

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

ORIGINAL APPLICATION NO.76 OF 2021

SHASHIKANT VITTHAL KAMBLE .. **APPLICANT**

V/s

MoEF AND OTHERS .. **RESPONDENTS**

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PUNE

DATE : 23/03/2023



ADVOCATE FOR THE RESPONDENTS 15

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**WESTERN ZONE BENCH PUNE****AT PUNE****ORIGINAL APPLICATION NO.76 OF 2021**

SHASHIKANT VITTHAL KAMBLE .. APPLICANT
V/s
MoEF AND OTHERS .. RESPONDENTS

REPLY ON BEHALF OF**RESPONDENT NO.15****MAY IT PLEASE THE HON'BLE TRIBUNAL**

1. At the outset, it is submitted that, this Respondent No.1 does not admit the contents of the Original Application and that the same needs to be dismissed, as the Applicant has failed to make out the case before this Hon'ble Tribunal. The Respondent No.1 is not deemed to have admitted anything unless it is stated more specifically hereunder. The Respondent No.15 craves leave to file a detailed response, if needed in the circumstances of the present case.
2. At the outset, the Respondent No.15 submits that, this Hon'ble Tribunal does not have jurisdiction to try, entertain and dispose of the present application, as the same is not within limitation. The present Respondent states that, the Hon'ble Supreme Court and Bombay High Court had on the interpretation of various Statutes, held that, when a statute prescribes a shorter period of limitation and difference scheme of the limitation, the provision of Limitation Act is excluded and the Court/Tribunal must apply the period of limitation as prescribed in the specific statute while exercising the

powers. In view of this, the application preferred by the Applicant is totally misconceived and liable to be dismissed.

3. The present Application filed by the Applicant upon plain reading of Section 15 of the said act is barred by law of limitation. On bare perusal of section 15 of the said Act, an Application raising substantial question relating to environment seeking restitution, remediation and compensation (including enforcement of legal right relating to environment) has to be filed within a period of 5 years from date on which the cause of action for such dispute “first arose” provided that, this Hon’ble Tribunal may, if it is satisfied that the Applicant was prevented by sufficient cause from filling the Application within the said period allow it to be filed within a further period not exceeding sixty days. In the present case the application is totally barred by Limitation, as if at-all any cause of action as alleged has to be considered it has to be from the date of first commencement certificate i.e. from 16-10-2015, when the Respondent No.15 sought building permission. The present Application is filed on 26th October 2021.

4. The present application is filed after almost 5 years after the commencement of the Project and also after 5 years after receipt of Environmental Clearance being received. The Applicant is unnecessarily hampering the execution of construction and denying the benefits to numerous flat buyers and their families for his vested interest. Hence, on this ground the present application be rejected. It is submitted that the present application is barred by limitation u/s 15 and 16 of the NGT Act, 2010 which prescribes a period of 5 years

for filing an application from the date on which the cause of action for such dispute “first” arose, extendable by a further period of 60 days thereafter, provided that the Applicant may show by a sufficient cause that the Applicant was prevented from filing such an application in time. Further, the Applicant has also sought to file an application under section 15 of the said act which also provides for the aforesaid words “the date”, “cause of action” and “first arose”.

5. Further, the application of the principles of recurring and/or continuing cause of action for the purposes of disputes under Section 15 of the said Act would lead to serious anomalous and undesirable consequences. That the Legislature while enacting the statute purposely used the words "first" for "cause of action" to file an action before the Tribunal. That the Hon'ble Supreme Court in the case of L.C. Hanumanthappa vs H.B. Shivakumar (2016) I SCC 332 has held that the word 'first' has been used between the words 'sues 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 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.
6. That in a catena of cases, this Hon'ble Tribunal has also taken the view that limitation period begins to run from the date when the cause of action first arose including in Application No. 33 of 2016

Jai Javan Jai Kisan and Ors. Vs Vidarbha Cricket Association and Ors.; O.A. NO. 179 of 2016 Graminee Environment Foundation vs. Balaji Infrastructures Ltd. and Ors, OA No. 95 of 2014 Mr. Suresh Waman Dhavale and ors. vs MOEF and Ors

7. Similarly, section 15(3) of the act contemplates that no application for grant of compensation or relief or restitution of property or environment shall be entertained unless the same has been made within a period of five years from the date on which the for such compensation or relief first arose.
8. It is submitted that cause of action for filing an application under the provisions of the Green Tribunal Act, 2010 cannot accrue on the day when a person discovers the act of environmental damage. This Hon'ble Tribunal has rejected the proposition of 'Discovery Rule' being applicable to patent event perceptible to the public at large and therefore by no stretch of imagination can the cause of action for filing an application under the provisions of the said act could accrue on the day when such environmental damage is discovered by the party. The Applicant has thus approached this Hon'ble Tribunal with the sole intention to overcome the difficulty of limitation under the act, has approached this Hon'ble Tribunal with unclean hands. Therefore, the present Application under section 15 of the NGT Act, 2010 is clearly barred by limitation.
9. The Respondent No.1 submits that the Respondent No.1 has undertaken the construction of the project situated at S. No. 58/2/1A,

58/2/2A, 58/2B situated at Undri, Tal. Haveli, Dist. Pune. The said project consists of 5 residential buildings having 362 flats being “Urban Nest” and 2 commercial buildings namely “Market Place” having 84 units and “Trade Park” having 196 units. The Respondent No.1 has already constructed the said buildings, handed over the 345 flats, and formed a Co-operative Housing Society. The Respondent No.1 has received necessary Completion Certificate /Occupancy Certificates from the Pune Municipal Corporation. The details of the Occupancy Certificate are as under: -

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

10. The Respondent No.1 submits that, the project of the Respondent No.1 has received Environment Clearance Certificate from the Respondent No.6 on 21st September 2016. The said EC was further amended on 3rd September 2021. The Respondent No.1 submits that based on the receipt of the Environmental Clearances, the

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

21th September 2016 and 3rd September 2021 is annexed hereto and marked as ANNEXURE – R-1 and R-2 respectively.

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

12. The Respondent No.15 submits that, reliefs claimed by the Applicant do not derive any substantial question relating to the environment as defined under Section 2(m) of NGT Act, 2010. The Hon'ble NGT has rightly recorded in the order dated 14th February 2023 that the Applicant has failed to clarify the dispute in the Original Application. In view of absence of the substantial question relating to the environment, the application is not maintainable before this Hon'ble Tribunal. The reliefs as claimed by the Applicant tantamount to fishing and roving enquiry and that is impermissible in law.

13. The Respondent No.15 further submits that, the Respondent No.15 has paid an amount of Rs.18,17,272 /- towards the penal charges for

the Consent to Operate after receipt of the Occupational Certificate.
It is thus submitted that the penalty has been paid upon the
Respondent No.15.

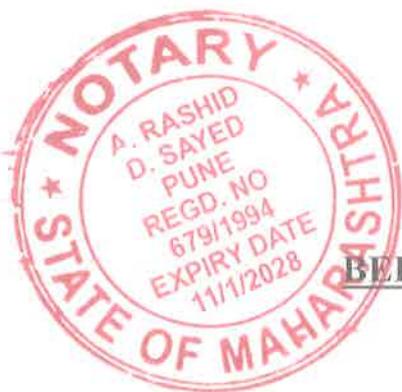
In view of the facts narrated above, the present Original Application is
devoid of any merit and needs to be dismissed with compensatory costs.

Date: 23/03/2023

Place: Pune

A handwritten signature in blue ink, appearing to read 'S. S. K. K. K.', with several horizontal lines drawn underneath it.

ADVOCATE FOR RESPONDENT NO.15



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

ORIGINAL APPLICAITON NO.76 OF 2021

SHASHIKANT VITTHAL KAMBLE .. APPLICANT

V/s

MoEF AND OTHERS .. RESPONDENTS

AFFIDAVIT IN SUPPORT OF REPLY

MAY IT PLEASE THE HON'BLE TRIBUNAL

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

1. I say that I am the Authorised Signatory of the Respondent No.15 and am duly authorized to file the present Affidavit. I say that I am handling the day to day affairs of the Respondent No.15. I am aware of the facts and circumstances of the present case and hence am able to depose the same on oath.

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

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



Affiant



BEFORE ME

A. Rashid D. Sayed
A. Rashid D. Sayed
Notary, State of Maharashtra
PUNE

23 MAR 2023

Noted & Registered
At Sr. No. *A/1374/2023*



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

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

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

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

Sir,

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

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

Brief Information of the project submitted by you is as-

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

	formitywith local planning rules &provision)																									
10.	Note on the initiated work (If applicable)	NA																								
11.	LOI/ NOC from MHADA /Other approvals (If applicable)	NA																								
12.	Total Plot Area (sq. m.) Deductions Net Plot area	Total Plot Area: 35,300.00 m ² . Deductions : 5,173.78 m ² Net plot area : 30,126.22 m ² .																								
13.	Permissible FSI (including TDR etc.)	41957.89 m ²																								
14.	Proposed Built-up Area (FSI & Non-FSI)	FSI : 41,956.00 m ² (including amenity) Non FSI : 37,022.69 m ² Total : 78,978.69 m ²																								
15.	Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	10516. 01m ² (34 % of Net plot area)																								
16.	Estimated Cost of the Project	Rs.147Crore.																								
17.	No. of building & its configuration(s)																									
	1. Residential:																									
		<table border="1"> <thead> <tr> <th>No.</th> <th>Building</th> <th>No. of Floors</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>A1 to A3</td> <td>P+P+12</td> </tr> <tr> <td>2.</td> <td>B1 & B2</td> <td>P+P+12</td> </tr> <tr> <td colspan="3">Commercial Buildings</td> </tr> <tr> <td>3.</td> <td>Commercial 1</td> <td>B+G+3</td> </tr> <tr> <td>4.</td> <td>Commercial 2</td> <td>2B+G+3</td> </tr> <tr> <td>5.</td> <td>Amenity Building</td> <td>B + G+ 3</td> </tr> <tr> <td>6.</td> <td>Amenity Building</td> <td>G+ 3</td> </tr> </tbody> </table>	No.	Building	No. of Floors	1.	A1 to A3	P+P+12	2.	B1 & B2	P+P+12	Commercial Buildings			3.	Commercial 1	B+G+3	4.	Commercial 2	2B+G+3	5.	Amenity Building	B + G+ 3	6.	Amenity Building	G+ 3
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1.	A1 to A3	P+P+12																								
2.	B1 & B2	P+P+12																								
Commercial Buildings																										
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4.	Commercial 2	2B+G+3																								
5.	Amenity Building	B + G+ 3																								
6.	Amenity Building	G+ 3																								
	2. Club House: G + 1																									
18.	Number of tenants and shops	426 residential Tenements, 714 Shops & offices, Polyclinic & Pathological Laboratory																								
19.	Number of expected residents /users	Residential Users: 2130 No Commercial and Amenity Users:4960																								
20.	Tenant density per hector	142 tenant/ Ha.																								
21.	Height of the building(s)	Maximum 42.5 Height m																								
22.	Right of way (Width of the road from the nearest fire station to the proposed building(s))	Katraj Fire Station, 5 Km away from proposed site. Width of the road from the nearest fire station to the proposed building 60 mt																								
23.	Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9 m																								
24.	Existing structure(s)	N.A.																								
25.	Details of the demolition with	N.A.																								

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

		<p>Water requirement for makeup in m^3: NA</p> <p>Details of Plant & Machinery used for treatment of Swimming pool water: : NA</p> <p>Details of quality to be achieved for swimming pool water and parameters to be monitored:</p> <ul style="list-style-type: none"> • Budgetary allocation (Capital cost and O & M cost): <p>Capital cost: Rs. --/-Lacs O &M Cost: Rs. -- Lacs/ Annum</p>
28.	Rain Water Harvesting (RWH)	<ul style="list-style-type: none"> • Level of the Groundwater table: 8 to 10m, • Size and no. of RWH tank(s) and Quantity: 2.0 x 2.0 x 2.0 Mtr & 7 nos. • Capacity of RWH tanks: 56 m^3/day • Location of the RWH tank(s): • No. of recharge pits: 7 No. • Pit sizes = 2.0 x 2.0 x 2.0 Mtr <ul style="list-style-type: none"> • Commercial: NA • No. of RWH Tanks: NA • Capacity of RWH tanks: NA • Location of the RWH tank(s):NA • No. of recharge pits: NA <ul style="list-style-type: none"> • Budgetary allocation (Capital cost and O & M cost): <p>Capital cost: 14.00 Lacs O &M Cost: 2.10 Lacs/annum</p>
29.	UGT tanks	<p>Residential :</p> <p>Domestic UG tank Capacity: 290 m^3/day Flushing UG tank Capacity: - 150 m^3/day Fire UG tank Capacity: 250 m^3</p> <p>Commercial: (Amenity included in commercial)</p> <p>Domestic UG tank Capacity: 165 m^3/day FlushingUGtankCapacity:150 m^3/day Fire UG tank Capacity: 175m^3</p>
30.	Storm water drainage	<ul style="list-style-type: none"> • Natural water drainage pattern: West to East • Quantity of storm water: 464 m^3 • Size of SWD: --
31.	Sewage and Waste water	<ul style="list-style-type: none"> • Residential: • Sewage generation (m^3/day): 277m^3/day • Capacity of STP(m^3): 300 m^3 • STP technology: MBBR Technology • Total area provided: 150 m^2 • Location of STP: As shown in service layout <p>Commercial: (Amenity included in commercial)</p>

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

		solid waste: 193m ² 3. Budgetary allocation		
		<ul style="list-style-type: none"> • Capital Cost: 45.3 Lacs • O&M Cost: 7.85 Lacs/annum 		
33.	<p><i>Green Belt Development</i> Total RG area: 3230 m². • Number & list of trees species to be planted in the ground RG: 315 Nos List of Proposed Plantation for the scheme:</p>			
No.	Botanical name	Common name	Qty	Ecological Importance
1	<i>Ailanthus Excelsa</i>	Maharukh	10	Native & medicinal value
2	<i>Swetenia Mahogany</i>	Mahogany	9	Native, deciduous, control soil erosion
3	<i>Pongamia Pinnate</i>	Karaj	15	Native & medicinal value
4	<i>Peltoherum</i>	Copor pod	10	Shady tree for roadside plantation
5	<i>Tebebuia Aregntia</i>	Trumpet tree	27	ornamental tree for road side plantation with attractive yellow flowers
6	<i>Spathodea Campanulata</i>	African Tulip tree	13	Flowering tree, the flower bud contains water, these buds are often used by the childrens to play with. The flowers are cup-shaped and hold rain and dew making them attractive to many species of bird.
7	<i>Saraca Indica</i>	Sita Ashok	6	Shady tree with red-yellow flowers.
8	<i>Mangifera Indica</i>	Mango	15	Fruit Bearing Tree, native, evergreen, attracts birds & insects, cultural significance
9	<i>Tabbuia Rosea</i>	Pink Trumpt Tree	26	ornamental tree with pink and white colour flowers for road side plantation. Attract bees, birds and butterflies
10	<i>Lagestromia Flosreginea</i>	Lagestroma	10	Ornamental plant with medicinal value.
11	<i>Casia Fistula</i>	Bahava	10	Native, deciduous, medicinal value
12	<i>Michelia Champaka</i>	Champa	20	Conical tree with fragrant flowers.
13	<i>Erythrima Indica</i>	Indian Coral Tree	14	Tree with lot of medicinal value.
14	<i>Psidium Guajava</i>	Guava Tree	10	Fruit bearing & evergreen
15	<i>Nyctanthes Arbortristis</i>	Parijatak	36	Flowery tree, the seeds, leaves and flowers all have medicinal value.
16	<i>Murraya Koengii</i>	Kadipatta	13	Small tree leaves used in cooking.

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

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

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

- Number & list trees species to be planted around the border of nallah/steam/pond(If any): NA

- No. of Existing Trees: NA

Budgetary allocation:

Capital Cost- Rs. 35.33 lacs

O&M Cost: Rs. 3.53 lacs /annum

34. Energy

Power Supply:

- Connected load : 6933.34 KW
- Maximum demand: 5546.67 KW
- Total DG power consumption for residential buildings: 150 KVA-1 No. + 275 KVA-1 No. DG Sets
- Total DG power consumption for clubhouse and commercial buildings:
6 DG Sets:
Commercial-1-500 KVA-2 Nos.
Commercial-2-1500 KVA-2Nos.
Amenity Area-500 KVA-2Nos.
- Energy saving measures
- Solar Lights /T5/CFL/LED/Drive for Lifts/Solar Hot Water
- Detail calculations& % of saving: 16%

Compliance of the ECBC guidelines:(Yes/No)(If yes then submit compliance in tabular form): No.

- Budgetary allocation
1.DG SET

Capital Cost: Rs. 2.71 Cr

O & M Cost: Rs 27.125 Lac/Annum

		<p>2. Solar Energy (street light) (Non-conventional energy)</p> <p>Capital Cost: Rs. 5.5 Lacs O & M Cost: Rs 0.25 lacs /Annum</p> <p>3. Conventional Energy (LED & T5 with Timer)</p> <p>Capital Cost: Rs: 10.05 Lac O & M Cost: Rs: 0.50 lacs /Annum</p> <p>4. Solar Panel for Hot Water</p> <p>Capital Cost: Rs. 13.5 Lac O & M Cost: Rs 0.67lacs /Annum</p> <p>Number and capacity of the DG sets to be used: 09 DG Sets: 1 of 125 kVA, 1 of 150 kVA, 1 of 180 kVA, 4 of 500kVA, 2 of 1500kVA.</p>
35.	<p>Environmental Management plan Budgetary Allocation: During Construction Phase: Rs.33.05 lac</p> <p>Capital cost : Rs. 286 Lacs O & M Cost: Rs. 71.15 Lacs/Annum</p>	

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

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

General Conditions for Pre- construction phase:-

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

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

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

General Conditions for Construction Phase-

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

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

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

- (xxxix) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
- (xxxixii) Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code, which is proposed to be mandatory for all air-conditioned spaces while it is aspiration for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
- (xxxixiii) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.
- (xxxixiv) Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.
- (xxxixv) Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
- (xxxixvi) Six monthly monitoring reports should be submitted to the Regional office MoEF, Bhopal with copy to this department and MPCB.

General Conditions for Post- construction/operation phase-

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

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

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

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


 (S. M. Gavai)
 Member Secretary, SEIAA

Copy to:

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



(EC uploaded on

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STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

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

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

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

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

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

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

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

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

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

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

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

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

Specific Conditions:

A. SEAC Conditions-

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

B. SEIAA Conditions-

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

General Conditions:

a) Construction Phase :-

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

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

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

B) Operation phase:-

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

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

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

C) General EC Conditions:-

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

starting proposed work at site.

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

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

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

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


Manisha Patankar, Patankar
(Member Secretary, SEIAA)
3/11/2021

Copy to:

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



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**WESTERN ZONE BENCH, PUNE****AT PUNE****Original Application No. 76 OF 2021 (WZ)****SHASHIKANT VITTAL KAMBLE****APPLICANT****V/S****MoEF&CC & OTHERS****RESPONDENTS****VAKALATNAMA**

KNOW ALL to whom these present shall come that we, the above named Mr. Bhushan Palresha, the Authorised Signatory of the Respondent No.15 do hereby appoint:

Saurabh Kulkarni,
Advocate

Prashant Bhat
Advocate

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

Hereinafter called the Advocates to be **Respondent No.15 (M/s.V.T. PARLESHA LLP & MOHITE ASSOCIATES)** Advocates in the above noted case & authorize them;
To, act appear and plead in the above noted case in this court or in any other court in which the same may tried or heard.

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

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

To take execution proceedings.

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

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

IN WITNESS WHEREOF we do hereunto set our hand to their presents the contents of which have been understood by us on this 14 day of February 2023



ADVOCATES


Signature

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

