. Devansh Shah, Adv.
Mr. Shrey Shah, Adv.
Mr. Atharva Gaur, Adv.
Mr. Aayushman Aggarwal, Adv.

Mr. Nitin Lonkar, Adv.
Mr. Pulkit Agarwal, AOR
Ms. Pradnya Bheke, Adv.
Ms. Sonali Suryavanshi, Adv.

Mr. Shantanu Adkar, Adv.
Ms. Bharti Tyagi, AOR

UPON hearing the counsel the Court made the following
O R D E R

The notice has been issued. Therefore, the appeals
shall be treated as admitted for hearing.

List for hearing on 1st August, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

1571

ITEM NO.10

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1258/2018

GANGA SKIES COMPLEX COOPERATIVE HOUSING SOCIETY LTD Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(Only I.A. No. 163170 of 2022 is listed
IA No. 163170/2022 - INTERVENTION APPLICATION)

Date : 05-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Appellant(s)

Mr. Vinay Navare, Sr. Adv.
Mr. Aman Varma, AOR

For Respondent(s)

Mr. Gurmeet Singh Makker, AOR
Mr. Rajan Kumar Chourasia, Adv.
Ms. Sudhanshu Prakash, Adv.
Mr. Nachiketa Joshi, Adv.Mr. Shrirang B. Varma, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Yash Pal Dhingra, AORMr. Uday P Warunjikar, Adv.
Mr. Makarand D. Adkar, Adv.
Mr. Shantanu M. Adkar, Adv.
Ms. Rekha Rani, Adv.
Ms. Aparna Jha, AOR

Mr. R. P. Gupta, AOR

**Mr. Ajit Pravin Wagh, AOR
Ms. Astha Prasad, Adv.
Ms. Prachi Thakur, Adv.**

**Mr. Saket Mone, Adv.
Mr. Kush Chaturvedi, AOR
Mr. Syed Faraz Alam, Adv.
Mr. Devansh Shah, Adv.
Mr. Shrey Shah, Adv.
Mr. Atharva Gaur, Adv.
Mr. Aayushmaan Aggarwal, Adv.**

Mr. Pulkit Agarwal, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

**IA No. 163170/2022 for intervention to be heard
along with the Civil Appeal.**

**(ANITA MALHOTRA)
AR-CUM-PS**

**(AVGV RAMU)
COURT MASTER**

Section XVII

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

I.A NO. 163170 OF 2022

IN
CIVIL APPEAL NO. 1258 OF 2018

IN THE MATTER OF:

Ganga Skies Complex Cooperative Housing Society Ltd

....Appellant(S)

Versus

Union Of India And Ors.

....Respondents

AND IN THE MATTER OF APPLICATION.

Karan Tej Paramount Properties Pvt Limited.
Through its Director.

...Applicant

WITH

I.A No. of 2022:

APPLICATION FOR INTERVENTION ON BEHALF APPLICANT.

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE APPLICANT:

BHARTI TYAGI

INDEX

S. No.	Particulars	Page
1.	<u>I.A No. _____ of 2020</u> Application for Impleadment with affidavit on behalf the Applicant.	1-8
2.	<u>ANNEXURE A-1</u> A true copy of the order dated 08.01.2018 passed by the Hon'ble National Green Tribunal Pune in M.A NO. 22 of 2017 in Original Application No. 163 of 2016	9-30
3.	<u>ANNEXURE A-2</u> A true copy of the Order dated 16.08.2018 passed by this Hon'ble Court in Civil Appeal No. 1258 of 2018.	31-32
4.	<u>ANNEXURE A-3</u> A true copy of the Original Application No. 148 of 2016 filed by the Respondent No.13 against the Applicant before the National Green Tribunal.	33-83
5.	<u>ANNEXURE A-4</u> A true copy of the M.A No 444 of 2016 in O.A No. 148 of 2016 filed by the Applicant before the Hon'ble National Green Tribunal.	84-87
6.	<u>VAKALATNAMA ALONG WITH BOARD RESOLUTION</u>	88-89

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A NO. _____ OF 2022

IN

CIVIL APPEAL NO. 1258 OF 2018

IN THE MATTER OF:

Ganga Skies Complex Cooperative Housing Society Ltd

....Appellant(S)

Versus

Union Of India And Ors.

.... Respondents

AND IN THE MATTER OF APPLICATION :

Karan Tej Paramount Properties Pvt Limited

Through Its Director,

M-2/105, M.I.G Krishna HSG Society,

Gokhale Nagar Pune, Maharashtra, Pune – 411 016

...Applicant

TO,

THE HON'BLE CHIEF JUSTICE AND

HIS COMPANION JUDGES OF THE

HON'BLE SUPREME COURT OF INDIA

**THE HUMBLE APPLICATION OF
THE APPLICANT ABOVE NAMED.**

MOST RESPECTFULLY SHOWETH AS UNDER:

1. The present Civil Appeal No. 1258 of 2018 has been filed by the Ganga Skies Complex Cooperative Housing Society Ltd (Appellant) under section 22 of the National Green Tribunal Act, 2010 (NGT Act, 2010) assailing Judgment and Final Order dated 08.01.2018 passed by the Hon'ble National Green Tribunal (Western Zone) Bench, Pune in Miscellaneous Application No. 22 of 2018 in Original Application No. 163 of 2016 whereby the Hon'ble NGT had dismissed M.A No. 22 of 2018 in Original Application No. 163 of 2016 wherein the Appellant i.e. Ganga Skies Complex Cooperative Housing Society Ltd had raised preliminary objections pertaining to limitation, jurisdiction and plurality of reliefs under section 14 and 15 of the NGT Act, 2010. Annexed herewith and marked as Annexure A-1 (Pg. 9-30) is a true copy of the order dated 08.01.2018 passed by the Hon'ble National Green Tribunal Pune in M.A NO. 22 of 2017 in Original Application No. 163 of 2016.

2. Vide order dated 16.02.2018, this Hon'ble Court was pleased to issue notice and grant stay on further proceedings before Hon'ble NGT. Annexed herewith and marked as Annexure A-2 (Pg. 31-32) is a true copy of the order dated 16.08.2018 passed by this Hon'ble Court in Civil Appeal No. 1258 of 2018.

3. That the Respondent No. 13 herein i.e. Mr. Tanaji Balasaheb Gambhire is a habitual litigant and has filed frivolous petition being Original Application No. 148 of 2016 titled Tanaji Balasaheb Gambhire vs. Karan-Tej Paramount Properties Private Limited against the applicant herein. It is submitted that captioned Civil Appeal involves similar issues pertaining to maintainability of the Original Application No. 148 of 2022 filed against the applicant herein by the same Respondent No. 13 i.e. Tanaji Balasaheb Gambhire and as such it is pertinent that the Applicant herein be permitted to assist this Hon'ble Court in deciding the issues pertaining to the limitation, jurisdiction and maintainability involved in the present Civil Appeal.

4. It is submitted that Respondent No. 13 in the present Civil Appeal i.e. Mr. Tanaji Balasaheb Gambhire filed Original Application NO. 148 of 2016 with respect to two projects constructed on Survey No. 168, Village: Wakad, Taluka-Mulshi, District-Pune, within the Corporation limits of Pimpri Chinchwad Municipal Corporation by Karan Tej paramount Properties Private Ltd. i.e. the Applicant herein. Annexed herewith and marked as Annexure A-3 is a true copy of Original Application No. 148 of 2016 before (Pg. 33-83) NGT.

5. It is undisputed fact that both the projects have been completed in all aspects and accordingly a completion certificate was issued. It is submitted that, of the two projects, one of the projects is Madhupushpa situated on Plot

No. 1 wherein the development commenced sometime in 2007 and was completed in March 2012 and possession was handed over to the flat owners. The second project concerns Altissimo Project, wherein development commenced in 2013 and completed in 2016. Possession of the flats has also been handed over to the purchasers in the year 2016.

6. In 2016, Mr. Tanaji Balasaheb Gambhire filed Original Application No. 148 of 2016 against the Applicant herein on the ground that the projects have been developed without appropriate building permissions and Environment Clearance. The Applicant herein filed M.A No 444 of 2016 in O.A No. 148 of 2016, *inter alia*, raising the following preliminary issues:

- a) The Original Application No. 148 of 2016 is barred by limitation under section 14 and 15 of the NGT Act, 2010 as construction of the project Madhupushpa completed in 2012 and of Altissimo in 2016. The Original Application No. 148 of 2016 was filed on 08.09.2016.
- b) The NGT does not have jurisdiction to entertain Original Application No. 148 of 2016 as the same alleges violations of provisions of Maharashtra Regional Town Planning Act, Development Control Regulations, and Municipal Laws which are not covered under Schedule I of the NGT Act, 2010.

c) Mr. Tanaji Balasaheb Gambhire i.e. the Petitioner before National Green Tribunal is a complete stranger to the project of the Applicant as he is not a person aggrieved within the provisions of NGT Act, 2010. The projects in question are situated in Pimpri Chinchwad Municipal Corporation whereas Mr. Tanaji Balasaheb Gambhire resides about 15 km away from the projects.

d) The Projects in question are less than 20,000m² constructed area and hence, Environment Clearance under EIA Notification 2006 is not required.

Annexed herewith and marked as Annexure A-4 is a true copy of the M.A No 444 of 2016 in O.A No. 148 of 2016 by the Applicant. (Pg-84-87)

7. That the present Civil Appeal No. 1258 of 2018 involves similar and nearly identical issues pertaining to limitation, jurisdiction and maintainability. Since the determination of the issues will have a direct impact on the objections raised by the Applicant and adjudication of Original Application No 148 of 2016 filed by Tanaji Balasaheb Gambhire, it is prayed that the Applicant herein be permitted to intervene and assist this Hon'ble Court in determining the issues involved.

8. In light of the above facts, and in the interest of justice it is imperative the Applicant is permitted to intervene in Civil Appeal No. 1258 of 2016 and assist this Hon'ble Court in just adjudication of the issues.

PRAYER

In the light of the above, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a. allow the present application by the Applicant seeking intervention in Civil Appeal No. 1258 of 2018.
- b. pass such other order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT SHALL EVER PRAY AS DUTY BOUND

FILED BY:

FILED ON: 31-10-22

(BHARTI TYAGI)
ADVOCATE FOR THE APPLICANT

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A NO. _____ OF 2022

IN

CIVIL APPEAL NO. 1258 OF 2018



IN THE MATTER OF:

Ganga Skies Complex Cooperative Housing Society Ltd

....Appellant(S)

Versus

Union Of India And Ors.

....Respondents

AND IN THE MATTER OF APPLICATION.

Karan Tej Paramount Properties Pvt Limited.

Through its Director

...Applicant

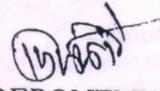
AFFIDAVIT

I, Mr. Vilas Laxman Londhe, Age: 52 years; Occupation: Business, residing at : Flat No.7, Shubham Park B2, PCNT Nigdi Pradhikaran, Pune- 411044, do hereby solemnly affirm and state on oath as under:

1. That I am Director of the Applicant Company and as such I am well aware with the facts of the present case and the records maintained in the office. I am also duly authorized to file the present the IA for Intervention.

8

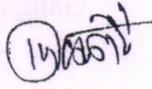
- 2. That I have gone through the Interlocutory Application, and I state that the contents thereof are true and correct to the best of my knowledge and belief.
- 3. That the annexures/documents are true copies of their respective originals.


 DEPONENT

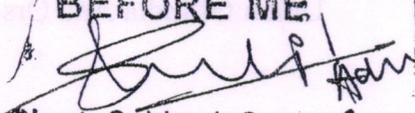
VERIFICATION

I, the above-named Deponent do hereby verify that the contents of the above paras are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

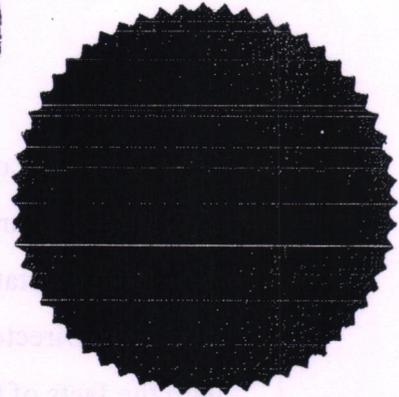
Verified at Pune on this ___ day of October 2022.


 DEPONENT



BEFORE ME

 Shuruti Subhash Sankpal
 ADVOCATE & NOTARY
 GOVERNMENT OF INDIA

Noted & Registered
 at Serial No. 1501/2022
 Date. 19 OCT 2022



403060/2021/U/o DyGA(GSM)

Annexure A-1

9

BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE

M.A.No.22/2017

In

ORIGINAL APPLICATION NO.163 OF 2016

CORAM:

HON'BLE MR. JUSTICE U.D.SALVI
(Judicial Member)

HON'BLE DR. NAGIN NANDA
(Expert Member)

M/s. Goel Ganga Construction
A Partnership Firm
Through Atul Jayprakash Goel
Amit Jayprakash Goel
3rd Floor, San Mahu Complex,
Opp. Poona Club, 5, Bund Garden,
Pune - 411 001

Applicant
Original Respondent No.10

In the Matter of

Mr. Tanajai Balasaheb Gambhire
Age: Adult, Occupation: Service
P/o: Flat No.16, GTS-296, Laxmi Apartment,
Near Shivaji Maratha High School,
White House Lane, Shukrawar Peth,
Pune-411 002

APPLICANT

VERSUS

1. THE UNION OF INDIA,
Through the Ministry of Environment & Forest,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110 001.
2. THE PRINCIPAL SECRETARY, ENVIRONMENT
DEPARTMENT,
Government of Maharashtra,
15th Floor, New Administrative Building,
Mantralaya, Mumbai - 400 032.

**3. STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY**

Through Member Secretary
15th Floor, New Administrative Building
Mantralaya, Mumbai - 400 032.

4. MAHARASHTRA POLLUTION CONTROL BOARD

Through its Member Secretary,
Kalptaru Point, 3rd Floor, Near Sion Circle,
Opp. Cine Planet Cinema,
Sion (E), Mumbai

5. MAHARASHTRA POLLUTION CONTROL BOARD

Through its Regional Officer, SRO
Jog Centre, 3rd Floor, Mumbai-Pune Road,
Wakadewadi,
Pune - 411 003.

6. PIMPRI CHINCHWAD MUNICIPAL COMMISSIONER

Pimpri Chinchwad Municipal Corporation,
Pimpri, Pune - 411 018.

**7. SHRI. MAHAVIR THALYAPPA KAMBE
CITY ENGINEER**

Pimpri Chinchwad Municipal Corporation,
Pimpri, Pune - 411 018.

8. DISTRICT COLLECTOR - PUNE

President - District Environment Committee,
Pune.

9. SHRI. SHASHANK PHADAKE

Architect & Authorised person of sole space
1+2, Building No.7,
Shraddha Heritage, Pimpri,
Pune-411019.

10. M/S. GOEL GANGA CONSTRUCTION

A Partnership Firm
Through Atul Jayprakash Goel
Amit Jayprakash Goel
3rd Floor, San Mahu Complex,
Opp. Poona Club, 5, Bund Garden,
Pune - 411 001.

403060/2021/U/o DyGA(GSM)

11. **FEDERATION OF SWAR-GANGA
CO-OPERATIVE HOUSING SOCIETY LTD.**
Survey No.174/A, 176/A,177/A,
Sant Tukaram Nagar, Pimpri,
Pune-411 018.
12. **GANGA SKIES CO-OPERATIVE HOUSING
SOCIETY LTD.**
Survey No.174/A, 176/A,177/A,
Sant Tukaram Nagar, Pimpri,
Pune-411 018.
13. **MR YOGESH MANGLASEN BEHAL**
Vrundavan Bungalow,
Near virangula Centre,
Survey No.174/A, 176/A,177/A,
Sant Tukaram Nagar, Pimpri,
Pune-411 018.

..... RESPONDENTS

Counsel for Applicant(s):

Ms. Rashmi Shiriram Pingle, Mr. Nilesh Bhandari, Mr. Abhijit Ingle

Counsel for Respondent(s)

Mr. R.B. Mahabal, Ms. Supriya Dangare for Respondent No.1.

Mr. Aniruddha S. Kulkarni, Mr. Prashant More for Respondent
Nos.4 and 5.

Mr. Saket More for Respondent Nos.10,11

Mr. Bangram Singh Bhonsle, Aarti Bhonsle for Respondent Nos.12,
13.Date - 8th January, 2018ORDER

1. Respondent No.10- M/s Goel Ganga Construction has raised exceptions to maintainability of the Main Application

No.163 of 2016 on the grounds of limitation, jurisdiction and plurality of reliefs.

2. Mr. Tanaji Gambhire, R/o Shukravar Peth, Pune has moved the Main Application for demolition of structures constructed in the project developed at Survey No.174A (Part), 175A(Part), 176A(Part) and 177A(Part), corresponding to CTS No.4859(Part), 4862(Part), 4863(Part), and 4865(Part), at Pimpri Waghere, Taluka Haveli, District Pune, falling within limits of Pune Chinchwad Municipal Corporation (PCMC) and restoration of the said area having regard to environmental damage caused by the said development. In addition thereto, the Applicant Mr. Tanaji Gambhire is seeking compensation for damage incurred to environment as a result of the said construction and for directions to the Authorities for action against the delinquents indulging in the acts of malfeasance and misfeasance leading to development in question. At the outset, the Applicant made it clear that the relief sought at Prayer Clause 'A' for demolition of illegal structures at the site in question and for restoration of the area is the principal relief, other reliefs being ancillary or consequential thereto.

3. Learned Counsel appearing on behalf of Respondent No.10 submitted that every Application has to be based upon a single cause of action and for one or more reliefs provided they are consequential to one another as per Rule-14 of the National Green Tribunal (Practices & Procedure) Rules, 2011.

403060/2021/U/o DyGA(GSM)

13

He pointed out from the body of the Application that the Applicant had pleaded alleged violations of the Municipal Laws, the Maharashtra Regional and Town Planning (MRTP) Act, 1966, the Development Control Regulations (DCR) and the Maharashtra Land Revenue Code, 1966 (MLRC) at different stages of development giving rise to several causes of action and clubbed these causes of action to allege that illegal structures were raised during the development in question and sought several directions against the concerned Authorities for action against the Project Proponent (PP), the

Architect of the project and City Engineer Mr. M.T. Kamble, and this approach to the case was in clear violation of Rule— 14^a of the National Green Tribunal (Practices & Procedure) Rules, 2011.

4. Learned Counsel appearing on behalf of Respondents countered these submissions and contended that the Applicant sought restitution of the environment damaged due to several illegalities committed by the Applicant in development of the said project by principally seeking demolition of the said illegal structures and other reliefs were ancillary or consequential thereto.

5. Examination of the Application reveals that the Applicant besides pleading the infractions of Municipal Laws, the Maharashtra Regional and Town Planning Act, the Development Control Regulations (DCR) and the Maharashtra Land Revenue Code, had also pleaded violations

14

of Environment Clearance Regulations (EC) and all the terms and conditions stipulated for 'Consent to Establish' or 'Consent to Operate' granted by the Maharashtra Pollution Control Board (MPCB) under the Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 (for short, Air and Water Acts) as well as the Hazardous Wastes (Management, Handling and Trans boundary Movement) Rules, 2008 and the Acts specified in Schedule-I of the National Green Tribunal Act, 2010. The Applicant also made references to damage to environment caused as a result of violations of law pleaded in the present case. Obviously, therefore, the Applicant chose to refer to the said structures as illegal structures and sought its demolition for bringing about restoration of the area in question.

The nature of environmental damage, if any, caused due to such development would ultimately decide the fate of this application. Cause of action is a bundle of facts which needs to be discerned from the total pleadings. Environmental damage is what prompts the present action. The Applicant has specifically pleaded in the Limitation Clause that what prompted him to initiate the present Application are revelation made to him in response to the R.T.I query. No other cause for action except the facts is pleaded in the present case. In this view of the matter, we are of the considered opinion that there is no violation of Rule 14 of the NGT (Practices and Procedure) Rules, 2011. The Application

403060/2021/U/o DyGA(GSM)

15
being based on single cause of action and made for seeking principal relief of restitution of environment:-

7. As observed hereinabove, the Applicant has raised issue of environmental damage suffered by environment due to several illegalities of laws, including enactments specified under Schedule-I of the NGT Act, 2010. How the environment suffered due to transgression of the Municipal Laws, MRTP Laws, Development Control Regulations and the Land Revenue Code is the question which needs to be answered upon hearing the Application on merits, both on the point of fact and law. At this stage, it will be imprudent to dismiss those contentions in relation to the Acts other than the Acts specified under Schedule-I of the NGT Act, 2010 i.e. Municipal Laws, MRTP Laws, Development Control Regulations and the Land Revenue Code of jurisdiction. It will be interesting to see what cumulative effect of violations of those laws, viz. Environmental Control Regulations, Air and Water Acts and the Solid Waste (Management & Handling) Rules, has/had on environment so as to raise a substantial question relating to environment, including enforcement of any legal right relating to environment and whether such violations warrant restitution of environment as claimed.

8. Referring to Section 14 and 15 of the National Green Tribunal Act, 2010, the learned Counsel appearing on behalf of Respondent No.10- M/s Goel Ganga Construction

16

contended that the Applications under Section 14 and 15 were to be filed within the prescribed period given in the respective provisions and the period of limitation is to be computed from the date of accrual of 'first cause of action'. He submits that the offending construction was commenced on 28th March, 2006, when the Commencement Certificate was granted by the Planning Authority and the buildings were completed far back in 2009 and, therefore, the Application filed in September/October 2016, stood clearly barred by period of limitation, which has to be computed from the date of commencement of the said construction. He further submits that the legislative intent and the scheme governing period of limitation are expressed unambiguously in the said provisions by use of the phrase 'cause of action first arose' and therefore, the premise of continuing cause of action is clearly ruled out. In order to reinforce his contentions, he relied upon the cases reported/delivered in (2011/9) SCC 126, *Khatri Hotels Pvt Ltd & Anr Vs Union of India and Anr* and the Judgment of Hon'ble High Court of Judicature at Bombay in the case of *Windsor Realty Pvt Ltd* (Judgment dated 1.3.2016 in *Writ Petition No.594 of 2015: Windsor Realty Pvt. Ltd Vs Secretary, MoEF & (8) Ors*). He further cited the Judgment delivered by this Bench in *Jai-Javan Jai Kisan's* case (Judgment dated 13th June, 2017 in *Application No.33 of 2016: Jai Javan Jai Kisan and (2) Others Vs Vidarbha Cricket Association and (9) Ors*);

403060/2021/U/o DyGA(GSM)

17

Graminee Environment Development Corporation's case (Judgment dated 18th May, 2017 in O.A 179 of 2016: *Graminee Environment Foundation Vs Balaji Infrastructures Ltd and (6) Ors*). Mr. Suresh Waman Dhavale's case (Judgment dated 22nd September, 2017 in O.A No.95 of 2014: *Mr. Suresh Waman Dahvale and (2) Ors Vs MoEF and (17) Ors*).

9. . It is correct that use of phrase 'cause of action first arose' has decisive consequence as regards computation of period of limitation prescribed under Section 14 and 15 of the National Green Tribunal Act, 2010. It is, therefore, necessary to examine as to when exactly 'cause of action first arose' in the present case. For understanding this, we will also have to first examine and consider the plea of dismissal of the present Application on the ground of 'locus standi' of the Applicant. He contended that the Applicant being resident of Shukravar Peth, Pune - a faraway place from the project in question - cannot be permitted to agitate as 'aggrieved person' within meaning of Section 18(e) of the National Green Tribunal Act, 2010. He submits with reference to the Judgment of Hon'ble Apex Court in the case reported in (2013) 4 SCC 465: *Ayubkhan Noorkhan Pathan Vs State of Maharashtra And Ors*, that the expression 'person aggrieved' does not include a person who suffers from psychological or imaginary injury and 'person aggrieved' must therefore necessarily be whose right, interest has been

18

totally affected or jeopardised. According to him, the Applicant is under obligation to show-how he suffered legal injury. This submission sets us on enquiry to find out whether the Applicant is a stranger being removed from geographical distance between his residence within the limits of PMC at Shukravar Peth, Pune and the project site situate within the limits of PCMC.

10. Perusal of the main application reveals that the Applicant is seeking demolition of the illegal structure and consequently restoration of the area substantially, therefore, the relief of restitution of the environment, allegedly damaged due to illegal construction, a relief under Section 15 of the National Green Tribunal Act, 2010. Besides, alleging breach of provisions of law other than those of the enactments specified in Schedule I of the National Green Tribunal Act, 2010, the Applicant specifically contends that undue burden is cast on the resources and ecosystem due to generation of waste water and solid waste beyond the limits stipulated in Consent to Establish at paragraph 18 of the Application. The Applicant has computed the total water requirement, total fresh water supply by the PCMC, total waste water generated and total solid waste generated with reference to residential, commercial and amenities provided in the project in question and presented in the application as follows:

403060/2021/U/o DyGA(GSM)

19

"It is noted that the following table shows that the Actual Water Requirement, Waste Water Generated & Hazardous Waste, DG Sets installed at the site.

Table No.-12: Total Water Requirement

Sr.	Description	Population	Water Required	Total Water Required
1	Residential	3,510	135	3,73,850 Ltrs.
2	Commercial	62	45	2,790 Ltrs.
3	Amenity	755	45	33,975 Ltrs.
Total Water Requirement Per Day				5,10,615 Ltrs/Day

It is noted that as per Consent to Establish the daily water consumption is 473 CMD but actual water consumption in 510 CMD.

Table No.13:- Total Fresh Water Supply by PCMC

Sr.	Description	Population	Water Required	Total Water Required
1	Residential	3,510	90	3,15,900Ltrs.
2	Commercial	62	25	1,550 Ltrs.
3	Amenity	755	25	18,750 Ltrs.
Total Water Supply by PCMC Per Day				3,36,325 Ltrs/Day

Table No.-14: Total Waste Water Generated

Sr.	Description	Population	Waste Water	Total Water Required
1	Residential	3,510	45	1,57,950 Ltrs.
2	Commercial	62	20	1,240 Ltrs.
3	Amenity	755	20	15,100 Ltrs.
4	58% of PCMC Supply			2,28,701 Ltrs.
Total Waste Water Generated Per Day				1,74,02,991 Ltrs/Day

It is noted that as per Cons. to Establish, the daily waste water generation is 379 CMD but actual waste water generation in 402 CMD.

Table No.-15: Total Solid Waste Generated

That the solid waste generated is including the Organic waste, paper, plastic, Metals, Glass Rubber, Inert, STP Sludge etc.

Sr.	Description	Population	Solid Waste	Total Solid Waste Generated
1	Residential	3,510	0.6	2,106 Kg/Day
2	Commercial	62	0.3	18.6 Kg/Day
3	Amenity	755	0.2	151 Kg/Day
Total Solid Waste Generated Per Day				2,275.6 Kg/Day

20

It is noted that the, as per Consent to Establish, the daily solid waste generated is 2,000 Kg/day but actual solid waste generated in 2,275.6 Kg/day."

11. Learned Counsel appearing on behalf of the Applicant submitted that there is a Nalla along the site of the said project which meets River Pawna and flows downstream to meet River Mutha in Pune. This fact is not disputed by any of the parties to the present application. Thus, it can be seen that the location where the project is situated and the city of Pune are part of the common riverine system and as such the individuals in the project area and those living in the city of Pune share a common environment.

12. The record further reveals a copy of letter dated 17th November, 2014 at Annexure-IV Colly to the Rejoinder Affidavit dated 22nd March, 2017. Reading of this document on record points out that the POMC had issued Notice to the Managing Director of the Respondent No.10 - M/s. Gosh Ganga Construction to operate the STP in the project regularly. A grievance is found made in the said communication that the health of the local citizens was endangered due to overflow of sewage and its percolation in the land abutting the Nalla flowing along the said project. Obviously, the facts disclosed from the record signify damage to the environment which adversely influence the riverine system commonly shared by the locals as well as those who are part of such adversely impacted environment in the entire riverine system.

403060/2021/U/o DyGA(GSM)

21

13. Environment is defined alike both in the Environment (Protection) Act, 1986 and the National Green Tribunal Act, 2010. In Section 2(a) and 2(c) of the said Acts respectively as under:

- "2(a) "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants and micro-organism and property;
- (c) "environment pollution" means the presence in the environment of any environmental pollutant;"

There are no boundaries to the environment, and the inter-relationship which exists among and between water, air, and human beings, other living creatures, plants, micro-organism and properties matters when we have to interpret any legal right relating to the environment.

14. In the instant case as observed hereinabove, the Applicant shares environment with the locals in the project area, he being resident of city of Pune situated in the said riverine system. The Hon'ble Supreme Court in *Aya Anbikhan Noorkhan Pathan case (supra)* has held that only a person who has suffered or suffers from legal injury can challenge the act/action/order, etc. in a court of law. Legal injury is contemplated when there is infraction of a legal right. In this context, the Hon'ble Apex Court observed in the said case as follows:

"10. A "legal right", means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, "person aggrieved" does not include a person who suffers from a

22

psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one whose right or interest has been adversely affected or jeopardised. (Vide *Shanti Kumar R. Canji v. Home Insurance Co. of New York and State of Rajasthan v. Union of India*)"

15/ The Applicant has prima facie shown that his legal right relating to environment i.e., ~~to clean environment~~ is affected by unlawful acts of Respondent No.10 - M/s ~~Goel Ganga Construction~~ in the manner as pleaded in the application and it calls for its restitution. The injury alleged by the Applicant, as aforesaid, therefore, cannot be ~~dismissed as imaginary injury~~. The Applicant, therefore, needs to be regarded as person aggrieved having locus standi in the present proceedings.

16. In *Khatri Hotels Private Limited and Another Vs. Union of India and Another*, (2011) 9 Supreme Court Cases 126 the Honble Apex Court delineated the effect of the word "First" used by law makers in stipulating the period of limitation in following words:

30. While enacting Article 58 of the 1963 Act, the legislature has designedly made a departure from the language of Article 120 of the 1908 Act. The word "first" has been used between the words "sue" and "accrued". This would mean that if a suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to sue first accrues. To put it differently, successive violation of the right will not give rise to fresh cause and the suit will be liable to be dismissed if it is beyond the period of limitation counted from the day when the right to sue first accrued."

17. There can be no two opinions regarding the use of the word "first" with the same rigour in Section 14 and 15

403060/2021/U/o DyGA(GSM)

23

of the National Green Tribunal Act, 2010 for prescribing the period of limitation. The material provision in Section 15 of the National Green Tribunal Act, 2010 is reproduced herein below:

"15(3) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose.

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."

(emphasis supplied)

18. In *Windsor Realty Pvt. Ltd. case (supra)* the Hon'ble High Court was of the prima facie view from the Section 14(G) of the National Green Tribunal Act, 2010 that by no stretch of imagination the cause of action would arise from the date of knowledge of the applicant about the alleged violation of law taking place or from the date on which environmental authorities were informed about violation and inaction on their part vide Paragraph Nos.33 and 35 of the judgment. On similar lines and considering the facts in *Graminee Environment Development Foundation case (supra)* we had dismissed the application for restitution of the environment. Pertinent observations made by us in the Judgment delivered in *Graminee Environment Development Foundation case* are quoted herein below:

24
 "12. In our considered opinion, making of grievance of the kind in the present case by writing a letter cannot be constituted as 'cause of action' but the actual act or its consequence constitutes 'cause of action' in any case. In the present case, cause of action has arisen as a result of blasting work as well as dumping of rocks etc. by Dighi Port Ltd and its holding Company Balaji Infrastructure Ltd in the said land.

13. A perusal of the Application gives some clue as to when such acts of blasting of hills and dumping of material excavated started. The Applicant has pleaded in her Application that Respondent No.1 encroached upon 3km of seashore of village Nanavali and without permission of any Govt. Authority dumped soil and rocks there. It is further pleaded that Respondent No.1 has been doing illegal activities of levelling, blasting, excavation of land, filling of land space with soil, dumping huge rocks and artificial land spaces without any permission; and in spite of such illegalities going on, Respondent Nos. 2 to 7- Govt. Authorities did nothing. The Applicant in her pleadings referred to EC granted in the name of Dighi Port Ltd on 16th September 2005 for construction of Port at village Dighi Taluka Shrivardhan, District Raigad and states that she does not challenge or dispute anything about such EC or any work at Dighi Port and her only grievance is that Respondent No. 1 has encroached upon the property and extended various kinds of constructions beyond consented area. These facts as pleaded if read in conjunction with the plaint in Regular Civil Suit No. 4 of 2009 filed by the Applicant in the Court of Civil Judge, Junior Division, Shrivardhan do make sense as to when alleged activity had started. At para 7 of the said plaint the Applicant has categorically stated that on 26/12/2008 the defendant (therein) i.e. Dighi Port Ltd came at the land adjacent to the house of the Applicant in order to make encroachment and reclaimed the land, and this highhanded activity of Dighi Port Ltd was resisted by the Applicant with objection that they cannot reclaim land by blasting the hills and dumping rocks at the said land. A clear fact emerges that the act of blasting the hill sides, dumping materials illegally and reclamation of land, first started in or about December, 2008. Thus, cause of action for the present Application clearly arose in or about December, 2008."

For recognising the reason or cause necessary to actuate an action for restitution of the environment damaged, it is

403060/2021/U/o DyGA(GSM).

25

not only the actual act of violation of law alone but it is the act and its perceptible adverse impacts on the environment necessitating its restitution that constitutes the cause of action in such cases.

19. In *Jai Javan Jai Kisan & Ors Vs. Vidarbha Cricket Association* (Application No.33/2016 disposed on 13th January, 2017) the application was filed by residents of Nagpur for restitution of the environment on demolition of VCA Stadium at Nagpur on 11th April, 2016. We noticed that the cause of action first arose in the year

2008 upon the observations made by us as under:

"11. Conjoint reading of Section 14 and 15 of the National Green Tribunal Act reveals that essentially any application moved for claiming reliefs thereunder must necessarily present a civil case wherein substantial question relating to environment or environmental damage arising under the enactments specified in the Schedule to the Act (including accident occurring while handling any hazardous substance) is involved. We are therefore, of the considered opinion that it is the substantial question relating to the environment or environmental damage as aforesaid which gives rise to the cause of action under the provisions of National Green Tribunal Act, 2010. In the present case the question raised is about restoration of the environmental damage on account of injury to it as a result of raising VCA Stadium without EC or consent to operate under the provisions of Schedule-I Acts viz Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974. As stated herein above, the causes of injury are insufficiency of Effluent Treatment Plant (ETP), open spaces, parking spaces and tree cover. These facts were very much manifest when the VCA stadium became functional in the year 2008. In our opinion, therefore, the cause of action for the present Application arose first when the VCA stadium became functional. There is nothing in the Application to state that

26

these injuries stood compounded further to actuate the Applicants to initiate the action in the present case as framed."

(emphasis supplied)

20. In *Surendra Waman Dhavale case (supra)* we dismissed the application for restitution of environment with following pertinent observations:

"12. Here we are dealing with the case of patent event of massive construction perceptible to the public at large. Nothing was concealed as regards the construction in question. In such circumstance, the Ratio Decidendi arrived at in the case of *Dr. V.N. Shrikhande* is not applicable in the present case, more particularly for the reason that there was pre-existing jetty and nowhere the applicants have described or given the details of latent effects of harm/injury caused to the environment due to the construction in question which became prominent or about September 2013, the time when the notice dated 25th September 2013 was issued. In the case of the Applicants that there has been massive cutting of mangroves in the year 2003 by Google Imagery Communication (A-8) for the purpose of construction of jetties. The first cause of action therefore, in any case arose long back in the year 2003. Even by liberal estimation, the work of construction could be said to have been evident on its completion in the year 2006 vide Inspection Report dated 1st February 2006. In such situation, the application which is filed on 6th September, 2014, is inordinately grossly time barred."

(emphasis supplied)

21. In this background we are obliged to consider the fact situation in the present case as found pleaded in the application and as revealed from the record. In the instant case it is not violations of law alone which have given rise to the present *lis* but the fallout of those acts as stated in the application in terms of damage to the environment that constitutes the cause of action. Needless to state that the cause of action is a bundle of facts and not a single fact

403060/2021/U/o DyGA(GSM)

27

alone. For a person to be aggrieved in real sense, it is necessary that there exist circumstances manifesting the adverse impacts of the acts detrimental to the environment i.e. damage to the environment.

22. Furthermore, the "cause of action" has to be complete in case of an application for restitution of the environment under Section 15 of the National Green Tribunal Act, 2010.

The composite set of facts necessary to culminate into the cause of action must so combine as to present all the ingredients necessary for invoking the said provision. The restitution of environment presupposes environmental damage and as observed hereinbefore environmental damage is what prompts the present action.

23. There can be cases wherein the environmental damage may not be perceptible due to assimilative and regenerative character of the nature but when it comes to light due to either increase in anthropogenic pressure of development exceeding the nature's potential or exhaustion of nature's potential to assimilate and regenerate herself any person aggrieved thereby is furnished with the cause of

action for taking action against such wrong or injury to his legal right to clean environment. It is in this context the "Discovery Rule" evolved by the Courts in United States in case of *Morgan Vs Grace Hospital Inc.* 149 W.VA. 783, 144 S.E. 2d 156 and adopted by Hon'ble Apex Court in Dr. V.N. Shrikhande case [AIR 2011 SC 212; Dr. V.N.

28

Shrikhande Vs. Mrs. Anita Sena Fernandes become relevant. The Hon'ble Apex Court while dealing with the issue of limitation in a case of medical negligence held:

"In case of Medical Negligence "Cause of action" does not accrue until the patient learns of injury/harm or in the exercise of reasonable care and diligence could have discovered the act constituting negligence."

24. A person/patient may suffer legal injury due to the medical negligence when actually the negligence occurs. However, the cause of action, the Hon'ble Apex Court held does not accrue until the patient learns of harm/injury caused by such negligence in order to discover the act constituting negligence. Occurrence of harm caused to the environment is analogous to the harm caused on account of a medical negligence in a sense that it is a species for Tort like medical negligence and it could become perceptible only upon unfolding of future events. In the instant case, the cumulative effect of various illegalities or infractions of law including those of the enactments specified in Schedule-I of the National Green Tribunal Act, 2010 became evident when the incidence of overflowing of the sewage and its percolation in the land and Nalla flowing along the said project could be noticed - vide Notice/Letter dated 17th November, 2014 addressed to the Managing Director of Respondent No.10 - M/s Goel Ganga Construction at Annexure-IV Colly to the Rejoinder Affidavit dated 22nd March, 2017. The Applicant with the facts and figures collated by him has also specifically pleaded the

403060/2021/U/o DyGA(GSM)

29

case of undue burden on the resources and eco-system due to generation of waste water and solid waste beyond the limit stipulated in Consent to Establish at paragraph No.18 of the application and as quoted herein above.

25. Such was not in the case in *Application No.95/2014 [Mr. Surendra Waman Dhavale V/s 17 Ors.]*. We had, therefore, declined to apply the Ratio *Decidendi* arrived at in the case of Dr. V.N. Shrikhande in that case and more particularly observed that nowhere the applicants had described or given the details of latent effects of harm and injury caused to the environment due to the construction which became patent in or about September 2013 the time when the Notice dated 25th September, 2013 was issued. However, in the present case the facts are different and the Applicant has specifically pleaded the facts leading to the first accrual of the cause of the action as unfolded with the following events.

26. The first cause of action - composite set of facts complete and distinct - arose in the present case when the environment, more particularly, its water dimension was found adversely impacted with the overflowing of sewage as pleaded in the application. The application for restitution of environment thus adversely impacted was filed on 20th September, 2016 well within the period of five (05) years prescribed under Section 16 of the National Green Tribunal Act, 2010 therefrom.

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27. In view of the aforesaid discussion, the exceptions taken to the maintainability of the present application deserve to be rejected.

M.A. No.22/2017 is, therefore, rejected.

Matter be listed for hearing on 12th February, 2018.

..... JM
(Justice U.D. Salvi)

..... EM
(Dr.Nagin Nanda)

Date: 8th January, 2018

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31
Annexure A-2

EXHIBIT B

SECTION XVII

ITEM NO.14

COURT NO.6

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1258/2018

GANGA SKIES COMPLEX COOPERATIVE
HOUSING SOCIETY LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

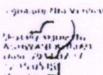
(IANo.14921/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.14920/2018-STAY APPLICATION and IA
No.14922/2018-EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 1492/2018 (XVII)

(IA No.17366/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.17364/2018-STAY APPLICATION and IA
No.17368/2018-EXEMPTION FROM FILING O.T.)

Date : 16-02-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHANFor Appellant(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Ninad, Adv.
Mr. Aman Varma, AOR
Ms. Anshula Grover, Adv.
Mr. Sangram Bhonsale, Adv.
Ms. Samridhi Jain, Adv.
Mr. Anjuman Tripathy, Adv.For Respondent(s) Mr. Shriram P. Pingle, AOR
Mr. Nitin Lonkar, Adv.
Ms. Sonali Suryawanshi, Adv.UPON hearing the counsel the Court made the following
O R D E R

Issue notice, returnable in six weeks.

Dasti, in addition, is permitted.

Mr. Shriram P. Pingle, Advocate accepts notice on behalf of

18
5-13-2018

respondent no. 13. Therefore, service on respondent no. 13 is waived.

Other respondents shall be served.

In the meantime, there shall be stay of further proceedings.

(ASHWANI THAKUR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER

UNION OF INDIA & ORS
VERSUS
GAMES ENTERS COOPERATIVE
No. 1482/2018-EXEMPTION FROM FILING O.P. I
and IA No. 1482/2018-STAY APPLICATION
(LA No. 1482/2018-EXEMPTION FROM FILING O.P. OF THE IMPUGNED JUDGMENT and IA No. 1482/2018-STAY APPLICATION and IA No. 1482/2018-EXEMPTION FROM FILING O.P. I)
Date: 16-03-2018 These matters were called on for hearing today.
CORAM: HON'BLE MR. JUSTICE A. K. SIKRI
HON'BLE MR. JUSTICE ASHOK KHUSHN
For Applicant(s):
Mr. Dhruv Mehra, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Harsh Adv.
Mr. Aman Varma, AOR
Mr. Anshul Grover, Adv.
Mr. Sandeep Ghonsale, Adv.
Mr. Samirbha Jais, Adv.
Mr. Anurag Tripathy, Adv.
For Respondent(s):
Mr. Shantanu P. Singh, AOR
Mr. Nitin Jankar, Adv.
Mr. Jyoti Sarwanishi, Adv.
UPON hearing the counsel the court made the following
O R D E R
These parties, respondents to the writ
Part, in addition, as proposed.
Mr. Shantanu P. Singh, Advocate appears on behalf of



33
Annexure-A-3

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

**MEMORANDUM OF APPLICATION
 UNDER SECTIONS 14 & 15 OF NGT ACT, 2010**

APPLICATION NO. 148/2016

IN THE MATTER OF

1. Mr. Tanaji Balasaheb Gambhire

Age: Adult, Occupation: Service,
 R/o- Flat No-16, CTS-296, Laxmi Apartment,
 Near Shivaji Maratha High School,
 White House Lane, Shukrawar Peth,
 Pune-411002.

2. Mr. Tushar Namdev Kakade

Age: Adult, Occupation: Self-Employed,
 R/o- 18, Sundar Heights, Survey, No. 29,
 Chaltanyanagar, Dhankawadi,
 Pune-411043.

... APPLICANTS

VERSUS

1. THE SECRETARY

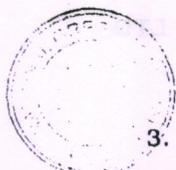
Environment Department
 Government of Maharashtra,
 Room No. 217, Annex Building,
 Mantralaya, Mumbai-400 032.

2. THE MEMBER SECRETARY-SELAA

State Level Environment Impact Assessment Authority
 Government of Maharashtra,
 15th Floor, New Administrative Building,
 Mantralaya, Mumbai-400 032.

3. THE CHAIRMAN

Maharashtra Pollution Control Board

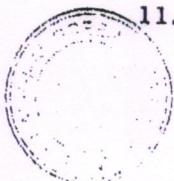


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34

Kalptaru Point, 3rd Floor, Near Slon Circle,
Opp. Cine Planet, Cinema, Slon (E), Mumbai-.400022

4. **REGIONAL OFFICER**
Pollution Control Board-Maharashtra State,
Jog Centre, 3rd Floor, Mumbai-Pune Road,
Wakadewadi, Pune-411003
5. **PIMPRI-CHINCHAWAD MUNICIPAL CORPORATION.**
Pimpri, Pune-411 018
6. **MUNICIPAL COMMISSIONER,**
Pimpri-Chinchawad Municipal Corporation,
Pimpri, Pune-411 018
7. **CITY ENGINEER,**
Pimpri-Chinchawad Municipal Corporation,
Pimpri, Pune-411 018
8. **SHRI. MAKRAND D. NIKAM**
Executive Engineer
Pimpri-Chinchawad Municipal Corporation,
Pimpri, Pune-411 018
9. **DISTRICT COLLECTOR - PUNE**
President-District Environment Committee, Pune
10. **M/S. PARAMOUNT-GAURAV SHELTERS PRIVATE LTD.**
Survey No. 168, Altissimo, Wakad Link Road,
Next to Eden, Wakad, Pune-411057,
11. **M/S. KARAN-TEJ PARAMOUNT PROPERTIES PRIVATE LTD**
Survey No. 168, Altissimo, Wakad Link Road,
Next to Eden, Wakad, Pune-411057.



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....RESPONDENTS

35

AND IN THE MATTER OF

AN APPLICATION SEEKING RELIEF AND RESTITUTION AGAINST GROSS INTENTIONAL VIOLATION OF RULES AND REGULATIONS IN VARIOUS ENVIRONMENTAL AND POLLUTION CONTROL LAWS READ WITH ALL AMENDMENTS, BY RESPONDENT NO. 10 & 11 WITH THE HELP OF OTHER RESPONDENTS.

1. The addresses of the applicants are as given above for the service of notices of this application.
2. The addresses of the respondents are as given above for service of notices of this application.
3. The applicants above named begs to submit this memorandum of application against the violation of provisions of EIA notification, 2006, rules and regulations in various environmental laws and pollution control laws and all the amendments for the time being in force in regard to said project as per information received under right to information act, inter-alia on the grounds setout hereunder.
4. Violation to its brim with the active aid of the counterparts, subordinates and seniors of the sister corporation, of the various environmental laws by an officer turned developer under the guise of his kin's, need to be dealt with sternly so that a clear and unambiguous message is passed on to the entire community and the issue of one such gross violation by the developer and turning deaf ears to such violations despite



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36

bringing it to the notice of authorities responsible for upholding the law is the reason and basis of this application.

5. The applicants vide an application dated, 27.04.2016 had sought information from the PCMC, which was replied on 16/05/2016 vide letter no. BP/Wakad/Ward B/P-53/122/2016 dated, 11/05/2016 which clearly stated that there is no prior environmental clearance granted to the said project and Applicant No.1 vide an application dated, 12/05/2016 had sought information from the MPCB, which was replied on 13/07/2016 vide letter no. 2060/2016, which clearly stated that there is no prior environmental clearance & Consent to Establish granted to the said project . The applicants on the basis of information available filed a complaint dated 25/07/2016 with Environment Department and Aggrieved by the reply dated 11/05/2016 & 13/07/2016, the applicants again filed a complaint dated 27/07/2016 to the PCMC, requesting to stop and demolish the illegal construction activity. Copies of the Reply to RTI application 27/04/2016, 12/05/2016 and Complaints dated 25/07/2016 & 27/07/2016 are annexed herewith and marked as **ANNEXURE-I**.

FACTS IN BRIEF

6. **INFORMATION OF PROJECT PROPONENT BUILDER / DEVELOPER RESPONDENT NO. 10 & 11: -**

That the present project has been constructed by M/s. Paramount-Gaurav Shelters Private Ltd. And M/s. Karan-

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37

proponents (PP) are companies registered under Indian Company Act, 1956 having their Registered Office at M-1/105, M.I.G. Krishna HSG Society, Gokhale Nagar Pune, Maharashtra Pune-411016 and Business Offices at- I-704, Rohan Niley-1, Aundh, Pune-411007 & Survey, No. 168, Altissimo, Wakad Link Road, Next to Eden, Wakad, Pune-411057 and the responsible directors are 1. Pramod Madhukar Waghmare & 2. Pradnya Prashant Waghmare having the addresses at "I-704, Rohan Niley-1, Aundh, Pune-411007" & "F-1103, Rohan Niley-1, Aundh, Pune-411007" respectively and who are developing the alleged project, which is under violation of various environmental and Pollution Control laws and all are jointly and severally liable for damage to environment.

Table No.1-Paramount-Gaurav Shelters Private Limited.

Sr	Item	Description
1.	Company Name	Paramount-Gaurav Shelters Private Limited.
2.	CIN	U00500PN2006PTC022349
3.	Pan Card No	AADCP9280B
4.	Incorp. Date	17.04.2006
5.	Director-1	Pramod Madhukar Waghmare
6.	DIN	00953689
7.	Director-2	Pradnya Prashant Waghmare
8.	DIN	00953725
9.	Registered Office Address	M-1/105, M.I.G. Krishna HSG Society, Gokhale Nagar Pune, Maharashtra Pune-411016
10.	Business Office Address	I-704, Rohan Niley-1, Aundh, Pune-411007.

Table No.2-Karan-Tej Paramount Properties Private Limited.

Sr	Item	Description
1.	Company Name	Karan-Tej Paramount Properties Private Limited.
2.	CIN	U00500PN2006PTC022349
3.	Pan Card No.	AACCK8310L
4.	Incorp. Date	17.04.2016

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38

5.	Director-1	Pramod Madhukar Waghmare
6.	DIN	00953689
7.	Director-2	Pradnya Prashant Waghmare
8.	DIN	00953725
9.	Registered Office Address	M-1/105, M.I.G. Krishna HSG Society, Gokale Nagar Pune, Maharashtra Pune-411016
10.	Business Office Address	I-704, Rohan Niley-1, Aundh, Pune-411007.

7. PARTICULARS OF PROJECT UNDER CHALLENGE:-

The present project is building construction project situated at Sr. No. 167(Pt) to 168(Pt). At- Wakad, Taluka- Mulshi, District- Pune. That the project consists of Two residential Societies namely Madhupushpa-I & Madhupushpa-II now changed to Altissimo, Four Residential Building (A, B, C, D), Twin Bungalow and One Commercial Building. The project is more than twenty thousand square meters and the exact figures are given herein below.

FACTS LEADING TO THIS APPLICATION

8. That during visit to the said project site and later on by scrutiny of documents received under the Right to Information Act, the applicant found many irregularities, illegal activities, intentional violations & breaches of environmental law and many more violations which causes environmental degradation and huge financial loss to the government machinery in various ways as well as very serious violations of Environment Protection Act and Pollution Control Laws, EIA notification 2006.
9. That the applicants brought the entire environmental violations to the notice of various Respondents amongst nos. 1 to 9 for investigation and further strongest action against project

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39

proponent Respondent No.10 & 11 with a hope that the further illegalities would be prevented by the said authorities. However to the utter shock and surprise to the applicants, the applicants realized that the government machinery in various offices is trying its best to help and facilitate developer to violate laws left right and center for reasons best known to such authorities.

10. Being aggrieved by and dissatisfied with the inaction on the part of various environment protection authorities, this applicant prefers this application inter-alia on the following grounds.

11. CONSTRUCTION BEING CARRIED OUT WITHOUT ANY ENVIRONMENTAL CLEARANCE AND CONSENT TO ESTABLISH IN BLATANT VIOLATION OF THE ENVIRONMENTAL LAWS, POLLUTION CONTROL ACT AND EIA NOTIFICATION, 2006.

The applicant states that, as per the EIA notification 2006 dated 14.09.2006, it is mandatory to obtain the prior environment clearance from SEIAA and consent to establish from MPCB before commencement of any construction work on part of Project proponent. But the project proponent has started and completed most of the construction activity.

Table No.3: - Actual Construction carried out at site without Environmental Clearance.

Description	EC Permission	Actual Construction	Work In Progress	Total
No of Flats	00	180	118	298
Bungalow	00	4		4
Shops/ Offices	00	00	9	9
Built-Up Area (Sq. Mtrs)	00	48095.75		48095.75

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11.1 It is to be noted that, the buildings A, B, C, Twin-Bungalow, Club-house received the part completion in year 2012-13 having the built-up area **31739.05 Sq. Mtrs.** and then building construction of "D" building & Shopping was proposed in Feb-2013, but the full potential of built-up area for building D is stated in the revision plan dated 29.01.2016. Further it is to be noted that the entire development under the violation of Environment Act and Pollution Control Act is the part of the same layout.

11.2 Further it is to be noted that, the building D has total no. of 118 flats i.e. 112 as per the sanctioned plan, 2 for refugee area, and 4 flats for the club house, gym, etc., so it is important to consider the built-up area of 4 flats those are used for club house & gym.

11.3 It is to be noted that to calculate the total built-up area of the said project, that is completed till today and proposed built-up as on today for future expansion is given in below table.

Table No. 4 (Built-up Area of Building "A, B, C, Bungalow, D & Shopping")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	B+P+12	34.80	59
2	Bldg-B FSI	4627.04	B+P+12	34.80	59
3	Bldg-C FSI	4403.52	B+P+12	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Staircase	834.22			
6	Passage	1453.14			
7	Lift				
8	Fire Lift	103.92			
9	Balcony	2083.18			
10	Terrace	3582.28			
11	Refuge Area	293.76			3

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12	Parking	8933.19			
13	U.G. Tank	80			
14	O.H. Tank	270			
15	Club House	200	G-1	5.80	
16	Bldg-D FSI	7103.29	B+P+12	34.80	112
17	Staircase	390.78			
18	Fire Staircase	308.88			
19	Passage	926.44			
20	Lift	6.70			
21	Fire Lift	10.22			
22	Balcony	1065.48			
23	Terrace	1677.47			
24	Refuge Area	203.55			2
25	Parking	3636.81			
26	U.G. Tank	80			
27	O.H. Tank	80			
28	Prop. Shopping	142.58			
29	Club House & Gym	293.24			4
30	Terrace	348.9			
31	Passage	9.67			
32	Balcony	69.72			
	Total	48095.78			302

Table No. 5 (Actual Built-up Area of the Entire Development")

Sr.	Description	Built-up Area	Tenements
1	Total Built-up area of the project	48095.78	302
	Total	48095.78	302

"Total built-up area of the project is 48095.78 sq. mtrs. and total no. of units 302, total no. of residential building 4".

11.4 VIOLATION OF PCMC NOTING, OBSERVATIONS, CONDITION ON BUILDING PLAN AND DIRECTIONS TO PP.

Project proponent proposed the D building in the revision plan

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BP/Layout/Wakad/21/2013 dated 21.02.2013 and again the

42

PP applied for the amendment in the sanction dated 21.02.2013 on 13.06.2014, while sanctioning the said building plans the Hon'ble Commissioner, PCMC made observation and recorded the noting that, "The said plot have construction area more than 20000 sq. mtrs, and as per the Government notification dated 20.01.2014 & in reference to that, Hon'ble Commissioner on dated 18/09/2014 noting, the following condition is imposed."

The condition no. 25 is imposed on the commencement certificate and on the building plan vide sanctioned no. BP/Layout/Wakad/123/2014 on 09.10.2014, and the condition no. 25 reads as **"25. Said construction plans are sanctioned under condition of obtaining the "Environment Clearance" from the Environment department, without such clearance actual construction/ development of said land is not allowed or permitted."**

Even such mandatory condition was imposed on the Plan and binding upon PP, the Project Proponent neither made application to obtain Environment Clearance nor he made compliance of the condition stipulated in the commencement certificate of not making the construction.

"The applicants states that, Project Proponents have neglected to perform their duties to obtain the Environment Clearance, even after they were made aware of mandatory provisions & requirements for their development"

Copy of PCMC Commissioner Observation letter dated 18.09.2014 is marked and annexed as an **ANNEXURE-II** and copy of the plan dated 09.10.2014 is marked and annexed as an

ANNEXURE-III.



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43

**11.5 BUILDING PERMISSION & REVISION OF PLANS,
PLINTH CHECK, COMPLITION CERTIFICATE BEYOND
20000 Sq. Mtrs.**

11.5.1 BUILDING PERMISSION

That the present PP applied for the building permission on 15.03.2007 through his notice to local Authority and PCMC who is playing role of local authority granted the building sanction to PP vide Commencement Certificate no. BP/Wakad/Layout/26/2007 & BP/Wakad/Layout/27/2007. dated 28.03.2007 through M/s. **Paramount-Gaurav Shelters Private Ltd.** (PAH Pramod Madhukar Waghmare) so called Original sanctions.

11.5.2 REVISION OF LAYOUT & BUILDING PLANS

That there are ten (10) amendments or revisions in the building plans and Layouts. It is to be also noted that, from year 2007 to 2013 the construction is made under the trade name M/s. Paramount-Gaurav Shelters Private Ltd. through the PAH director Mr. Pramod Waghmare and also on 21.02.2013 the plans were revised for additional construction of Building "D" on adjoining plot. But on 18.05.2013 M/s. Paramount-Gaurav Shelters Pvt. Ltd. assigned the development rights with couple of correction to M/s. Karan-Tej Paramount Properties Pvt. Ltd. for land admeasuring about 2389 Sq. Mtrs with the TDR potential of the entire plot (Original Plot-14635 Sq. Mtrs) about 4750 Sq. Mtrs. Both the companies have same directors. It is very surprising to assign the development rights to the companies having same directors. The reasons best known to them, but



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44
the project proponent cannot escape from the responsibility of mandatory provisions of law by making such change by assigning of development rights. Therefore both the companies are liable for violations.

TABLE NO.6

Sr.	Revision of Plan	Date	Project Owner(PAH)
1	B.P./Layout/WAKAD /22/2008	05.03.2008	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
2	B.P./Layout/WAKAD/115/2008	19.11.2008	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
3	B.P./Layout/WAKAD/67/2009	21.11.2009	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
4	B.P./Layout/WAKAD/125/2010	25.11.2010	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
5	B.P./Layout/WAKAD/105/2011	19.09.2011	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
6	B.P./Layout/WAKAD/41/2012	31.03.2012	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
7	B.P./Layout/WAKAD/21/2013	21.02.2013	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
8	B.P./Layout/WAKAD/123/2014	09.10.2014	Pramod Waghmare M/s. Paramount-Gaurav Shelters Pvt. Ltd.
9	B.P./Layout/WAKAD/195/2015	23.11.2015	Pramod Waghmare M/s. Karan-Tej Paramount Properties Pvt. Ltd.
10	B.P./Layout/WAKAD/20/2016	29.01.2016	Pramod Waghmare M/s. Karan-Tej Paramount Properties Pvt. Ltd.

11.5.3 PLINTH CHECK CERTIFICATES

It is to be noted that it is not clear when the plinth check certificate for the residential buildings C & Twin-Bungalow Building is obtained. While the residential buildings A, B & D is obtained the plinth check certificate vide no.



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45-

BP/Wakad/67/2009 dtd. 21.11.2009, BP/Wakad/1121/2010 dated 15.02.2010 and BP/Wakad/1022/2013 dated 18.10.2013 received the plinth check respectively. Copies of plinth check certificates are marked and annexed as an ANNEXURE-IV (Colly.)

11.5.4 COMPLETION / OCCUPANCY CERTIFICATE

It is to be noted that, the Project proponent has obtained the part occupancy certificate for the building A, B, C, Twin Bungalow, Club-house, while the building D and Conventional shopping is under construction. Details are given in below table.

TABLE NO.7

Sr.	Building	Completion Certificate	Date	Remark
1.	Bldg-A	175/2011	09.12.2011	
2.	Bldg-B	08/2012	18.01.2012	
3.	Bldg-C	108/2012	31.03.2012	
4.	Twin-Bungalow	108/2012	31.03.2012	
5.	Club-House	108/2012	31.03.2012	
6.	Bldg-D	-	-	Under Construction
7.	Con. Shopping	-	-	Under Construction

Copies of occupancy certificates are marked and annexed as ANNEXURE-V

12. PP IGNORED MANDATORY PROVISIONS TO BE FOLLOWED IN BUILDING CONFIGURATION (AREA STATEMENT, BUILT-UP AREA STATEMENT, NO. OF BUILDINGS, TWIN-BUNGALOW AND CLUB HOUSE) AND THEREBY VIOLATED ENVIRONMENTAL LAWS.

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46

**12.1 Revised Sanction No. B.P./Layout/WAKAD/26/2007 Dated
28/03/2007.**

It is very surprising to note that the PP submitted two separate proposals on 28.03.2007 with different configurations vide no. 26/2007 and 27/2007 reasons best known to them. The proposal 26/2007 proposed four multi-storied residential buildings with total no. of tenements were 100 and proposed built-up was 12527.95 sq. mtrs.

Table No. 8 (Built-up Area of Building "A, B, C & D")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4007.62	P + 11	34.20	43
2	Bldg-B FSI	3901.86	P + 11	34.20	43
3	Bldg-C FSI	697.05	P + 2	9.60	8
4	Bldg-D FSI	376.90	P + 1	5.70	4
5	Staircase	410.28			
6	Lift				
7	Fire Lift	132.92			
8	Balcony	1298.92			
9	Parking	1462.40			
10	U.G. Tank	80			
11	O.H. Tank	160			
12	Refuge Area				2
	Total	12527.95			100

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as **ANNEXURE-VI.**

**12.2 Revised Sanction No. B.P./Layout/WAKAD/27/2007 Dated,
28/03/2007**

It is to be noted that the PP proposed five multi-story residential buildings having built-up area **22923.51 sq. mtrs.**

It was important and mandatory to obtain the prior environment clearance and consent to establish from the board

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47

as the proposed built-up area was 22923.51 sq. mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 9 (Built-up Area of Building "A, B1, B2, B3 & D")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	675.00	P + 3	11.40	12
2	Bldg-B1,B2, B3- FSI	12076.00	P + 11	34.20	129
3	Bldg-D FSI	760.76	P + 1	6.55	8
4	Staircase	611.66			
5	Lift	134.39			
6	Fire Lift				
7	Balcony	2066.69			
8	Terrace	1539.39			
9	Parking	4629.62			
10	U.G. Tank	80			
11	O.H. Tank	350			
12	Refuge Area				3
	Total	22923.51			152

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-VII.

12.3 Revised Sanction No. B.P./Layout/WAKAD/22/2008 Dated.

05/03/2008

It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area 29691.37 Sq. Mtrs. It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was 29691.37sq.

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48

mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 10 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4424.79	P + 11	34.80	53
2	Bldg-B FSI	4435.00	P + 11	34.80	53
3	Bldg-C FSI	4424.79	P + 11	34.80	53
4	Twin Bungalow	355.84	G+1	6.55	4
5	Staircase	615.28			
6	Balcony	1861.92			
7	Terrace	3434.57			
8	Parking	9789.18			3
9	U.G. Tank	80			
10	O.H. Tank	270			
	Total	29691.37			166

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-VIII.

12.4 Revised Sanction No. B.P. / Layout / WAKAD/115/2008

Dated. 19/11/2008

It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area **27072.79 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was **27072.79 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not

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49

obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 11 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1.	Bldg-A FSI	4472.72	2 LVL.P + 12 FL	34.80	59
2.	Bldg-B FSI	4628.84	2 LVL.P + 12 FL	34.80	59
3.	Bldg-C FSI	1115.87	2 LVL.P + 03 FL	8.70	15
4.	Twin Bungalow	404.30	G+1	6.55	4
5.	Staircase	633.05			
6.	Passage	1054.35			
7.	Balcony	1511.47			
8.	Terrace	2740.32			
9.	Refuge Area	203.00			2
10.	Parking	9848.87			
11.	U.G. Tank	80			
12.	O.H. Tank	180			
13.	Club House	200	G	2.90	
	Total	27072.79			139

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as **ANNEXURE-IX**.

12.5 Revised Sanction No. B.P./Layout/WAKAD/67/2009 Dated. 21/11/2009.

It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area **26043.29 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was **26043.29 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not

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obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 12 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	924.97	2 LVL.P + 03 FL	8.70	12
4	Twin Bungalow	404.30	G+1	6.55	04
5	Staircase	670.69			
6	Passage	1083.60			
7	Lift	103.92			
8	Fire Lift				
9	Balcony	1468.22			
10	Terrace	2639.26			
11	Refuge Area	203.00			2
12	Parking	8987.79			
13	U.G. Tank	80			
14	O.H. Tank	180			
15	Club House	200	G+1	5.80	
	Total	26043.29			136

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-X.

12.6 Revised Sanction No. B.P./Layout/WAKAD/125/2010

Dated. 25/11/2010

It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area 30241.55 sq. mtrs. It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was 30241.55 sq.

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mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 13 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	3435.02	2 LVL.P + 10 FL	29.00	46
4	Twin Bungalow	404.30	G+1	6.55	4
5	Staircase	761.74			
6	Passage	1380.60			
7	Lift	103.92			
8	Fire Lift				
9	Balcony	1898.86			
10	Terrace	3382.62			
11	Refuge Area	293.76			3
12	Parking	8933.19			
13	U.G. Tank	80			
14	O.H. Tank	270			
15	Club House	200	G+1	5.80	
	Total	30241.55			171

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XI.

12.7 Revised Sanction No. B.P. /Layout /WAKAD /105 /2011

Dated 19/09/2011.

It is to be noted that the PP proposed three multi-storey residential buildings and two twin bungalows having built-up

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area **31739.05 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was **31739.05 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and proceeded with the construction.

Table No. 14 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	4403.52	2 LVL.P + 12 FL	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Staircase	834.22			
6	Passage	1453.14			
7	Lift	103.92			
8	Fire Lift				
9	Balcony	2083.18			
10	Terrace	3582.28			
11	Refuge Area	293.76			3
12	Parking	8933.19			
13	U.G. Tank	80			
14	O.H. Tank	270			
15	Club House	200	G+1	5.80	
	Total	31739.05			184

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XII.

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12.8 Revised Sanction No. B.P./Layout/WAKAD/41/2012 Dated,

31/03/2012

53

It is to be noted that the PP had proposed three multi-storey residential buildings and two twin bungalows having built-up area **31739.05 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was **31739.05 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and completed the construction for three residential buildings & twin bungalows having built-up area 31739.05 sq. mtrs.

Table No. 15 (Built-up Area of Building "A, B, C & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	4403.52	2 LVL.P + 12 FL	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Staircase	834.22			
6	Passage	1453.14			
7	Lift	103.92			
8	Fire Lift				
9	Balcony	2083.18			
10	Terrace	3582.28			
11	Refuge Area	293.76			3
12	Parking	8933.19			
13	U.G. Tank	80			
14	O.H. Tank	270			
15	Club House	200	G+1	5.80	
	Total	31739.05			184

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Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XIII.

12.9 Revised Sanction No. B.P./Layout/WAKAD/21/2013 Dated, 21/02/2013

It is to be noted that the PP had proposed expansion for one multi-storey residential building having built-up area 12089.23 Sq. mtrs. It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was 12089.23 Sq. mtrs as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and completed the construction for three residential building & twin bungalows having built-up area 31739.05 Sq. mtrs.

Table No. 16 (Built-up Area of Building "A, B, C, D & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59
2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	4403.52	2 LVL.P + 12 FL	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Bldg-D FSI *	4703.22	2 LVL.P + 08 FL	23.20	72
6	Staircase	1058.44			
7	Fire Staircase	224.22			
8	Passage	2075.70			
9	Lift	135.75			

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10	Fire Lift				
11	Balcony	2789.22			
12	Terrace	4848.25			
13	Refuge Area	401.10			5
14	Parking	12977.02			
15	U.G. Tank	160			
16	O.H. Tank	350			
17	Club House	200			
	Total	43828.28			258

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XIV.

12.10 Revised Sanction No. B.P./Layout/WAKAD/123/2014

Dated. 09/10/2014

It is to be noted that the PP had proposed expansion for one multi-stories residential building having built-up area **17128.37 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the proposed built-up area was **17128.37 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and completed the construction for three residential buildings & twin bungalows having built-up area **31739.05 sq. mtrs.**

Table No. 17 (Built-up Area of Building "A, B, C, D & Bungalow")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-A FSI	4470.50	2 LVL.P + 12 FL	34.80	59

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24

576

2	Bldg-B FSI	4627.04	2 LVL.P + 12 FL	34.80	59
3	Bldg-C FSI	4403.52	2 LVL.P + 12 FL	34.80	59
4	Twin Bungalow	404.30	G+1	6.55	4
5	Bldg-D FSI *	6671.09	2 LVL.P + 12 FL	34.80	103
6	Staircase	1161.40			
7	Fire Staircase	372.48			
8	Passage	2371.18			
9	Lift	135.75			
10	Fire Lift	41.51			
11	Balcony	3082.48			
12	Terrace	5259.75			
13	Refuge Area	497.31			5
14	Parking	14659.11			
15	U.G. Tank	160			
16	O.H. Tank	350			
17	Club House	200			
18	Prop. Shopping				
	Total	48867.42			289

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as **ANNEXURE-III.**

**12.11 Revised Layout Sanction No. B.P./Layout/WAKAD/195/
2015 Dated. 23/11/2015**

TABLE NO-18 (AREA BEFORE AMALGAMATION)

Sr. No.	Survey No.	Area As per Δ Method	As Per 7/12	POH & Development Agri.	Min. Area
1	168/1A/1(P)	1739.15	2250.00	1750.00	1750.00
2	168/1B/1(P)	1450.75	1950.00	1450.00	1450.00
3	168/1C/1(P)	1501.11	2000.00	1500.00	1500.00
4	168/1/1(P)	4000.23	4000.00	4000.00	4000.00
5	168/1/2(P)	3280.53	3285.00	3285.00	3285.00
6	168/1A/2	1000.13	1000.00	1000.00	1000.00

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7	168/1B/2	1000.33	1000.00	1000.00	1000.00
8	168/1C/2	1000.06	1000.00	1000.00	1000.00
9	168/1B/3	300.35	300.00	300.00	300.00
10	168/1C/3	300.24	300.00	300.00	300.00
11	168/1/3(P)	1602.96	1587.00	1587.00	1587.00
12	168/1/3(P)	928.24	928.00	928.00	928.00
	TOTAL	18104.08	19600.00	18100.00	18100.00

"It is to be noted that the land admeasuring 3285 Sq. Mtrs. from survey no. 168/1/2, the Project proponents have only development rights for 2335 Sq. Mtrs. and for 950 Sq. Mtrs do not have title."

TABLE NO-19 (AREA AFTER SUBDIVISION)

Survey Number	Area As per Δ Method	As Per 7/12	Min. Area	Net Area
168/1A/1(P)+ 168/1B/1(P)+ 168/1C/1(P)+ 168/1/1(P)+ 168/1/2(P)+ 168/1A/2+ 168/1B/2+168/1B/3+168 /1C/3+	10100.38	10097. 95	10097. 95	10097. 95
168/1A/1(P)+ 168/1B/1(P)+ 168/1C/1(P)+ 168/1/3(P)- PLOT-3	4428.12	4428.0 9	4428.0 9	4428.0 9
168/1/3(P)+168/1/2(P)- PLOT-2	951.62	950.0	950.0	950.0
AREA UNDER DP ROAD	605.27	605.27	605.27	605.27
AREA UNDER INTERNAL ROAD	299.13	299.13	299.13	299.13
OPEN SPACE AREA-1	868.0	868.0	868.0	868.0
OPEN SPACE AREA-2	377.34	377.34	377.34	377.34
OPEN SPACE AREA-3	274.22	274.22	274.22	274.22
OPEN SPACE AREA-4	200.0	200.0	200.0	200.0
TOTAL	18104.08	18100. 00	18100. 00	18100. 00

TABLE NO-20 (AREA STATEMENT AFTER SUBDIVISION)

AREA STATEMENT		Sq. M
1	AREA OF PLOT	18100.00

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58

2	DEDUCTION FOR				
A	AREA UNDER D.P. ROAD				605.27
B	AREA UNDER INTERNAL ROAD				299.13
C	TOTAL				904.40
3	NET AREA (1-2c)				17195.60
4	DEDUCTION FOR				
A	10% OPEN SPACE AREA				1719.56
B	15% AMENITY SPACE AREA				----
C	TOTAL				1719.56
5	NET AREA OF PLOT(3-4C)				15476.04
6	SUBDIVISION OF PLOT	PLOT-1	PLOT-3	PLOT-2	TOTAL
		10097.95	4428.09	950.00	15476.04
7	DEDUCTION FOR				
A	AREA UNDER 6.0 MW INTERNAL ROAD	280.95	----	----	280.95
8	NET AREA OF PLOT(6-7a)				15195.09
9	ADDITION FOR				
A	AREA UNDER DP ROAD	----	353.37	----	353.37
		----	252.38	----	252.38
	TOTAL	----	605.75	----	605.75
B	AREA OF SHIFTED ROAD BOUNDARY	----	299.13	----	299.13
C	AREA UNDER 6.0 MW INTERNAL ROAD	280.95	----	----	280.95
D	ADD T.D.R. AREA (40%)	3808.0	1771.24	----	5579.24
E	TOTAL	4088.95	2676.12	950.0	6765.07
10	PERMISSIBLE F.S.I. (8+9e)				21960.16
		13905.95	7104.21	950.0	

"It is to be noted that the Project proponents do not have any development agreement or Power of Attorney for the plot no-2 for an area 950 sq. mtrs. and hence plot-2 shall not be part of this layout or development until and unless the PP holds any authentic PAH or Development Agreement for the same area."

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XV.



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59

12.12 Revised Sanction No. B.P./WAKAD/20/2016 Dated.

29/01/2016 (Plot-3).

It is to be noted that the PP had proposed expansion for one multi-storey residential building having built-up area **15632.20 sq. mtrs.** It was important and mandatory to obtain the prior environment clearance and consent to establish from the board as the combined proposed built-up area was **more than 20000 sq. mtrs** as the EIA notification 2006 was applicable for this development. But it seems that the PP has intentionally not obtained the EC as well as consent to establish and completed the construction for three residential building & twin bungalows having built-up area **31739.05 sq. mtrs.**

Table No. 21 (Built-up Area of Building "D & Shopping")

Sr. No.	Area Details	Area In Sq. Mtrs	Floor	Height	Tenem.
1	Bldg-D FSI	7103.29	P+P+12	34.80	112
2	Staircase	390.78			
3	Fire Staircase	308.88			
4	Passage	926.44			
5	Lift	6.70			
6	Fire Lift	10.22			
7	Balcony	1065.48			
8	Terrace	1677.47			
9	Refuge Area	203.55			2
10	Parking	3636.81			
11	U.G. Tank	80			
12	O.H. Tank	80			
13	Club House				
14	Prop. Shopping	142.58			
	Total	15632.20			114



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60

TABLE NO.22 (AREA STATEMENT)

AREA STATEMENT					sq. M
1	AREA OF PLOT				18100.00
2	DEDUCTION FOR				
A	AREA UNDER D.P. ROAD				605.27
B	AREA UNDER INTERNAL ROAD				299.13
C	TOTAL				904.40
3	NET AREA (1-2c)				17195.60
4	DEDUCTION FOR				
A	10% OPEN SPACE AREA				1719.56
B	15% AMENITY SPACE AREA				----
C	TOTAL				1719.56
5	NET AREA OF PLOT(3-4C)				15476.04
6	SUBDIVISION OF PLOT	PLOT-1	PLOT-2	PLOT-3	TOTAL
		10097.95	950.00	4428.09	15476.04
7	DEDUCTION FOR				
A	AREA UNDER 6.0 MW INTERNAL ROAD	280.95	----	----	280.95
8	NET AREA OF PLOT(6-7a)	9817.0	950.0	4428.09	15195.09
9	ADDITION FOR				
A	AREA UNDER DP ROAD	----	----	353.37	353.37
		----	----	252.38	252.38
	TOTAL	----	----	605.75	605.75
B	AREA OF SHIFTED ROAD BOUNDARY	----	----	299.13	299.13
C	AREA UNDER 6.0 MW INTERNAL ROAD	280.95	----	----	280.95
D	ADD T.D.R. AREA (40%)	3808.0	----	1771.24	5579.24
E	TOTAL	4088.95	950.0	2676.12	6765.07
10	PERMISSIBLE F.S.I. (8+9e)	13905.95	950.0	7104.21	21960.16

Above table is prepared from the authentic record provided by the Pimpri-Chinchwad Municipal Corporation. Copy is marked and annexed as ANNEXURE-XVI.



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13. SUBDIVISION OF PLOT

It is to be noted that the project proponent has developed the entire project as per the layout sanctioned in the year 2007, but in 2013 after the proposal of the building D, PP has revised the layout in the year 2015 vide sanction B.P./Layout/WAKAD/195/2015 Dated. 23.11.2015 and made subdivision of the plot viz. Plot-1 having building A, B & C. and Plot-2 with an area 950 sq. mtrs does not belong to this PP and Plot-3 for the building D & commercial proposal of shopping. i.e. under construction.

14. FRAUDULENT ASSIGNMENT OF DEVELOPMENT RIGHTS

It is to be noted that the, M/s. Paramount-Gaurav Shelters Pvt. Ltd. has proposed to develop the entire layout sanctioned by the PCMC and started their development in the year 2007. After the substantial development of the plot-1 i.e. 31739.05 sq. mtrs. (i.e. more than 20000 sq. mtrs.) of built-up area, the said developer proposed the development of plot-3 for building D on 03.07.2012 and submitted the said proposal to PCMC & PCMC issued the sanction for development of additional building on 21.02.2013 with sanction no. 21/2013.

It is to be noted that the M/s. Paramount-Gaurav Shelters Pvt. Ltd. holds the development rights in respect of area admeasuring 14635 Sq. mtrs. out of the said area the M/s. Paramount-Gaurav Shelters Pvt. Ltd has developed the 11341 sq. mtrs. for project Madhupushpa-I (i.e. Buildings A, B, C, Twin-Bungalow, Club-house etc).

62

It is to be noted that, after the approval of the proposal by PCMC on 21.02.2013 for building D in the original layout, that the M/s. Paramount-Gaurav Shelters Pvt. Ltd has assigned the development rights on 18.05.2013 with an agreement no. 3937/2013 registered in the office of Haveli-2 in favour of M/s. Karan-Tej Paramount Properties Pvt. Ltd. The said agreement reads as below;

"a) Land admeasuring about 2389 Sq. Mtrs.

b) Area under DP Road admeasuring 605.27 Sq. Mtrs.

c) $\frac{1}{2}$ of the area under internal road (Sakhali Road) admeasuring 299.13 Sq. Mtrs. i.e. 149.56 Sq. Mtrs.

d) TDR potential of the entire plot admeasuring about 4750 sq. Mtrs."

It is to be noted that the M/s. Paramount-Gaurav Shelter Pvt. Ltd. has used the land of 11341 sq. mtrs. Out of 14635 sq. mtrs. along with TDR of 3808.04 sq. mtrs. for construction of building A, B, C & bungalow. So the rights assigned here on account of the TDR are illegal in the eyes of law since there was no area for TDR to that tune available with the PP for.

Table No. 23 (DA & PAH of M/s. Paramount-Gaurav Shelters Pvt. Ltd.)

Original Owner	Survey no.	Area	Total Land	DA /PAH	DA/ PAH Holder
Vishnu B. Waghmare	168/1/2	2335	2663 Not considered	8445/2006 Haveli-20 10.11.2006	PGSPL
	167/2/2	328			
Madhukar B. Waghmare	168/1A/2	1000	3600	2448/2007 2449/2007 Haveli-19 20.03.2007	PGSPL
	168/1B/2	1000			
	168/1B/3	300			
	168/1C/2	1000			
	168/1C/3	300			
Madhukar B. Waghmare	168/1/1	4000	4000	2450/2007 2451/2007	PGSPL

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63

				Haveli-19 20.03.2007	
Devi Sneh Park Society & Sneh Construction	168/1A/1	660	1980	5645/2007 5646/2007 Haveli-19 08.08.2006	PGSPL
	168/1B/1	660			
	168/1C/1	660			
Devi Sneh Park Society	168/1A/1	1090	2720	62/2007 63/2007 Haveli-19 04.01.2007	PGSPL
	168/1B/1	790			
	168/1C/1	840			
Vishnu B. Waghmare	168/1/2	2335	2335	8445/2006 8446/2006 Haveli-20	PGSPL
Total			14635		PGSPL

**Table No. 24 (DA & PAH of M/s. Karan-Tej Paramount
Properties Pvt. Ltd.)**

Original Owner	Survey no.	Area	Total Land	DA /PAH	DA/ PAH Holder
Sushila A. Waghmare	167/2/4	436	2023	2929/2008 Haveli-15 25.04.2008 1306/2009 Haveli-19 24.04.2009	KTPPPL
	168/1/3	1200			
	168/1/3	387			
Madhukar B. Waghmare	168/1/3	928	928	3939/2013 Haveli-2 18.05.2013	KTPPPL
PGSPL	Land	2389	2389	3937/2013 Haveli-2 18.05.2013 6544/2013 Haveli-2 16.08.2013	KTPPPL
	DP Road	605.27			
	½ Sakali Road	149.56			
	TDR Of 14635	4750			

Copy of agreement no. 3937/2013 Haveli-2 is marked and annexed as ANNEXURE-XVII.

It is to be noted that the both the developers & builders in short are the entities run by the same directors, the transfer of the development rights for the ongoing development is nothing but the staged drama to escape. It is the natural principal of law if anyone gets benefits or gain on something then the

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32
64

beneficiary shall also be liable for the losses or consequences occurred under the law. But here both the PP have same directors then the reason is best known to them behind such transfer of rights of the project under development, the mandatory provisions of law that shall be followed for such development on account to obtain the environment clearance and consent to establish ought to have been followed.

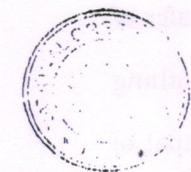
15. ILLEGAL PERMISSION TO TRANSFER OF DEVELOPMENT RIGHTS (TDR) BY PCMC.

It is to be noted that the present PP have used the Total Transfer of Development Rights (TDR) of 5698.04 sq. Mtrs in addition to the FSI of 14245.09 Sq. Mtrs.

It is to be noted that there is no environmental clearance obtained by the project proponent intentionally and more over the PCMC is allowing the PP to use the TDR to make additional construction. As the effect of the TDR loading is that PP has made excess construction, that affected additional population or occupancy and additional load on the public services generating the waste water, solid waste, excess energy consumption, Temperature increase of the surrounding etc. and that is resulted into increase in drastic increase in CO₂ generation causing environmental damage. Below are the details of TDR loading.

Table No.-25: TDR Statement

Sr.	Date	DCR No.	Area Of DCR Utilized (Sq. Mtrs)	Remark
1	30/07/2010	559	1000	
2	29/09/2010	581	1858.04	



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2	06/04/2011	644	950	
3	31/05/2014	1227	1890	
	Total TDR		5698.04	

Copy of TDR details is marked and annexed as ANNEXURE-
XVIII.

16. ONGOING CONSTRUCTION DESPITE NO EC.

It is to be noted that the project proponent has obtained the part completion for the residential building A, B, C for 177 flats and 4 bungalows and the activity for residential building D & Conv. Shopping is partly completed with 45 residential units and partly under construction despite there is no EC granted or even applied for the said project. The PP has very smartly started the development at one end of their land holding and has potential to expand the same upto national highway and needs to be restrained to do the same without obtaining prior environmental clearance. A copy of the demarcation plan no. 18/2011 dated 5/10/2011 showing the land holding of the PP is annexed herewith and marked as **ANNEXURE - XIX**

**17. WASTE WATER AND SOLID WASTE GENERATED BY
THE PROJECT PROPONENT IS HUGE.**

Applicant states that, the project proponent has started the use of 177 residential units & 4 bungalows from the January 2012 of Building A, B & C and 45 residential units from January 2016 of building D wing A.

This act of Project proponents have given rise to the over-burden to the basic infrastructure of the PCMC for water supply.

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drainage line and solid waste disposal system affecting the quality of life of the people living in the same project as well as the people living in the vicinity.

Water Consumption without prior EC.

- A. Project proponents have utilized the ground water for construction purpose without permission from the Ground Water Department and till today PP is using the water for construction without permission.
- B. Residents of the project are utilizing the water for their daily needs from January 2012. The water requirement per person per day is 145 liters and No. of occupant per units are five (5) as per DC Rule.

Units	Total Occupancy	Daily Water Consumption	Total Water Consumed Per day	Total water Consumed till today
181	905	145	131225	227019250
45	225	145	32625	8808750

-181 units are under use from January 2012, so total days till today 1730 days.

-45 units are under use from January 2016, so total days till today 270 days.

-So total water consumed till today is 235828000 liters.

Waste Water Generated without prior EC

As per the DC rule the standard rate of waste water generation per person is 45 liters per day.

-Waste water generated by 181 unit holder having 905 occupancy loads from January-2012 till today in 1730 days approx. is 7045250 liters.

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67

-Waste water generated by 45 unit holder having 225 occupancy loads from Janury-2016 till today in 270 days is 2733750 liters.

- So total waste water generated & drained in the PCMC line giving burden on PCMC Drainage systems is 9779000 liters.

Solid Waste Generated without prior EC.

-Solid Waste generated by 181 unit holder having 905 occupancy loads from Janury-2012 till today in 1730 days with rate of 0.6 kg per day is 939390 Kg.

-Solid Waste generated by 45 unit holder having 225 occupancy loads from Janury-2016 till today in 270 days with rate of 0.6 kg per day is 36450 Kg.

- So total Solid waste generated is 975840 Kg.

18. ENVIRONMENT CLEARANCE AND MPCB CONSENT IS NOT OBATAINED BY PROEJCT PROPONENTS INTENTIONALLY SINCE THE CLOSE BLOOD RELATIVE OF THE PP IS CITY ENGINEER IN THE PMC AND IS INFAC T A SLEEEPING PARTNER AND BENEFICIARY IN THE PROJECT AND IS GUIDING PP TO COMMIT FRAUD AFTER FRAUD TO AMASS WEALTH AT THE COST OF ENVIRONMENTAL DAMAGE.

It is to be noted that, the Ministry of Environment & Forest, Government of India issued a Notification dated. 14.09.2006 titled the Environment Clearance Regulations of 2006 in short EIA Notification 2006. As per the provisions of

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68

the EIA Notification of 2006, the project or activities falling under Category 'A' of the Schedule require prior permission from the Central Government while project and activities falling under Category 'B' require prior permission from the State Environment Impact Assessment Authority (SEIAA). These permissions are to be obtained before any construction work or preparation of the land by the project management except for fencing the land is started on project or activity.

In this case the constructor has already commenced and/or even completed partly, compliance to the provisions of Environment Protection Act, 1986 read with EIA Notification 2006 is violated. It is to be noted that the Notification of 2006 has been issued in furtherance to exercise of subordinate delegated legislation for satisfying and complying with the provisions of Section 3 of the Act of 1986 which mandates that Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.

Here is the case that the project proponent has flouted the law in force on one hand and has caused the environmental damage and degradation on the other hand.

It is to be noted that environmental management or planning is the study of unintended consequences of a project. Its purpose is to identify, examine, assess and evaluate the likely and probable impacts of a proposed project on the environment and, thereby, to work out remedial action plans to minimize these adverse impacts on the environment. All this is



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69

required to be done at a stage before the commencement of the project. The law does not visualize such examination post-commencement and upon completion of the project, in relation to the covered projects and activities and here the project proponent has fails to do so and gave go by to the mandatory provision of the EIA Notification 2006.

It is to be noted that, the aim and purpose of Environmental Impact Assessment ('EIA-2006') is to inform the process of decision-making by identifying the potentially significant environmental effects and risks of development proposals and to promote sustainable development by ensuring that development proposals do not undermine critical resource and ecological functions or the well-being, lifestyle and livelihood of the communities and people who depend on them. The importance of conducting an exhaustive EIA before any project is granted Environmental Clearance has been acknowledged internationally.

The United Nations Environment Programme's (UNEP) Charter states that EIA should be ensured to minimize adverse effects on nature and nature assessments should be included in the fundamental elements of all planning and should be publicly disclosed and deliberated.

The very purpose of conducting an EIA before a project is granted clearance is to ensure that no development takes place without sufficient assessment of the risks and damages that would be caused to the environment due to the project's construction and development. The authorization should follow study and imposition of conditions rather than the

converse. The application for seeking Environmental Clearance has to be made in Form 1 or the Supplementary Form 1A, as the case may be. The requisites required under Form 1 have to be supplied prior to the date of commencement of the project except to the extent of arranging land.

However the confidence of the PP in not complying with environmental laws is high due to their blood relative being the guiding or misguiding force, who happens to be a very senior officer i.e. City Engineer in Pune Municipal Corporation.

19. NON-AGRICULTURAL PERMISSION AND VATAN LAND

CONVERSION CHARGES NOT PAID.

That the Project proponent has applied for the Non-Agricultural permission with two separate applications both dated 21.01.2008 by holding the PAH of an area admeasuring 12000 Sq. Mtrs. & 21001 Sq. Mtrs. And permission is granted / obtained for 11621.45 Sq. Mtrs. i.e. excluding road acquisition area 378.55 Sq. Mtrs from 12000 Sq. Mtrs. and 18355.13 Sq. Mtrs i.e. excluding road acquisition area 1433.87 Sq. Mtrs from 19798 Sq. Mtrs. (as per the layout plan) vide no. PRH/NA/SR/36/08 & PRH/NA/SR/37/08 both Dated- 28/4/2008.

TABLE NO.5-PRH/NA/SR/36/08

Sr.	Survey No.	Area In Sq. Mtrs.
1	167/2/1 (P)	2387
2	167/2/3	3613
3	167/2/A (P)	2000
4	167/2/B (P)	2000
5	167/2/C (P)	2000

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71

TOTAL	12000
ROAD	378.55
N.A. PERMISSION	11621.45

TABLE NO.6-PRH/NA/SR/37/08

Sr.	Survey No.	Area In Sq. Mtrs.
1	168/1/2 (P)	2335
2	167/2/2	3280
3	168/1C/2	1000
4	168/1B/2	1000
5	168/1A/2	1000
6	168/1C/3	300
7	168/1B/3	300
8	168/1/1	4000
9	167/2/1(P)	1226
10	168/1A/1	1750
11	168/1C/1	1500
12	167/2A(P)	900
13	167/2B(P)	900
14	167/2C(P)	850
15	168/1B/1(P)	660
	TOTAL	21001
	LAYOUT	19789
	ROAD	1433.87
	N.A. PERMISSION	18355.13

It is important to note that the PP has received the NA permission for the above stated piece of land. But the above land is belong to the VATAN/ INAM land and as per the government orders & directions stipulated on the 7/12 extracts, the land under VATAN or INAM shall not be utilized for the any other purpose until and unless the 50% of NAZARANA is not paid to the government. But the project proponents have deliberately avoided paying the NAZARANA for entire land and proceeding for the construction to continue the damage of environment.

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113

40

72

Further it is submitted the, Respondent No.9 is also the responsible for this loss of government revenue as well as for environment damage.

Copies of NA-Permissions are marked and annexed as ANNEXURE-XX.

20. GROSS NEGLIGENCE OF THE LOCAL AUTHORITY-
PIMPRI-CHINCHWAD MUNICIPAL CORPORATION

It is to be noted that the said project which is under violation of Environment Protection Act 1986, Water & Air Act and other environmental laws time being in force is situated in the limit of "Pimpri-Chinchwad Municipal Corporation" (PCMC). The PCMC was & is the local authority legally responsible to permit & control the said building construction through the office of Municipal Commissioner and City Engineer, Building Permission & Control Department. It is to be noted that PCMC is the only fundamental authority to monitor, Control & prevent such type of illegal constructions which are intentionally committing the violation of Environment Protection Act 1986, Water & Air Act. It is the duty of PCMC to brought to notice and knowledge of Environment Department and Maharashtra Pollution Control Board that this type of illegal act of intentional violations damaging the environment infinitely. But in this case it seems that PCMC is playing the role of blind person even they have full knowledge of the violations committed by present PP and it is nothing but PCMC corrupt officials have hands in glove with the PP. Therefore the

73

officers at PCMC are not taking any action against PP despite complaints being filed with them.

21. SYSTEMATIC AVOIDANCE OF EXISTENCE OF NALLA AT SITE

There exists a Nalla at site which is present even today, however the PP has systematically avoided to show the same in any plans or documents for obvious reasons. The PCMC has in its DP shown a wide nalla at a short distance ahead of S. no. 167 but did not show its actual origin for reasons best known to them. It is but obvious that there cannot be such a wide nalla unless there is origin of the same a distance prior. The width of the origin of nalla shown is inconsistent with common sense. The Nalla carries the untreated waste water and effluents to Mula river, which is additional environmental damage.

22. OTHER GROUNDS

- a. No application for prior Environment Clearance from Environment Department and construction carried out by the present Project Proponents.
- b. No application for prior Consent to Establish from MPCB and construction carried out by the present Project Proponents.
- c. No application for prior Consent to Operate from MPCB and enjoyment of premises stated by the present Project Proponents.



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- d. Intentional Non-action of all authorities even after the complaint or notices of present Applicants.
 - e. All authorities are allowing Project Proponents for further construction without action and prior Environment Clearance.
 - f. Project Proponent is causing continues damage to the Environment.
 - g. Because the EIA notification 2006, nowhere provides the grant of *post facto* clearance after the part completion of the project.
 - h. Because there is complete non-application of mind by the local authority while issuing building sanction.
 - i. Because the building sanction by local authority without prior EC is illegal and has no legal sanctity.
 - j. Because the Local Authority i.e. PCMC (Respondent No. 5 to 8) has imposed condition tardy for obtaining of Environment Clearance and further issued the building sanction by back door and the condition become immaterial in the light of fact that construction was already commenced and partly completed by the project Proponent.
 - k. Because the Environment Department and SEIAA failed to take any action for violation of the provisions of EIA Notification, 2006 and Environment (Protection) Act, 1986.
 - l. Because there is carbon footprint impact to the tune of Rs. 100 Crore Rupees due to these illegal activities of construction.

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75

m. Because if the procedure of the post facto Environment Clearance is allowed to be followed, any project proponent would complete his project by causing irreversible damages to the environment and then seek post-facto environmental clearance making the provisions of EIA notification infructuous. The grant of post facto clearance defeats the very purpose of environmental protection law and the mandate of obtaining environmental clearance as per the provisions of EIA Notifications 2006.

n. Because In **Dipak Kumar Mukherjee Versus Kolkata Municipal Corporation and others, 2012 DGLS(Soft.) 509.**

the Hon'ble Supreme Court set aside the decision of the Kolkata High Court in directing the demolition of an illegal and unauthorised constructions of buildings and other structure in violation of the laws. The Hon'ble Court held:

Kolkata Municipal Corporation Act, 1980 -- Sections 396, 400 & 401(A) -- Rule 25 of the Kolkata Municipal Corporation Building Rules, 1990 -- Illegal construction --Demolition -- Illegal and unauthorised constructions of buildings and other structure not only violate the municipal laws and the concept of planned development of the particular area but also affect various fundamental and constitutional rights of other persons -- The failure of the State apparatus to take prompt action to demolish such illegal constructions has convinced the citizens that planning laws are enforced only against poor and all compromises are made by the State machinery when it is required to deal with those who have money power or unholy



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76

nexus with the power corridors -- Since, respondent No. 7 has not disputed that the building was constructed in violation of the sanctioned plan and the Mayor-in-Council passed order dated 14.1.2010 for demolition of the disputed construction, the direction given by the Division Bench of the High Court to the competent authority of the Corporation to pass appropriate order after giving opportunity of hearing to respondent No. 7 cannot be sustained -- Respondent No. 7 had raised construction in violation of the plan sanctioned under Section 396 of the 1980 Act and continued with that activity despite the order of the Mayor-in-Council -- In the prevailing scenario, the representative of respondent No. 7 might have thought that he will be able to pull strings in the power corridors and get an order for regularisation of the illegal construction but he did not know that there are many mortals in the system who are prepared to take the bull by horn and crush it with iron hand -- Demolition of building justified -- Impugned judgment set aside -- Appeal allowed -- Kolkata Municipal Corporation Building Rules, 1990 -- Rule 25 (2). Held, Before parting with the case, we consider it necessary to observe that respondent No. 7 is guilty not only of violating the sanctioned plan and the relevant provisions of the 1980 Act and the Rules framed thereunder but also of cheating those who purchased portions of unauthorized construction under a bona fide belief that respondent No. 7 had constructed the building as per the sanctioned plan. With the demolition of unauthorized construction some of such persons will become shelterless. It is, therefore, necessary that respondent No. 7 is directed to compensate them by refunding



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77

the cost of the flat, etc., with interest. Respondent No. 7 must also pay for raising construction in violation of the sanctioned plan. It must be remembered that while preparing master plans/zonal plans, the Planning Authority takes into consideration the prospectus of future development and accordingly provides for basic amenities like water and electricity lines, drainage, sewerage, etc. Unauthorized construction of buildings not only destroys the concept of planned development which is beneficial to the public but also places unbearable burden on the basic amenities and facilities provided by the public authorities. At times, construction of such buildings becomes hazardous for the public and creates traffic congestion. Therefore, it is imperative for the concerned public authorities not only to demolish such construction but also impose adequate penalty on the wrongdoer.

28. In the result, the appeal is allowed and the impugned judgment is set aside. With a view to ensure that the illegal construction raised by respondent No. 7 is pulled down without delay, we issue the following directions:

1. Within three months from today, respondent No. 7 shall pay the price of the flats etc. to the purchasers with interest @ 18% per annum from the date of payment.
2. The occupiers of illegal/unauthorized construction shall vacate such portions of the building within next one month.
3. Within next one month, the Corporation shall demolish unauthorized construction after taking adequate precautionary measures.



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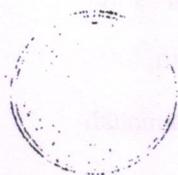
78

4. Respondent No. 7 shall pay cost of Rs. 25,00,000/- for brazen violation of the sanctioned plan and continuance of illegal construction despite stop work notice.

The amount of cost shall be deposited with the Kolkata State Legal Service Authority within three months and the same be utilized for providing legal aid in deserving cases.

o. Because in **M.I Builders Vs Radhey Shyam Sahu, [1999 (6) SCC 464]**, the Hon'ble Supreme Court upheld the decision of the Allahabad High Court in directing the demolition of an underground shopping complex which has come up in a Public Park in violation of the laws. The Hon'ble Court held:

"This Court in numerous decisions has held that no consideration should be shown to the builder or any other person where construction is unauthorised. This dicta is now almost bordering rule of law. Stress was laid by the appellant and the prospective allottees of the shops to exercise judicial discretion in moulding the relief. Such discretion cannot be exercised which encourages illegality or perpetuates an illegality. Unauthorised construction, if it is illegal and cannot be compounded, has to be demolished. There is no way out. Judicial discretion cannot be guided by expediency. Courts are not free from statutory fetters. Justice is to be rendered in accordance with law."



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79
p. Because in **Indian Council for Environ Legal Action versus Union of India and Ors**, (1996) 5 SCC 281 the Hon'ble Supreme Court has observed:

"Enactment of a law, but tolerating its infringement, is worse than not enacting a law at all. The continued infringement of law, over a period of time, is made possible by adoption of such means which are best known to the violators of law. Continued tolerance of such violations of law not only renders legal provisions nugatory but such tolerance by the enforcement authorities encourages lawlessness and adoption of means which cannot, or ought not to, be tolerated in any civilized society. Law should not only be meant for the law-abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the legislature feels that it is necessary. It is with a view to protect and preserve the environment and save it for the future generations and to ensure good quality of life that Parliament enacted the anti-pollution laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed and notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibit certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then, it has to be enforced. Otherwise, infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in

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80

turn lead to a lawless society. Violation of antipollution laws not only adversely affects the existing quality of life but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of environment, the adverse effect of which will have to be borne by the future generations."

23. LIMITATION

The present application is filed within the prescribed period as provided under the National Green Tribunal Act, 2010. The cause of action to file this Application first arose on 15 July 2016 when the applicants got the entire information and knowledge about gross violation of various environmental laws and thereafter the applicants sent legal notice dated 25 July 2016 to the Respondents for stoppage of said violations and strict action thereon the violations continues till today.

24. JURISDICTION

The applicants resides, the respondents have their area of operations within and the project under challenge is located within the jurisdiction of this Hon'ble Tribunal and therefore this Hon'ble tribunal has jurisdiction to try and entertain present application.

25. PRAYERS FOR INTERIM RELIEF

In the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass



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interim orders to:

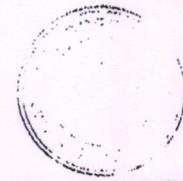
81

- A. Direct the project proponents to stop all the activities at the site forthwith and restrain the project proponents from creating any third party interest in the construction raised and in project land comprised in Survey no. 167 and 168, during the pendency of this application.
- B. Appoint as court commissioner, a group of a surveyor, a regulatory architect, an independent advocate and a representative of applicant and the Respondents to submit a detailed actual site visit report with measurements in context of all the plans along with video shooting of the entire proceedings of the said commission.
- C. Direct the Principal Secretary, Environment Department Shri. Satish M. Gavai to file an affidavit in person as to why no action was taken by any of the offices under him despite having served with the notice by this applicant.
- D. Direct the PCMC to monitor the stay of construction.

26. PRAYERS

In the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass an order thereby:

- A. Direct the Respondents to demolish the illegal structures at the site in question and restore the area to its original position.
- B. Direct the State Level Impact Assessment Authority and the Maharashtra State Pollution Control Board to initiate appropriate action against the project proponent for violation of



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82

the provisions of EIA notification, 2006 and other applicable laws.

- C. Having regard to the damage to the public health, property and environment, principles of sustainable development and polluter pays principles, Direct the Respondent No. 10 & 11 to deposit a heavy amount of compensation to the environment relief fund.
- D. Direct the PCMC to conduct inquiry of officers responsible for not following the mandatory provisions of the EIA notification and take appropriate action.
- E. Direct the commissioner, Pimpri Chinchwad Municipal Corporation to initiate departmental enquiry against Shri. Makrand D. Nikam, Executive Engineer for not having taken any action despite notice of environmental violations.
- F. Direct the District Collector to take appropriate steps against the project proponent for not having paid the Nazrana amount towards land use change conversion charges.
- G. Direct Principal Secretary, Environment Department to take action on complaints received against illegal constructions and give hearing to the complainants before issuing any environmental clearance.
- H. Pass any other just and equitable orders in the interest of justice.



TRUE COPY Dated: 08/09/2016

Pune

83

(Bombay)
Applicant No.1

(Bombay)
Applicant No.2

Drawn and filed by

Shriram P. Pingle

Shriram P. Pingle
Advocate on Record,
Supreme Court of India

I know the applicants

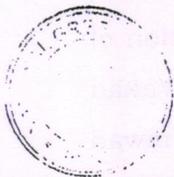
(Advocate for applicants)

VERIFICATION

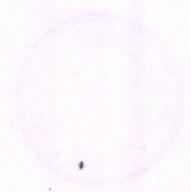
Verified at Pune on this 08th day of September, 2016 that the contents of the aforesaid application are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

(Bombay)
(Bombay)

DEPONENTS



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Annexure A-4^{ST/1117} 84

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

AT PUNE
misc. Appl. No 1444 / 2016 (wz)
In Application No 148 of 2016

Mr. Tanaji Balasaheb Gambhire and Others

.....Applicants

VS

State Of Maharashtra And Others

.....Respondent

APPLICATION FOR
FRAMING PRELIMINARY
ISSUES AS REGARDS
MAINTANIBILITY OF THE
ABOVE CAPTIONED
APPLICATION.

Application on behalf of Respondent No. 10 namely
Paramount Gaurav Shelters Private Limited is as
under:-

1. The above captioned application has been filed by the following two applicants:-
 1. Tanaji Balasaheb Gambhire
 2. Mr. Tushar Namdev Kakade

Their addresses as mentioned in the application itself are of Shukravar Peth and Dhankawdi, Pune respectively and the said areas are in the jurisdiction of PMC. Whereas the project in question is at Wakad which is within the jurisdiction of Pimpri-Chinchawad Municipal Corporation.



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28

85

Thus at the outset, the applicants are not even remotely concerned nor affected in any way by the project in question.

2. Respondent No. 10 submits that in the entire application there is no whisper as to how the Applicants have *locus standi* to maintain application within the meaning of Section 18 of National Green Tribunal, Act, 2010.

3. Further there is no whisper in the application as to how the project in question is prejudicial to the interest of environment.

4. Respondent No. 10 submits with great respect that unfortunately it has become business of certain individuals and professionals to file reverse applications by making wild allegations and these individuals/professionals have no concern for any social or environment interest, however, such application are filed for extraneous reasons.

5. It is reliably learnt that an extortion case has been filed against Applicant No. 1 by some builder alleging that Applicant No. 1 attempted to extract and actually extracted some amount.

6. The project in question commenced in the year 2007 and entire construction has been completed in all aspects in the year 2012 with a completion certificate issued on 31st March 2012 by Pimpri-Chinchawad Municipal Corporation.



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86

The total construction was well within the limit as per the development control regulations of Pimpri-Chinchawad Municipal Corporation.

7. As such the application filed by the Appellant has no substance, however, the tendency to file frivolous application for extraneous reasons needs to be strongly curbed and therefore in the interest of justice this Hon'ble Tribunal may kindly frame preliminary issues as regards the maintainability of the application with regard to the *locus standi* of the Appellants and the limitation.

8. This Hon'ble Tribunal may kindly consider the following preliminary issues:-

(a) Whether the Appellants have *locus standi* to file and maintain the above captioned application;

(b) Whether the above captioned application is barred by limitation in view of the limitation prescribed in section 14 of the National Green Tribunal Act, 2010.

9. This application is being filed on behalf of the Respondent No. 10 in the interest of justice and so as to save priceless judicial time of this Hon'ble Tribunal and therefore, it is prayed that in the facts and circumstances of the case may kindly.

(a) Frame the preliminary issues as regards the *locus standi* and the limitation;

(b) This Hon'ble tribunal may kindly decide the preliminary issues in accordance with the law before considering the application and its reply on merits;



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88

87

And

(c) Pass such and further order(s) as this Hon'ble tribunal deems fit and proper in the facts and circumstances of the present case.

Date-27th December, 2016

Place -Pune

Salunkhe

Advocate for Respondent No.10

Submitted through Adv Vijaysinh Salunkhe



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH

AT PUNE

M.A. No. 444/2016 (WZ)

Application No 148 of 2016

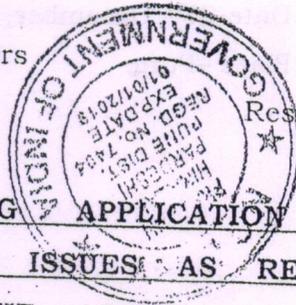
Mr. Tanaji Balasaheb Gambhire and others

Applicants

VS

State Of Maharashtra And Ors

Respondent



AFFIDAVIT SUPPORTING APPLICATION FOR FRAMING PRELIMINARY ISSUES AS REGARDS MAINTANIBILITY OF THE ABOVE CAPTIONED APPLICATION.

I, Pramod Madhukar Waghmare, Age Years; Occupation-Business; Resident of- Sr. No. 168, Next to Wakad Link Road, Wakad, Pimpri-Chinchwad-411057 being authorised director of the M/S. Paramount Gaurav Shelters Private Limited do hereby state on solemn affirmation and verify is as under-

That whatever is stated in paragraphs 1 to 6 is based on information and belief and I believe the same to be true and further paras 7 to 9 are legal submissions as per our Advocates and hence I am signing the same as on today on 27th December, 2016 at Pune.



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BEFORE ME

28 DEC 2016

NOTED AND REGISTERED AT SERIAL NUMBER 213/2016

PRAKASH H. PARDESHI
NOTARY, GOVT. OF INDIA
I KNOW THE AFFIANT
DISTRICT

AFFIANT



Pramod Waghmare

ITEM NO.14

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1258/2018

GANGA SKIES COMPLEX COOPERATIVE
HOUSING SOCIETY LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IANo.14921/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.14920/2018-STAY APPLICATION and IA
No.14922/2018-EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 1492/2018 (XVII)

(IA No.17366/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.17364/2018-STAY APPLICATION and IA
No.17368/2018-EXEMPTION FROM FILING O.T.)

Date : 16-02-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Ninad, Adv.
Mr. Aman Varma, AOR
Ms. Anshula Grover, Adv.
Mr. Sangram Bhonsale, Adv.
Ms. Samridhi Jain, Adv.
Mr. Anjuman Tripathy, Adv.

For Respondent(s) Mr. Shriram P. Pingle, AOR
Mr. Nitin Lonkar, Adv.
Ms. Sonali Suryawanshi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Issue notice, returnable in six weeks.

Dasti, in addition, is permitted.

Mr. Shriram P. Pingle, Advocate accepts notice on behalf of

respondent no. 13. Therefore, service on respondent no. 13 is waived.

Other respondents shall be served.

In the meantime, there shall be stay of further proceedings.

(ASHWANI THAKUR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER

Date - 04/03/2024

To,
Karan Tej Paramount Properties Pvt Ltd
S No 168 (P)
Wakad,
Pune.

Sub: - Submission of Environment Status Report (ESR)

Name of Project : Altissimo
Project Proponent- : Karan Tej Paramount Properties Pvt Ltd
Project Architect- : Ankur Associates
Commencement : 09/10/2014
/IOD Certificate-
Completion : 25/02/2016
Certificate-
Study Aspects Rainwater Harvesting, Solar Water, Plantation, Sewage
Treatment plant (STP), Organic Waste Composter (OWC)
and Environmental Monitoring of various parameters.
Date of Site Visit- : 27/02/2024

Dear Sir,

With reference to our discussion, and work order received for Environmental Status Report of Environmental Services provided in the above mentioned project.

We visited the site on 27/02/2024 along with your representative Mr. Swapnil Kamble. Following are the observations and recommendations.

Thanks & Regards



Pollution and Ecology Control Services (PECS)

Through Mr. Sanman Kulkarni

Accredited NABET EC Coordinator

Certificate No.: NABET/EIA/2023/SA0165

1666

ENVIRONMENTAL STATUS REPORT

For Project

"Altissimo"

by

"M/s. Karan Tej Paramount Properties Pvt. Ltd."

at

"S No 168 (P), Next to Eden Nagar

Garden, Wakad Flyover, Wakad"

Prepared By

QCI NABET EIA Accredited Consultant Organization

Pollution and Ecology Control Services

Certificate No.: NABET/EIA/2023/SA0165

Sr. No.	Parameter	Status Report
I.	Brief Description of the Project	<p>The Project is a residential project at Wakad under PCMC limits.</p> <p>The Project is completed, and occupancy is given. The Completion certificate dated 25/02/2016 is attached as Annexure II</p>
II.	Environmental Impacts on Project Land	<p>As informed by the project proponent the project land was an open plot which has now been developed as per Commencement Certificate and plan sanction issued by PCMC.</p> <p>The Commencement certificate dated 29/01/2016 is attached as Annexure I</p> <p>As informed by the developer topsoil generated from the debris excavation was stockpiled properly and then used for tree plantation.</p>
III.	Water Balance with respect to wastewater treatment, recycle, reuse and water conservation	<p>Domestic water – The domestic water requirement of the project is met by PCMC water supply department.</p> <p>Sewage water – As per the directions of the Drainage department (PCMC), a Grey Water Treatment Plant has been installed on the project site and was operational on the date of the site visit. The Process Flow Chart is attached as Annexure III.</p> <p>As informed by the site representative along with the security person the treated water from Grey Water Treatment plant is being used for Car washing and Gardening.</p> <p>The Excess treated and black water is connected to the existing PCMC drainage line.</p>
IV.	Waste Water Treatment	<p>As per the directions of the Drainage department (PCMC), a Grey Water Treatment Plant has been installed on the project site and was operational on the date of the site visit. The Process Flow Chart and the site photograph of the plant are attached as Annexure III.</p> <p>As informed by the site representative along with the security person the treated water from Grey Water Treatment plant is being used for Car washing and Gardening.</p>

		<p>The Excess treated and black water is connected to the existing PCMC drainage line.</p> <p>The Monitoring Report of treated grey water is attached as Annexure IV.</p>
V.	Drainage pattern and their environmental impacts on the surroundings	<p>PP has obtained valid drainage connectivity NOC from PCMC, and all connections / treatment mechanisms are given as per Drainage NOC.</p> <p>The Drainage NOC is attached as Annexure V</p>
VI.	Rainwater Harvesting	<p>One rainwater harvesting pit with bore recharge was seen on the project site.</p>
VII.	Solid Waste Management	<p>The Garbage chute system is installed on site. The Dry and wet waste is being segregated at source and is disposed of through PCMC ghanta Gadi.</p> <p>The Segregated bins of the dry and wet waste were kept at a location where the smell won't bother the residents.</p> <p>The Photograph of dry and wet waste is attached as Annexure VI</p>
VIII.	Ambient Air Quality and Noise Level Impacts	<p>Being a residential project no pollutants are released into the Air. The Ambient Air Quality Reports are attached as Annexure VII</p>
IX.	Energy Saving Measures	<p>LED lights are used for energy saving. Solar Hot Water system is installed.</p> <p>The Photograph of solar hot water panels on terrace is attached as Annexure VIII</p>
X.	Traffic Circulation System	<p>PP has provided parking as per the applicable DC Rules and as sanctioned by PCMC.</p> <p>The Project is located in a infrastructurally well-developed area and thus public transport is readily available.</p>
XI.	Greenbelt and Landscape Plan	<p>PP has planted trees of native species along the compound of the project site and open space.</p> <p>Tree Survival Report is attached as Annexure IX</p>
XII.	Disaster/Risk Assessment and Management Plan	<p>The Fire fighting system has been installed. A refuge area has been provided as per the fire department.</p> <p>PP informed that Maharashtra DMP guidelines are being followed.</p>

XIII.	EMP	PP informed that Environmental Conditions as prescribed in Commencement Certificate were followed at the time of Construction activity & currently society being look after operation and maintenance of the Environmental Infrastructure provided in the project. Fire Extinguishers and Stretcher lift has been provided by the developer.
XIV.	Any other related parameter of the project which may have any other specific impact on environmental sustainability and ecology	Not Applicable

RECCOMENDATIONS

Based on the observations during the site visit for checking the environmental aspects/services provided on the project, we recommend as below-

1. Regular monitoring of treated water parameters from Grey Water Plant to ensure the proper functioning of the plant.
2. Ensure regular cleaning of the rainwater harvesting pit chamber.
3. Get the fire audit done & Maintain the Fire Fighting System from the authorized fire contractor as per the conditions of the Fire department.
4. Prepare the Environment Management Plan to ensure the proper functioning of Environmental Health and Safety services provided by the developer.

Enclosed

Annexure I - commencement certificate

Annexure II - Completion certificate

Annexure III - Grey water treatment plant, process flow chart and site photo

Annexure IV - Monitoring report of grey water treatment plant

Annexure V - Drainage noc

Annexure VI - Solid waste management

Annexure VII - Ambient air and noise monitoring reports

Annexure VIII - Solar hot water panels

Annexure IX - Tree survival report

Annexure I
Commencement Certificate

पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११ ०१८.

(यापुढील पत्र व्यवहारांत खालील बांधकामाक संदर्भात यांचा उल्लेख करावा.)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्काचे संदर्भ लक्षात घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे.)
(कॅम्प्लायमेंट सर्टिफिकेट)

क. बांधकाम चालू करणेकरिता दाखला - (सुधारित)

सदर बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संमतीपत्र महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, सन १९६६ ची कलमे ४५ यातील तरतुदीप्रमाणे अटीवर देण्यात येत आहे आणि महाराष्ट्र महानगरपालिका अधिनियम २०१२ (जुना मुंबई महानगरपालिका अधिनियम १९४९) ची कलमे (सेक्शन) २५३ व २५४ यातील तरतुदीप्रमाणे खालील अटीवर देण्यात येत आहे.

पिंपरी चिंचवड महानगरपालिका,
श्री. आनंद. गठापत. वाढमारे व इतर अतिरिक्त पिंपरी - ४११ ०१८.

श्री. प्रभाकर खडवंत वाढमारे यांचे तर्फे क्रमांक - बी. पी. / वाकड / २० / २०१६
दिनांक : २८ / ०९ / २०१६

श्री. / श्रीमती / मे. कुरातेज प्रभाकर प्र. तर्फे द्वारा ला. आ. / ला. स. श्री प्रभाकर कुलकर्णी
प्रमोद. वाढमारे पता १०९ तेजोवलय सि. स. नं. ११८०/१६
दोलेरोड शिवाजीनगर पुणे-०९

मा. शहर अभियंता,

पिंपरी चिंचवड महानगरपालिका यांजकडून-

१६८/१५/२, १६८/१६/२, १६८/१७/२
१६८/१८/३, १६८/१९/३, १६८/१२/३
१६८/१३/३.

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलमे ४५ आणि महाराष्ट्र महानगरपालिका अधिनियम २०१२ (जुना मुंबई महानगरपालिका अधिनियम १९४९) कलमे २५३ व २५४ अन्वये पिंपरी चिंचवड महानगरपालिकेच्या सीमेतील... लाकड... येथील सव्हे नं. १६८/१२/३, १६८/१३/३, सि. स. नं. १६८/१५/३, १६८/१६/३ प्लॉट नं. ... मधील बांधकाम करण्यासाठी महानगरपालिकेला तुम्ही नोटीस दिली. ती दिनांक १५ / १२ / २०१५ या दिवशी पोहोचली. त्यावरून काम करण्यास खाली लिहिलेल्या अटीवर व जादा अट क्र... ते ... नुसार तुम्हास संमतीपत्र देण्यात येत आहे.

- सोबतच्या नवीन दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.
- संकल्पित बांधकाम रस्त्याच्या प्रमाण रेषेत येत असल्यास महानगरपालिकेचे अधिकारी सांगतील त्या वेळी सदर काम स्वखर्चाने आणि बिनतक्रार काढून टाकले पाहिजे.
- जोत्यापर्यंत काम आल्यानंतर सेट- बॅक नगर नियोजन कार्यालयाकडून तपासून घ्यावेत. त्याशिवाय जोत्यावरील काम सुरु करू नये.
- सोबतच्या नकाशावर मागे लिहिलेल्या / अटीवर हे संमती पत्र देण्यात येत आहे.
- ज्या प्लॉटवर नवीन इमारत बांधकाम करण्यात आले आहे. त्या इमारतीचे कंप्लीशन सर्टिफिकेट मागण्यापूर्वी प्रत्येक मालकाने इमारतीसमोर कंपाऊंड वॉलच्या आत व बाहेर झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था, खबरदारी घ्यावी त्याशिवाय कंप्लीशन सर्टिफिकेट मिळणार नाही. रस्त्यावरील झाडांना जरूर ते संरक्षण कुंपण अर्जदाराने करावयाचे आहे. तसेच महानगरपालिकेच्या प्रचलित नियमानुसार योग्य ती अनामत रक्कम कोषागारात भरणे बंधनकारक आहे.
- इमारतीचे कंप्लीशन सर्टिफिकेट देताना रस्त्यावरील व आतील बाजूस टाकण्यात आलेले इमारतीचा राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही.
- नवीन बांधकाम सुरु करताना संबंधित जागेमध्ये झाडे असल्यास ती ट्री अॅथॉरिटीची पूर्वपरवानगी घेतल्याशिवाय तोडू नयेत अन्यथा कायदेशीर कारवाई करण्यात येते. याची नोंद घ्यावी.
- आपण संबंधित बांधकाम हे महाराष्ट्र महानगरपालिका अधिनियम २०१२ (जुना मुंबई महानगरपालिका अधिनियम १९४९) व महाराष्ट्र प्रादेशिक नगररचना अधिनियम १९६६ मधील तरतुदीचा भंग करून सक्षम अधिकाऱ्याची पूर्व परवानगी न घेता सुरु केल्याबद्दल / तसेच इकडील मंजूर नकाशाप्रमाणे बांधकाम न करता त्यात बदल व फेरफार करून या बांधकामाचे सुधारित नकाशात पूर्व परवानगी न घेता बांधकाम केल्याबद्दल इमारतीचे भोगवटा पत्रक न घेता बांधकाम केल्याबद्दल आपणाविरुद्ध वरील नियमानुसार दंडात्मक कार्यवाही करण्याचा पिं. चिं. म. न. पा. चा हक्क राखून ठेवला आहे.
- बांधकाम साहित्यअथवा जुन्या बांधकामाचा निघालेला राडारोडा सार्वजनिक रस्त्यावर अथवा कोणताही अड-जळा येणार नाही अशा ठिकाणी ठेवावा जर हे साहित्य अशा ठिकाणी ठेवल्याचे आढळल्यास त्यासाठी सुधारित विकास नियंत्रण नियमावलीनुसार निवासी वापरासाठी रु. २५/- व वाणिज्य वापरासाठी रु. ५०/- प्रति चौ. मी. प्रमाणे प्रति सप्ताहासाठी दंड आकारण्यात येईल.

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- १०) आपल्या इमारतीचे सांडपाणी नलिका म. न. पा. इनेज नलिकेला मालकाने स्वखर्चाने जोडावयास हवी.
- ११) भूखंडधारकाने, प्रमोटर / विल्डरने अथवा प्रकल्प बांधकाम करणाऱ्या ठेकेदाराने पूर्णत्वाचा दाखला घेणेपूर्वी नियोजित निवासी/ व्यापारी गाळे धारकांच्या गापुढे येणाऱ्या कोणत्याही तक्रारीस म.न.पा. जबाबदार राहणार नाही. असे प्रतिज्ञापत्र (स्पेशल एन्क्विअर्युटिव्ह मॅजिस्ट्रेट यांचे स्वाक्षरीचे) म.न.पा. कडे सादर करावे. पाणी पुरवठा, जलनिःसारण, उद्धान, अग्निशामक व आरोग्य विभागाचा ना हरकत दाखला इकडे सादर करावा.
- १२) इमारतीच्या तळमजल्यावर गाळेधारकाच्या नांवे दर्शविलेली टपालपेटी (Letter Box) सुयोग्य ठिकाणी वसविणे बंधनकारक राहिल त्याखेरीज इमारतीचा भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- १३) विकास आराखड्यातील रस्ता रुंदीने बांधित क्षेत्र नियमानुसार महानगरपालिकेच्या ताब्यात देणे बंधनकारक आहे.
- १४) इमारतीच्या सलोह कॉन्क्रीट (आर.सी.सी.) कामाच्या सर्व वाजूकरिता आधार व आकारासाठी लाकडाचा वापर करू नये. त्यासाठी लोखंडी आधाराचा वापर करणे बंधनकारक राहिल.
- १५) इंडियन सो. ऑफ स्ट्रक्चरल इंजिनिअर्स पुणे - ३०. या संस्थेकडील मान्यताप्राप्त दर्जाच्या स्ट्रक्चरल इंजिनिअर्सची इमारतीच्या कामासाठी नेमणूक करण्यात यावी. तसेच सदरचे काम स्वीकारल्या बाबतचे स्ट्रक्चरल इंजिनिअर्स यांचे पत्र या विभागाकडे सादर करणे आवश्यक आहे. सदरचे पत्र सादर केल्याशिवाय इमारतीच्या बांधकामास सुरुवात करू नये.
- १६) भूखंडाच्या संबंधित सहामाही अखेरचा कर भरल्याचा करसंकलन विभाग म.न.पा. यांचेकडील दाखला / पावती सादर केल्याशिवाय बांधकाम चालू करू नये.
- १७) मंजूर रेखांकनातील खुली जागा विकास नियंत्रण नियमावलीप्रमाणे नियम क्र. ११.३.१.५.नुसार तरतुदीचे अधिन विकसीत करणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- १८) विकास आराखड्यातील रस्ता रुंदीने बांधित क्षेत्र नियमानुसार महापालिकेच्या ताब्यात देणे बंधनकारक आहे. रस्ता रुंदीने बांधित क्षेत्र म. न. पा. चे नावे लावून तरा ७/१२ उतारा / सुधारित मालमत्तापत्रक व मोजणी नकाशा, भाग अथवा पूर्ण भोगवटापत्रक घेणेपूर्वी या कार्यालयाकडे सादर करणे आवश्यक आहे. याबाबत मनपाचे भूमी - जिंदगी विभागाचा ना हरकत दाखला सादर करणे बंधनकारक आहे. तसेच सदरहू रस्ता रुंदीने बांधित क्षेत्राचे खडीमुरमीकरण महापालिकेच्या विनिर्देशाप्रमाणे अर्जदार यांनी स्वतः करणे आवश्यक आहे अथवा महानगरपालिकेच्या त्यावेळेच्या प्रचलित दराने खडीमुरमीकरण खर्च भरणे आवश्यक आहे.
- १९) प्रस्तुत प्रकरणातील जागेचा मोजणी नकाशा व हिवाटीनुसार अरून हद्दीबाबत वाद निर्माण झालेस म. न. पा. जबाबदार राहणार नाही. नगरभूमापन कार्यालयाकडील सुधारित मोजणी नकाशा / व मालमत्ता पत्रक सादर केल्याशिवाय बांधकामास भाग अथवा पूर्णत्वाचा दाखला देण्यात येणार नाही.
- २०) प्रस्तुत प्रकरणातील भूखंडाचे एकत्रिकरण नगर भूमापन कार्यालयाकडून घेऊन, त्याप्रमाणे सुधारित मालमत्तापत्रक व मोजणी नकाशा भोगवटापत्रक घेण्यापूर्वी या विभागाला सादर करणे आवश्यक आहे.
- २१) ३०० चौ. मी. व वरील क्षेत्राचे भूखंडावरील इमारतीसाठी (दाटवस्ती क्षेत्र वगळून) रेन वॉटर हार्वेस्टिंग व्यवस्था करणे बंधनकारक आहे.
- २२) भूखंडालगतचे पोहोच रस्ता व आसपासचे क्षेत्रातील पाण्याचा निचरा होणे सार्वजनिक आरोग्याचे दृष्टीने आवश्यक आहे. त्यासाठी विकास नियंत्रण नियमावलीतील नियम क्र १. १ नुसार योग्य ती उपाय योजना करण्याची सर्वस्वी जबाबदारी विकसक/ अर्जदार यांचेवर राहिल. अशाप्रकारे पावसाळी पाण्याचा नैसर्गिकरित्या निचरा होण्यास कोणत्याही प्रकारे बाधा येणार नाही. याबाबतची योग्य ती खबरदारी घेणे विकसक / अर्जदार यांचेवर बंधनकारक राहिल. याबाबत संबंधित गाळेधारक रहिवासी यांची कोणत्याही प्रकारे तक्रार / हरकत निर्माण झाल्यास त्यांचे संपुर्णतः निराकरण करण्याची जबाबदारी विकसक / अर्जदार यांचेवर राहिल. त्याची म.न.पा. स कोणत्याही प्रकारे तोषीस लागू देणार नाही. या अटीवर सदरहू बांधकाम चालू करण्याचे संमती पत्र मंजूर करण्यात येत आहे.
- २३) साईटवर राहणाऱ्या सर्व बांधकाम मजुरांसाठी स्वच्छ पिण्याचे पाणी व स्वच्छतागुहांची सोय उपलब्ध करणे विकसकांवर बंधनकारक आहे.
- २४) विकास नियंत्रण नियमावलीनुसार इमारतीमध्ये पुरविण्यात आलेल्या पार्किंगचे क्षेत्र गाळे धारकांसाठी विना मोबदला उपलब्ध करून देणे विकसकांवर बंधनकारक राहिल.

स्वच्छ प्रतीचर या. शहर अधियंता
यांची स्वाक्षरी उल्ले.

शहर अधियंता, ~~महाराष्ट्र~~
पिंपरी चिंचवड महानगरपालिका,
पिंपरी - ४११०१८.

- प्रत माहितीसाठी :- १) मा. जिल्हाधिकारी, पुणे जिल्हा आर. वी. (पुणे) माहितीसाठी
२) सहा. मंडलाधिकारी, पिंपरी चिंचवड महानगरपालिका, म.न.पा. / पिंपरी वाघेरे/ पिंपरीनगर/ चिंचवड / भोसरी कारसारवाडी/ आकुर्डी / निगडी/ प्राधिकरण/ सांगवी / पिंपळे गुरव / पिंपळे निलख / पिंपळे सौदागर / वाकड रावेत / रहाटणी / धेरगांव यांना माहिती व पुढील कार्यवाहीसाठी
३) करसंकलन विभाग, मुख्य कार्यालय

Annexure II
Completion Certificate



पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११०१८.
(मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ च्या २६३ (१) अन्वये)
भाग पूर्णत्वचा - दाखला क्र. २५२/२०१६

ALTISSIMO

मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ चे कलम २५३ व २५४ अन्वये मौजे वाकड येथील स.नं. १६८ पै मध्ये करन तेज परामाऊंट प्रॉपर्टीज तर्फे श्री. प्रमोद वाघमारे यांना इमारतीचे बांधकाम करण्यास कार्यालयीन मूळ बांधकाम परवानगी क्र. बीपी/वाकड/२७/२००७, दि. २८/०३/२००७, सुधा बांधकाम परवानगी क्र. बीपी/वाकड/२२/२००८, दि. ०५/०३/२००८ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/१९५/२००८, दि. १९/११/२००८ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/६७/२००९, दि. २१/११/२००९ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/१२५/२०११, दि. २५/११/२०११ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/१०५/२०११, दि. १९/०९/२०११ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/४१/२०१२, दि. ३१/०३/२०१२ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/२१/२०१३, दि. २१/०२/२०१३ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/२०/२०१६, दि. २९/०१/२०१६ सुधारीत रेखांकन बीपी/लेआऊट/वाकड/१९५/२०१५ दि. २३/११/२०१५ सुधा बांधकाम परवानगी क्र. बीपी/वाकड/३२५/२०१६, दि. ३०/८/२०१६ अन्वये परवानगी देण्यात आली होती. वरील परवानगी प्रमाणे अर्जदार यांनी सर्व इमारतीचे बांधकाम पूर्ण केलेमुळे ती करन तेज परामाऊंट प्रॉपर्टीज तर्फे श्री. प्रमोद वाघमारे यांना दि. ३०/५/२०१६ पासून खालील नमुद केलेल्या इमारतीचा भाग भोगवटा करणेस मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलम २६३ (१) अन्वये खालील अटीस आधीन राहून परवानगी देणेत येत आहे.

(-इमारतीचे वर्णन-)

विंग : डी

(रेकॉर्ड प्लॅननुसार)

अ.क्र	मजले	विंग ए	विंग बी	बांधकाम क्षेत्र	वाणिज्य	बांधकाम क्षेत्र
१	पहीला मजला	१०३,१०४,१०५	१०१,१०२,१०३,१०४,१०५	४९५.५३	२,३,४, ५,६,७	१३१.६९
२	दूसरा मजला	२०१,२०२,२०३,२०४,२०५	२०१,२०२,२०३,२०४,२०५	६२६.१६		
३	तिसरा मजला	३०१,३०२,३०३,३०४,३०५	३०१,३०२,३०३,३०४,३०५	६२६.०३		
४	चौथा मजला	४०१,४०२,४०३,४०४,४०५	४०१,४०२,४०३,४०४,४०५	६२५.७०		
५	पाचवा मजला	५०१,५०२,५०३,५०४,५०५	५०१,५०२,५०३,५०४,५०५	६२६.०३		
६	सहावा मजला	६०१,६०२,६०३,६०४,६०५	६०१,६०२,६०३,६०४,६०५	६२५.७०		
७	सातवा मजला	७०१,७०२,७०३,७०४	७०२,७०३,७०४,७०५	५०९.५३		
८	आठवा मजला	८०१,८०२,८०३,८०४,८०५	८०१,८०२,८०३,८०४,८०५	६२५.७०		
९	नऊवा मजला	९०१,९०२,९०३,९०४,९०५	९०१,९०२,९०३,९०४,९०५	६२६.०३		
१०	दहावा मजला	१००१,१००२,१००३,१००४,१००५	१००१,१००२,१००३,१००४,१००५	६२५.७०		
११	आकरावा मजला	---११०३,११०४,---	---११०२,११०३---११०४	३०६.०७		
१२	बारावा मजला	१२०३	१२०३	१७४.४८		
एकूण		५०	५३	६४९२.६६	६	१३१.६९

दाखला आज दिनांक. १७। ८। १९ रोजी माझे सहीने व कार्यालयीन शिक्क्यानिशी दिला आहे. पिंपरी-४११०१८.

स्थळ प्रतीकर मा. समन्वय अधिकारी
तथा उपशहर अधिपती यांची स्वाक्षरी दस्तऐवज.

समन्वय अधिकारी तथा
उपशहर अधिपती
पिंपरी चिंचवड महानगरपालिका,
पिंपरी-१८.

- प्रतः १) सहा.मंडलाधिकारी
गांव- वाकड
२) ला.आर्कि. - श्री प्रकाश कुलकर्णी
३) कर संकलन विभाग यांचेकडे माहितीसाठी
व तजविजीसाठी रवाना

टीप- आपल्या इमारतीचे साडपाणी महानगरपालिकाच्या इनेजला मालकाने स्वखर्चीने जोडावयाचे आहे.



पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११०१८.

महाराष्ट्र महानगरपालिका अधिनियम २०१२

(जुना मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ चे कलम २६३(१) अन्वये)

पूर्णत्वाचा दाखला क्र. १७/२०१७

महानगरपालिका अधिनियम २०१२, जुना मुंबई प्रांतिक महानगरपालिका अधिनियम (जुना) १९४९ चे कलम २६३(१) अन्वये मौजे वाकड येथील स.नं. १२८ पे मध्ये करन तेज परामाऊट प्रॉपर्टीज तर्फे श्री. प्रमोद बाघमारे यांना इमारतीचे बांधकाम करण्यास कार्यालयीन मूळ बांधकाम परवानगी क्र. बीपी/वाकड/२७/२००७, दि. २८/०३/२००३, मुधा बांधकाम परवानगी क्र. बीपी/वाकड/२९/२००८, दि. ०५/०३/२००८, मुधा बांधकाम परवानगी क्र. बीपी/वाकड/१५/२००८, दि. १९/११/२००८, मुधा बांधकाम परवानगी क्र. बीपी/वाकड/६७/२००९, दि. २१/११/२००९, मुधा बांधकाम परवानगी क्र. बीपी/वाकड/१२५/२०११, दि. २५/११/२०११, मुधा बांधकाम परवानगी क्र. बीपी/वाकड/१०५/२०११, दि. १९/०९/२०११, मुधा बांधकाम परवानगी क्र. बीपी/वाकड/४१/२०१२, दि. ३१/०३/२०१२, मुधा बांधकाम परवानगी क्र. बीपी/वाकड/२१/२०१३, दि. २१/०२/२०१३, मुधा बांधकाम परवानगी क्र. बीपी/वाकड/०९/२०१६, दि. २९/०१/२०१६, मुधारीत रेखांकन बीपी/लेआऊट/वाकड/१९५/२०१५, दि. २३/११/२०१५, २०१३ मुधा बांधकाम परवानगी क्र. बीपी/वाकड/१२५/२०१६, दि. ११/०८/२०१६, अन्वये परवानगी देण्यात आली होती, वरील परवानगी प्रमाणे अर्जदार यांनी सर्व इमारतीचे बांधकाम पूर्ण केलेमुळे ती करन तेज परामाऊट प्रॉपर्टीज तर्फे श्री. प्रमोद बाघमारे यांना दि. १७/०७/२०१७ पासून खालील तसे केलेल्या इमारतीचा ओगवटा करण्यास महाराष्ट्र महानगरपालिका अधिनियम २०१२, जुना मुंबई प्रांतिक महानगरपालिका अधिनियम (जुना) १९४९ चे कलम २५३ व २५४ अन्वये खालील अटीस आधीन राहून परवानगी देणेत येत आहे

अ.क्र.	मजले	विल्डींग डी		बांधकाम क्षेत्र
		ए	बी	
१	आकरावा मजला	११०१, ११०२, ११०५	११०१, ११०४	३१९.९६
२	बारावा मजला	१२०२	१२०४	१५८.९८
३	मन्टीपार्पेज हॉल	१२००, स्टोअर	१२००	---
एकूण		०४	०३	४७८.९४

विल्डींग डी एकूण निवासी गाळे - ०७

विल्डींग डी एकूण बांधकाम क्षेत्र - ४७८.९४ चौ.मी

दाखला आज दिनांक १७/०७/२०१७ रोजी भाडे महीने व कार्यालयीन शिक्क्यानिशी दिला आहे.
पिंपरी-४११०१८.

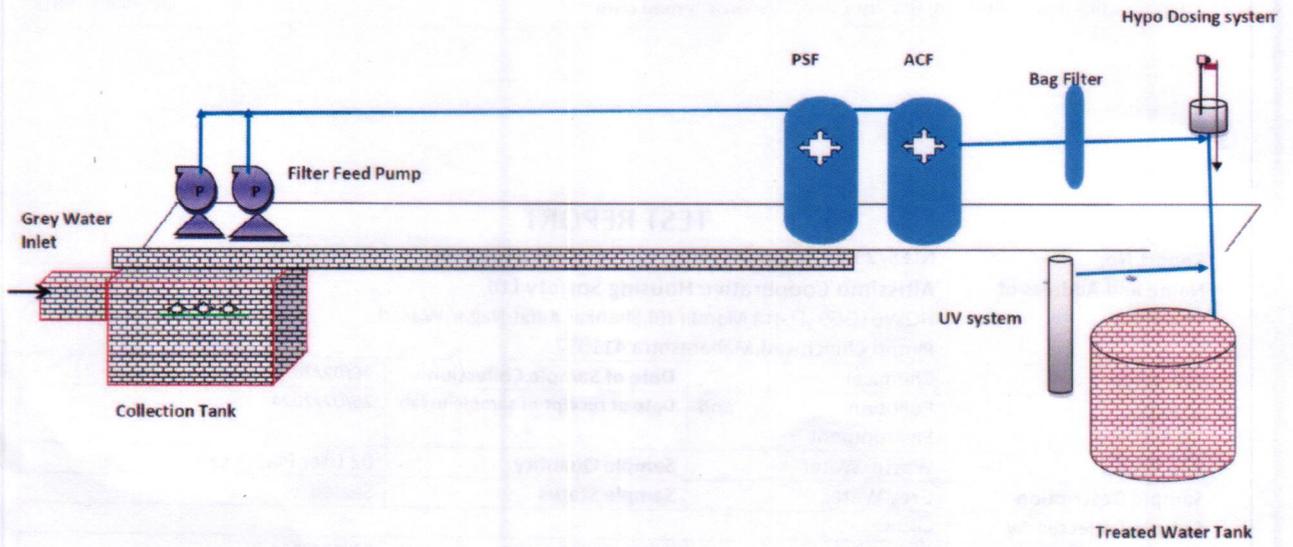
स्थळ प्रतीक्षर मा. प्रमोद बाघमारे
अभिप्रेता यांशी स्वाक्षरी असते

सहसहस्र अभियंता
पिंपरी चिंचवड महानगरपालिका,
पिंपरी-१८

- प्रत: १) महा.मंडळाधिकारी
गांव- वाकड
२) ला.आर्कि.-श्री.प्रकाश कुलकर्णी
३) कर संकलन विभाग यांचेकडे माहितीसाठी
व तजविजीसाठी रवाना

टीप- आपल्या इमारतीचे मांडपाणी महानगरपालिकाच्या इंजेनरला मालकाने स्वखर्चाने जोडावयाचे आहे.
पाणीपुरवठा विभागाकडील ना-हरकत दाखला क्र. पापु-/काबि/१२/३६/२०१६ दि. ०५/०३/२०१६ नुसार सदर
प्रकालाने मनपाची पाणीपुरवठा व्यवस्था होईपर्यंत विकसकाने पाणीपुरवठा व्यवस्था स्वखर्चाने करावी

Annexure III
Grey Water Treatment Plant



50 KLD Grey Water Treatment System
Client- Altissimo

Annexure IV
Monitoring Report of Grey Water Treatment Plant

Neetal Laboratories And Environmental Services Pvt. Ltd.

Address : H NO. 43, SANTOSH NAGAR, WAKI BK., TAL. KHED, DIST. PUNE 410 501
Website : www.neetalenvirolab.com, Mob. 8669699854 / 52
Email: sales@neetalenvirolab.com / neetalenviro@gmail.com

Certifications :
ISO 9001 : 2015
ISO 14001 : 2015
ISO 45001 : 2018

TEST REPORT

Report No:	NLES/23-24/02/W/RE/607	Report Issue Date	02/03/2024
Name and Address of Customer	Altissimo Cooperative Housing Society Ltd HQW6+GG9 ,Datta Mandir Rd,Shankar Kalat Nagar,Wakad, Pimpri Chinchwad,Maharashtra 411057.		
Discipline	Chemical	Date of Sample Collection	26/02/2024
Group	Pollution and Environment	Date of receipt of sample in lab	26/02/2024
Sub Group	Waste Water	Sample Quantity	02 Liter Plastic can
Sample Description	Grey Water	Sample Status	Sealed
Sample Collected By	Client		
Start Date of Analysis	26/02/2024	End Date of Analysis	02/03/2024

Results

Sr. No.	Parameters	Results	Unit(s)	Methods
1	pH	-	7.31	APHA 4500 - H ⁺ B
2	Suspended Solids (S.S.)	mg/ltr	52.0	APHA 2540 - D
3	Total Dissolved Solids (TDS)	mg/ltr	412	APHA 2540 - C
4	Chemical Oxygen Demand (COD)	mg/ltr	89.2	IS 3025 (Part-58):2006
5	Biochemical Oxygen Demand (BOD)	mg/ltr	38.5	IS 3025 (Part-44):1993

Terms and Conditions

- This Report is valid for tested sample only
- The test report cannot be reproduced wholly or in part and cannot be used for promotional or publicity purpose without the written consent of laboratory, NLES.

Sadhana Kanase
Reviewed By
(Ms. Sadhana Kanase)



Kalyani Gore
Authorized Signatory
(Ms. Kalyani Gore)

*****End of Report*****

Annexure V
Drainage NOC

जलनिःसारण विभाग
 टोकलण क्रमांक
 १८०११५३६०००२१६८
 १८/६/१५

पिंपरी चिंचवड महानगरपालिका, पिंपरी १८.
 पाणी पुरवठा व जलनिःसारण विभाग (क प्रमाण)
 क्र./पापु/जनि/क्र/ 1 / १०१३५
 दिनांक 1 / १०१३५

प्रति,
 श्री. अनंदा गणपत बाबापारे व इतर करिता मे. पॅराभाउट जोरय डोलम.
 एड्यार स.नं १६८११५, १६८११५, १६८११५
 ल.क्र.३ पाचेकडे

विषय - बावत्या दिनांक १८/६/२०१५ च्या ड्रेनेज कनेक्शन नर्जाबात

महोदय,
 आपले ल.क्र.३ सधे व १६८११५ चे १६८११५ ते १६८११५ मे १६८११५
 ये ड्रेनेज कनेक्शनचा कामाचे नकाशे मंजूर केले असून, सदा कामाची ड्रेनेज कनेक्शन फी ५६,०००/- आणि रस्ता
 दुकस्ती फी - /- महानगरपालिकेकडे सादरितप्रमाणे
 मसलेली आहे. मंजूर नकाशाप्रमाणे ड्रेनेज कनेक्शनचे काम पूर्ण करणे तसेच कामाच्या खोदाईमुळे, जपवात कमी
 रहदारीस अडथळा होणार नाही अशी सबरदारी घ्यावी. याबतची जबाबदारी आपण व आपले नावसेन्ट प्लंबर
 यांच्यावर पडेल.

टीप - सदरच ड्रेनेज कनेक्शन परवानगी डी.आर.ए.मि.डि.मि. १०३ निकासाची जाळ्या.
 करिता १/१३/६९ चौ.मी.मापारी क्षेत्राकरिता देणेत येत आहे. स.नं १६८११५
 डी.आर.ए.मि.डि.मि. १०३ निकासाची जाळ्या पुर्तःकारण
 जलनिःसारण विभाग (क प्रमाण)
 पिंपरी चिंचवड महानगरपालिका, पिंपरी-१८.
 दिनांक: १८/६/२०१५

ड्रेनेज कनेक्शन फी-बावती क्र.:	दिनांक: 1 / १०	र.क्र. ५६,००० = ००
रस्ता दुकस्ती बावती-बावती क्र.:	दिनांक: 1 / १०	र.क्र. ५६,००० = ००

कामाचा तपशील			
नॅनहोल बावती (१ वे. ५ मीटर व्यास)-	१ नग	चॅपी	मीटर
सुकर ट्रेप बावती (०.४५ x ०.९०)	१ नग	चॅपी	०.६० मीटर
बॅचपिट कामे-			
घाईब ताईव (१५०) मिलिमिटर टाऊणे रडून तांबी -			मीटर
रस्ता दुकस्ती- नाही			

श्री. डी. सी. आताप

नावसेन्ट क्र. ६०२

माहिती व योग्य तजकबिबीसारी.

Annexure VI
Solid Waste Management



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Annexure VII
Ambient Air and Noise Monitoring Reports

Neetal Laboratories And Environmental Services Pvt. Ltd.

Address : H.NO. 43, SANTOSH NAGAR, WAKI BK., TAL. KHED, DIST. PUNE - 410 501
Website : www.neetalenvirolab.com, Mob. 8669699854 / 52
Email: sales@neetalenvirolab.com / neetalenviro@gmail.com

Certifications :
ISO 9001 : 2015
ISO 14001 : 2015
ISO 45001 : 2018

TEST REPORT (Ambient Air)					
Report No.	NLES/23-24/02/AA/RE/605	Report Issue Date	02/03/2024		
Name and Address of Customer	Altissimo Cooperative Housing Society Ltd HQW6+GG9 ,Datta Mandir Rd,Shankar Kalat Nagar,Wakad, Pimpri Chinchwad,Maharashtra 411057.				
Discipline	Chemical	Date & Time of Sampling	From 10:00AM of 29/02/2024 to 6:00 PM of 29/02/2024 (8 hrs)		
Group	Atmospheric Pollution	Date of receipt of sample in lab	01/03/2024		
Sub Group	Ambient Air	Sampling Procedure	IS 5182 Part 5		
Sampling Location	Near Main Gate	Dry bulb temperature	27°C		
Wet bulb temperature	21°C	Relative Humidity	35 %		
Sampling done by	Neetal Laboratories and Environmental Services Private Limited				
Start Date of Analysis	01/03/2024	End Date of Analysis	02/03/2024		
Results					
Sr. No.	Parameters	Results	Unit(s)	Specifications (NAAQ Standards)	Methods
1	Sulphur Dioxide (SO ₂)	10.2	µg/m ³	≤ 80	IS 5182 (Part 2)
2	Oxides of Nitrogen (NO ₂)	12.3	µg/m ³	≤ 80	IS 5182 (Part 6)
3	Particulate Matter PM ₁₀	62.3	µg/m ³	≤ 100	IS 5182 (Part 4), 1999
4	Particulate Matter PM _{2.5}	35.9	µg/m ³	≤ 60	IS 5182 (Part 24), 2019
5	Ozone (O ₃)	10.4	µg/m ³	≤ 180	Method 411, Air Sampling and Analysis, 3rd Edition, 2020
6	Ammonia (NH ₃)	BDL	µg/m ³	≤ 400	Method 401, Air Sampling and Analysis 3rd Edition, 2020
7	Lead (Pb)	BDL	µg/m ³	≤ 01	Air Sampling and Analysis, 3rd Edition, 2020
8	Arsenic (As)	BDL	ng/m ³	≤ 06	
9	Nickel (Ni)	BDL	ng/m ³	≤ 20	
10	Carbon Monoxide (CO)	0.34	mg/m ³	≤ 04	GC FID Methanizer Method
11	Benzo(a)Pyrene (BaP)	BDL	ng/m ³	≤ 1.0	IS 5182 Part 12
12	Benzene(C ₆ H ₆)	BDL	µg/m ³	≤ 05	IS 5182 Part 11
Remark- All above results are within National Ambient Air Quality standards.					

Terms and Conditions

- This Report is valid for tested sample only
- The test report cannot be reproduced wholly or in part and cannot be used for promotional or publicity purpose without the written consent of laboratory, NLES.

SK
Reviewed By
(Ms. Sadhana Kanase)



Kalyani
Authorized Signatory
(Ms. Kalyani Gore)

*****End of Report*****

Neetal Laboratories And Environmental Services Pvt. Ltd.

Address : H.NO. 43, SANTOSH NAGAR, WAKI BK., TAL. KHED, DIST. PUNE - 410 501
 Website : www.neetalenvirolab.com, Mob. 8669699854 / 52
 Email: sales@neetalenvirolab.com / neetalenviro@gmail.com

Certifications :
 ISO 9001 : 2015
 ISO 14001 : 2015
 ISO 45001 : 2018

TEST REPORT (Stack Emission)					
Report No.	NLES/23-24/02/ST/RE/599	Report Issue Date	02/03/2024		
Name and Address of Customer	Altissimo Cooperative Housing Society Ltd HQW6+GG9 ,Datta Mandir Rd,Shankar Kalat Nagar,Wakad, Pimpri Chinchwad,Maharashtra 411057.				
Discipline	Chemical	Sample Description	Stack Material: MS		
Group	Pollution & Environment.		Stack Height: 1.0 Mtr		
Sub Group	Stack Emission		Stack Type: Round		
Date of Sampling	29/02/2024	Sampling Location	DG Set No.01-45 KVA		
Sampling done by	Neetal Laboratories and Environmental Services Private Limited	Sampling duration	30 Min		
Sample Quantity	Thimble 1 Nos and 30 ml Solution	Sampling Procedure	CPCB Guideline on methodologies for source emission monitoring		
Start Date of Analysis	29/02/2024	End Date of Analysis	02/03/2024		
Instrument Details	Make/ Model No.	Shree Scientific and Calibration /SEM-150,220508			
	Lab ID	NLES/Lab/Inst/01			
	Calibration Date	Calibration on:10/05/2023, Due On:09/05/2024			
Results					
Sr. No.	Parameters	Results	Unit(s)	Specifications (MPCB Consent)	Methods
1	Flue Gas Temperature	402	°K	--	--
2	Differential Pressure	4.5	mm WG		
3	Velocity	8.10	M/s		
4	Dimensions of Stack	0.1016	Mtr.		
5	Stack Area	0.0081	M ²		
6	Gas Volume	175.24	Nm ³ /Hr		
7	Total Particulate Matter	28.6	mg/Nm ³	N.S.	IS 11255 (Part 1)
8	Sulphur Dioxide (SO ₂)	12.3	mg/Nm ³	N.S.	IS 11255 (Part 2)
9	Sulphur Dioxide (SO ₂)	0.072	Kg/day	N.S.	IS 11255 (Part 2)
10	Oxides of Nitrogen (Nox)	5.7	mg/Nm ³	N.S.	IS 11255 (Part 7)
➤ Remark- All above results are well within MPCB Limit. N.S-Not Specified,					

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 Reviewed By
 (Ms. Sadhana Kanase)




 Authorized Signatory
 (Ms. Kalyani Gore)

*****End of Report*****

Page 1 of 1

Annexure VIII
Solar Hot Water Panels

