

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

ORIGINAL APPLICATION NO. 110 OF 2022 (WZ)

NAGESH DHAMALE

.. APPLICANT

V/s

ENVIRONMENT DEPT. MAHARASHTRA
AND OTHERS

.. RESPONDENTS

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PUNE

DATE : 03/02/2024


ADVOCATE FOR THE RESPONDENT No.7

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

ORIGINAL APPLICATION NO. 110 OF 2022 (WZ)

NAGESH DHAMALE

.. **APPLICANT**

V/s

ENVIRONMENT DEPT. MAHARASHTRA
AND OTHERS

.. **RESPONDENTS**

REPLY ON BEHALF OF RESPONDENT NO.7

(M/s ASWANI CONSTRUCTIONS)

MAY IT PLEASE THE HON'BLE TRIBUNAL

THE RESPONDENT NO.9 MOST RESPECTFULLY SUBMIT

THAT :-

1. At the outset, it is submitted that, the present Original Application as framed and filed by the Applicant is not tenable before this Hon'ble Tribunal under the provisions of Sec.14 r/w 15 of the National Green Tribunal Act, 2010 (NGT). The Applicant is not an aggrieved person under the provisions of the Act and has failed to substantiate the substantial questions related to the environment under the provisions of Sec.2(m) of the NGT Act, 2010.
2. The Respondent No.7 submits that the project of the Respondent No.7 received the first permission for construction on 4th June 2013 and the same has been completed in 2018 and flats handed over to

the purchasers. The society has been formed on 4th April 2018. The Applicant in the entire Original Application has failed to make out a case that how it is aggrieved by the construction of the Respondent No.7. The Applicant is neither an aggrieved party nor residing within the vicinity of the Respondent No.7 and thus, the issue of locus of Applicant is to be decided by this Hon'ble Tribunal. The Hon'ble Supreme Court in the Judgement of '*Uday Welfare Trust Vs. State of U.P.*' has clearly held that, this Hon'ble Tribunal has to consider the bonafide of the litigant approaching the Hon'ble Tribunal as the question of operation of Industry and employment of numerous employees is depending on the order of this Hon'ble Tribunal.

3. The Applicant herein has filed the present Original Application on the basis of information received by it under RTI Act, 2005. It is pertinent to mention herein that the Application under the RTI Act was made by the Applicant on 06.10.2022 and the same was replied by the Respondent No.4 on 28.10.2022. This Hon'ble Tribunal in the Judgment of '*Ajay Jayawantrao Bhosale Vs. Union of India*' has held that an application under the RTI Act does not give the cause of action to the litigant to approach this Hon'ble Tribunal. The Hon'ble Tribunal ought to have appreciated that the

principle ingredient of an Application U/s 14 r/w 16 of the National Green Tribunal Act, 2010 is that the cause of action, which needs to have arisen first before filing an Application before this Tribunal. In the present the Applicant has failed to justify the same and hence, the Hon'ble Tribunal does not have the jurisdiction to try and entertain the present Original Application.

FACTS OF THE CASE

4. The Respondent No.7 herein has constructed the residential complex by name as "Green Valley" situated at Wakad, Pune. The said Project consists of four buildings, with a commercial building, twin bungalows and a club house.
5. The Respondent No.7 submits that the Respondent No.6 has sanctioned the layouts of the project on the following dates and built-up area: -

DATE OF COMMENCEMENT CERTIFICATE	DATE OF SANCTIONED LAY-OUT	BUILT UP AREA (IN SQ.MTRS)
04-06-2013	10-05-2013	8562.41
30-05-2014	23-05-2014	12320.96
31-12-2014	31-12-2014	12320.96

The Respondent No.7 submits that the Respondent No.6 has given the building construction permission to the Respondent No.7 herein and that at the time of granting the said permission, nowhere, it was mentioned that the Respondent No.7 has to obtain the Environment Clearance (EC). Copies of the Commencement Certificates are annexed hereto and marked as **ANNEXURE – R-1 colly**. Copies of the sanctioned lay-outs are annexed hereto and marked as **ANNEXURE – R-2 colly**. It is hereby submitted that there was no clarity in respect of the FSI/Non-FSI area and hence the construction of the Respondent No.7 never exceeded the threshold limit of 20,000 sq.mtrs.

6. The Respondent No.7 submits that the term 'built-up area' had not been clearly defined under the EIA Notification 2006. A phrase having been introduced by virtue of a Notification/statute ought to be defined and the definition *prima facie* must determine the application of the phrase. It is most respectfully submitted that Column 5 of item 8(a) of the EIA Notification 2006 only states '*built-up area for covered construction; in the case of facilities*

open to the sky, it will be the activity area'. A plain and literal reading of the said sentence leads to ambiguity and uncertainty with regard to actual meaning and/scope of the term 'built-up area'. The ambiguity in the definition arises since the word for is not a compelling word to show that the intention of the original EIA Notification 2006 was to include the entire construction area at the time of referring to 'built up area'. It is noteworthy that on the basis of the built up area, the projects listed under item 8 of the schedule to the 2006 notification were even given exemption from obligation to conduct public consultation and scoping.

7. The Respondent No.7 submits that owing to the above the term 'built up area' came to be understood in terms of the state / municipal bye laws at least till the issuance of the 2011 notification even for the purposes of grant of environmental clearance. It is most respectfully submitted that in absence of a definition of the term 'built-up area' in the EIA Notification 2006, the same was calculated and/interpreted in consonance with the state bye-laws to fill in the vacuum until the 2011 Notification came into effect. The construction industry as well as the Appropriate Authorities

including MoEF had understood and proceeded the term built up area with respect to granting ECs'.

8. The Respondent No.7 submits that prior to the 2011 Notification, the description of 'built up area' under the original EIA Notification 2006 was limited to covered construction, while in cases of facilities open to the sky it would be the activity area. However, there was guidance available as to the meaning of the term 'built up area' under the relevant state bye laws, and the practice adopted by the appropriate authorities was to interpret 'built up area' for the purpose of granting ECs in consonance with the applicable state bye laws. Most of the state-bye laws calculate 'built-up area' on the basis of Floor Space Index (FSI). It is submitted that the appropriate authorities were granting ECs on the basis of FSI.
9. The Hon'ble Supreme Court observed the ambiguity in the term 'built-up area' in the EIA Notification 2006 in the Okhla Bird Sanctuary Judgment reported in *2011-1-SCC-744* and expressed the need for redefining the same in the following words:

“The EIA notification dated September 14, 2006 urgently calls for a close second look by the concerned authorities. The

projects/activities under items 8(a) and 8(b) of the schedule to the notification need to be described with greater precision and clarity and the definition of built-up area with facilities open to the sky needs to be freed from its present ambiguity and vagueness."

It is submitted that in compliance with the direction given by this Hon'ble Court in the aforementioned judgment, the MoEF brought into effect the 2011 Notification which contained a clear definition of the term 'built-up area' stating that *"the built-up area for the purpose of this Notification is defined as the built up area or covered area on all floors put together including basements and other service areas, which are proposed in the building/construction project."* Copy of the judgment is annexed hereto and marked as **ANNEXURE – R-3.** Copy of the notification dated 4th April 2011 and Office Memorandum dated 4th July 2017 is annexed hereto and marked as **ANNEXURE – R-4 colly.**

10. The Respondent No.7 submits that even the facts recorded in the 2010 judgment reflect the general practice adopted by the appropriate authorities of interpreting 'built up area' in consonance with the state bye laws. The 2010 Judgment pertained to a project undertaken by the Govt. of Uttar Pradesh to develop a recreational park at NOIDA. The project involved massive construction inter alia including dedicatory columns,

commemorative plaza, national memorial, plinth with sculptures, larger than life statues etc.; and was undertaken without any prior environmental clearance as required under the EIA Notification 2006. When an issue was raised with respect to the project being undertaken without prior environmental clearance, the stand taken by the SEIAA UP was that the built-up area was less than 20,000 square meters and the EIA Notification 2000 would not be applicable. In submitting so, the SEIAA UP had calculated the 'built up area' on the basis of state bye-laws. Furthermore, during the course of the proceedings of the 2010 Judgment, the MoEF also took the unequivocal stand that the project in question did not require prior environmental clearance (*paras 38-49*). As was noted in para 42 of the 2010 Judgment:

The built-up area has been calculated by the state of Uttar Pradesh on the basis of its building bye-laws.'

"..... The MoEF, however reiterated its stand in very definite and unequivocal terms that the project in question did not fall within the ambit of the EIA Notification 2006 and no environmental clearance was required for such kind of projects. The stand of the MoEF was based on the premise that the area of the project (33.43ha) was less than 50ha and its built up area (9542 sq m) was less than 20,000 sq.m."

The aforesaid is an example of the manner in which the different states' SEIAA, as well as the MoEF, were routinely calculating 'built up area' in consonance with state bye laws while granted environmental clearance prior to 04.04.2011.

11. The Respondent No.7 submits that the judgment in Okhla bird Sanctuary (supra) was made earlier in time and was delivered by a Bench comprising Of three judges. It contained the following crucial observation in para 79:

"Before putting down the records of the case a few observations may not be out of place. The EIA notification dated September 14, 2016 urgently calls for a close second look by the concerned authorities. The projects/ activities under items 8(a) and 8(b) of the schedule to the notification need to be described with greater precision and clarity and the definition of 'built up area' with facilities open to the sky needs to be freed from its present ambiguity and vagueness. The question of application of the general condition to the projects/activities listed in the schedule also needs to be put beyond debate or dispute."

As opposed thereto, the judgment in Goel Ganga reported in 2018-SCC Online -SC-930 was rendered by a two judge Bench, eight years later, only in 2018. The primary finding of the said judgment was contained in para 19 stating 'as held by us above the notification of 2006 with regard to "built up area" was absolutely clear and needed no clarification.' With utmost respect it is submitted that such a finding could not have been made without taking into consideration the observations contained in the aforementioned judgment passed in Okhla Bird Sanctuary.

12.The Respondent No.7 submits that pertinently, even after this judgment, the issue of whether the projects which had not obtained an EC, in view of the ambiguity in the EIA notification continues to be open and is the subject matter of a pending *lis* before the Hon'ble Supreme Court in *Builders Association of India v. Union of India* SLP (c) No. 10078/2019, wherein this Hon'ble Court, by an order dated 3rd May 2019, has directed that no coercive steps will be taken. Copy of the order dated 3rd May 2019 is annexed hereto and marked as ANNEXURE – R-5.

13. The Respondent No.7 submits that the issue of FSI and non-FSI was also a grey area and hence, the Respondent no.7 could not obtain the EC. The Respondent No.4 herein filed a Reg.Cri. Case No.4254 of 2015 against the Respondent No.7 herein for violating the provisions of EIA Notification-2006. In the said complaint, the Respondent No.7 was convicted and a fine of Rs.80,000/- each was imposed upon the Directors of the Respondent No.7 herein. Copy of the judgment dated 4th July 2020 is annexed hereto and marked as **ANNEXURE – R-6**.
14. The Respondent No.7 further submits that in lieu of Amnesty Scheme floated by the MoEF, Govt. of India vide 8th March 2017 the Respondent No.7 applied for post-facto EC. The Respondent No.7 submitted the Form-I-A for the same. Copy of the Form-I-A is annexed hereto and marked as **ANNEXURE – R-7**.
15. The Respondent No.7 submits that the case of the Respondent No.1 came to be considered by the SEAC, Maharashtra in its 166th Meeting held on 14th to 16th March 2023. The SEAC decided to recommend the case to SEIAA, Maharashtra for grant of EC. The SEIAA decided to grant the EC to the Respondent No.7 on submission of Bank Guarantee of Rs.1.75/- crores being the

Damage Assessment value. The Respondent No.7 has furnished the said Bank Guarantee to the Respondent No.4. Copy of submission of Bank Guarantee to the Respondent No.4 is annexed hereto and marked as ANNEXURE – R-8. The Respondent No.7 has also prepared the remediation plan, which is annexed hereto and marked as ANNEXURE – R-9.

16. The Respondent No.7, further submits that the Respondent No.1 has further directed the Respondent No.7 to explore to increase the solar energy saving, provide electric facility and also use the recycled water. The Respondent No.7 has done the necessary compliance in accordance to the same. The Respondent No.7 is awaiting the receipt of the Environmental Clearance. It is thus, submitted nothing survive in the present Original Application and the same is liable to be dismissed with cost. In view of the submissions made herein above, the present Original Application is required to be dismissed with costs.

PUNE

DATE :03/02/2024



ADVOCATE FOR RESPONDENT NO. 7

BEFORE THE NATIONAL GREEN TRIBUNAL,**WESTERN ZONE BENCH, PUNE AT PUNE****ORIGINAL APPLICATION NO. 110 OF 2022 (WZ)****NAGESH VINAYAK DHAMALE**

...APPLICANT

Versus

**ENVIRONMENT DEPARTMENT
STATE OF MAHARASHTRA
AND OTHERS**

--- RESPONDENTS

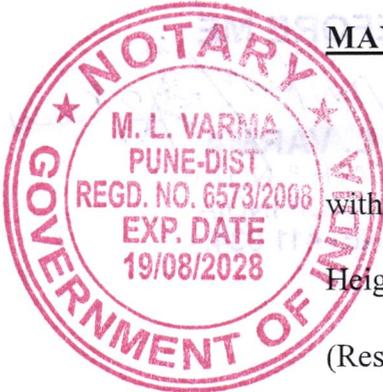
AFFIDAVIT IN SUPPORT OF REPLY**MAY IT PLEASE THE HON'BLE TRIBUNAL**

I, Anil Shamandas Aswani, Age 49, years, Occu.: Service, working with M/s ASWANI CONSTRUCTIONS, having its address at S. P. Heights, Second Floor, Kasarwadi, Pune-411 034, present Applicant (Respondent No.07) herein above, do hereby state on solemn affirmation as under:-

1. The Respondent No.07 is filing the reply to the Original Application.

I say that the contents of the said reply may kindly be treated as part and parcel of this Affidavit.

2. I say that whatever stated in the Reply and the present Affidavit are true and correct to the best of my knowledge, information and belief and the legal advice, which I believe to be true.





Solemnly affirmed at Pune on 03 day of February 2024.

Deponent



Noted & Registered
at Serial Number 93/0 Dated 3 FEB 2024

BEFORE ME

M. L. VARMA
ADVOCATE & NOTARY
GOVT. OF INDIA
PUNE-411 034.

पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११ ०१८.

(यापुढील पत्र व्यवहारात खालील क्रमांक व दिनांक यांचा उल्लेख करावा.)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्काचे राबधे लक्ष्मी न घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे.)

(कमन्समेंट सर्टिफिकेट)

- बांधकाम चालू करणेकरिता दाखला -

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

पिंपरी चिंचवड महानगरपालिका,

पिंपरी - ४११ ०१८.

क्रमांक - बी.पी./ वा ३३ / ६९ / २०१३

दिनांक : ०४ / ०६ / २०१३

श्री./श्रीसती/चे. अनांदा लक्ष्मी मानकर व इतर द्वारा ला.आ./ला.स. श्री. राहुल वेदपुठक
पत्ता ४५, गार्डन व्हॉल अपार्टमेंट,
श्री. मंगी इंदरान, (एरवेल) यांना,
पुणे - ०४

मा. शहर अभियंता,
पिंपरी चिंचवड महानगरपालिका यांजकडून -

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम ४५ आणि मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलमे २५३ व २५४ अन्वये पिंपरी चिंचवड महानगरपालिकेच्या संमतीत वा ३३ येथील सर्व्हे नं. २५०/१२१, २५०/२ सि.स.नं. १८६७ व १८८२ व १८६७ व १८६८ मधील बांधकाम करण्यासाठी महानगरपालिकेला तुम्ही नोटीस दिली. ती दिनांक ०२ / ०४ / २०१३ 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 मुंबई प्रांतिक 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 साहित्य अथवा जुन्या बांधकामाचा निघालेला राडारोडा सार्वजनिक रस्त्यावर अथवा कोणताही अडथळा 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.

- २ -

- १०) आपल्या इमारतीचे सांडपाणी नलिका म.न.पा. ड्रेनेज नलिकेला मालकाने स्वखर्चाने जोडावयास हवी.
- ११) भूखंडधारकाने, प्रमोटर / बिल्डरने अथवा प्रकल्प बांधकाम करणाऱ्या ठेकेदाराने पूर्णत्वाचा दाखला घेणेपूर्वी नियोजित निवासी/व्यापारी गाळे धारकांच्या यापुढे येणाऱ्या कोणत्याही तक्रारीस म.न.पा. जबाबदार राहणार नाही. असे प्रतिज्ञापत्र (स्पेशल एक्झिक्युटिव्ह मॅजिस्ट्रेट यांचे स्वाक्षरीचे) म.न.पा. कडे सादर करावे. पाणी पुरवठा, जलनिःसारण, उद्यान, अग्निशामक व आरोग्य विभागाचा ना हरकत दाखला इकडे सादर करावा.
- १२) इमारतीच्या तळमजल्यावर गाळेधारकाच्या नांवे दर्शविलेली टपालपेटी (Letter Box) सुयोग्य ठिकाणी बसविणे बंधनकारक राहिल त्याखेरीज इमारतीचा भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- १३) विकास आराखड्यातील रस्ता रुंदीने बाधित क्षेत्र नियमानुसार महानगरपालिकेच्या ताब्यात देणे बंधनकारक आहे.
- १४) इमारतीच्या सलोह कॉक्रीट (आर.सी.सी.) कामाच्या सर्व बाजूकरिता 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 तरतूदीचे अधिन विकसीत करणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- १८) विकास आराखड्यातील रस्ता रुंदीने बाधित क्षेत्र नियमानुसार महापालिकेच्या ताब्यात देणे बंधनकारक आहे. रस्ता रुंदीने बाधित क्षेत्र म.न.पा. चे नावे लावून तसा 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 बाधित 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 व्हिवाटीनुसार असून जागेच्या हद्दीबाबत वाद निर्माण झालेस म.न.पा. जबाबदार राहणार नाही. नगरभुमापन 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 सुधारीत 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. ९.१ 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 स्वच्छतागृहांची 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.

श. न. प. प्रमोटर मा. सहा अभियंता
यांची स्वाक्षरी आहे.


शहर अभियंता, क.स.सि.प.
पिंपरी चिंचवड महानगरपालिका,
पिंपरी - ४११ ०१८.

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

- काही महत्त्वाच्या सूचना -

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बांधकामास आरंभ करण्याच्या १० दिवस अगोदर महानगरपालिकेला कळवावे, तसे न केल्यास त्याची जबाबदारी अर्जदारावर राहिल.

जागा वापरण्यास सुरुवात करण्यासंबंधी

- १) मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ मधील कलम २६३ अन्वये मालकाने बांधकाम पूर्ण होताच महानगरपालिकेच्या कार्यालयामध्ये बांधकाम भोगवटा पत्रक मिळण्याबद्दल अर्ज करणे आवश्यक आहे म्हणजे मा. शहर अभियंतास अगर त्यांनी नेमलेल्या अधिकाऱ्यास जागेची तपासणी करता येईल व जागा वापरण्यास संमती देता येईल. याविरुद्ध वर्तन करणारा संबंधित अर्जदार, महानगरपालिकेच्या दंडात्मक घोरणानुसार दंडास पात्र होईल.
- २) नवीन घराचा पुरोगामी सज्जा विजेच्या किंवा इतर यांत्रिक तारा हलविणे झाल्यास त्याची जबाबदारी महानगरपालिकेवर नाही. यासंबंधी अर्जदाराने परस्पर संबंधित अधिकाऱ्याची आगाऊ संमती घेण्याची व्यवस्था करावी.
- ३) एकच गाळा असलेल्या घराच्या पागोळ्या भिंतीच्या बाहेर एका फुटापेक्षा अधिक पुढे नेऊ नयेत. अधिक माळे असल्यास पागोळ्या दीड फुटापेक्षा अधिक पुढे आणू नयेत. पागोळ्याचे पाणी सडके लगतच्या गटारात उंचावरून पडणार नाही, असे आडवे पन्हाळ व उभे नळ लावून इमारती नजिकच्या गटारात अगर भागात पाणी सोडावे.

गॉटमधून जाणाऱ्या पाण्याच्या (विशेषतः पावसाच्या पाण्याचा) नैसर्गिक प्रवाहाचा मार्ग कोणत्याही परिस्थितीत बंद वा कमी करण्याची संमती ह्या या दाखल्याने दिलेली नाही. उंचीप्रमाणे इमारतीस टाक्यापर्यंत पाणी चढविण्यासाठी योग्य पंपाची व हौदाची सोय आवश्यक आहे.

- ४) घर बांधणीकरिता लागणारा फाळ अथवा पहाड महानगरपालिकेला फी देऊन संमती घेतल्याशिवाय महानगरपालिकेच्या हद्दीत ठेवू नये. संमती वाचून असा पहाड ठेवल्यास तो अपराध होतो.
- ५) ज्या स्थळाप्रित्यर्थ सरकारास शेतसारा द्यावा लागतो. अशा स्थळाचा वापर घरबांधणीकडे करणे झाल्यास मा. जिल्हाधिकारी, जिल्हा पुणे यांचेकडून विगरशेत परवानगी घेऊन नंतरच काम करावे. प्रस्तुतपणे मान्यता घेतल्याविना अशा ठिकाणी बांधकाम करू नये.
- ६) सार्वजनिक मोकळे स्थळ अनाधिकाराने समाविष्ट केले आहे, असे महानगरपालिकेच्या निदर्शनास आल्यास बांधकाम पाडून स्थळ मोकळे करून घेईल. असे करण्यास या संमतीपत्राने बाधा येत नाही आणि अशा वेळी काही हानी झाल्यास महानगरपालिका त्यास जबाबदार राहणार नाही.
- ७) गारच्या लोकांना अथवा इतरांना कामापासून उपसर्ग किंवा कोणत्याही प्रकारचा त्रास अगर हानी पोहोचू नये, त्याविषयी जबाबदारी तुमच्यावर आहे या संमतीपत्राने दुसऱ्या कोणत्या अधिकारास बाधा येत नाही आणि तुम्ही आपल्या अधिकाराबाहेर कोणतेही काम केल्यास त्याची जबाबदारी तुमच्यावर राहिल.
- ८) हा दाखला महानगरपालिकेच्या सेवकांनी अथवा संरक्षकाने (पोलिसाने) पाहण्यास मागितला असता दाखविला पाहिजे. तसा तो न दाखविल्यास संमतीपत्राविना बांधकाम चालू आहे, असे समजण्यात येईल.
- ९) दाखला एका वर्षाकरिता अस्तित्वात राहिल. पुढे तो आपोआप रद्द झाला असे समजण्यात येईल. सदर संमती पत्राप्रमाणे काम एक वर्षानंतर करणे असल्यास नवीन सुपरव्हीजन मेमोसह अर्ज करून संमतीपत्राची मुदत वाढवून घेतली पाहिजे व असे संमतीपत्र मिळाल्यानंतर बांधकाम सुरू करावे.
- १०) विशेष प्रसंगी महानगरपालिकेने लेखी आज्ञा दिली तर ती पुन्हा मान्य केली पाहिजे, त्यात या संमतीवरून बाधा येत नाही.
- ११) बांधकाम चालू करण्यापूर्वी महानगरपालिकेकडून नळास पाण्याचा मीटर बसवून घेतला पाहिजे.
- १२) पाण्याच्या दाबाविषयी महानगरपालिका जबाबदार नाही. महानगरपालिकेच्या नळाच्या पाण्याचे प्रेशर कमी असल्यामुळे इमारतीच्या वरील मजल्यावर पाणी चढू शकणार नसल्यास संपूर्ण इमारतीस योग्य व पुरेशा प्रमाणात पाणीपुरवठा होण्याच्या दृष्टीने पाण्याचा साठा करण्यासाठी इमारती भोवतालच्या मोकळ्या जागेत घरमालकास मा. शहर अभियंता अथवा संबंधित अधिकारी सांगतील त्या मापाचा डिझाईनचा व स्पेसिफिकेशन्सचा जमिनीपासून किमान ०.५० मी. उंचीवर पाण्याकरिता हौद बांधावा लागेल व त्या हौदात म्युनिसिपल मेन वॉटर लाईनपासून पाणी आणून हौदात सोडावे लागेल. त्याचप्रमाणे सदर हौदातील पाणी इलेक्ट्रीक पंप बसवून सदर डाऊन टेक पाईपाच्या सहाय्याने इमारतीच्या प्रत्येक मजल्यावर पुरेशा पाणीपुरवठा होईल, अशी जरूर ती तजवीज घरमालकास करावी लागेल. सदरच्या टाकीचा आकार मा. शहर अभियंता अथवा संबंधित अधिकारी ठरवतील याप्रमाणे अंमलात

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पाहिजे. विजेचा पुरवठा घरमालक तयार असताना ही वीज कंपनीकडून मिळत नसल्यास डिझेल ऑईलच्या अगर पेट्रोलच्या सहाय्याने चालणारे इंजिन बसवून पाणी बरच्या मजल्यावर पंप करण्याची व्यवस्था घरमालकास करावी लागेल. या शर्तीप्रमाणे पंप बसवून पाणी पुरवठ्याची तजवीज घरमालकाने केल्याशिवाय बांधकामाचा पूर्णत्वाचा दाखला (कंप्लीशन सर्टिफिकेट) दिला जाणार नाही व इमारतीचा वापर घरमालकास स्वतःसाठी करता येणार नाही, अगर दुसऱ्यास वापर करून देता येणार नाही.

- १३) महानगरपालिकेच्या लेखी संमतीपत्राशिवाय नवीन विहीर, तलाव किंवा डबके हौद अगर कारंजे खोदण्याचे अगर बांधण्याचे काम करू नये. गलीट्रॅप्स उघडी गटारे यांना मच्छर प्रतिबंधक व्यवस्था केली पाहिजे. हौदात केरकचरा न जाईल अशी झाकणे व्यवस्थितपणे बसवावीत. त्यास सुलभपणे काढता येईल असे मजबूत कुलूप व किल्ली तसेच ओव्हरफ्लो (वर्कींग) पाईपला चांगल्यापैकी वायर गेजचे संरक्षण असावे. हद्दीवरील भिंतीवर फुटक्या बाटल्यांचे तुकडे बसवू नयेत. फ्लशिंग संडासचे अगर इतर संडासाचे जोते नजिकच्या रस्त्याच्या मध्यबिंदूपासून अगर मालकाच्या इमारती भोवतालच्या जागेपासून ०.५ मी. उंचीचे असावे.
- १४) संबंधित प्लॉटबाबतचा रस्ता, वीज, ड्रेनेज इ. डेव्हलपमेंटस् म्युनिसिपल स्पेसिफिकेशनप्रमाणेच तयार केल्या पाहिजे, अन्यथा सादर डेव्हलपमेंटच्या बाबतच्या तक्रारी ऐकल्या जाणार नाहीत व रस्ते ताब्यात घेतले जाणार नाहीत.
- १५) नियोजित बांधकाम रेल्वेच्या हद्दीपासून ३० मीटरच्या आत येत असल्यास रेल्वे खात्याकडील ना हरकत दाखला सादर करावा.
- १६) इमारतीच्या पूर्णत्वाच्या दाखल्यास अर्ज करते समयी प्रथमतः उर्वरित विकास शुल्क म.न.पा. कोषागारात भरून पावती इकडे सादर करावी. उर्वरित विकास शुल्कावर द. सा. द. शे. १८% दराने कमेन्समेंट सर्टीफिकेटवरील दिनांकापासून, व्याज म.न.पा. कोषागारात भरणे बंधनकारक राहिल.
- १७) इमारतीमधील उद्वाहकाबाबत सक्षम अधिकारी यांचेकडील चालविण्याची अनुज्ञाप्ती, संपूर्ण भोगवटापत्रक घेणेपूर्वी सादर करणे आवश्यक राहिल, त्याखेरीज लिफ्टचा वापर करू नये.
- १८) मॉल्स थिएटर, मल्टीप्लेक्स, हॉटेल्स, करमणूक केंद्र अशा इमारतींना सुरक्षिततेच्या दृष्टीने एक्स-रे-स्कॅनर, डोअर प्रेम मेटल डिटेक्टर, हॅण्ड हेल्ड मेटल डिटेक्टर, सी. सी. टि. व्ही. कॅमेरे व प्रशिक्षित स्टाफ, स्निफर डॉग व पुरेशी निकासद्वारे ठेवणे अर्जदार / विकसक यांचेवर बंधनकारक राहिल.
- १९) १ हेक्टर व त्यापेक्षा जास्त क्षेत्र असणाऱ्या निवासी प्रकल्पांमध्ये व मल्टीप्लेक्स, मॉल्स इमारतींमध्ये दर्शनी तिकाणी मनपाच्या KIOSK/ATM केंद्रासाठी २.४०मी. X २.४० मी. मोजमापाची खोली बांधून मनपाचे ताब्यात विनामूल्य देणे अर्जदार यांचेवर बंधनकारक राहिल.
- २०) विकास नियंत्रण नियमावलीतील सुधारित नियम क्र. २३.३ नुसार गेस्ट हाऊस, हॉटेल्स, पोलिस मेन/आर्मी बरॅक्स, कॅन्टीन्स, प्रयोगशाळा व संशोधन संस्था, हॉस्टेल्स, शाळा, कॉलेजेस व इतर संस्थांना नियमात नमूद केलेल्या क्षमतेची सौर उर्जेवर चालणारी उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- २१) १५० चौमी बांधकाम क्षेत्र असणाऱ्या निवासी इमारती व ४०००.० चौमी व त्यापेक्षा जास्त भूखंडक्षेत्र असणाऱ्या गृहप्रकल्पांसाठी कमीत कमी २५.० लि./बाथरूम व जास्तीत जास्त Roof Area च्या ५०% एवढ्या क्षमतेची सौर उर्जेवर चालणारी उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.

विकसकाचा / मालकाचा पत्ता :-

श्री. आनंद ४६ गाय २११३८
११५९ ४५ - ५७

बांधकामाच्या साईटचा पत्ता :-

श्री. ग. २५०/१/२१, २५५/२
श्री. ग. १८६० (१), १८६० (२), १८६० (३)
१८६० (४), १८६० (५), १८६० (६), वा. ५५०

पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११ ०१८.

(यापुढील पत्र व्यवहारात खालील क्रमांक व दिनांक यांचा उल्लेख करावा.)

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

(कमेन्समेंट सर्टिफिकेट)

- बांधकाम चालू करणेकरिता दाखला -

स. बी.पी. / वाळ्ड / ६९ / २०१३ पि.मा.क्र. ०४/०५/२०१३ करिता
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,

पिंपरी - ४११ ०१८.

क्रमांक - बी.पी. / वाळ्ड / ५९ / २०१३

दिनांक : ३० / ०५ / २०१४

श्री./श्रीमती/से. उमनादा उमनाथ मानकर
व इतर

द्वारा ला.आ./ला.स. श्री. राहुन वेदपाठक

पत्ता ४+५ वाडि व्हीव्ही अपार्टमेंट राजा मंती

उध्यान, एरंडवाट पुणे-०४ यांना.

मा. शहर अभियंता,

पिंपरी चिंचवड महानगरपालिका यांजकडून -

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम ४५ आणि महाराष्ट्र महानगरपालिका अधिनियम २०१२ (जुना मुंबई महानगरपालिका अधिनियम १९४९) कलमे २५३ व २५४ अन्वये पिंपरी चिंचवड महानगरपालिकेच्या सीमेतील वाळ्ड येथील सव्हे नं. २५०/१२/१९५०/१ सि.स.नं. १६६५/१६६२ प्लॉट नं. ३६३ मधील बांधकाम करण्यासाठी महानगरपालिकेला तुम्ही नोटीस दिली. ती दिनांक ०३/०४/२०१४ या दिवशी पोहोचली. त्यावरून काम करण्यास खाली लिहिलेल्या अटीवर व जादा अट क्र. १ ते ९ नुसार तुम्हास संमतीपत्र देण्यात येत आहे.

- सौंदर्याच्या नवीन दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.
- संकल्पित बांधकाम रस्त्याच्या प्रमाण रेषेत येत असल्यास महानगरपालिकेचे अधिकारी सांगतील त्या वेळी सदर काम स्वखर्चाने आणि विनतक्रार काढून टाकले पाहिजे.
- जोत्यापर्यंत काम आल्यानंतर सेट-बॅक नगर नियोजन कार्यालयाकडून तपासून घ्यावेत. त्याशिवाय जोत्यावरील काम सुरु करू नये.
- सौंदर्याच्या नकाशावर योग्य 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 वाहेर 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 काढवाई 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 इन्डिअल 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 साहित्य अथवा जुन्या बांधकामाचा निघालेला राडारोडा सार्वजनिक रस्त्यावर अथवा कोणताही अडथळा 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.

- १०) आपल्या इमारतीचे सांडपाणी नलिका म.न.पा. ड्रेनेज नलिकेला मालकाने स्वखर्चाने जोडावयास हवी.
- ११) भूखंडधारकाने, प्रमोटर / बिल्डरने अथवा प्रकल्प बांधकाम करणाऱ्या ठेकेदाराने पूर्णत्वाचा दाखला घेणेपूर्वी नियोजित निवासी/ व्यापारी गाळे धारकांच्या यापुढे येणाऱ्या कोणत्याही तक्रारीस म.न.पा. जबाबदार राहणार नाही. असे प्रतिज्ञापत्र (स्पेशल एंक्झिक्युटिव्ह मॅजिस्ट्रेट यांचे स्वाक्षरीचे) म.न.पा. कडे सादर करावे. पाणी पुरवठा, जलनिःसारण, उद्यान, 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 बाधित क्षेत्र नियमानुसार महानगरपालिकेच्या ताब्यात देणे बंधनकारक आहे.
- १४) इमारतीच्या सलोह कॉन्क्रीट (आर.सी.सी.) कामाच्या सर्व बाजूकरिता 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 महामाही 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 तरतूदीचे अधिन विकसीत करणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- १८) विकास आराखड्यातील रस्ता रुंदीने बाधित क्षेत्र नियमानुसार महापालिकेच्या ताब्यात देणे बंधनकारक आहे. रस्ता रुंदीने बाधित क्षेत्र म.न.पा. चे नावे घेऊन तसा 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 बाधित क्षेत्राचे खडीमुरुमीकरण महापालिकेच्या विनिर्देशाप्रमाणे अर्जदार यांनी स्वतः करणे आवश्यक आहे अथवा महानगरपालिकेच्या त्यावेळेच्या प्रचलित दराने खडीमुरुमीकरण खर्च भरणे आवश्यक आहे.
- १९) प्रस्तुत प्रकरणातील जागेचा मोजणी नकाशा वहीवाटीनुसार असून जागेच्या 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 नगरभूमापन कार्यालयाकडून घेऊन, त्याप्रमाणे सुधारीत 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. ९.१ 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 तोपीस 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 स्वच्छतागृहांची 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.

संपन्न अर्थियता
बांधकाम प्रस्तावणी विभाग

पिंपरी-चिंचवड महानगरपालिका
पिंपरी, पुणे-४११०१८

शहर अभियंता,

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 कासारवाडी/आकुर्डे/निगडी/प्राधिकरण/सांगवी/पिंपळे गुरव/पिंपळे निलख/पिंपळे सौदागर/वाकड रावेत / रहाटणी / थेरगांव यांना माहिती व पुढील कार्यवाहीसाठी
मुख्य कार्यालय

- काही महत्त्वाच्या सूचना -

वांधकामास आरंभ करण्याच्या १० दिवस आगोदर महानगरपालिकेला कळवावे, तसे न केल्यास त्याची जबाबदारी अर्जदारावर राहिल.

जागा वापरण्यास सुरुवात करण्यासंबंधी

- १) महाराष्ट्र महानगरपालिका अधिनियम २०१२ (जुना मुंबई महानगरपालिका अधिनियम १९४९) मधील कलम २६३ अन्वये मालकाने बांधकाम पूर्ण होताच महानगरपालिकेच्या कार्यालयामध्ये बांधकाम भोगवटा पत्रक मिळण्याबद्दल अर्ज करणे आवश्यक आहे म्हणजे मा. शहर अभियंतास अगर त्यांनी नेमलेल्या अधिकाऱ्यास जागेची तपासणी करता येईल व जागा वापरण्यास संमती देता येईल. याविरुद्ध वर्तन करणारा संबंधित अर्जदार, महानगरपालिकेच्या दंडात्मक धोरणानुसार दंडास पात्र होईल.
- २) नवीन घराचा पुरोगामी सज्जा विजेच्या किंवा इतर यांत्रिक तारा हलविणे झाल्यास त्याची जबाबदारी महानगरपालिकेवर नाही. यासंबंधी अर्जदारास परस्पर संबंधित अधिकाऱ्याची आगाऊ संमती घेण्याची व्यवस्था करावी.
- ३) एकच गाळा असलेल्या घराच्या पागोळ्या भिंतीच्या वाहेर एका फुटापेक्षा अधिक पुढे नेऊ नयेत. अधिक माळे असल्यास पागोळ्या दीड फुटापेक्षा अधिक पुढे आणू नयेत. पागोळ्याचे पाणी सडके लगतच्या गटारात उंचावरून पडणार नाही, असे आडवे पन्हाळ व उभे नळ लावून इमारती नजिकच्या गटारात अगर भागात पाणी सोडावे.

प्लॉटमधून जाणाऱ्या पाण्याच्या (विशेषतः पावसाच्या पाण्याचा) नैसर्गिक प्रवाहाचा मार्ग कोणत्याही परिस्थितीत बंद वा कमी करण्याची संमती द्या या दाखल्याने दिलेली नाही. उंचीप्रमाणे इमारतीस टाक्यापर्यंत पाणी चढविण्यासाठी योग्य पंपाची व हौदाची सोय आवश्यक आहे.

- ४) घर बांधणीकरिता जागणारा फाळ अथवा पहाड महानगरपालिकेला फी देऊन संमती घेतल्याशिवाय महानगरपालिकेच्या हद्दीत ठेवू नये. संमती घेवून असा पहाड ठेवल्यास तो अपराध होतो.
- ५) ज्या स्थळाप्रित्यर्थ सरकारास शेतसारा द्यावा लागतो. अशा स्थळाचा वापर घरबांधणीकडे करणे झाल्यास मा. जिल्हाधिकारी, जिल्हा पुणे यांचेकडून विगरशेत परवानगी घेऊन नंतरच काम करावे. प्रस्तुतपणे मान्यता घेतल्याविना अशा ठिकाणी बांधकाम करू नये.
- ६) सार्वजनिक मोकळे स्थळ अनाधिकाराने समाविष्ट केले आहे, असे महानगरपालिकेच्या निदर्शनास आल्यास बांधकाम पाडून स्थळ मोकळे करून घेईल. असे करण्यास या संमतीपत्राने बाधा येत नाही आणि अशा वेळी काही हानी झाल्यास महानगरपालिका त्यास जबाबदार राहणार नाही.
- ७) शेजारच्या लोकांना अथवा इतरांना कामापासून उपसर्ग किंवा कोणत्याही प्रकारचा त्रास अगर हानी पोहोचू नये, त्याविषयी जबाबदारी तुमच्यावर आहे या संमतीपत्राने दुसऱ्या कोणत्या अधिकारारा बाधा येत नाही आणि तुम्ही आपल्या अधिकाराबाहेर कोणतेही काम केल्यास त्याची जबाबदारी तुमच्यावर राहिल.
- ८) हा दाखला महानगरपालिकेच्या सेवकांनी अथवा संरक्षकाने (पोलिसाने) पाहण्यास मागितला असता दाखविला पाहिजे. तसा तो न दाखविल्यास संमतीपत्राविना बांधकाम चालू आहे, असे समजण्यात येईल.
- ९) दाखला एका वर्षाविषरिता अस्तित्वात राहिल. पुढे तो आपोआप रद्द झाला असे समजण्यात येईल. सदर संमती पत्राप्रमाणे काम एक वर्षानंतर करणे असल्यास नवीन सुपरव्हीजन मेमोसह अर्ज करून संमतीपत्राची मुदत वाढवून घेतली पाहिजे व असे संमतीपत्र मिळाल्यानंतर बांधकाम सुरु करावे.
- १०) विशेष प्रसंगी महानगरपालिकेने लेखी आज्ञा दिली तर ती पुन्हा मान्य केली पाहिजे, त्यात या संमतीवरून बाधा येत नाही.
- ११) बांधकाम चालू करण्यापूर्वी महानगरपालिकेकडून नळास पाण्याचा मीटर बसवून घेतला पाहिजे.
- १२) पाण्याच्या दाबाविषयी महानगरपालिका जबाबदार नाही. महानगरपालिकेच्या नळाच्या पाण्याचे प्रेशर कमी असल्यामुळे इमारतीच्या वरील मजल्यावर पाणी चढू शकणार नसल्यास संपूर्ण इमारतीस योग्य व पुरेशा प्रमाणात पाणीपुरवठा होण्याच्या दृष्टीने पाण्याचा साठा करण्यासाठी इमारती भोवतालच्या मोकळ्या जागेत घरमालकास मा. शहर अभियंता अथवा संबंधित अधिकारी सांगतील त्या मापाचा डिझाईनचा व स्पेसिफिकेशन्सचा जमिनीपासून किमान ०.५० मी. उंचीवर पाण्याकरिता हौद बांधावा लागेल व त्या हौदात म्युनिसिपल मेन वॉटर लाईनपासून पाणी आणून हौदात सोडावे लागेल. त्याचप्रमाणे सदर हौदातील पाणी इलेक्ट्रीक पंप बसवून सदर डाऊन टेक पाईपाच्या सहाय्याने इमारतीच्या प्रत्येक मजल्यावर पुरेशा पाणीपुरवठा होईल, अशी जरूर ती तजवीज घरमालकास करावी लागेल. सदरच्या टाकीचा आकार मा. शहर अभियंता अथवा संबंधित अधिकारी ठरवतील याप्रमाणे असला

- ४ -

- पाहिजे. विजेचा पुरवठा घरमालक तयार असताना ही वीज कंपनीकडून मिळत नसल्यास डिझेल ऑईलच्या अगर पेट्रोलच्या सहाय्याने चालणारे इंजिन बसवून पाणी वरच्या मजल्यावर पंप करण्याची व्यवस्था घरमालकास करावी लागेल. या शर्तीप्रमाणे पंप बसवून पाणी पुरवठ्याची तजवीज घरमालकाने केल्याशिवाय बांधकामाचा पूर्णत्वाचा दाखला (कंप्लीशन सर्टिफिकेट) दिला जाणार नाही व इमारतीचा वापर घरमालकास स्वतःसाठी करता येणार नाही, अगर दुसऱ्यास वापर करून देता येणार नाही.
- १३) महानगरपालिकेच्या लेखी संमतीपत्राशिवाय नवीन विहीर, तलाव किंवा डबके हौद अगर कारंजे खोदण्याचे अगर बांधण्याचे काम करू नये. गलीट्रॅप्स उघडी गटारे यांना मच्छर प्रतिबंधक व्यवस्था केली पाहिजे. हौदात केरकचरा न जाईल अशी झाकणे व्यवस्थितपणे बसवावीत. त्यास सुलभपणे काढता येईल असे मजवूत कुलूप व किल्ली तसेच ओव्हरफ्लो (वर्कींग) पाईपला चांगल्यापैकी वायर गेजचे संरक्षण असावे. हद्दीवरील भिंतीवर फुटक्या बाटल्यांचे तुकडे बसवू नयेत. फ्लशिंग संडासचे अगर इतर संडासाचे जोते नजिकच्या रस्त्याच्या मध्यबिंदूपासून अगर मालकाच्या इमारती भोवतालच्या जागेपासून ०.५ मी. उंचीचे असावे.
- १४) संबंधित प्लॉटवावतचा रस्ता, वीज, ड्रेनेज इ. डेव्हलपमेंटस् म्युनिसिपल स्पेसिफिकेशनप्रमाणेच तयार केल्या पाहिजे, अन्यथा सादर डेव्हलपमेंटच्या बाबतच्या तक्रारी ऐकल्या जाणार नाहीत व रस्ते ताब्यात घेतले जाणार नाहीत.
- १५) नियोजित बांधकाम रेल्वेच्या हद्दीपासून ३० मीटरच्या आत येत असल्यास रेल्वे खात्याकडील ना हरकत दाखला सादर करावा.
- १६) इमारतीच्या पूर्णत्वाच्या दाखल्यास अर्ज करते समयी प्रथमतः उर्वरित विकास शुल्क म.न.पा. कोषागारात भरून पावती इकडे सादर करावी. उर्वरित विकास शुल्कावर द. सा. द. शे. १८% दराने कमेंन्समेंट सर्टीफिकेटवरील दिनांकापासून, व्याज म.न.पा. कोषागारात भरणे बंधनकारक राहिल.
- १७) इमारतीमधील उद्वाहकावत सक्षम अधिकारी यांचेकडील चालविण्याची अनुज्ञाती, संपूर्ण भोगवटापत्रक घेणेपूर्वी सादर करणे आवश्यक राहिल, त्याखेरीज लिफ्टचा वापर करू नये.
- १८) मॉल्स थिएटर, मल्टीप्लेक्स, हॉटेल्स, करमणूक केंद्र अशा इमारतींना सुरक्षिततेच्या दृष्टीने एक्स-रे-स्कॅनर, डोअर फ्रेम मेटल डिटेक्टर, हॅण्ड हेल्ड मेटल डिटेक्टर, सी. सी. टि. व्ही. कॅमेरे व प्रशिक्षित स्टाफ, स्निफर डॉग व पुरेशी निकासद्वारे ठेवणे अर्जदार /विकासक यांचेवर बंधनकारक राहिल.
- १९) १ हेक्टर व त्यापेक्षा जास्त क्षेत्र असणाऱ्या निवासी प्रकल्पांमध्ये व मल्टीप्लेक्स, मॉल्स इमारतीमध्ये दर्शनी ठिकाणी मनपाच्या KIOSK/ATM केंद्रासाठी २.४०मी. X २.४० मी. मोजमापाची खोली बांधून मनपाचे ताब्यात विनामूल्य देणे अर्जदार यांचेवर बंधनकारक राहिल.
- २०) विकास नियंत्रण नियमावलीतील सुधारित नियम क्र. २३.३ नुसार गेस्ट हाऊस, हॉटेल्स, पोलिस मेन/आर्मी वरॅक्स, कॅन्टीन्स, प्रयोगशाळा व संशोधन संस्था, हॉस्टेल्स, शाळा, कॉलेजेस व इतर संस्थांना नियमात नमूद केलेल्या क्षमतेची सौर उर्जेवर चालणारी उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- २१) १५० चौमी बांधकाम क्षेत्र असणाऱ्या निवासी इमारती व ४०००.० चौमी व त्यापेक्षा जास्त भूखंडक्षेत्र असणाऱ्या गृहप्रकल्पांसाठी कमीत कमी २५.० लि./वायरूम व जास्तीत जास्त Roof Area च्या ५०% एवढ्या क्षमतेची सौर उर्जेवर चालणारी उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.

ये.क्र. ११४०००२२९

दि. ०३-०४-१४
११.०६.१४

विकासकाचा /मालकाचा पत्ता -

श्री. आनंद उतकगोथ मालकर

श.नं. २५०/१/२/१, २५०/२

बांधकामाच्या साईटचा पत्ता :-

श.नं. २५०/१/२/१, २५०/२

वाकड पु.नं. ५७

पिंपरी चिंचवड महानगरपालिका पिंपरी - ४११ ०१८.

(यापुढील पत्र व्यवहारात खालील क्रमांक व दिनांक यांचा उल्लेख करावा.)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्काचे संदर्भात घेता अर्जदारास हे संमतीपत्र देण्यात येत आहे.)

(कमन्समेंट सर्टिफिकेट)

- बांधकाम चालू करण्याचा दाखला -

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 (सेक्शनस) २५३ व २५४ यातील तरतुदीप्रमाणे खालील अटीवर देण्यात येत आहे.

अर्जा क्र. 103314150009903

दि 17/11/2014

पिंपरी चिंचवड महानगरपालिका,
पिंपरी - ४११ ०१८.

क्रमांक - वी. पी. / वाळू / १९९ / २०१४
दिनांक: ३१/१२/२०१४

श्री./श्रीमती/चे: आनंदा लक्ष्मण मानव
व २तर

द्वारा ला. आ. / ला. स. श्री. सचिन कुतार
पत्ता ६-७ नंबर शिव सासापटो, ए. व्ही. सी.
२१५, पुणे - ४६ यांना,

मा. शहर अभियंता,

पिंपरी चिंचवड महानगरपालिका यांजकडून-

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम ४५ आणि महाराष्ट्र महानगरपालिका अधिनियम २०१२ (जुना मुंबई महानगरपालिका अधिनियम १९४९) कलमे २५३ व २५४ अन्वये पिंपरी चिंचवड महानगरपालिकेच्या सीमेतील..... वाळू..... या..... १८.६६.१९, १८.५९.१९..... येथील सव्हे नं. २५५१/१/१९, २५५१/२..... सि. स. नं. १८६१० प, १८६१२ प, १८६१६ प..... मधील बांधकाम करण्यासाठी महानगरपालिकेला तुम्ही नोटीस दिली. ती दिनांक १०/११/२०१४ या दिवशी पोहोचली. त्यावरून काम करण्यास खाली लिहिलेल्या अटीवर व जादा अट क्र. २१.....ते.....नुसार तुम्हास संमतीपत्र देण्यात येत आहे.

- १) सोबतच्या नवीन दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.
- २) संकल्पित बांधकाम रस्त्याच्या प्रमाण रेषेत येत असल्यास महानगरपालिकेचे अधिकारी सांगतील त्या वेळी सदर काम स्वखर्चाने आणि दिनतक्रार काढून टाकले पाहिजे.
- ३) जोत्यापर्यंत काम आल्यानंतर सेट- बॅक नगर नियोजन कार्यालयाकडून तपासून घ्यावेत. त्याशिवाय जोत्यावरील काम सुरु करू नये.
- ४) सोबतच्या नकाशावर मागे लिहिलेल्या / अटीवर हे संमती पत्र देण्यात येत आहे.
- ५) 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.
- ६) इमारतीचे कंप्लीशन सर्टिफिकेट देताना रस्त्यावरील व आतील बाजूस टाकण्यात आलेले इमारतीचा राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही.
- ७) नवीन बांधकाम सुरु करताना संबंधित जागेमध्ये झाडे असल्यास ती ट्री अॅथॉरिटीची पूर्वपरवानगी घेतल्याशिवाय तोडू नयेत अन्यथा कायदेशीर कारवाई करण्यात येते, याची नोंद घ्यावी.
- ८) 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.
- ९) बांधकाम साहित्यअथवा जुन्या बांधकामाचा निघालेला राडारोडा सार्वजनिक रस्त्यावर अथवा कोणताही अडथळा येणार नाही अशा ठिकाणी ठेवावा जर हे साहित्य अशा ठिकाणी ठेवल्याचे आढळल्यास त्यासाठी सुधारित विकास नियंत्रण नियमावलीनुसार निवारी 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. ड्रेनेज नलिकेला मालकाने स्वखर्चाने जोडावयास हवी.
- ११) भूखंडधारकाने, प्रमोटर / विल्डरने अथवा प्रकल्प बांधकाम करणाऱ्या ठेकेदाराने पूर्णत्वाचा दाखला घेणेपूर्वी नियोजित निवासी/ व्यापारी गाळे धारकांच्या यापुढे येणाऱ्या कोणत्याही तक्रारीस म.न.पा. जबाबदार राहणार नाही. असे प्रतिज्ञापत्र (स्पेशल एन्जिनेयर्स मॅजिस्ट्रेट यांचे स्वाक्षरीचे) म.न.पा. कडे सादर करावे. पाणी पुरवठा, जलनिःसारण, उद्यान, अग्निशामक व आरोग्य विभागाचा ना हरकत दाखला इकडे सादर करावा.
- १२) इमारतीच्या तळमजल्यावर गाळेधारकाच्या नावे दर्शविलेली टपालपेटी (Letter Box) सुयोग्य ठिकाणी वसविणे बंधनकारक राहिल त्याखेरीज इमारतीचा भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- १३) विकास आराखड्यातील रस्ता रुंदीने वाघीत क्षेत्र नियमानुसार महानगरपालिकेच्या ताब्यात देणे बंधनकारक आहे.
- १४) इमारतीच्या सलोह कॉक्रीट (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 सादरचे काम स्वीकारल्या वावतचे स्ट्रक्चरल इंजिनिअर्स यांचे पत्र या विभागाकडे सादर करणे आवश्यक आहे. सादरचे पत्र सादर केल्याशिवाय इमारतीच्या बांधकामास सुरुवात करू नये.
- १६) भूखंडाच्या संबंधित सहागाही 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 वाघीत क्षेत्र नियमानुसार महापालिकेच्या ताब्यात देणे बंधनकारक आहे. रस्ता रुंदीने बाघीत क्षेत्र म. न. पा. चे नावे लावून तसा ७/१२ उतारा / सुधारित मालमत्तापत्रक व मोजणी नकाशा, भाग अथवा पूर्ण भोगवटापत्रक घेणेपूर्वी या कार्यालयाकडे सादर करणे आवश्यक आहे. यावावत मनपाचे भूमी - जिंदगी विभागाचा ना हरकत दाखला सादर करणे बंधनकारक आहे. तसेच सादरहू रस्ता रुंदीने वाघीत क्षेत्राचे खडीमुरुमीकरण महापालिकेच्या विनिर्देशाप्रमाणे अर्जदार यांनी स्वतः करणे आवश्यक आहे अथवा महानगरपालिकेच्या त्यावेळेच्या प्रचलित दराने खडीमुरुमीकरण खर्च भरणे आवश्यक आहे.
- १९) प्रस्तुत प्रकरणातील जागेचा मोजणी नकाशा व हिवाटीनुसार असून हद्दीवावत 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 ९. १ नुसार योग्य ती उपाय योजना करण्याची सर्वस्वी जबाबदारी विकसक/अर्जदार यांचेवर राहिल. अशाप्रकारे पावसाळी पाण्याचा नैसर्गिकरित्या निचरा होण्यास कोणत्याही प्रकारे बाधा येणार नाही. यावावतची योग्य ती खबरदारी घेणे विकसक / अर्जदार यांचेवर बंधनकारक राहिल. यावावत 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 सादरहू बांधकाम चालू करण्याचे संमती पत्र मंजूर करण्यात येत आहे.
- २३) साईटवर राहणाऱ्या सर्व बांधकाम मजुरांसाठी स्वच्छ पिण्याचे पाणी व स्वच्छतागृहांची सोय उपलब्ध करणे विकसकांवर बंधनकारक आहे.
- २४) विकास नियंत्रण नियमावलीनुसार इमारतीमध्ये पुरविल्यास झालेल्या पार्किंगचे क्षेत्र गाळे धारकांसाठी विना मोबदला उपलब्ध करून देणे विकसकांवर बंधनकारक राहिल.

उपशिक्षक अभियंता
बांधकाम परवानगी विभाग
पिंपरी-चिंचवड महानगरपालिका
पिंपरी, पुणे-४११०१६

शहर अभियंता,
पिंपरी चिंचवड महानगरपालिका,
पिंपरी - ४११०१८.

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

अट क्र. २५ - "सदरचे बांधकाम नकाशे हे पर्यावरण विभागाकडील Environmental Clearance प्रमाणपत्र मिळणेस अधिन राहून मंजूर करणेत आले आहेत. प्रत्यक्षात जागेवर पुर्वमंजूर आदेशातील बांधकाम क्षेत्राचे वर Environmental Clearance मिळालेशिवाय बांधकाम/विकास करता येणार नाही".

-काही महत्वाच्या सूचना -

बांधकामास आरंभ करण्याच्या १० दिवस अगोदर महानगरपालिकेला कळवावे, तसे न केल्यास त्याची जबाबदारी अर्जदारावर राहिल.

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जागा वापरण्यास सुरुवात करण्यासंबंधी

- १) महाराष्ट्र महानगरपालिका अधिनियम २०१२ (जुना मुंबई महानगरपालिका अधिनियम १९४९) मधील कलम २६३ अन्वये मालकाने बांधकाम पूर्ण होताच महानगरपालिकेच्या कार्यालयामध्ये बांधकाम भोगवटा पत्रक मिळण्याबद्दल अर्ज करणे आवश्यक आहे म्हणजे मा. शहर अभियंतास अगर त्यांनी नेमलेल्या अधिकाऱ्यास जागेची तपासणी करता येईल व जागा वापरण्यास संमती देता येईल. याविरुद्ध वर्तन करणारा संबंधित अर्जदार, महानगरपालिकेच्या दंडात्मक धोरणामुसार दंडास पात्र होईल.
- २) नवीन घराचा पुरोगामी सज्जा विजेच्या किंवा इतर यांत्रिक तारा हलविणे झाल्यास त्याची जबाबदारी महानगरपालिकेवर नाही. यासंबंधी अर्जदाराने परस्पर संबंधित अधिकाऱ्याची आगाऊ संमती घेण्याची व्यवस्था करावी.
- ३) एकच गाळा असलेल्या घराच्या पागोळ्या भिंतीच्या वाहेर एका फुटापेक्षा अधिक पुढे नेऊ नयेत. अधिक माळे असल्यास पागोळ्या दीड फुटापेक्षा अधिक पुढे आणू नयेत. पागोळ्याचे पाणी सडके लागतच्या गटारात उंचावरून पडणार नाही, असे आडवे पन्हाळ व उभे नळ लावून इमारती नजिकच्या गटारात अगर भागात पाणी सोडावे.

प्लॉटमधून जाणाऱ्या पाण्याच्या (विशेषतः पावसाच्या पाण्याचा) नैसर्गिक प्रवाहाचा मार्ग कोणत्याही परिस्थितीत वंद वा कमी करण्याची संमती ह्या या दाखल्याने दिलेली नाही. उंचीप्रमाणे इमारतीस टाक्यापर्यंत पाणी छदविण्यासाठी योग्य पंपाची व हौदाची सोय आवश्यक आहे.

- ४) घर बांधणीकरिता लागणारा फाळ अथवा पहाड महानगरपालिकेला फी देऊन संमती घेतल्याशिवाय महानगरपालिकेच्या हद्दीत ठेवू नये. संमती वाचून असा पहाड ठेवल्यास तो अपराध होतो.
- ५) ज्या स्थळाप्रित्यर्थ सरकारास शेतसारा घावा लागतो. अशा स्थळाचा वापर घरबांधणीकडे करणे झाल्यास मा. जिल्हाधिकारी, जिल्हा पुणे यांचेकडून विगरशेती परवानगी घेऊन नंतरच काम करावे. प्रस्तुतपणे मान्यता घेतल्याविना अशा ठिकाणी बांधकाम करू नये.
- ६) सार्वजनिक मोकळे स्थळ अनाधिकाराने समाविष्ट केले आहे, असे महानगरपालिकेच्या निदर्शनास आल्यास बांधकाम पाडून स्थळ मोकळे करून घेईल. असे करण्यास या संमतीपत्राने बाधा येत नाही आणि अशा वेळी काही हानी झाल्यास महानगरपालिका त्यास जबाबदार राहणार नाही.
- ७) शेजारच्या लोकांना अथवा इतरांना कामापासून उपसर्ग किंवा कोणत्याही प्रकारचा त्रास अगर हानी पोहोचू नये, त्याविषयी जबाबदारी तुमच्यावर आहे या संमतीपत्राने दुसऱ्या कोणत्या अधिकारस बाधा येत नाही आणि बाधा येत नाही आणि तुम्ही आपल्या अधिकारावाहेर कोणतेही काम केल्यास त्याची जबाबदारी तुमच्यावर राहिल.
- ८) हा दाखला महानगरपालिकेच्या सेवकांनी अथवा संरक्षकाने (पोलिराने) पाहण्यास मागितला असता दाखविला पाहिजे. तसा तो न दाखविल्यास संमतीपत्राविना बांधकाम चालू आहे, असे समजण्यात येईल.
- ९) दाखला एका वर्षाकरिता अस्तित्वात राहिल. पुढे तो आपोआप रद्द झाला असे समजण्यात येईल. सदर संमती पत्राप्रमाणे काम एक वर्षानंतर करणे असल्यास नवीन सुपरव्हीजन मेमोसह अर्ज करून संमतीपत्राची मुदत वाढवून घेतली घेतली पाहिजे व असे संमतीपत्र मिळाल्यानंतर बांधकाम सुरु करावे.
- १०) विशेष प्रसंगी महानगरपालिकेने लेखी आज्ञा दिली तर ती पुन्हा मान्य केली पाहिजे, त्यात या संमतीवरून बाधा येत नाही.
- ११) बांधकाम चालू करण्यापूर्वी महानगरपालिकेकडून नळास पाण्याचा मीटर बसवून घेतला पाहिजे.
- १२) पाण्याच्या दावाविषयी महानगरपालिका जबाबदार नाही. महानगरपालिकेच्या नळास पाण्याचे प्रेशर कमी असल्यामुळे इमारतीच्या वरील मजल्यावर पाणी चढू शकणार नसल्यास संपूर्ण इमारतीस योग्य व पुरेशा प्रमाणात पाणीपुरवठा होण्याच्या दृष्टीने पाण्याचा साठा करण्यासाठी इमारती भोवतालच्या मोकळ्या जागेत घरमालकास मा. शहर अभियंता अथवा संबंधित अधिकारी सांगतील त्या मापाचा डिझाईनचा व स्पेसिफिकेशन्सचा जमिनीपासून किमान ०.५० मी. उंचीवर पाण्याकरिता हौद बांधवा लागेल व त्या हौदात म्युनिसिपल मेन वॉटर लाईनपासून पाणी आणून हौदात सोडावे लागेल. त्याचप्रमाणे सदर हौदातील पाणी इलेक्ट्रीक पंप बसवून सदर डाऊन टेक पाईपाच्या सहाय्याने इमारतीच्या प्रत्येक मजल्यावर पुरेशा पाणीपुरवठा होईल, अशी जरूर ती तजवीज घरमालकास करावी लागेल. सदरच्या टाकीचा आकार मा. शहर अभियंता अथवा संबंधित अधिकारी ठरवतील याप्रमाणे असला

(४)

पाहिजे. विजेचा पुरवठा घरमालक तयार असताना ही वीज कंपनीकडून मिळत नसल्यास डिझेल ऑईलच्या अगर पेट्रोलच्या सहाय्याने चालणारे इंजिन बसवून पाणी वरच्या मजल्यावर पंप करण्याची व्यवस्था घरमालकास करावी लागेल. या शर्तीप्रमाणे पंप बसवून पाणी पुरवठ्याची तजवीज घरमालकाने केल्याशिवाय वांधकामाचा पूर्णत्वाचा दाखला (कंप्लीशन सर्टिफिकेट) दिला जाणार नाही व इमारतीचा वापर घरमालकास स्वतःसाठी करता येणार नाही, अगर दुसऱ्यास वापर करून देता येणार नाही.

- १३) महानगरपालिकेच्या लेखी संमतीपत्राशिवाय नवीन विहीर, तलाव किंवा डबके हौद अगर कारंजे खोदण्याचे अगर वांधण्याचे काम करू नये. गलीट्रॅप्स उघडी गटारे यांना मच्छर प्रतिबंधक व्यवस्था केली पाहिजे हौदात केरकचरा न जाईल अशी झाकणे व्यवस्थितपणे बसवावीत. त्यास सुलभपणे काढता येईल असे मजबूत कुलूप व किल्ली तसेच ओव्हरफ्लो (वर्कींग) पाईपला चांगल्यापैकी वायर गेजचे संरक्षण असावे. हद्दीवरील भिंतीवरील फुटक्या वाटल्यांचे तुकडे बसवू नयेत. फ्लशिंग संडाराचे अगर इतर संडाराचे जोते नजिकच्या रस्त्याच्या मध्यविंदूपासून अगर मालकाच्या इमारती भोवतालच्या जागेपासून ०.५ मी. उंचीचे असावे.
- १४) संबंधित प्लॉट बाबतचा रस्ता, वीज, ड्रेनेज इ. डेव्हलपमेंटस् म्युनिसिपल स्पेसिफिकेशनप्रमाणेच तयार केल्या पाहिजे. अन्यथा सादर डेव्हलपमेंटच्या बाबतच्या तक्रारी ऐकल्या जाणार नाहीत व रस्ते ताब्यात घेतले जाणार नाहीत.
- १५) नियोजित वांधकाम रेल्वेच्या हद्दीपासून ३० मीटरच्या आत येत असल्यास रेल्वे खात्याकडील ना हरकत दाखला सादर करावा.
- १६) इमारतीच्या पूर्णत्वाच्या दाखल्यास अर्ज करते समयी प्रथमतः उर्वरित विकास शुल्क म. न. पा. कोषागारात भरून पावती इकडे सादर करावी. उर्वरित विकास शुल्कावर द. सा. द. शे. १८% दराने कमेन्समेंट सर्टीफिकेटवरील दिनांकापासून, व्याज म. न. पा. कोषागारात भरणे बंधनकारक राहिल.
- १७) इमारतीमधील उद्वाहकावावत सक्षम अधिकारी यांचेकडील चालविण्याची अनुज्ञप्ती, संपूर्ण भोगवटापत्रक घेणेपूर्वी सादर करणे आवश्यक राहिल, त्याखेरीज लिफ्टचा वापर करू नये.
- १८) मॉल्स थिएटर, मल्टीप्लेक्स, हॉटेल्स, करमणूक केंद्र अशा इमारतींना सुरक्षिततेच्या दृष्टीने एक्स- रे- स्कॅनर, डोअर फ्रेम मेटल डिटेक्टर, हॅण्ड हेल्ड मेटल डिटेक्टर, सी. सी. टि. व्ही. कॅमेरे व प्रशिक्षित स्टाफ, स्निफर डॉग व पुरेशी निकासव्दारे ठेवणे अर्जदार /विकासक यांचेवर बंधनकारक राहिल.
- १९) १ हेक्टर व त्यापेक्षा जास्त क्षेत्र असणाऱ्या निवासी प्रकल्पाध्ये व मल्टीप्लेक्स, मॉल्स इमारतींमध्ये दर्शनी ठिकाणी मनपाच्या KIOSK/ATM केंद्रासाठी २.४० मी. x २.४० मी. मोजमापाची खोली वांधून मनपाचे ताब्यात विनामूल्य देणे अर्जदार यांचेवर बंधनकारक राहिल.
- २०) विकास नियंत्रण नियमावलीतील सुधारीत नियम क्र. २३.३ नुसार गेस्ट हाऊस, हॉटेल्स, पोलिस मेन/आर्मी बरॅक्स, कॅन्टीन्स, प्रयोगशाळा व संशोधन संस्था, हॉस्टेल्स, शाळा, कॉलेजेस व इतर संस्थांना नियमात नमूद केलेल्या क्षमतेची सौर उर्जेवर चालणारी उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- २१) १५० चौमी वांधकाम क्षेत्र असणाऱ्या निवासी इमारती व ४०००.० चौमी व त्यापेक्षा जास्त भूखंडक्षेत्र असणाऱ्या गृहप्रकल्पांसाठी कमीत कमी २५.० लि./गाथरूम व जास्तीत जास्त Roof Area च्या ५०% एवढ्या क्षमतेची सौर उर्जेवर चालणारी उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.

विकासकाचा / मालकाचा पत्ता :-

श्री. कानंदा लक्ष्मण मानोर
म.नं. २५०/१/२१, २५०/२
वाळ, पुणे - ५०

वांधकामाच्या साईटचा पत्ता :-

म.नं. २५०/१/२१, २५०/२
वाळ, पुणे - ५०

२५/११/१५



PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

BUILDING WISE FSI STATEMENT

BUILDING	FSI AREA				BALCONY		TERRACE	STAIR	PASSAGE	LIFT	LIFT M/C	TENEMENTS	TOTAL FSI AREA
	COMM.	RESI.	IND.	SPEC.	PERM.	EXCESS	AREAS	PAID	PAID	PAID	ROOM		
A RESI BUILDING	0.00	3807.52	0.00	0.00	-	669.78	-	938.82	149.47	861.22	8.80	64	3807.52
B RESI BUILDING	0.00	2792.37	0.00	0.00	-	426.42	-	795.04	110.25	597.45	8.73	19.20	2792.37
BUNGALOW	0.00	326.16	0.00	0.00	-	31.14	-	60.58	58.14	0.00	0.00	2	326.16
C RESI BUILDING	0.00	2349.30	0.00	0.00	-	347.80	-	588.58	132.30	555.00	8.44	9.60	2349.30
COMM BUILDING	470.13	0.00	0.00	0.00	-	58.91	-	0.00	64.26	0.00	0.00	0	470.13
D RESI BUILDING	0.00	2461.94	0.00	0.00	-	361.38	-	610.40	132.30	562.50	8.44	9.60	2461.94
Total	470.13	11737.29	0.00	0.00	1831.11	1895.43	64.35	2993.42	646.72	2576.17	34.41	48.00	12207.42 + 64.35

PARKING CALCULATION

TYPE	CARPET AREA / FSI (M2)	TENEMENT (NOS) UNIT	CAR (NOS) BY RULE REQD.	SCOOTER (NOS.) BY RULE REQD.	CYCLE (NOS.) BY RULE REQD.
Residential	0 - 80	2	179	1 90	4 358
Residential	80 - 150	1	1 1	1 2	2 2
Residential	> 150	1	1 2	2 2	2 2
Commercial	470.13	100	5 2	10 6	30 2 10
TOTAL REQD. (NOS.)			103	392	372
TOTAL REQD. AREA			1287.50	1176.00	520.80
TOTAL PROP. AREA				3964.47	

WATER REQUIREMENT

TANK	REQUIRED CAPACITY (LIT)	PROPOSED CAPACITY (LIT)
Resi+Comm	127125.00	
OHWT FIRE REQUIREMENT	80000.00	
TOTAL	207125.00	303732.95
UGWT FIRE REQUIREMENT	190687.50	
TOTAL	200000.00	1082363.58

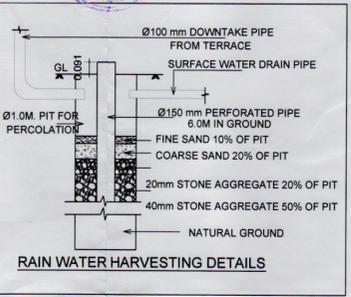
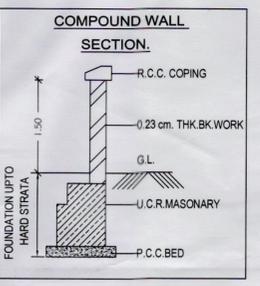
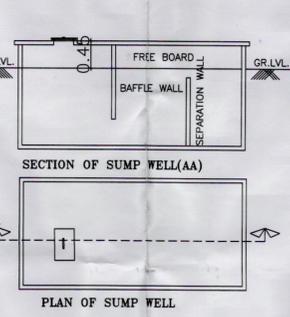
REFUGE AREA STATEMENT

BUILDING NAME	REQUIRED REFUGE AREA	PROPOSED REFUGE AREA
A RESI BUILDING	109.18	172.30
B RESI BUILDING	86.61	101.86
C RESI BUILDING	80.76	89.67
D RESI BUILDING	80.59	90.05

COVERAGE DETAILS

PERM. COVERAGE 20.00 %	PERM. COVERAGE WITH PREMIUM %	PROPOSED COVERAGE	EXCESS COVERAGE IN PREMIUM
1712.84	2997.47	1848.87	0.00

अट क्र. २५ - "सदरचे बांधकाम नकाशे हे पर्यावरण विभागाकडील Environmental Clearance प्रमाणपत्र मिळवणे अर्धिन राहून मंजूर करणेत आले आहेत. प्रत्यक्षात जागेवर पुर्वेकच आदेशातील बांधकाम क्षेत्राचे वर Environmental Clearance मिळालेलाय बांधकाम/विकास करता येणार नाही".

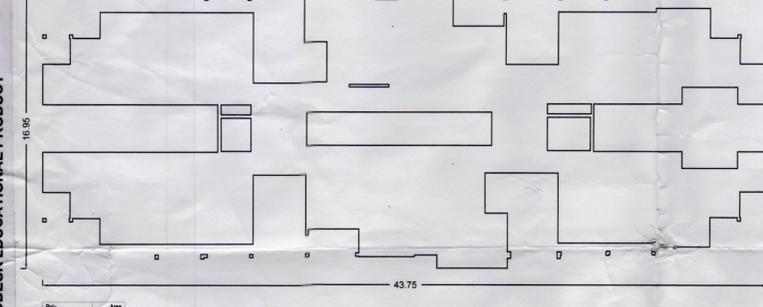


STAMP OF APPROVAL

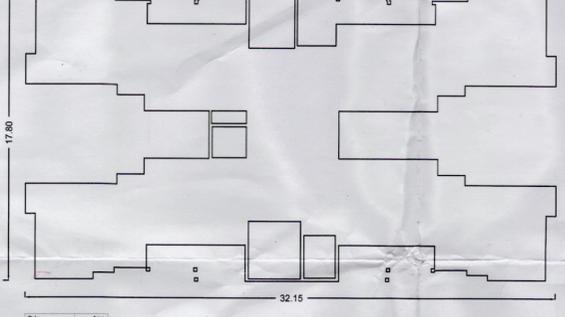
Sanctioned No. B/Wakad/163/2014
 Subject to conditions mentioned in the Office Order No. [blank]
 even dated: 31/12/2014
 Pimpri Date: 31/12/2014
 Dy. City Engineer
 Pimpri Chinchwad Municipal Corporation
 PUNE - 411 018.

A) AREA STATEMENT	SQ.M.
1. AREA OF PLOT	9999.00
2. DEDUCTIONS FOR	
(a) ROAD SET-BACK (R/W)	333.00
(b) PROPOSED ROAD (DP)	0.00
(c) ANY RESERVATION	0.00
(d) NDZ AREA	0.00
(e) ENCROACHMENT AREA	0.00
(f) OTHER	45.37
TOTAL (a+b+c+d+e+f)	378.37
3. BALANCE AREA OF PLOT (1-2)	9520.63
4. DEDUCTIONS FOR	
(a) AMENITY SPACE	0.00
(b) OPEN SPACE	956.43
PHYSICAL OS PROVIDED =	956.43
(c) INTERNAL ROAD AREA	0.00
5. NET BALANCE PLOT AREA OF PLOT (3-4)	8564.20
6. ADDITION FOR F. S. I.	
(a) OPEN SPACE (NOTIONAL)	0.00
(b) INTERNAL ROAD	0.00
(c) ADDITIONAL INT ROAD BENEFIT	0.00
(d) OTHER	0.00
TOTAL (a+b+c+d)	0.00
7. NET PLOT AREA (5+6)	8564.20
8. FLOOR SPACE INDEX PERMISSIBLE	1.0000
PERM. FLOOR AREA (7 x 8)	8564.20
9. TOR AREA	3423.75
10. SPECIAL CASES FSI	0.00
11. ROAD(S) SET-BACK AREA	333.00
12. PROPOSED ROAD (DP)	0.00
13. TOTAL PERM. BUILT UP AREA (8+9+10+11+12)	12320.96
14. PROPOSED AREAS	
(a) PROPOSED RESIDENTIAL AREA	11737.29
(b) PROPOSED COMMERCIAL AREA	470.13
(c) PROPOSED INDUSTRIAL AREA	0.00
(d) PROPOSED SPECIAL USE AREA	0.00
TOTAL PROPOSED AREA (a+b+c+d)	12207.42
15. SUB STRUCTURE AREA ADDITION (FOR FSI)	0.00
16. SUB STRUCTURE AREA DEDUCTION (FOR FSI)	0.00
17. EXCESS BALCONY AREA TAKEN IN F.S.I.	64.35
18. EXISTING BUILT UP AREA	0.00
19. SURRENDERED AREA	0.00
20. TOTAL BUILT UP AREA PROPOSED (14+15+16+17+18+19)	12217.76
21. CONSUMED FSI	1.4329

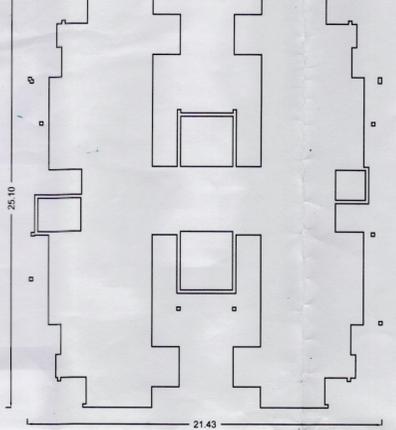
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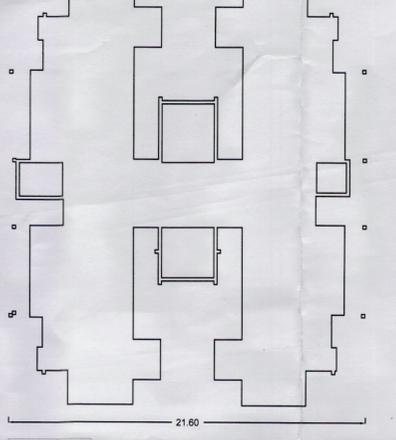
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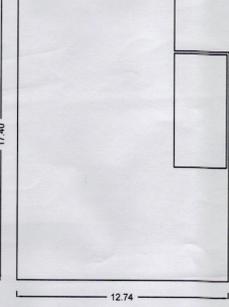
C RESI BUILDING



D RESI BUILDING

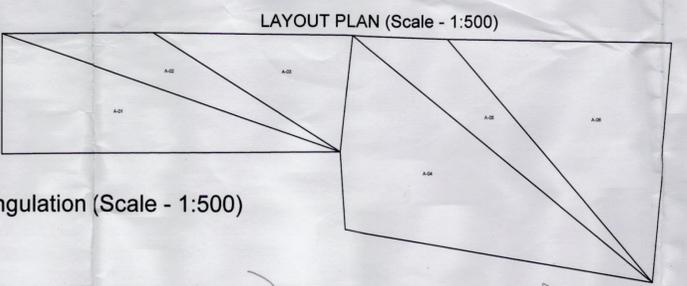


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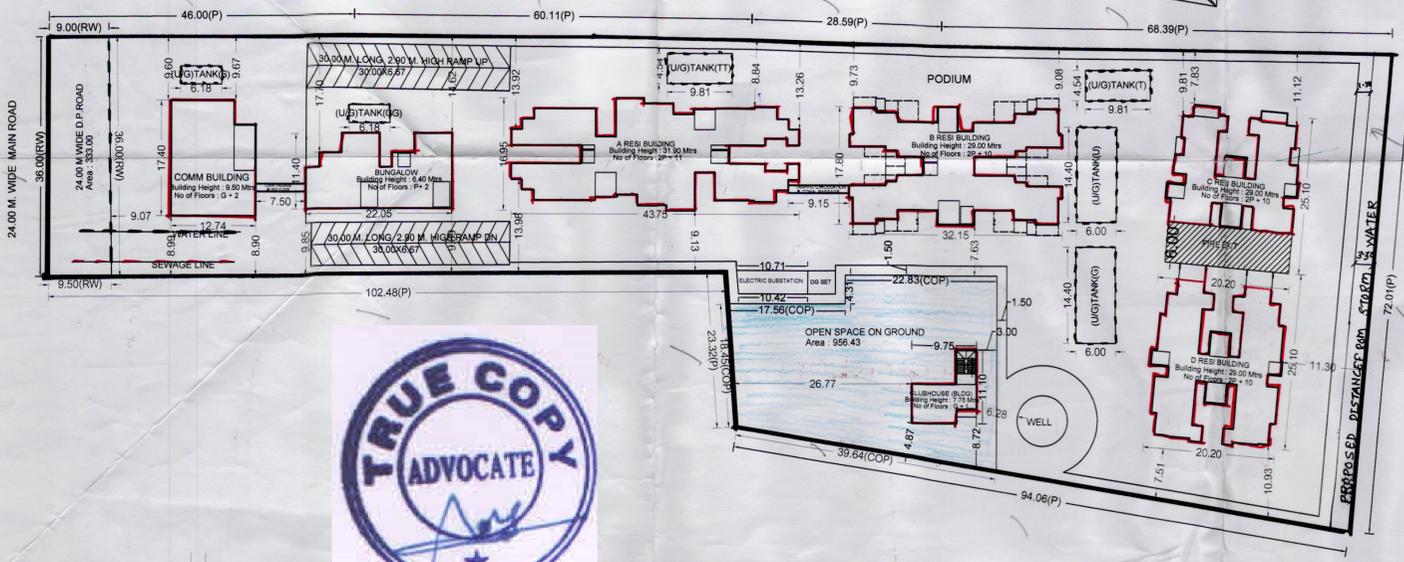


TRIANGULATION

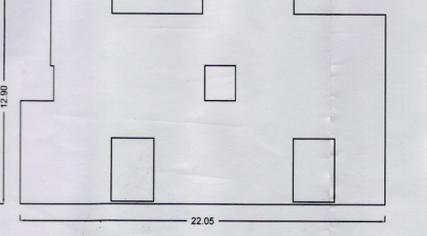
Triangle	Area
A-01	1844.59
A-02	826.77
A-03	1050.18
A-04	2784.56
A-05	1005.06
A-06	2455.42
Total (PLOT)	9966.59



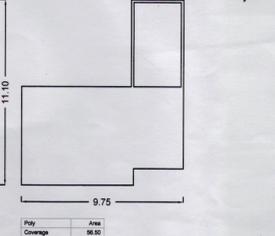
TRIANGULATION (Scale - 1:500)



BUNGALOW



CLUBHOUSE (BLDG)



CERTIFICATE OF AREA

CERTIFIED THAT THE PLOT UNDER REFERENCE WAS SURVEYED BY ME ON [blank] AND THE DIMENSION OF SIDES, ETC. OF PLOT STATED ON PLAN AREA AS MEASURED ON SITE AND THE AREA SO WORKED OUT TALLIES WITH THE AREA STATED IN DOCUMENT OF OWNERSHIP / T.P. SCHEME RECORD / LAND RECORD DEPT. / CITY SURVEYED RECORDS.

LEGEND
 PLOT BOUNDARY SHOWN BLACK
 PROPOSED WORK SHOWN RED
 DRAINAGE LINE SHOWN RED DOTTED
 WATER LINE SHOWN BLACK DOTTED
 EXISTING TO BE RETAINED HATCHED
 DEMOLITION SHOWN HATCHED YELLOW

OWNER'S NAME: ANANDA YEKANATH MANKAR & OTHERS
 OWNER'S SIGN: [Signature]

PROJECT: SURVEY NO.: S.NO 257/12/1,257/2 HISSA NO.: -
 PLOT NO.: CTS NO.: C.T.S.NO. 1867(P/1856(P)
 DESCRIPTION: REGULAR TRACK, VILLAGE - WAKAD 1868(P/1856(P)
 1892(P/1856(P)

ARCHITECT: Sachin sutar ARCHITECT'S SIGN: [Signature]

JOB NO.	DRG. NO.	SCALE	DRAWN BY	CHECKED BY
		1:100		
INWARD NO. INWD/WKD/0020/13	DATE	14-11-2014		
KEY NO.	SHEET NO.	1/24		



(2011) 1 Supreme Court Cases 744 : 2010 SCC OnLine SC 1384

In the Supreme Court of India

(BEFORE S.H. KAPADIA, C.J. AND AFTAB ALAM AND K.S.P. RADHAKRISHNAN, JJ.)

IN RE: CONSTRUCTION OF PARK AT NOIDA NEAR OKHLA BIRD
SANCTUARY

ANAND ARYA AND ANOTHER . . Applicants;

Versus

UNION OF INDIA AND OTHERS . . Respondents.

T.N. GODAVARMAN THIRUMULPAD . . Petitioner;

Versus

UNION OF INDIA AND OTHERS . . Respondents.

IAS Nos. 2609-10 of 2009 in WP (C) No. 202 of 1995¹ with IAs Nos. 2896, 2900 of
2010 in IAs Nos. 2609-10 of 2009 and IA No. 2928 of 2010 in IAs Nos. 2609-10 of
2009 in WP (C) No. 202 of 1995, decided on December 3, 2010

A. Environment Protection and Pollution Control – Forests – What are – Determination of forest land – Approach and considerations – Man-made forest and Afforestation – What are – Plantations for purpose of creating an urban park distinguished from afforestation – State Government project at NOIDA for building large-scale memorial with extensive stone-work diverting such urban park land and felling all trees thereon – Legality of – Held, any definition of “forest” howsoever wide relates to a context and cannot be applied absolutely, universally and totally independent of context – Though man-made forest with passage of time may acquire forest-like character and become forest, this rule has no universal application – Planting of trees in agricultural/non-forest land being for purpose of creating urban park and not for purpose of afforestation – Such trees being allowed to stand and grow for about 12-14 years when they were cut down to make the area clear for alleged project on forest land – Said plantation, held, cannot be classified as forest land, nor deemed forest nor forest-like area – Hence impugned project not illegal – Forest (Conservation) Act, 1980 – S. 2 – Term “forest” under – Determination of ambit of

B. Environment Protection and Pollution Control – Forests – Identification – Acceptable evidence/proof – Satellite image showing forest cover, held, may not reveal complete picture – Revenue records corroborated by land acquisition proceedings revealed that land was not forest – Such revenue records were reliable because, they were much prior to project alleged to have diverted forest land – Forest (Conservation) Act, 1980 – S. 2 – Evidence Act, 1872 – S. 4 – Evidentiary value of satellite

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image for determining forest areas, held, may not be conclusive – Therefore, such evidence read with other evidence and ground realities

C. Environment Protection and Pollution Control – Forest (Conservation) Act, 1980 – S. 2 – Prior approval under, for using land for non-forest purpose – When not required – Project site not being classifiable as forests, prior approval of Central Government, held, was not required

The centre of the controversy in the present IAs involved a very large project of the Uttar Pradesh Government at NOIDA. The two applicants were residents of NOIDA and had challenged the project on the grounds (1) that the project area was a forest area and violated Section 2, FC Act, (2) that no environmental clearance of EIA Authorities was obtained even if the project fell within the EIA Notification, 2006 under Section 3(3), EP Act and (3) that the project devastated the delicate and sensitive ecological balance of the Okhla Bird Sanctuary to which the site of the project lay adjacent.

Disposing of the IAs, the Supreme Court

Held :

The project site is not forest land and the construction of the project without the prior permission from the Central Government does not in any way contravene Section 2, FC Act. The restriction imposed by Section 2(ii) is in respect of forest land.

(Para 37)

A satellite image may not always reveal the complete story. In support that there used to be a forest at the project site, the applicants rely upon the report of the CCF based on site inspection and the Google image and most heavily on the FSI Report based on satellite imagery and analysed by GSI application.

(Para 24)

In the revenue records, none of the khasras (plots) falling in the project area was ever shown as jungle or forest. According to the settlement year 1359 Fasli (1952 AD) all the khasras are recorded as *agricultural land*, banjar (uncultivable) or parti (uncultivated). The records of the land acquisition proceedings in 1980 to 1983 and 1991 also complement the revenue record of 1952 in which the lands were shown as *agricultural and not as jungle or forest*. There is no reason not to give due credence to these records since they pertain to a time when the impugned project was not even in anyone's imagination and its proponents were nowhere on the scene.

(Paras 24 and 25)

Samatha v. State of A.P., (1997) 8 SCC 191; *M.C. Mehta v. Union of India*, (2004) 12 SCC 118; *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267, referred to

The records pertaining to satellite images have not given information about the different species of trees, their age and the girth of their trunks, etc. The satellite images only reveal that in October 2006 there was thin to moderately dense tree cover over about half of the project site. But this fact is all but admitted. The State Government admits to felling of over 6000 trees in 2008. As per government information on a large tract of land (33.45 ha in area) that was forever agricultural in character, trees were planted with the object of creating an urban park (and not for afforestation!). The trees, thus, planted were allowed to stand and grow for about 12-14 years when they were cut down to make the area clear for the project.

(Paras 27 and 26)

But trees planted in the project area cannot be branded as "forest". It is inconceivable that trees planted with the intent to set up an urban park would

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turn into forest within a span of 10 to 12 years and the land that was forever agricultural, would be converted into forest land. One may feel strongly about cutting trees in such large numbers and question the wisdom behind replacing a patch of trees by large stone columns and statues but that would not change the trees into a forest or the land over which those trees were standing into forest land.

(Paras 28 and 27)

In the order dated 12-12-1996 in *T.N. Godavarman Thirumulpad case*, (1997) 2 SCC 267 the Court gave a very wide definition of "forest". But any definition howsoever wide relates to a context. There can hardly be a legal definition, in terms absolute, and totally independent of the context. The context may or may not find any articulation in the judgment or the order but it is always there and it is discernible by a careful analysis of the facts and circumstances in which the definition was rendered.

(Paras 29 to 31)

If the contention of the applicants is accepted and the criterion fixed by the State Level Expert Committee that in the plains a stretch of land with an area of 2 ha or above, with the minimum density of 50 trees per hectare would be a deemed forest is applied mechanically and with no regard to the other factors a greater part of Lutyens Delhi would perhaps qualify as forest. This was obviously not the intent of the order dated 12-12-1996.

(Para 36)

The CEC on a consideration of all the materials made available to it, including the report of the FSI (on which the applicants heavily rely), came to hold and find that the project site was not a forest or a deemed forest or a forest-like area in terms of the order of the Supreme Court dated 12-12-1996.

(Paras 9 to 16)

No doubt a man-made forest may equally be a forest as a naturally grown one and a non-forest land may also, with the passage of time, change its character and become forest land. But this also cannot be a rule of universal application and must be examined in the overall facts of the case. Otherwise it would

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lead to highly anomalous conclusions. Almost all the relied on orders and judgments defining “forest” and “forest land” for the purpose of the FC Act were rendered in the context of mining or illegal felling of trees for timber or illegal removal of other forest produce or the protection of national parks and wildlife sanctuaries. In the case in hand the context is completely different. Hence, the decisions relied upon can be applied only to an extent and not in absolute terms.

(Para 35)

T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 SCC 267; *T.N. Godavarman Thirumulpad (98) v. Union of India*, (2006) 5 SCC 28; *T.N. Godavarman Thirumulpad v. Union of India*, (2010) 6 SCC 747, referred to

Samatha v. State of A.P., (1997) 8 SCC 191; *M.C. Mehta v. Union of India*, (2004) 12 SCC 118, partly distinguished

Ambica Quarry Works v. State of Gujarat, (1987) 1 SCC 213; *Rural Litigation and Entitlement Kendra v. State of U.P.*, 1989 Supp (1) SCC 504; *Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority*, (1997) 11 SCC 605; *State of Bihar v. Banshi Ram Modi*, (1985) 3 SCC 643, cited

D. Environment Protection and Pollution Control – Forests – Diversion of forest land – State Government project at NOIDA for building large-scale memorial with extensive stone-work – Classification of – EIA clearance, whether required as per scheme of EIA Notification S.O. 1533 (E) dt. 14-9-2006 issued under S. 3(3), EP Act – (1) Applying common parlance

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test to consider dominant purpose of alleged project, and (2) considering scheme of said notification, held, project concerned does not fall under B1 category requiring EIA report/clearance – Project cannot be classified as “township and area development project” under Item 8(b) because its total area and building area are 33.43 ha and 1,05,544.49 sq m respectively whereas the threshold limit for EIA eligibility is 50 ha and 1,50,000 sq m respectively as per Columns 5 and 4 of Schedule to said notification, respectively – Project cannot be classified as “building and construction project” under Item 8(a) either as notification treats projects under Item 8(b) separately and differently from those under Item 8(a) and considering dominant character of project it could have fallen under Item 8(b) if it would not have been within prescribed threshold limits – Environment (Protection) Act, 1986 – S. 3(3) – Notification S.O. 1533(E) dt. 14-9-2006 Items 8(a) and (b) of Schedule – Applicability

(Paras 43 to 46, 60 and 66)

T.N. Godavarman Thirumulpad v. Union of India, (2010) 13 SCC 740, referred to

E. Environment Protection and Pollution Control – Forests – Diversion of forest land – EIA clearance, whether required as per scheme of EIA Notification S.O. 1533(E) dt. 14-9-2006 issued under S. 3(3), EP Act – Different categories and their requirements, stated

(Paras 50 and 51)

F. Evidence Act, 1872 – Ss. 3, 5, 7 and 9 – Irrelevance of derivative issues – Since it is held that project concerned does not come within ambit of notification concerned, the other three arguments based on activity area, application of general condition and application of the Office Memorandum dt. 2-12-2009, held, become irrelevant and need not be gone into

(Paras 67 and 57)

G. Constitution of India – Arts. 21, 48-A and 51-A(g) – Town planning project – Viability and continuance of, considering it being adjacent to bird sanctuary – Expert body not holding project to be calamitous or ruinous enough to be entirely scrapped in order to save bird sanctuary – Therefore, said project allowed to continue with conditions recommended by expert bodies and further condition of being overseen by expert committee as directed – Further clarified that this is not to be treated as a precedent when Court is hearing matter on “buffer zones” – Environment Protection and Pollution Control – Wildlife – Wildlife sanctuary – Buffer zones – Applicable principles and law

(Paras 74 and 79 to 82)

Goa Foundation v. Union of India, WP (C) No. 460 of 2004 order dated 4-12-2006; *T.N. Godavarman Thirumulpad v. Union of India*, (2010) 13 SCC 740; *M.C. Mehta v. Union of India*, (1986) 2 SCC 176 : 1986 SCC (Cri) 122; *M.C. Mehta v. Union of India*, (1987) 4 SCC 463; *M.C. Mehta v. Union of India*,

(1988) 1 SCC 471 : 1988 SCC (Cri) 141; *Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P.*, (1990) 4 SCC 449; *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598; *Virender Gaur v. State of Haryana*, (1995) 2 SCC 577; *B.L. Wadehra (Dr.) v. Union of India*, (1996) 2 SCC 594; *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647; *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, (1999) 2 SCC 718; *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664; *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 SCC 606; *Ramji Patel v. Nagrik Upbhokta Marg Darshak Manch*, (2000) 3 SCC 29; *State of M.P. v. Kedia Leather & Liquor Ltd.*, (2003) 7 SCC 389 : 2003 SCC (Cri) 1642, referred to

H. Environment Protection and Pollution Control – Environment (Protection) Act, 1986 – S. 3 (3) – Notification for EIA clearance under – Clarity of notification, stressed – EIA Notification S.O. 1533(E) dt. 14-9-2006 not being clear enough – Government directed to urgently look into said issue

(Para 83)

SS-D/47084/C

Advocates who appeared in this case:

H.P. Raval, Additional Solicitor General, S.K. Dwivedi, Additional Advocate General, Harish N. Salve, U.U. Lalit, Jayant Bhushan, K.K. Venugopal, Raju Ramachandran and S.C. Mishra, Senior Advocates (Siddhartha Chowdhury, A.D.N. Rao, P.K. Manohar, Mihir Chatterjee, Harish Beeran, Manish Kr. Bishnoi, Gautam Talukdar, R.K. Gupta, Rajiv Kr. Dubey, Ankur Talwar and Kamalendra Mishra, Advocates) for the appearing parties.

Chronological list of cases cited

on page(s)

- | | |
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| 1. (2010) 13 SCC 740, <i>T.N. Godavarman Thirumulpad v. Union of India</i> | 776c |
| 2. (2010) 6 SCC 747, <i>T.N. Godavarman Thirumulpad v. Union of India</i> | 765b-c, 777c |
| 3. (2006) 5 SCC 28, <i>T.N. Godavarman Thirumulpad (98) v. Union of India</i> | 758b |
| 4. WP (C) No. 460 of 2004 order dated 4-12-2006, <i>Goa Foundation v. Union of India</i> | 771d-e, 771f |
| 5. (2004) 12 SCC 118, <i>M.C. Mehta v. Union of India</i> | 758e, 761 |
| 6. (2003) 7 SCC 389 : 2003 SCC (Cri) 1642, <i>State of M.P. v. Kedia Leather & Liquor Ltd.</i> | 77 |
| 7. (2002) 10 SCC 606, <i>T.N. Godavarman Thirumulpad v. Union of India</i> | 77 |
| 8. (2000) 10 SCC 664, <i>Narmada Bachao Andolan v. Union of India</i> | 77 |

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9. (2000) 3 SCC 29, *Ramji Patel v. Nagrik Upbhokta Marg Darshak Manch* 77'
10. (1999) 2 SCC 718, *A.P. Pollution Control Board v. Prof. M.V. Nayudu* 77'
11. (1997) 11 SCC 605, *Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority* 760c
12. (1997) 8 SCC 191, *Samatha v. State of A.P.* 758e, 761g
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14. (1996) 5 SCC 647, *Vellore Citizens' Welfare Forum v. Union of India* 77'
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16. (1995) 2 SCC 577, *Virender Gaur v. State of Haryana* 77'
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23. (1986) 2 SCC 176 : 1986 SCC (Cri) 122, *M.C. Mehta v. Union of India* 77'
24. (1985) 3 SCC 643, *State of Bihar v. Banshi Ram Modi* 760f, 761d-e, 761e, 761f



The Judgment of the Court was delivered by

AFTAB ALAM, J.— At the centre of the controversy is a very large project of the Uttar Pradesh Government at NOIDA. Objecting to the project are the two applicants who are residents of Sector 15-A, NOIDA, U.P. They claim to be public-spirited people, committed to the cause of environment. According to them, the project, undertaken at the instance of the Uttar Pradesh Government is a “huge unauthorised construction”.

2. The applicants state that a very large number of trees were cut down for clearing the ground for the project. The trees that were felled down for the project formed a “forest” as the term was construed by this Court in its order dated 12-12-1996 in *T.N. Godavarman Thirumulpad v. Union of India*¹ and the action of the Uttar Pradesh Government in cutting down a veritable forest without the prior permission of the Central Government and this Court, was in gross violation of Section 2(ii) of the Forest (Conservation) Act, 1980 (hereafter “the FC Act”). The project involved massive constructions that were made without any prior environmental clearance from the Central Government based on environment impact assessment. The constructions were, therefore, in complete breach of the provisions of the Environment (Protection) Act, 1986 (hereafter “the EP Act”) and the notification issued under the Act. More importantly, the project was causing great harm, and was bound to further devastate the delicate and sensitive ecological balance of the Okhla Bird Sanctuary to which the site of the project lay adjacent. The project was, thus, in complete disregard of this Court's directions concerning “buffer zones”.

3. The State of Uttar Pradesh, of course denies, equally strongly, all the allegations made by the applicants. According to the State, it was setting up a park that would develop and beautify the area in a unique way. The park was conceived as a fine blend of hard and soft landscaping with memorial structures and commemoration pieces. The construction of the park did not violate any law or the order of the Court. There was no infringement of the provisions of the FC Act or the EP Act or the notification made under it. Further, the setting up of the park caused no harm to the bird sanctuary. The applicants' objections to the construction of the park were fanciful and imaginary and actuated by oblique motives.

The Project

4. Before proceeding to examine the arguments of the two sides in greater detail it would be useful to take a look at the project and to put at one place the basic facts concerning it that are admitted or at any rate undeniable.

(i) The project is sited at Sector 95, NOIDA. According to the applicants, at the site of the project previously there used to be five parks on the Yamuna front, namely, Mansarovar, Nandan Kanan, Children's Park, Smriti Van and Navagraha, opposite Sectors 14-A, 15-A and 16-A, NOIDA.



(ii) The project site, on its western side, lies in very close proximity to the Okhla Bird Sanctuary. The bird sanctuary was formed as a large water body with the adjoining land mass of the embankment as a result of the construction of the Okhla Barrage. It falls partly in Delhi and partly (400 ha in area) in the district of Gautam Buddha Nagar, U.P. The administrative control of the area of the sanctuary is under the Uttar Pradesh Irrigation Department and its management is with the Uttar Pradesh Forest

Department. The sanctuary is home to about 302 species of birds. According to the Bombay Natural History Society, out of the bird species found here, 2 are critically endangered, 11 are vulnerable and 7 are nearly threatened. About 50 species are migratory in nature and come here mainly during the winter months. The annual population/visit is estimated as under:

2006-2007	24,166
2007-2008	17,111
2008-2009	21,272

This haven for birds was declared a bird sanctuary (the Okhla Bird Sanctuary) vide Notification dated 8-5-1990 issued by the State of Uttar Pradesh under Section 18 of the Wildlife (Protection) Act, 1972. The project, subject of the present controversy, is sited in very close proximity to the Okhla Bird Sanctuary on its eastern side. The applicants refer to it as adjoining the left afflux bund of the Okhla Bird Sanctuary but to be accurate it lies about 35-50 m away from the outer limit of the sanctuary. According to the applicants, the boundary of the project site is as under:

North	Delhi-U.P. DND Toll Road
South	Not clearly stated
East	Dadri Road
West	Okhla Bird Sanctuary, left afflux bund

(iii) The project is spread over an area of 33.43 ha, equal to 334334.00 sq m of land surrounded by a boundary wall made of stone, 2 m in height and 0.3 m in thickness. The estimated cost of the project is Rs. 685 crores.

(iv) At the site of the project there used to be a tree cover, thin to high-moderate in density and for clearing the ground for the project six thousand one hundred and eighty-six (6186) trees were cut down and one hundred and seventy-nine (179) were "shifted". These trees were of subabul, bottle brush, bottle palm, morepankhi, *Ficus benjamina*, *Cassia siamea*, eucalyptus, fishtail palm, rubber plant, silver oak, etc.

(v) The project, though insisted upon by the Uttar Pradesh Government as nothing but a "recreational park", involves the construction of dedicatory columns, commemorative plaza, national memorial, plinth with sculptures, larger than life-size statues on tall



pedestals, large stone tablets with tributary engravings, pedestrian pathways, service block, boundary wall, hard landscape, soft landscape, etc. As initially planned the break-up of the area under different uses was as under:

1.	Total area within boundary wall	3,34,334.00 sq m	
2.	Total built-up covered area for activities		
	(a) Memorial building and toilet blocks	3499.50 sq m	1.05%
	(b) Utilities and facilities	3500.00 sq m	1.05%
3.	Area under hard landscape (including platforms, plinth, sculptures and surrounding paved areas, paths)	1,29,140.80 sq m	38.62%
4.	Total area under soft landscape		
	(a) Area under grass and plantation	1,57,161.79 sq m	47.01%
	(b) Area under planters built within paved areas	6181.91 sq m	1.85%

5.	Total area for vehicular movement with grass pavers (maintenance, fire path, etc.)	34,850.00 sq m	10.42%
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(vi) According to the State Government, the work on the project commenced in January 2008. The applicants filed IA No. 1179 before the Central Empowered Committee (hereafter "CEC") constituted by this Court on 5-3-2009. They filed IAs Nos. 2609-10 of 2010 (presently in hand) before this Court on 22-4-2009. According to the State Government, by that time 50% of the construction work of the project was complete. The report from CEC was received in this Court on 4-9-2009 and on 9-10-2009, this Court by an interim order restrained the State Government from carrying on any further constructions till further orders. By that time, according to the Government, 70-75% of the construction work of the project was completed.



(vii) In the course of hearing of the matter, on a suggestion made by the Court, the State Government modified the layout plan increasing the soft/green area from 47% to 65.28% of the total area of the project. The revised layout plan is as under:

Sl. No.	Description	Existing (in sq m + %)	Modified (in sq m + %)
1.	Green area	1,57,161.79 (47%)	2,18,246.51 (65.28%)
2.	Hard landscape	1,29,140.80 (38.6%)	98,544.99 (29.48%)
	(a) Boundary wall	2700.79 (0.81%)	2700.79 (0.81%)
	(b) Platforms, plinths, sculpture and surrounding paved areas	1,26,440.00 (37.79%)	95,844.99 (29.48%)
3.	Area for vehicular movement	34,850.00 (10.42%)	0.00 (Nil)
4.	Area under ornamental water feature (may be considered part of the eco friendly area)	0.00 (Nil)	6302.00 (1.88%)
5.	Area under parking with grass pavers (may be considered part of the eco friendly area)	0.00 (Nil)	4241.00 (1.27%)
6.	Utilities and facilities	3500.00 (1.05%)	3500.00 (1.05%)
7.	Memorial building and toilets	3499.50 (1.05%)	3499.50 (1.05%)
8.	Total area	3,34,334.00 (100%)	3,34,334.00 (100%)

Under the amended plan, around 7300 trees, more than 4 years of age and measuring 8-12 ft in height, belonging to the native species such as neem, peepal, pilkhan, maulsari, imli, shisham, mango, litchi and belpatra will be planted in the project area.

5. According to the State Government, the revised plan that includes planting of trees in such large numbers would not only restore the tree cover that was in existence at the site earlier but would make the whole area far better, more beautiful and environment friendly. The applicants, however, would have none of it. On their behalf it is contended that the whole project is bad and illegal from every conceivable point of view; its construction was started and sought to be completed at a breakneck speed in flagrant violation of the laws. According to the applicants, therefore, all the structures at the project site, complete, semi-complete or under construction must be pulled down and the project site be restored to its original state.



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The project and Section 2 of the FC Act

6. Mr Jayant Bhushan, learned Senior Counsel appearing for the applicants submitted that over six thousand trees were admittedly cut down for clearing the area for the construction of the project and it was, thus, clearly a case of forest land being put to use for non-forest purpose in complete violation of Section 2(ii) of the FC Act.

7. Section 2 of the FC Act, insofar as relevant for the present, provides as follows:

"2. *Restriction on the de-reservation of forests or use of forest land for non-forest purpose.*—Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing—

(i) * * *

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii)-(iv) * * *

Explanation.—For the purposes of this section 'non-forest purpose' means the breaking up or clearing of any forest land or portion thereof for—

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than re-forestation,

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of checkposts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes."

The restriction imposed by Section 2(ii) is in respect of forest land. It, therefore, needs to be ascertained whether the project area can be said to be forest land where there was a forest that was cut to make the site clear for the project.

8. In support of the contention that the trees that were cleared for the construction of the project comprised a forest, the applicants rely heavily on the order passed by this Court on 12-12-1996 in *T.N. Godavarman Thirumulpad*¹, being the first in a series of landmark orders passed by this Court in an effort to save the fast diminishing forest cover of the country against the greedy and wanton plundering of its natural resources. In that order the Court gave a number of directions. One such direction, at Serial No. 5 to each of the State Governments, is as under: (SCC p. 271, para 5)

"5. (5) Each State Government should constitute within one month an Expert Committee to:

(i) identify areas which are 'forests', irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;



(ii) identify areas which were earlier forests but stand degraded, denuded or cleared; and

(iii) identify areas covered by plantation trees belonging to the Government and those belonging to private persons.”

9. In pursuance of the direction of the Court in *T.N. Godavarman Thirumulpad*¹, the Uttar Pradesh Government constituted the State Level Expert Committee for identifying forests and forest-like areas. The Committee in its report dated 12-12-2007 framed certain parameters for identification of forest-like areas according to which, in the plains, any stretch of land over 2 ha in area with the minimum density of 50 trees per hectare would be considered as “forest”. On 11-1-2008 (as taken note of in the order of that date) it was reported to this Court that the guidelines were issued for identification of forest-like areas and steps would be taken to identify “forest-like areas” in all the districts in the State of Uttar Pradesh within four months and such areas would be handed over to the Forest Department, excepting the private areas, if any.

10. As the process of search and identification of forest-like areas in the districts of Uttar Pradesh proceeded, the District Level Committee headed by the District Collector, Gautam Buddha Nagar, by its letter dated 26-2-2008 addressed to the Conservator of Forests and Regional Director intimated that there was no forest-like area in the district and consequently the project site was not identified as a forest or forest-like area by the State Level Expert Committee constituted in pursuance of this Court's order dated 12-12-2006. It was in this background that the project started, according to the State Government, in January 2008. When the work on the project became noticeable from the outside the applicants filed their complaint before the CEC on 5-3-2009.

11. As the controversy erupted with regards to “large-scale construction near the Okhla Bird Sanctuary by the State Government” the Ministry of Environment and Forests (hereafter “MoEF”) asked the Chief Conservator of Forests (CCF), Central Region, Lucknow, to make a site inspection of the project and to give his report. The CCF in his report dated 10-7-2009 did not accept the stand of the State Government that there was no forest on the project site. He stated that 6000 trees were “sacrificed” in an area of 32.5 ha and that showed that the area had sufficiently dense forest cover and would qualify as “forest” according to the dictionary meaning of the word and as directed by the Supreme Court. He, however, suggested that before taking a final view on the matter a report may be called for from the Forest Survey of India (hereafter “FSI”) in order to verify the vegetation cover over the area before the construction work started there.

12. In the light of the report by the CCF, the MoEF noted that the number of cut trees, in ratio to the project area, was apparently more than three times in excess of the criterion fixed by the State Level Expert Committee for identification of forest like areas (i.e. minimum of 50 trees per hectare). As



suggested by the CCF, therefore, the MoEF called for a report from the FSI based on satellite imagery and properly analysed by GSI application from the year 2001 onwards (vide Letter dated 17-7-2009 from the Deputy Conservator of Forests (C) to the Director, Forest Survey of India). The FSI gave its report on 7-8-2009 which we shall examine presently. In light of the report of the CCF and the report from the FSI, MoEF in its first response to the applicants' complaint before the CEC (under covering letter that is

undated, received at the CEC on 12-8-2009) stated that at the project site "there was a good patch of forests and which *could* be treated as deemed forest". It further said that the report of the FSI showed that the forest cover existed there up to 2006 and the felling of trees might have taken place after that only.

13. In the meeting convened by the CEC on the applicants' complaint on 12-8-2009, the Chief Conservator of Forests (CCF), MoEF, Lucknow stated that the plantation done in the project area was naturalised and having regard to the number of trees that existed in the area, the project area should be seen as "deemed forest" and, therefore, it attracted the provisions of the FC Act, and any non-forest use of the land required prior approval of the Central Government. In view of the stand taken by the CCF, the CEC by its letter of 13-8-2009 requested the MoEF to give its response on the issue.

14. Here it may be noted that till that stage the stand of the MoEF, based on the reports of the CCF and the FSI, though tentative, seemed to be definitely inclined towards holding that the trees that were felled for clearing the site comprised a forest/deemed forest and the construction at the project site was hit by the provisions of the FC Act. But now in a perceptible shift in its stand the MoEF informed the CEC by its Letter of 22-8-2009/24-8-2009 that in its view, the project site did not attract the provisions of the FC Act. It referred to the order of this Court dated 12-12-1996¹ and pointed out that the project site did not appear in the list of deemed forest land identified by the State Level Expert Committee in pursuance of the order of the Court. It concluded by saying as follows:

"In view of the above, it is informed that the area under discussion is neither recorded as forest nor deemed forest and is actually an urban tree park. Therefore, construction work in this area does not attract the provisions of the Forest (Conservation) Act, 1980."

15. The Letter dated 22-8-2009/24-8-2009 from the MoEF was followed by another Letter of 2-9-2009. This was purportedly to put the observation in the previous letter that "... [C]onstruction work in this area does not attract the provisions of the Forest (Conservation) Act, 1980" in context. This letter referred to the satellite images provided by the FSI and the reports submitted by the CCF but in the end, "given the sensitivity of the matter and the high degree of public interest" left it to the CEC to draw appropriate conclusions from the materials furnished to it.



16. The CEC on a consideration of all the materials made available to it, including the report of the FSI (on which the applicants heavily rely), came to hold and find that the project site was not a forest or a deemed forest or a forest-like area in terms of the order of this Court dated 12-12-1996¹. In its report to this Court dated 4-9-2009 it observed in this regard as follows:

"28. ... In the present case, even though as per the report of the Forest Survey of India, the area was having good forest/tree cover and the project area had more than 6000 trees, it does not fall in the category of 'forest' for the purpose of Section 2 of the Forest (Conservation) Act and therefore does not require any approval under the Forest (Conservation) Act. *The project area does not have naturally grown trees but planted trees. The area has neither been notified as 'forest' nor recorded as 'forest' in the government record. In the exercise carried out by the State of Uttar Pradesh, after detailed guidelines for identification of deemed forest were laid down, the project area was not identified to be deemed forest.* The CEC does not agree with the Regional Chief Conservator of Forests, MoEF, Lucknow that the plantation done in the area has naturalised because of natural regeneration and therefore now falls in the category of

deemed forest. Most of the trees are of species such as subabul, bottle brush, bottle palm, morepankhi, *Ficus benjamina*, *Cassia siamea*, eucalyptus, fishtail palm, rubber plant, silver oak, etc. *which are not of natural regeneration. As such hardly any tree of natural regeneration exists.*

29. As per the definition of 'forest' as held by the Hon'ble Supreme Court in its order dated 12-12-1996, the project area therefore cannot be treated as 'forest' for the purpose of the Forest (Conservation) Act."

(emphasis added)

17. Mr Jayant Bhushan strongly assailed the finding of the CEC as erroneous. The learned counsel stated that the CEC took the view that the project area could not be described as "forest" and did not attract the provisions of the FC Act mainly because the trees in the project area that were cut down for making space for the constructions were planted trees and not naturally grown trees. He contended that the reason given by the CEC was quite untenable being contrary to the judgments of this Court where it is held that forest may be natural or man-made. He further submitted that the view that in order to qualify as forest the trees must be "naturally grown" is fraught with grave consequences inasmuch as a very large portion of the forests in India are planted forests and not original, natural forests. Further, any afforested area would also cease to be recognised as a forest if the view taken by the CEC were to be upheld.

18. The other reasons given by the CEC for holding that the project area was not a forest was that it was neither notified as "forest" nor recorded as "forest" in the government record and even in the exercise carried out by the State of Uttar Pradesh, after detailed guidelines for identification of deemed forest were laid down, the project area was not identified to be deemed forest.



Mr Bhushan contended that these reasons were as misconceived as the previous one. The area was not notified or recorded as forest meant nothing since this Court had passed a series of orders with the object to bring such areas within the protection of the FC Act that were not notified or recorded as forest. In the same way the failure of the State Level Expert Committee to identify the project area as forest even though it fully satisfied the criterion set by the Committee itself for the purpose will not alter the true nature and character of the area as forest land.

19. Mr K.K. Venugopal, learned Senior Counsel appearing for the State of U.P. strongly supported the view taken by the CEC. The learned counsel submitted that the omission to identify the trees at the project site as forest or deemed forest was not due to any mistake or by chance. He pointed out that in the parameters set out by the State Level Expert Committee for identification of forests or forest-like areas it was clarified that "trees mean naturally grown perennial trees" and it was further stipulated that "the plantation done on public land or private land will not be identified as forest-like area". Mr Venugopal submitted that the guidelines made by the Expert Committee were reported to this Court and accepted by it on 12-12-2007. The project site clearly did not come within the parameters fixed by the Expert Committee and it was rightly not identified as a forest-like area. The parameters fixed by the Expert Committee for identification of forests or forest-like area were never challenged by anyone and now it was too late in the day to question those parameters, more so after those were accepted by this Court. Mr Venugopal contended that the non-inclusion of the project site as a forest or forest-like area by the State Level Expert Committee should be conclusive of the fact that the area was not forest land and the trees standing there were no forest.

20. Mr Bhushan contended that a tract of land bearing a thick cluster of trees that would qualify as forest land and forest as defined by the orders of this Court would not cease to be so simply because the parameters adopted by the Expert Committee were

deficient and inconsistent with this Court's orders. In support of the submission that there was actually a forest in that area that was cut down for the project he relied upon the report of the FSI dated 7-8-2009 in which the forest cover status at the project site based on IRS 1D/P6 LI88 III data is shown as follows:

<i>Forest Cover Status in the Area of Interest (AOI) of NOIDA from 2001 to 2007</i>							
							<i>Area in ha</i>
<i>Assessment (State of Forest Report)</i>	<i>Date of satellite data (sic)</i>	<i>Very dense forest</i>	<i>Moderately dense forest</i>	<i>Open forest</i>	<i>Total forest cover</i>	<i>Non-forest</i>	<i>Total area</i>
8th (2001)	October 2000	0	3.74	10.42	14.16	32.27	46.43
9th (2003)	November 2002	0	6.05	10.71	18.76	29.67	46.43



10th (2005)	November 2004	0	7.54	14.23	21.77	24.66	46.43
11th (2007)	October 2006	0	9.04	12.73	21.77	24.66	46.43

21. In the report it was also stated that the latest forest cover assessment by the FSI was based on satellite data of 2006 and it did not have any data of the later period. It further stated that the felling of trees might have taken place after October 2006. Mr Bhushan invited our attention to the order of this Court in *T.N. Godavarman Thirumulpad (98) v. Union of India*² (SCC paras 16, 18, 33, 37, 38) to show that this Court had accepted the reliability of the FSI Report based on satellite imagery.

22. Mr Bhushan also relied upon the report of the CCF, MoEF, Lucknow, a reference to which has already been made above. He also relied upon the first response of the MoEF, where it was stated that at the project site there was a "good patch of forests and which could be treated as a deemed forest" and further that the report of the FSI showed that the forest cover existed there up to 2006 and the felling of trees might have taken place after that only. Mr Bhushan lastly relied upon the Google image which has a dark patch in approximately 1/3rd of the area interpreted by him as a dense cover of trees.

23. In support of the submissions the learned counsel relied greatly on the order passed by this Court on 12-12-1996 in *T.N. Godavarman Thirumulpad*¹. He also relied upon the decisions of this Court in *Samatha v. State of A.P.*³ (SCC paras 119, 120, 121, 123) and *M.C. Mehta v. Union of India*⁴ (SCC paras 55, 56, 57).

24. The point raised by Mr Bhushan may be valid in certain cases but in the facts of the case his submissions are quite out of context. In support of the applicants' case that there used to be a forest at the project site he relies upon the report of the CCF based on site inspection and the Google image and most heavily on the FSI Report based on satellite imagery and analysed by GSI application. A satellite image may not always reveal the complete story. Let us for a moment come down from the satellite to the earth and see what picture emerges from the government records and how things appear on the ground. In the revenue records, none of the khasras (plots) falling in the project area was ever shown as jungle or forest. According to the settlement year 1359 Fasli (1952 AD) all the khasras are recorded as *agricultural land*, banjar (uncultivable) or parti (uncultivated).

25. NOIDA was set up in 1976 and the lands of the project area were acquired under the Land Acquisition Act mostly between the years 1980 to



1983 (two or three plots were notified under Sections 4/6 of the Act in 1979 and one or two plots as late as in the year 1991). But the possession of a very large part of the lands under acquisition (that now form the project site) was taken over in the year 1983. From the details of the acquisition proceedings furnished in a tabular form (Annexure 9 to the counter-affidavit on behalf of Respondents 2 and 3) it would appear that though on most of the plots there were properties of one kind or the other, *there was not a single tree on any of the plots under acquisition*. The records of the land acquisition proceedings, thus, complement the revenue record of 1952 in which the lands were shown as *agricultural and not as jungle or forest*. There is no reason not to give due credence to these records since they pertain to a time when the impugned project was not even in anyone's imagination and its proponents were nowhere on the scene.

26. Further, in the second response of the MoEF, dated 22-8-2009/24-8-2009 there is a reference to the information furnished by the Deputy Horticulture Officer, NOIDA according to which plantations were taken up along with seed sowing of subabul during the years 1994-1995 to 2007-2008. A total of 9480 saplings were planted (including 314 saplings planted before 1994-1995). NOIDA had treated this area as an "urban park". It is, thus, to be seen that on a large tract of land (33.45 ha in area) that was forever agricultural in character, trees were planted with the object of creating an urban park (and not for afforestation!). The trees, thus, planted were allowed to stand and grow for about 12-14 years when they were cut down to make the area clear for the project.

27. The satellite images tell us how things stand at the time the images were taken. We are not aware whether or not the satellite images can ascertain the different species of trees, their age and the girth of their trunks, etc. But what is on record does not give us all that information. What the satellite images tell us is that in October 2006 there was thin to moderately dense tree cover over about half of the project site. But this fact is all but admitted; the State Government admits felling of over 6000 trees in 2008. How and when the trees came up there we have just seen with reference to the revenue and land acquisition proceedings records. Now, we find it inconceivable that trees planted with the intent to set up an urban park would turn into forest within a span of 10 to 12 years and the land that was forever agricultural, would be converted into forest land. One may feel strongly about cutting trees in such large numbers and question the wisdom behind replacing a patch of trees by large stone columns and statues but that would not change the trees into a forest or the land over which those trees were standing into forest land.

28. The decisions relied upon by Mr Bhushan are also of no help in this case and on the basis of those decisions the trees planted in the project area cannot be branded as "forest".



29. In the order dated 12-12-1996 in *T.N. Godavarman Thirumulpad*¹ this Court held and observed as under: (SCC pp. 269-70, paras 3-4)

"3. It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest (Conservation) Act, 1980 (for short 'the Act') and the meaning of the word 'forest' used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

4. The Forest (Conservation) Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word 'forest' must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest (Conservation) Act. The term 'forest land', occurring in Section 2, will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest (Conservation) Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works v. State of Gujarat*⁵, *Rural Litigation and Entitlement Kendra v. State of U.P.*⁶ and recently in the order dated 29-11-1996 (*Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority*⁷). The earlier decision of this Court in *State of Bihar v. Banshi Ram Modi*⁸ has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so



far, will forthwith correct its stance and take the necessary remedial measures without any further delay."

In the above order the Court mainly said three things: one, the provisions of the FC Act must apply to all forests irrespective of the nature of ownership or classification of the forest; two, the word "forest" must be understood according to its dictionary meaning and three, the term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership.

30. The order dated 12-12-1996¹ indeed gives a very wide definition of "forest". But any definition howsoever wide relates to a context. There can hardly be a legal definition, in terms absolute, and totally independent of the context. The context may or may not find any articulation in the judgment or the order but it is always there and it is discernible by a careful analysis of the facts and circumstances in which the definition was rendered. In the order the Court said: (SCC p. 270, para 4)

"4. ... The term 'forest land' occurring in Section 2, will not only include 'forest' as understood in the dictionary sense, *but also any area recorded as forest in the government record irrespective of the ownership.*" (emphasis added) Now what is meant by that is made clear by referring to the earlier decision of the Court in *State of Bihar v. Banshi Ram Modi*⁸.

31. In the earlier decision in *Banshi Ram Modi*⁸ the Court had said: (SCC p. 647, para 10)

"10. ... Reading them together, these two parts of the section mean that after the commencement of the Act no fresh breaking up of the forest land or no fresh clearing of the forest on any such land can be permitted by any State Government or any authority without the prior approval of the Central Government. But if such permission has been

accorded before the coming into force of the Act and the forest land is broken up or cleared then obviously the section cannot apply.”

32. The observation in *Banshi Ram Modi*⁸ (which again was made in the peculiar context of that case!) was sought to be interpreted by some to mean that once the land was broken in course of mining operations it ceased to be forest land. It was in order to quell the mischief and the subversion of Section 2 of the FC Act that the Court in the order dated 12-12-1996¹ made the observation quoted above in italics.

33. In *Samatha*³, this Court was dealing with cases of grant of mining leases to non-tribals in reserved forests and forests that were notified as scheduled area under the Andhra Pradesh Scheduled Areas Land Transfer



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Regulation, 1959. It was contended on behalf of the leaseholders that the Regulation and the Mining Act do not prohibit grant of mining leases of government land in the scheduled area to non-tribals. The Forest (Conservation) Act or the Andhra Pradesh Forest Act, 1967, does not apply to renewal of leases. The observations in regard to what constitutes a forest made in SCC paras 119, 120, 121 and 123, relied upon by Mr Bhushan, were made when it was sought to be argued by the leaseholders that unless the lands are declared either as reserved forests or forests under the Andhra Pradesh Forest Act, 1967, the FC Act had no application. Hence, there was no prohibition to grant mining lease or to renew it by the State Government. The context in which the Court expanded the definition of forest is, thus, manifest and evident.

34. In *M.C. Mehta v. Union of India*⁴, in the paragraphs relied upon by Mr Bhushan, this Court was considering the question of permitting mining in Aravalli hills where large-scale afforestation was done by spending crores of rupees of foreign funding in an effort to repair the deep ravages caused to the Aravalli hill range over the years by mostly illegal mining. The context is once again evident.

35. Almost all the orders and judgments of this Court defining “forest” and “forest land” for the purpose of the FC Act were rendered in the context of mining or illegal felling of trees for timber or illegal removal of other forest produce or the protection of national parks and wildlife sanctuaries. In the case in hand the context is completely different. Hence, the decisions relied upon by Mr Bhushan can be applied only to an extent and not in absolute terms. To an extent Mr Bhushan is right in contending that a man-made forest may equally be a forest as a naturally grown one. He is also right in contending that non-forest land may also, with the passage of time, change its character and become forest land. But this also cannot be a rule of universal application and must be examined in the overall facts of the case otherwise it would lead to highly anomalous conclusions.

36. Like in this case, Mr Bhushan argued that the two conditions in the guidelines adopted by the State Level Expert Committee i.e. (i) “trees mean naturally grown perennial trees”, and (ii) “the plantation done on public land or private land will not be identified as forest like area” were not consistent with the wide definition of forest given in the 12-12-1996¹ order of the Court and the project area should qualify as forest on the basis of the main parameter fixed by the Committee. If the argument of Mr Bhushan is accepted and the criterion fixed by the State Level Expert Committee that in the plains a stretch of land with an area of 2 ha or above, with the minimum density of 50 trees per hectare would be a deemed forest is applied mechanically and with no regard to the other factors a greater part of Lutyens Delhi would perhaps qualify as forest. This was obviously not the intent of the order dated 12-12-1996¹.



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37. In the light of the discussion made above, it must be held that the project site is not forest land and the construction of the project without the prior permission from the Central Government does not in any way contravene Section 2 of the FC Act.

The project and the EIA Notification, 2006

38. Mr Jayant Bhushan next contended that the construction of the project was started by the U.P. Government (and was sought to be completed in great haste!) without obtaining the prior environmental clearance from the Central Government or the State Level Environment Impact Assessment Authority in complete violation of the Notification issued by the Central Government on 14-9-2006 under Section 3(3) of the EP Act.

39. Before proceeding to examine the issue in detail it would be useful to see the views taken by the different authorities, agencies and the MoEF on the question whether the law required prior environmental clearance for the project. It appears that once the controversy was raised, the project proponents, by letter dated 24-4-2009 approached the State Level Environment Impact Assessment Authority, Uttar Pradesh constituted under the EIA Notification, 2006, seeking environmental clearance for the project. In reply SEIAA by its letter dated 7-5-2009 stated that having regard to the nature and the area of the project it was not covered by the schedule of Notification No. S.O. 1533(E) dated 14-9-2006 issued by the Government of India.

40. Before the CEC, the MoEF in its first response dated 22-8-2009/24-8-2009 took the stand that the project would not require any prior environmental clearance under the EIA Notification, 2006. It further stated that in the EIA Notification, 2006 all building/construction projects/area development projects and townships, were categorised as Category B projects and *the "general condition" prescribed in the notification was not applicable to construction projects*. It went on to say that the project did not require any prior environmental clearance under the EIA Notification, 2006 even though "being within the prescribed distance from a wildlife sanctuary/national park or inter-State boundary". It needs to be stated here that the first response of the MoEF before the CEC was evidently based on the inputs received from the U.P. Government about the nature of the project and the extent of constructions involved in it.

41. In the second response before the CEC dated 2-9-2009 the MoEF did not appear so sure of its earlier stand. It stated that after its earlier Letter of 22-8-2009, 24-8-2009, the MoEF had received further information about the project from various sources and the fresh findings raised far-reaching issues of public concern that extended beyond the parameters set by the EIA Notification of 2006. It further stated that the certificate issued by SEIAA of U.P. stated that the total built-up covered area was only 9542 sq m and the report of the CCF was not clear as to the extent of the covered area vis-à-vis concrete landscaping, pillar(s), platform(s), lawn(s), tree planting, etc. To put



it simply, the MoEF was not fully in possession of the basic facts relating to the project and its likely impact on the environment. It left the decision in the hands of the CEC.

42. The CEC in its report to this Court dated 4-9-2009 held and found that the project was covered by the EIA Notification, 2006 and it required prior environmental clearance in terms of the notification. In its report, the CEC observed as follows:

"30. The CEC does not agree with the stand taken by the State Government as well as the MoEF that the project does not require environmental clearance in terms of the MoEF Notification dated 14-9-2006. The MoEF, as well as the State of Uttar Pradesh have taken this view primarily on the ground that the built-up area of the project is less than 20,000 sq m and therefore the project does not require environmental clearance.

The built-up area has been calculated by the State of Uttar Pradesh on the basis of its building bye-laws. The CEC is of the view that for the purpose of environmental clearance, the building bye-laws of the State Government have no relevance at all. As per the details provided by the State Government itself, out of 33.43 ha of the project area, 3499.50 sq m is being used for memorial building and toilet blocks, 3500 sq m is being used for utilities and facilities, 1,29,140.80 sq m area is being used for hard landscape including for platforms, plinth, sculptures and surrounded paved area, path, etc. Another 34,850 sq m area is to be used for vehicular movement. The above comes to more than 50% of the project area which in CEC's view qualify to be included in the activity area. The project cost is about Rs. 685 crores. As per the MoEF Notification dated 14-9-2006, for building/construction project, in the case of facilities open to the sky, the activity area is to be included in the built-up area. In the present case, after including the activity area the total built-up area, for the purpose of environmental clearance, far exceeds the threshold limit of 20,000 sq m of built-up area provided in the notification. The MoEF, on its own admission, has merely relied on the details of the built-up area as provided by the State Government without independently verifying it and has not included the area falling in the category of activity area. In any case, even if there was any doubt in the MoEF regarding the applicability of the environmental clearance in the present case, in view of precautionary principle it should have erred on the side of the caution and should have insisted for the environmental clearance."

43. When the matter finally came up before the Court the MoEF was once again asked to take a clear stand on the issue whether the project was covered by the EIA Notification, 2006. The MoEF filed a brief affidavit on 21-10-2009 in which it acknowledged that the CEC in its report dated 4-9-2006 had stated that the State of U.P. should be directed to seek environmental clearance for the project from the MoEF in terms of the notification. The MoEF, however, reiterated its stand in very definite and unequivocal terms that the project in question did not fall within the ambit of



the EIA Notification, 2006 and no environmental clearance was required for such kind of projects. The stand of the MoEF was based on the premise that the area of the project (33.43 ha) was less than 50 ha and its built-up area (9542 sq m) was less than 20,000 sq m. Having thus made its stand clear, the MoEF went on to say that in case the Court desired the project to be appraised from the environmental angle it would do so and submit its recommendations. It, however, put in a caveat that such appraisals were made before the commencement of the construction activity at the site and in the present case the project was already in the advanced stage of construction.

44. On 22-4-2010², this Court passed an order in which after extracting the relevant passage from the affidavit it directed the MoEF to make a study of the environmental impact of the project. The MoEF was further directed to suggest measures for undoing the environmental degradation, if any, caused by the project and the amelioration measures to safeguard the environment, with particular reference to the adjacent bird sanctuary.

45. As directed by the Court, the MoEF asked the project proponents to submit the details concerning the project in the format prescribed under the EIA notification. It also asked the project proponents to have the environmental impact assessment of the project done by some expert agencies. As required by the MoEF, NOIDA submitted the requisite details concerning the project and the reports on the environmental impact assessment of the project based on studies made by three different agencies (we shall have the occasion to consider those reports in the latter part of the judgment). Thereafter, the Expert Appraisal Committee (EAC) constituted by the Central Government for the purpose of the EIA notification examined the project in its 88th meeting held on 28-6-2010, 29-6-2010 and gave its report which is brought on record along with an affidavit filed by the State

Government on 22-7-2010. In this report the EAC made as many as 15 recommendations to check any environmental degradation or any harm to the Okhla Bird Sanctuary by the project.

46. The MoEF filed yet another affidavit before the Court on 19-8-2010 in which it tried to explain the distinction between Clauses 8(a) and 8(b) in the schedule to the EIA Notification, 2006 without changing its stand that the project in question did not come within the ambit of the notification.

47. In course of the oral hearing as well, Mr Raval, learned ASG, firmly maintained that the project did not come under the notification and no prior environmental clearance was required for it under the notification.

48. Mr Harish Salve, learned amicus curiae and Mr Jayant Bhushan, counsel appearing for the applicants, both staunchly contended that the stand of the MoEF was patently wrong and incorrect. The project clearly fell within the ambit of the EIA Notification, 2006. The CEC had taken the correct view on the issue. And to start the construction of the project and take it into an advanced stage of construction without obtaining prior



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environmental clearance from the Central Government was in blatant violation of the provisions of the notification. Mr Salve also criticised the Central Government for taking a shifting and inconsistent stand on the issue.

49. Now is the time to take a closer look at the provisions of EIA Notification No. S.O. 1533(E) dated 14-9-2006 issued by the Central Government under Section 3(3) of the EP Act and to consider the submissions advanced by the two sides on that basis. Section 3(3) of the EP Act provides as follows:

*"3. Power of Central Government to take measures to protect and improve environment.—(1)-(2) * * **

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures."

50. In exercise of the powers conferred by the above provision the Central Government in the Ministry of Environment and Forests issued Notification No. S.O. 1533(E) on 14-9-2006, which insofar as relevant for the present is reproduced below:

"MINISTRY OF ENVIRONMENT AND FORESTS

Notification

New Delhi, the 14th September, 2006

S.O. 1533(E).—Whereas * * *
And whereas * * *
And whereas * * *

*2. Requirements of prior environmental clearance (EC).—*The following projects or activities shall require *prior environmental clearance* from the regulatory authority concerned, which shall hereinafter be referred to as the Central Government in the Ministry of Environment and Forests for matters falling under Category A in the

schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category B in the said schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

(i) All new projects or activities listed in the schedule to this notification;



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(ii) Expansion and modernisation of existing projects or activities listed in the schedule to this notification with addition of capacity beyond the limits specified for the sector concerned, that is, projects or activities which cross the threshold limits given in the schedule, after expansion or modernisation;

(iii) Any change in product mix in an existing manufacturing unit included in schedule beyond the specified range.

3. * * *

4. *Categorisation of projects and activities.*—

(i) All projects and activities are broadly categorised into two categories — Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man-made resources;

(ii) All projects or activities included as Category A in the schedule, including expansion and modernisation of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category B in the schedule, including expansion and modernisation of existing projects or activities as specified in sub-para (ii) of Para 2, or change in product mix as specified in sub-para (iii) of Para 2, but excluding those which fulfil the general conditions (GC) stipulated in the schedule, will require prior environmental clearance from the State/Union Territory Environment Impact Assessment Authority (SEIAA). SEIAA shall base its decision on the recommendations of a State or Union Territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category B project shall be treated as a Category A project;

5.-6. * * *

7. *Stages in the prior environmental clearance (EC) process for new projects.*—

(i) * * *

I. Stage (1) Screening: In case of Category B projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the State level Expert Appraisal Committee (SEAC) concerned for determining whether or not the project or activity requires further environmental studies for preparation of an environmental impact assessment (EIA)



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for its appraisal prior to the grant of environmental clearance depending upon the nature and location specificity of the project. The projects requiring an environmental impact assessment report shall be termed Category B1 and remaining projects shall be termed

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Category B2 and will not require an environment impact assessment report. For categorisation of projects into B1 or B2 except Item 8(b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

8.-12.

*

*

*

SCHEDULE

(See Paras 2 and 7)

List of Projects or Activities Requiring Prior Environmental Clearance

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
8		Building/Construction projects/Area development projects and Townships		
(1)	(2)	(3)	(4)	(5)
8 (a)	Building and construction projects		≥ 20,000 sq m and < 1,50,000 sq m of built-up area*	* (built-up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8 (b)	Townships and area development projects.		Covering an area ≥ 50 ha and or built-up area ≥ 1,50,000 sq m**	** All projects under Item 8(b) shall be appraised as Category B1

Note:

General condition (GC):

Any project or activity specified in Category B will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected areas notified under the Wildlife (Protection) Act, 1972; (ii) Critically polluted areas as notified by the Central Pollution Control Board from time to time; (iii) Notified eco-sensitive areas; (iv) inter-State boundaries and international boundaries.

Specific condition (SC):

*

*

*

(I) Basic information

*

*

*



(II) Activity

1. Construction, operation or decommissioning of the project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

Sl. No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever
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			<i>possible) with source of information data</i>
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings		
1.3	Creation of new land uses		
1.4	Pre-construction investigation e.g. bore holes, soil testing		
1.5	Construction works		
1.6	* * *		
1.31	* * *		

51. In substance the EIA notification provides that all projects and activities enumerated in its schedule would require prior environmental clearance before any construction work or preparation of land for the project is started on the project or activity. The projects and activities depending upon various factors such as the potential hazard to environment, location, the extent of area involved, etc. are categorised in Categories A or B. For projects or activities falling in Category A, the competent authority to grant prior environmental clearance is the MoEF and for projects or activities falling in Category B, the State Environment Impact Assessment Authority (SEIAA). The constitution of SEIAA is provided for in Clause 3 of the notification with which we are not concerned in this case. In certain cases a project or activity, though categorised in Category B may be treated as Category A by application of the general condition [on account of its location being within a distance of 10 km from a protected area notified under the

Wildlife (Protection) Act, etc.]. In other words, if a project or activity attracts the general condition, the competent authority to grant prior environmental clearance in that case would be the Central Government, even though, the project or activity may figure in the schedule in Category B.

52. Further, projects or activities categorised as Category B may or may not require an environmental impact assessment before the grant of environmental clearance depending on the nature and location specificity of the project. The projects requiring an EIA report shall be termed as Category B1 and the remaining shall be termed as B2 and will not require an EIA report. For categorisation of projects into B1 and B2, the MoEF would issue appropriate guidelines from time to time. The schedule to the notification has a table that is divided into five columns. The first column contains the serial numbers, and the second the description of the project or activities; the third column lists those projects or activities that fall in Category A and the fourth, those falling in Category B; the fifth column against each item indicates whether any general or specific condition applies to the project or activity described in that item. In some cases where the project or the

activity is shown in Column 4 as Category B, the application of the general condition is expressly indicated in Column 5 of the table.

53. For the project under consideration, the relevant entries in the schedule are Items 8(a) and 8(b). Both Items 8(a) and 8(b) are listed in Column 4 i.e. in Category B. In Column 5, against any of the two items, there is no mention of application of the general condition but it is expressly said that all projects in Item 8(b) would be appraised as Category B1, that is to say, for a project under Item 8(b) the prior environmental clearance must be preceded by an environmental impact assessment.

54. Item 8(a) deals with building and construction projects and the threshold mark that would bring the project within the ambit of the notification is equal to or more than 20,000 sq m and less than 1,50,000 sq m of "built-up area". It is further clarified that the aforementioned figures relate to built-up area for covered construction; in case of facilities open to the sky, the built-up area would be the activity area. Item 8(b) deals with townships and area development projects and the threshold mark for the project to come within the ambit of the notification is an area equal to or more than 50 ha or built-up area of more than 1,50,000 sq m.

55. Mr Jayant Bhushan, supported by the amicus curiae forcibly argued that the project under consideration would clearly fall under Item 8(a) of the schedule. He submitted that though the area of covered construction in the project was only 6999.50 sq m, the project by its very nature provided facilities open to the sky and in that case, the whole of the activity area would constitute the built-up area. He then referred to the definition of activity [that includes (i) permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan), (ii) clearance of existing land, vegetation and buildings, (iii) creation of new land uses, and (iv) pre-construction investigations e.g. bore houses, soil testing]. He contended that in view of the definition of



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activity, virtually the entire area of 33.43 ha from where over 6000 trees were removed for clearing the project site would come within the "activity area" and would, thus, form the built-up area under Item 8(a) of the schedule.

56. Further, since the project was located adjacent to the Okhla Bird Sanctuary, it would, without doubt, attract the general condition which provided that any project or activity specified in Category B will be treated as Category A, if located within 10 km from the boundary of protected areas notified under the Wildlife (Protection) Act, 1972. Mr Bhushan insisted that the general condition would apply to the project by virtue of its very close proximity to the Okhla Bird Sanctuary, regardless of the fact that in Column 5 of the table there is no mention of application of the general condition against Item 8(a). The application of the general condition would take the project out of Category B and put it in Category A for which the competent authority to grant prior environmental clearance is the MoEF.

57. Mr Bhushan then referred to the Office Memo dated 2-12-2009 issued by the MoEF which in the course of hearing was, in all fairness, produced by Mr Raval, learned ASG, appearing for the MoEF. The office memorandum inter alia provides that "... while granting environmental clearance to projects involving forest land, wildlife habitat (core one of elephant/tiger reserve, etc.) and/or located within 10 km of the national park/wildlife sanctuary (at present the distance of 10 km has been taken in conformity with the order dated 4-12-2006 in *Goa Foundation v. Union of India*¹⁰), a specific condition shall be stipulated that the environmental clearance is subject to their obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as applicable....". Mr Bhushan submitted that the project under consideration thus does not only require a prior environmental clearance but also a

clearance from the forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as precondition for the grant of environmental clearance by the MoEF.

58. Mr Bhushan's arguments proceed in four steps. He first puts the project in Item 8 (a) of the schedule as a building and construction project. Then, in the second step, in order to cross the threshold marker he refers to the definition of "activity" to contend that since the project provides facilities open to sky its entire area of 33.43 ha would constitute the built-up area. In the third step, he brings in the general condition [even though in regard to Item 8(a) its application is not mentioned in Column 5 of the table] that would make the Central Government as the competent authority for granting prior environmental clearance for the project. And lastly, in the fourth step he refers to the Office Memorandum dated 2-12-2009 to contend that a clearance from the Standing Committee of the National Board for Wildlife was a precondition for the grant of the prior environmental clearance by the MoEF.



59. Long and elaborate submissions were made from both sides in regard to the application of the general condition to this project. Mr Venugopal, Senior Counsel appearing for the State of U.P. and Mr Raju Ramachandran, Senior Counsel appearing for NOIDA submitted that the general condition would have no application to projects under Items 8(a) or 8(b) for the simple reason that in regard to those items there was no mention of the general condition in Column 5 of the table. Mr Venugopal submitted, and not entirely without substance that if the general condition were to apply to Items 8(a) and 8(b) without being mentioned in Column 5 of the table then it would not make any sense to expressly mention it in Column 5 in respect of some other projects and activities classified in Category B in the schedule.

60. Mr Raval, learned ASG, produced before the Court, the draft Notification No. S.O. 1324E, published in the Gazette of India Extraordinary of 15-9-2005. In the draft notification there were two general conditions, GC1 and GC2 and in regard to "(a) Construction of all projects (residential and non-residential), and (b) New Townships and Settlement Colonies", the application of GC2 was expressly indicated in Column 5 of the table. Later on, in a meeting held on 6-7-2006, chaired by none else than the Prime Minister, it was decided to leave all construction and township projects, housing and area development projects in the hands of the State Government. It was further decided that for all projects involving more than 1,50,000 sq m of built-up area and/or covering more than 50 ha, the EIA requirements should correspond to Category A, even though the clearance would be granted by the State Government. Mr Raval submitted that in light of the decision taken in that meeting, in the final Notification issued on 14-9-2006, the application of general condition was removed in respect of Items 8(a) and 8(b) in the schedule. In view of the changes made in the two items in the final notification, Mr Raval also contended that the general condition has no application to Items 8(a) and 8(b), regardless of the project's proximity to any sanctuary or reserved area.

61. But before considering the latter three limbs of Mr Bhushan's arguments it is necessary to examine whether the project in question can be legitimately categorised as a building and construction project falling under Item 8(a) of the schedule which is the first premise of his arguments. In the schedule to the notification "building and construction projects" and "townships and area development projects" are enumerated separately, the former in Item 8(a) and the latter in Item 8(b). This would normally suggest that the notification treats those two kinds of projects separately and differently. It would, therefore, be reasonable to say that an "area development project" though involving a good deal of construction would not be a "building and construction project".

62. When it was pointed out to Mr Bhushan that the project in question may be put more appropriately in Category 8(b) as an “area development project” rather than a “building and construction project” under Category 8(a), in reply he took a line that nullifies any distinction between the two. Mr Bhushan submitted that so far as construction projects are concerned there is

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no qualitative difference between Items 8(a) and 8(b) and the difference between the two items was only quantitative. Projects were categorised under Items 8(a) or 8(b) as “building and construction projects” or “townships and area development projects” not on the basis of their nature and character but depending upon the extent of construction. The learned counsel pointed out that the upper limit under Item 8(a) (1,50,000 sq m of built-up area) was the threshold mark under Item 8(b) and contended that this was a clear indication that projects with built-up area up to 1,50,000 sq m would be defined as “building and construction projects” and projects with built-up area in excess of 1,50,000 sq m would be categorised as “townships and area development projects”.

63. In support of the contention, Mr Bhushan gave the example of a “building and construction project”, consisting of a number of multi-storied buildings, the aggregate of the built-up area of which exceeds 1,50,000 sq m. Mr Bhushan submitted that since the total built-up area of the project crosses the upper limit of Item 8(a) the project would not fall within that item. But at the same time since the project is a “building and construction project” and not a “township and area development project”, it would not come under Item 8(b) and this would be indeed a highly anomalous position where a project with a smaller built-up area would fall within the ambit of the notification, whereas a project with a larger built-up area would escape the rigours of the notification.

64. The amicus, also arguing in the same vein, submitted that as far as building and construction projects are concerned there was no qualitative difference in Items 8(a) and 8(b) of the schedule to the notification. A combined reading of the two clauses of Item 8 of the schedule would show the continuity in the two provisions; 1,50,000 sq m of built-up area that was the upper limit in Item 8(a) was the threshold marker in Item 8(b). This clearly meant that building and construction projects with built-up area/activity area between 20,000 sq m to 1,50,000 sq m would fall in Category 8(a) and projects with built-up area of 1,50,000 sq m or more would fall in Category 8(b). The amicus further submitted that though it was not expressly stated, the expression “built-up area” in Item 8(b) must get the same meaning as in Item 8(a), that is to say, if the construction had facilities open to sky the whole of the “activity area” must be deemed to constitute the “built-up area”.

65. It is extremely difficult to accept the contention that the categorisation under Items 8(a) and 8(b) has no bearing on the nature and character of the project and is based purely on the built-up area. A building and construction project is nothing but addition of structures over the land. A township project is the development of a new area for residential, commercial or industrial use. A township project is different *both quantitatively and qualitatively* from a mere building and construction project. Further, an area development project may be connected with the township development project and may be its first stage when grounds are cleared, roads and

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pathways are laid out and provisions are made for drainage, sewage, electricity and telephone lines and the whole range of other civic infrastructure. Or an area development

project may be completely independent of any township development project as in case of creating an artificial lake, or an urban forest or setting up a zoological or botanical park or a recreational, amusement or a theme park.

66. The illustration given by Mr Bhushan may be correct to an extent. Constructions with built-up area in excess of 1,50,000 would be huge by any standard and in that case the project by virtue of sheer magnitude would qualify as township development project. To that limited extent there may be a quantitative correlation between Items 8(a) and 8(b). But it must be realised that the converse of the illustration given by Mr Bhushan may not be true. For example, a project which is by its nature and character an "area development project" would not become a "building and construction project" simply because it falls short of the threshold mark under Item 8(b) but comes within the area specified in Item 8(a). The essential difference between Items 8(a) and 8(b) lies not only in the different magnitudes but in the difference in the nature and character of the projects enumerated thereunder.

67. In light of the above discussion it is difficult to see the project in question as a "building and construction project". Applying the test of "dominant purpose or dominant nature" of the project or the "common parlance" test i.e. how a common person using it and enjoying its facilities would view it, the project can only be categorised under Item 8(b) of the schedule as a township and area development project". But under that category it does not come up to the threshold marker inasmuch as the total area of the project (33.43 ha) is less than 50 ha and its built-up area even if the hard landscaped area and the covered areas are put together comes to 1,05,544.49 sq m i.e. much below the threshold marker of 1,50,000 sq m. The inescapable conclusion, therefore, is that the project does not fall within the ambit of the EIA Notification S.O. 1533(E) dated 14-9-2006. This is not to say that this is the ideal or a very happy outcome but that is how the notification is framed and taking any other view would be doing gross violence to the scheme of the notification.

68. Since it is held that the project does not come within the ambit of the notification, the other three arguments based on the activity area, the application of general condition and the application of the Office Memorandum dated 2-12-2009 become irrelevant and need not be gone into in this case.

The project and the Okhla Bird Sanctuary

69. Mr Bhushan next raised the issue of the project being located virtually adjoining the Okhla Bird Sanctuary. The very close proximity of the project site to the bird sanctuary actually raises issues of serious concern and poses a dilemma. On the one hand the project proponents cannot be said to have broken any law or violated a definite order or direction of the court but



on the other hand the project may possibly cause serious and irreparable harm to the bird sanctuary.

70. Before the CEC the State Government took the plea that the project area was situated well outside the boundaries of the bird sanctuary and the construction of the project had caused no adverse impact on the sanctuary. It was further stated that NOIDA which was the project proponent was equally conscious about its responsibility in regard to the preservation and conservation of the habitat of the sanctuary. A management plan for the sanctuary was being prepared by the Wildlife Institute of Dehradun for which NOIDA had released Rs. 17,35,350.00 in favour of the Institute and NOIDA was also planning to set up a corpus for the scientific and effective implementation of the management plan.

71. On this issue the MoEF in its responses before the CEC put the blame squarely on the State Government. It stated that despite its letter of 27-5-2005 followed by a number

of reminders the Government of Uttar Pradesh did not submit its proposal for declaration of "eco-sensitive zone" around the sanctuaries and national parks. It further stated that the State Government failed to take any steps in this regard even after the order of this Court passed on 4-12-2006¹⁰ in Writ Petition (Civil) No. 460 of 2004 by which the MoEF was directed to give all the States final opportunity to send their proposals for declaration of "eco-sensitive zones" to the MoEF within four weeks. The MoEF made the accusation that in the case of the present project the State Government of Uttar Pradesh was trying to take advantage of its own omission. In its second response dated 22-8-2009, 24-8-2009, however, the MoEF, though still blaming the U.P. Government for its failure to notify the "eco-sensitive zones" conceded that "till eco-sensitive zone is declared the construction work did not seem to violate any law/Act". But it went on to say that having regard to its location the project was better suited to be made part of extension of the bird sanctuary.

72. The State Government of Uttar Pradesh took the stand that no proposals were sent from its side because the MoEF failed to issue the necessary guidelines for the purpose. On behalf of the State of U.P., reference was made to a meeting called by the Director General of Forests and Special Secretary, MoEF on 13-5-2010. In that meeting it was decided that the Director General of Forests, MoEF would constitute a committee of officers to finalise the guidelines for declaration of eco-sensitive zones. A reference was also made to a subsequent meeting held on 4-7-2010 at Lucknow in which the attention of the Government of India was drawn to the decision taken in the earlier meeting. Yet, no guidelines were issued by the Government of India so far.

73. The CEC in its report to the Court dated 4-9-2009 put the blame on the State Government of U.P. for its omission to identify the eco-sensitive



zones but like the MoEF seemed to accept that in the absence of a decision/notification there was no legal bar against the construction of the project on the ground that it was sited adjacent to the bird sanctuary. In its report to the Court, the CEC observed as follows:

32. The issue regarding identification/notification of eco-sensitive zones around the national park and sanctuaries is presently pending for consideration before this Hon'ble Court. The National Board of Wildlife (NBWL) had earlier decided that area within 10 km around national parks/sanctuaries should be the eco-sensitive zone. Later on, it was decided by NBWL that eco-sensitive zone should be specific to each national park/sanctuary. The CEC had recommended that 500 m around national park/sanctuary should be declared as eco-sensitive zone. The recommendation of the CEC has not so far been accepted by the Hon'ble Supreme Court after the learned amicus curiae took a view that 500 m may not be adequate. Pursuant to this Hon'ble Supreme Court's order dated 4-8-2006¹¹ in the TWP matter, mining is presently prohibited up to a distance of one kilometre from the boundary of national parks/sanctuaries. For other projects, no restriction has so far been imposed. The MoEF has time and again requested the States/UTs to identify the eco-sensitive zones around the national parks/sanctuaries. However, the State of Uttar Pradesh has so far not prepared any proposal in this regard. *The CEC is of the view that in the absence of a decision/notification, presently there is no legal restriction against the implementation of the project on the ground that the project is adjacent to the Okhla Bird Sanctuary.*

33. However, it has to be borne in mind that the project area is hardly at a distance of 50 m from the Okhla Bird Sanctuary and that in all probability the project site would have fallen in the eco-sensitive zone, had a timely decision in this regard been taken by the State Government/MoEF.

(emphasis added)

74. The report of the CEC succinctly sums up the situation. Though everyone, excepting the project proponents, view the construction of the project practically adjoining the bird sanctuary as a potential hazard to the sensitive and fragile ecological balance of the sanctuary there is no law to stop it. This unhappy and anomalous situation has arisen simply because despite directions by this Court the authorities in the Central and the State Governments have so far not been able to evolve a principle to notify the buffer zones around sanctuaries and national parks to protect the sensitive and delicate ecological balance required for the sanctuaries. But the absence of a statute will not preclude this Court from examining the project's effects on the environment with particular reference to the Okhla Bird Sanctuary. For, in the jurisprudence developed by this Court environment is not merely a statutory issue. Environment is one of the facets of the right to life



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guaranteed under Article 21 of the Constitution¹². Environment is, therefore, a matter directly under the Constitution and if the Court perceives any project or activity as harmful or injurious to the environment it would feel obliged to step in. The question of the likelihood of the project causing any adverse effects on the Okhla Bird Sanctuary must, therefore, be examined from this angle.

75. We may note here that Mr Venugopal presented before us some photographs trying to show the situation on the western boundary of the Okhla Bird Sanctuary at its Delhi end. In the photographs there is a road, about forty to sixty feet wide (the Kalindikunj-Irrigation Colony-Batla Road) running right next to the wire mesh fencing of the sanctuary. Next to the road is a long row of cheek by jowl concrete structures/houses that seem to lean against one another. The road has the bustling traffic of Delhi where all kinds of vehicles (and cattle!) appear jostling for space. The situation on the western boundary of the sanctuary is indeed deplorable but that is no reason to strangle the sanctuary from the NOIDA side as well.

76. Earlier in the judgment, it is noted that on 22-4-2010², the Court had asked the MoEF to make a study of the environmental impact of the project and to suggest measures for undoing the environmental degradation, if any, caused by the project and the amelioration measures to safeguard the adjacent bird sanctuary. In pursuance of the Court's directions the MoEF had asked the project proponents to have the environmental impact assessment of the project done by some expert agencies. NOIDA, the project proponent got three studies made of the impact assessment of the project. One is a joint study prepared by the Salim Ali Centre for Ornithology and Natural History (SACON), Deccan Regional Station, Hyderabad and the All-India Network Project on Agricultural Ornithology, Acharya N.G. Ranga Agricultural University, Hyderabad (Annexure II of the paper book Vol. IV); the other by the Wildlife Institute of India (WII) (Annexure III of the paper book Vol. IV); and the third by a group of three individuals that was vetted by the Indian Institute of Technology, New Delhi (Annexure IV of the paper book Vol. IV).

77. SACON, in its report practically gave a clean chit to the project and made the following observations in connection with the felling of trees and the impact of the project construction on the Okhla Bird Sanctuary:



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- The Okhla Bird Sanctuary is primarily an urban wetland and supports primarily water birds. majority of them migrating and using in the winter season. These are

confined to the water bodies and peripheral marshy vegetation and were not nesting or roosting on the trees of the adjacent parks. The extent of terrestrial habitat in the sanctuary is very small or insignificant.

- The entire development works including removal of trees and construction had taken place outside the boundary of the sanctuary and the construction and felling of trees in the project site has not altered or interfered with the wetland ecosystem of the OBS and the area was undisturbed.
- The birds in the wetland of Okhla Bird Sanctuary are estimated during the month of January by the Wildlife Wing of the U.P. Forest Department during winter, which is the period for the migratory birds. The estimation of birds are as under:

2007-2008	:	17,111
2008-2009	:	21,272
2009-2010	:	22,004

- The clearing of the project site for construction and landscaping was started in the month of January 2008 and continued till 9-10-2009. The bird estimates during migratory season clearly show that there has been no reduction in the number of birds in the sanctuary despite developmental activities in the park. This clearly shows that the construction and felling of trees in the project site has no impact on OBS.
- It appears that the existence of high tension line along the boundary wall of the project site before the start of the project might have been a barrier for movement of the birds from OBS as high electromagnetic influence would restrict the movement of birds. Hence, the construction and the felling of trees in the project site has minimal influence on the OBS.

In view of the above, we are of the opinion that felling of trees and construction have no perceptible impact on the OBS habitat.”

SACON suggested certain proactive environmental measures (see paper book Vol. IV, p. 110) that would form part of this judgment.

78. The other report by the Wildlife Institute of India (WII) is not so sanguine about the project's impact on the bird sanctuary. In the WII Report under the heading “Assessment of the Impact” it was observed as under:

“... From this, it is concluded that the erstwhile woodland would have been used by 51-101 species of terrestrial birds and was an extended habitat for the wildlife of the Okhla Bird Sanctuary, primarily terrestrial birds. Some of these birds may be using the erstwhile woodland for breeding as well....



... The erstwhile woodland was acting as a buffer against these disturbances. The project area which was in continuation with the vegetation along the left afflux bund was providing a green belt approximately 2 km long and 218 m wide on an average. Before the felling of trees this patch might have acted as a protective green belt of approximately 190 m width with a tree density of 203.5 trees/ha (density of trees felled) which is now reduced to approximately 28 m (between the western wall of the project and OBS boundary of left afflux dam). From this it is concluded that the sanctuary lost its buffer of around 33.43 ha that will have significant impact on the OBS and its tranquillity....

... Such carbon sequestration value of the erstwhile woodland was lost, though NOIDA has already taken up ameliorative steps in the form of afforestation in and around the project site....

... With the loss of buffer and increased artificial light at the project site, it is likely that the migratory bird population may get affected in long run. Bird friendly diffused light with blue tinge may reduce the negative impacts, though much research on this aspect is required."

WII also suggested certain mitigation measures (see paper book Vol. IV, p. 134) that would form part of this judgment.

79. IIT, New Delhi in its review of the report prepared by the group of three people does not record any serious negative finding in regard to the effects that the project may have on the sanctuary. Finally, the Expert Appraisal Committee (EAC) constituted by the Government of India, MoEF in its 88th meeting held on 28-6-2010, 29-6-2010, reviewed the project in question in the light of the aforementioned reports and made a number of recommendations (paper book Vol. III, p. 32) that would form part of this judgment.

80. It is significant to note that none of the expert bodies has taken the view that the project is so calamitous or ruinous for the bird sanctuary that it needs to be altogether scrapped in order to save the sanctuary. The expert bodies have given recommendations which allow the completion of the project subject to certain conditions. On behalf of the State of U.P. it is unequivocally stated that all the conditions laid in the reports of the expert bodies are acceptable to the State Government/NOIDA in their entirety. In the light of the two study reports and the report submitted by the EAC, we see no justification for directing the demolition of the constructions made in the project, as prayed for on behalf of the applicants. We would rather allow the project to be completed, subject, of course to the conditions suggested by the three expert bodies and further subject to the directions contained hereinbelow.

81. It may be noted that the report of WII has focused on the felling of trees resulting in the disappearance of the woodland that acted as a protective buffer for the bird sanctuary and its first recommendation is to compensate the loss of vegetation. It has secondly focused on the increased artificial light



at the project site, which is likely to affect the migratory bird population in the long run. Apart from this, we feel that the extent of stone and concrete constructions in the name of "hard landscaping" is highly out of proportion. In the modified layout plan, the project proponents have reduced the area under hard surface to 35.54% of the total project area. In our opinion, even that is unacceptable from the environmental point of view. The area under hard surface, whether covered, uncovered (including pathways and boundary wall, etc.) or of any kind whatsoever must not exceed 25% of the total project area; of the rest, 25% should be used for soft/green landscaping and the remaining, preferably 50% must have a thick cover of trees of the native variety, a list of which is given by the State of U.P. [Annexure 4(b), paper book Vol. IV]. The plantation of trees should be especially dense towards the Okhla Bird Sanctuary on the western side of the project area. Any construction work should commence only on completion of the planting of the trees.

82. In order to ensure full compliance with the recommendations of the expert bodies (which form part of the judgment) and the directions of this Court, the construction of the project needs to be overseen by an expert committee. One member of the committee, preferably an ornithologist will be nominated by the MoEF, the other member will be nominated by the CEC in consultation with the amicus and the Chairman-cum-CEO of NOIDA will be the member-secretary of the committee. The committee should be constituted within two weeks from today.

83. It is made clear that the above directions are given in the peculiar facts of this case and nothing said in the judgment shall form precedent when the court is hearing the matter of the "buffer zones".

84. Before putting down the records of the case a few observations may not be out of place. The EIA Notification dated 14-9-2006 urgently calls for a close second look by the authorities concerned. The projects/activities under Items 8(a) and 8(b) of the schedule to the notification need to be described with greater precision and clarity and the definition of built-up area with facilities open to the sky needs to be freed from its present ambiguity and vagueness. The question of application of the general condition to the projects/activities listed in the schedule also needs to be put beyond any debate or dispute. We would also like to point out that the environmental impact studies in this case were not conducted either by the MoEF or any organisation under it or even by any agencies appointed by it. All the three studies that were finally placed before the Expert Appraisal Committee and which this Court has also taken into consideration, were made at the behest of the project proponents and by agencies of their choice. This Court would have been more comfortable if the environment impact studies were made by the MoEF or by any organisation under it or at least by agencies appointed and recommended by it.

85. The IAs stand disposed of with the above observations and directions.



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Appendix I (by SACON)

86. "7. *Suggested proactive environmental measures*

Although there appears to be no perceptible impact, as a precautionary approach, we suggest following measures for the overall improvement of the OBS:

1. The periodical removal of water hyacinth should be ensured for better quality of water.

2. Artificial nest boxes should be placed along the western boundary of the sanctuary and adjoining parts to enhance breeding potential of birds.

3. Periodical monitoring of water quality parameters should be undertaken to enhance wetland dependent species and their population.

4. Regular monitoring of population of avifauna should be undertaken. On the terrestrial habitat also monitoring of small mammals may be carried out.

5. Extensive planting of native species suitable for urban habitat should be done more than 10 times in and around the project area. This will in turn help in sustainability of key bird species. It is noteworthy to mention that NOIDA Authority has already planted 1,70,000 saplings.

6. For the scientific management of the OBS, the prescriptions of the management plan under preparation by the Wildlife Institute of India, Dehradun should be followed with necessary financial support.

7. Inside the sanctuary, battery operated vehicles should be used for visitors.

8. For the effective protection and management of the OBS, the sanctuary should be suitably fenced.

9. In view of its unique location and interspersed ecological settings of various landscape elements, it is suggested that the proposed park may have an ecological interpretation centre."

Appendix II (by WII)

87. "5. *Suggested mitigation measures*

To mitigate the loss of tree cover and the change in landscape structure due to the construction of the park and subsequent anticipated increase in disturbance due to the increased human activities adjacent to the OBS, following mitigation measures have been suggested:

(1) *Revegetation of the project site to compensate the loss of vegetation.*—Ameliorative measures have already been taken up by NOIDA by planting both native and exotic species within the project area and on the eastern flank of left afflux bund of Yamuna river/OBS at close spacing. However, emphasis should be given to propagate only the native species.



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(2) *Reduction of adverse impact on the OBS.*—It is suggested that buffer at the north and north-eastern side of the sanctuary to reduce direct disturbance to the OBS may be created. The area north of the wire bund of the OBS is a promising site for water birds which prefer shallow water or grass growth particularly geese and waders. It is suggested that the waterlogged Yamuna floodplain north to the OBS and up to the DND flyover having an area of 130 ha (Fig. 1) may be included with the OBS or protection to it as the buffer under the provision of WPA, 1972 be provided.

The strip of woodland with an area of 24 ha immediately to the north of the project area (Fig. 1) needs to be protected as buffer of the OBS also and its land use needs to be maintained unaltered. Being in close proximity of the OBS it will have an ameliorative effect on the sanctuary. It would also provide additional habitat to the terrestrial bird species of the OBS.

Efforts should also be made to keep the intensity of artificial light and noise at the project site to a bare minimum during night, especially after sunset in migratory season of birds (October-March). Bird friendly diffused light with blue tinge during night, may reduce the negative impacts if any on OBS, though much research on this aspect is required.

It is suggested that at the periphery of the OBS, fence wherever not existing be created and the breach in the existing fence be mended on priority.

(3) *Eliciting support from the Government of Delhi for the conservation of OBS.*—As the OBS is a inter-State protected area having open access from all sides it is imperative that the Government of Delhi may also be persuaded to take active part in its management.

(4) *Ensuring financial commitment for the improved conservation management of the park.*—As per the order of the Honourable Supreme Court granted for other development project adjacent to protected area (e.g. IA No. 856 of 2006), 5% of the total cost of the project be deposited with the Forest Department, Government of U.P. to improve the ecosystem structure and functions, water bird habitat, public amenities and interpretation centre and improved management of the OBS.”

Appendix III (by EAC)

88. “During discussions following points emerged:

(i) NOIDA Authority, while making presentation, informed that the project involves the renovation, preservation and beautification of park on a total plot area of 33.43 ha. The total built-up area of the covered construction is 6999 sq m. Before the development of site there were 6803 trees of different species out of which 6241 trees were cut and 562



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trees were shifted to other parks. Further, they informed that the following components of the project have already been completed:

(a)	Boundary wall and gate	90%
(b)	Construction of monument building	60%
(c)	Landscaping and plantation	80%
(d)	Pavements	75%

The other infrastructural works proposed by the NOIDA Authority for environmental safeguards/measures and for effective EMP are use of treated waste water, solid waste management, energy saving, tree plantation and parking, etc. The other works which are important in the context of Okhla Bird Sanctuary are control of noise, glare and efficient traffic management.

(ii) Possibility should be explored to increase the greenery and plant broad-leaf native trees along the pathways inside and outside the park. This will help in the reduction of surface runoff.

(iii) The water quality and water balance are key elements and require detailed management and monitoring. No fresh water/groundwater should be used for gardening/horticulture purposes. The requirement of water should be met from self-recycling treated sewage without placing of strain on the supply system for the nearby residential and commercial areas.

(iv) Treated waste water from Sector 54 sewerage treatment plant is proposed for horticulture purposes. It must also be utilised as much as possible for such purposes as toilet flushing and pavement/floor washing. The aforesaid purposes will need tertiary treatment of sewage.

(v) No more than 20% of rain water shall be discharged out of the project site into the existing drain. The rain water harvesting system should be designed based on the soil characteristics and highest level of groundwater table.

(vi) The species of trees inside the park and in buffer zone both on Okhla Bird Sanctuary side and road side should be of indigenous types that do not disturb the water balance of the area. The grass and artificial plantations which are not native should be avoided.

(vii) Adequate noise barriers in the form of thick plantation of appropriate species of trees and bushes laid in a tiered form to create a green screen on either side of the bund road should be provided. A no horn zone should be declared and maintained around the Okhla Bird Sanctuary. The development of green belt and tree plantation shall be carried out in consultation with the Indian Council of Forest Research and Education, Dehradun.

(viii) Solar energy should be utilised for illumination of common areas, lighting of gardens and paved footpaths, etc.

(ix) No artificial illumination on tall poles or towers should be allowed inside the park during the night hours. The street lights on the bund road and the roundabout should be of special design, low intensity and low height with least disturbance to the birds' habitat.

(x) The solid waste generated should be properly collected and segregated before disposal. The in-vessel bio-conservation technique should be used for composting the organic waste.

(xi) The opening of the park would increase the traffic load on the front road and the adjoining link road intersections. A detailed traffic study should be carried out and proposals for necessary widening/redesign of intersections and strengthening of road structure should be prepared.

(xii) Provision of a parking area is proposed inside the park. Allocation and configuration of spaces for other modes of transport like minibuses, 2-3 wheelers, cycle rickshaws and bicycles and even pedestrians have to be considered for realistic assessment of traffic and parking management.

(xiii) All required sanitary and hygienic measures should be in place before the opening of the park and should be maintained throughout the operation.

(xiv) Adequate drinking water and sanitary facilities should be provided in the park.

(xv) A monitoring committee should be constituted for overseeing the project so as to ensure effective implementation and compliance with environmental safeguards.”

— — —

[†] Under Article 32 of the Constitution of India

¹ (1997) 2 SCC 267

² (2006) 5 SCC 28

³ (1997) 8 SCC 191

⁴ (2004) 12 SCC 118

⁵ (1987) 1 SCC 213

⁶ 1989 Supp (1) SCC 504

⁷ (1997) 11 SCC 605

⁸ (1985) 3 SCC 643

⁹ *T.N. Godavarman Thirumulpad v. Union of India*, (2010) 6 SCC 747

¹⁰ WP (C) No. 460 of 2004 order dated 4-12-2006

¹¹ *T.N. Godavarman Thirumulpad v. Union of India*, (2010) 13 SCC 740

¹² *M.C. Mehta v. Union of India*, (1986) 2 SCC 176 : 1986 SCC (Cri) 122 : AIR 1987 SC 965; *M.C. Mehta v. Union of India*, (1987) 4 SCC 463; *M.C. Mehta v. Union of India*, (1988) 1 SCC 471 : 1988 SCC (Cri) 141 : AIR 1988 SC 1115; *Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P.*, (1990) 4 SCC 449 : AIR 1990 SC 2060; *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598 : AIR 1991 SC 420; *Virender Gaur v. State of Haryana*, (1995) 2 SCC 577; *B.L. Wadehra (Dr.) v. Union of India*, (1996) 2 SCC 594; *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647 : AIR 1996 SC 2715; *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, (1999) 2 SCC 718; *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664; *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 SCC 606; *Ramji Patel v. Nagrik Upbhokta Marg Darshak Manch*, (2000) 3 SCC 29 and *State of M.P. v. Kedia Leather & Liquor Ltd.*, (2003) 7 SCC 389 : 2003 SCC (Cri) 1642

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MINISTRY OF ENVIRONMENT AND FORESTS**NOTIFICATION****ANNEXURE-R-4**

New Delhi, the 4th April, 2011

S.O. 695(E).— Whereas by notification of the Government of India in the Ministry of Environment and Forests vide number S.O. 1533(E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on or from the dates of its publication, the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the said notification entailing the capacity addition with change in process and or technology shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act in accordance with the procedure specified therein;

And whereas, it has been decided to provide clarification with regard to the term "built up area" used in the said Notification and also to make various paras of the Notification mutually consistent and to restore the unintentional changes, which got into the Notification while making amendment vide S.O. 3067 (E) dated 1st December, 2009, in particular the entry against item no. 7(f) in the schedule to the EIA Notification, 2006 relating to highway projects and for this purpose to issue suitable amendments in the said Notification.

And whereas, clause (a) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules provides that, whenever the Central Government considers that

prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, sub-rule (4) of rule 5 of the said Environment (Protection) Rules provides that, notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3);

Now therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the said Environment (Protection) Act, read with clause (d) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules, the Central Government hereby makes the following amendments in the said Notification, namely:-

In the said notification, -

(I) In para 6, for the existing words "An application seeking prior environmental clearance in all cases shall be made", the following words shall be substituted, namely:-

"An application seeking prior environmental clearance in all cases shall be made by the project proponent".

(II) In para 7, in sub-para 7 in clause (i), sub para II, stage (2) – scoping, sub para (i), in the last sentence, for the words "activities listed as Category 'B' in item 8 of the schedule (Construction / Township / Commercial Complexes / Housing)", the following words shall be substituted, namely:-

"Activities listed as Category 'B' in item 8(a) of the schedule (building and construction projects)".

(III) In the Schedule, -

(i) against item 1(a), -

in column (5), for the entries, the following entries shall be substituted, namely:-

"General conditions shall apply.

Note:

- (i) Prior environmental clearance is as well required at the stage of renewal of mine lease for which application should be made up to one year prior to date of renewal.
- (ii) Mineral prospecting is exempted."

(ii) against item 7(f), -

in column (4), for the entry "(i) All State Highway Projects; and" the following entry shall be substituted, namely:-

"(i) All New State Highway Projects".

(iii) against item 8(a), -

in column (5), for the entry, the following entry shall be substituted, namely:-

"The built up area for the purpose of this Notification is defined as "the built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building / construction projects"."

(IV) In Appendix V, for para 3, the following para shall be substituted, namely:-

“3. where a public consultation is not mandatory, the appraisal shall be made on the basis of prescribed application Form-1 and EIA report, in the case of all projects and activities other than item 8 of the schedule. In the case of item 8 of the schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise projects or activities on the basis of Form-1, Form-1A, conceptual plan and the EIA report [required only for projects listed under 8(b)] and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance”.

[F. No. 3-101/2010-IA. III]

Dr. NALINI BHAT, Scientist 'G'

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O. 1737(E), dated the 11th October, 2007 and S.O. No. 3067(E) dated 1st December, 2009.

F. No. 22-35/2017-IA.III

Government of India

Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi - 110 003

Dated: 7th July, 2017**OFFICE MEMORANDUM**

Sub: Clarification on the date of applicability of notification S.O. (E) 695 dated 04.04.2011 issued by MoEF&CC defining 'Built Up Area' of the project.

The Ministry is in receipt of a reference dated 03.04.2017 from Confederation of Real Estate Developers Association of India (CREDAI) seeking clarification on above mentioned subject. The CREDAI has requested that the definition of Built Up Area (BUA) given vide notification S.O. 695 (E) dated 04.04.2011 should have prospective effect.

2. The matter has been examined in the Ministry. The BUA defined in the notification S.O. 1533 (E) dated 14th September, 2006 mentions at item 8 (a) columns 4 and 5 "built up area for covered construction; in the case of facilities open to sky, it will be the activity area".
3. The Ministry has further defined BUA vide its notification S.O. 695 (E) dated 04.04.2011 which reads as, "the built up or covered area on all the floors put together including its basement and other service areas, which are proposed in the building or construction project."
4. The definition provided in the Ministry's notification will have its effect from the prospective date of the notification only. The projects which are not covered in the period of above notifications should be assessed as per the definition of built up area provided in the building bye-laws or Development Control Regulation (DCR) of the local authorities in the States.
5. This issues with the approval of Competent Authority.

Ashish
07.07-2017

(Dr. Ashish Kumar)

Joint Director

Ph.: 011-24695474

Email: ashish.k@nic.in

All States/UTs/SIEAAs/MoEF&CC Divisions





Presented on : 05/11/2015
Registered on : 05/11/2015
Decided on : 04/02/2020
Duration : Y. M. D.
04 02 29

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, PUNE

(Presided Over by V. V. Nashikkar)

REG.CRIMINAL CASE NO. 4254/2015

Exh. No. 70

Maharashtra Pollution Control Board
3rd and 4th Floor, Kalpataru Point Building,
Sion (East), Mumbai- 400022.

(Represented by Mr. S. S. Doke
Regional Officer-Pune
Maharashtra Pollution Control Board
S. No. 21/5 F. P. No. 28,
Jog Centre Building, 3rd Floor, Wakdewadi,
Mumbai-Pune Highways,
Pune - 411 003

.....**COMPLAINANT**

-VERSUS-

- 1) M/s. Aswani Constructions,
Near Shere Punjab Hotel,
Old Mumbai Pune Road,
Kasarwadi, Pune.
- 2) Shri. Sandeep Rasiklal Shah
Flat No. 103, B-1, Swarganaga Apartment,
San Tukaram Nagar,
Pimpri, Pune 411018.

2

R.C.C No. 4254/2015 Judgment.
CNR NO. MHPU04-029072 -2015

- 3) Reshma Sunil Chugwani
Jardevi Kutiay, Plot No. 313,
Pimpri, Pune – 411017.
- 4) Satish Shamandas Aswani
Shaymbhavan, Plot No. 140,
Opp. Cosmos Bank, Pimpri,
Pune 411017.
- 5) Anil Shamandas Aswani
Shaymbhavan, Plot No. 140,
Opp. Cosmos Bank, Pimpri,
Pune 411017.

... **ACCUSED**

Offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006).

Appearances

Ld. Adv. Shashank Vakil for the Complainant.

Ld. Adv. C.S. Nichal for the accused No. 1 to 5 .

JUDGMENT

(Delivered on 04th day of February 2020)

01. The complainant Mr. S. S. Doke, Regional Officer of the Maharashtra Pollution Control Board, at Pune [For short "MPCB"] alleging that accused have committed the offence under section 15 read

with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) [For short "MPCB Board"]. He is authorized to file complaint under the Provisions of the Environment (Protection) Act, 1986.

Following are the facts in nutshell:-

02. It is contended that accused No.1 is a Partnership Firm constituted under the provisions of the Partnership Act, 1932. The accused No. 1 Firm is represented by the Sandeep Rasiklal Shah, Reshma Sunil Chgwani, Satish Shamandas Aswani and Anil Shamandas Aswani, who are accused to No. 2 to 5 respectively and nominated by the accused No. 1 – Firm for the execution of the construction of proposed projects " Green Valley " at S. No. 257/1/2/1 and 257/2 at village : Wakad , Tehsil Mulshi, Dist. Pune . They are directly in-charge and responsible to the company for the conduct of business of the company as well as the company and responsible for the compliance of various provisions of the Environmental Laws including the EIA, 2006.

It is contention of the complainant that accused are engaged in the development of construction project namely " Green Valley" at S. No. 257/1/2/1 and 257/2 at village : Wakad , Tehsil Mulshi, Dist. Pune without obtaining prior Environmental Clearance from the Govt. of Maharashtra.

03. It is further contended that the complainant board has filed the complaint against accused persons for the offence punishable under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification,

2006).

04. Accused Nos. 1 to 5 are appeared before the Court, accused No. 2 to 4 represent the accused No.1 i.e. and accepted the liability of accused No.1. Today they remained present before the Court. The charge vide Exh.64 has been framed against accused No. 1 to 5 to which they pleaded guilty and submitted that this is their first offence and they want to voluntarily plead guilty for the offence leveled against them on behalf of the company as well as themselves. They submitted separate application in respect of plead guilty before the Court at Exh. 59. Consequences of plead guilty were narrated to accused. However, the said accused remained firm on their decision to confess the guilt with prayer for minimum punishment.

05. The learned advocate for the complainant board submitted that accused be punished with maximum fine. The learned advocate for the accused submitted that this is the first offence committed by accused. They do not have antecedents. So also, they submitted that leniency be shown towards them while passing the sentence and prayed for minimum fine. As accused voluntarily pleaded guilty, it appears to be first offence of accused. Therefore, in my opinion and to meet ends of justice it would be just and proper to direct accused persons to pay the fine amount of Rs. 80,000/- each, as I think it is just and proper. Hence, for the reason stated above, I proceed to pass the following order:

ORDER

- i) Accused No. 1) M/s. Aswani Constructions, 2) Shri. Sandeep Rasiklal Shah 3) Reshma Sunil Chugwani 4) Satish Shamandas

Aswani 5) Anil Shamandas Aswani are hereby convicted vide section 246 (3) of the Code of the Criminal Procedure for the offence under section 16 punishable under section 15 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) and sentence to pay fine of Rs. 80,000/- (Rs. Eighty thousand Only) each, in default of payment of the fine they shall suffer further simple imprisonment for one month each.

- ii)** Bail bonds of accused persons stand cancelled .
- iii)** Copy of the judgment be given to accused free of cost.

(Pronounced in open Court.)

Vyanktesh Vinayak Nashikkar
Digitally signed by Vyanktesh Vinayak Nashikkar
Date: 2020.02.04 00:47:13 +0530

(V. V. Nashikkar)

Date : 04/02/2020

Chief Judicial Magistrate, Pune.

I affirm that the contents of this P.D.F file judgment are same word for word as per original Judgment.

Name of Stenographer : Smt. S.R.Shaikh

Court Name : Chief Judicial Magistrate, Pune.

Date of judgment : 04/02/2020

Judgment Signed by P.O. on : 04/02/2020.

Judgment uploaded on : 04/02/2020



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

Petition(s) for Special Leave to Appeal (C) No(s). 10078/2019

(Arising out of impugned final judgment and order dated 29-03-2019 in WPL No. 954/2019 passed by the High Court of Judicature At Bombay)

BUILDERS' ASSOCIATION OF INDIA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.65285/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-05-2019 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s)

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

Issue notice.

In the meantime, no coercive steps shall be taken.

(SUSHIL KUMAR RAKHEJA)
AR CUM PS

(ANAND PRAKASH)
BRANCH OFFICER



Date: 21.12.2021

To

Member Secretary

State level Environmental Impact Assessment Authority [SEIAA], Maharashtra

Room No. 217, Annex Building, Mantralay,

Mumbai- 400 032

Sub: Pending Application for Environmental Clearance under EIA Notification 2006-Category 8a

- Ref:**
1. EC application vide proposal No. - SEIAA STATEMENT: 0000001249 dated 13.04.2018 on MPCB (<https://www.ecmpcb.in>) web portal.
 2. Terms of reference granted in 100th SEAC 3 meeting dated 26.12.2019
 3. EIA submitted on MPCB web portal (<http://www.ecmpcb.in>, herein after called as ecmpcb web portal for short) on 26.02.2021

Dear Madam,

We are submitting herewith as follows:

- 1) We are having residential cum commercial construction project "Green Valley" at S. No. 257, Wakad Taluka, Mulshi, District, Pune by Aswani Constructions. With reference to the circular Dated 14.03.2017 and Public notice No. ENV-2018/Legal/CR-8 dated 05.04.2018 from environment department Gov of Maharashtra, we have applied to your esteemed authority for getting Prior Environment Clearance to the said project on ecmpcb web portal vide no. SEIAA Statement-0000001249 dated 13.04.2018
- 2) Subsequent to this application, we have been granted Terms of Reference (TOR) for the said project by SEAC-3 in its 100th meeting held on 26.12.2019. Following to this we have prepared EIA and submitted it on 26.02.2021 through the same ecmpcb web Portal.
- 3) Since then, we have been waiting for this project to be listed in the agenda/s of SEAC-3, However, the project is not listed as of date. Meanwhile, the said ecmpcb web portal, it is apprehended, has been made non-functional by MoEFCC. Therefore, we are filing the same application on this Parivesh Portal (<http://www.parivesh.nic.in>) again in apprehension that our pending application on ecmpcb may not be processed further due to shift of portal by MoEFCC.
- 4) Enclosed please find resubmission of our application form (in the format prescribed by the EIA Notification 2006) along with requisite annexure. This is without any prejudice to appraisal of our case by SEAC-3 based on pending application on ecmpcb web portal and with emphasis that we are pursuing this old application only and not filing the new application but only facilitating shift of portal.



ASWANI

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Green Valley

ASWANI

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ASWANI CONSTRUCTIONS

PROMOTERS & BUILDERS

Survey No. 257, Near Ambience Hotel,
Kalewadi-Kaspate Vasti Link Road, Wakad, Pune - 411 057.
Ph. : 020 - 69788888 Email : greenvally153@gmail.com
Website : www.aswaniassociates.com

- 5) As we have paid scrutiny fees of Rs. 3,00,000/- earlier to SEIAA account on 16.04.2018, we request you to consider this amount for this EC application. We will pay remaining scrutiny fees as per revised GR as applicable by deducting the previously paid fees.
- 6) We hope you will find this in order and request you to kindly process our application at your earliest as a lot of delay has been caused and we are suffering from financial implications due to this delay for no fault of ours.

Thanking you,

For, Aswani Constructions

Authorized signatory



[Handwritten signature]

Appendix I

(See paragraph-6)

Form 1

(a) For item (I) relating to the Basic Information, the following shall be substituted, namely:-

S.N.	Item	Details
1	Name of the project	Residential and commercial Construction project Green Valley by Aswani Constructions
2	S. no in the schedule	8(a)
3	Proposed capacity/Area/length/tonnage to be handled/commandarea/lease area/No. of wells to be drilled	Total Plot Area : 9899 Sq. m FSI Area : 12301.27 Sq. m Non FSI area : 17162.74 Sq. m Total BUA: 29464.01 Sq.m
4	New/Expansion /Modernization	New
5	Existing Capacity/Area etc.	Constructed 29434.51 sq.m as per sanction, vide no. . B.P. /Wakad/169/2014 dated 31/12/2014
6	Category of the project i.e. 'A' or 'B'	Violation project
7	Does it attract the general condition? If yes, please specify	Not Applicable
8	Does it attract the Specific conditions? If yes, please specify	Not Applicable
9	Location	
	Plot/Survey /Khasra No.	Survey No.257.
	Village	Wakad
	Tehasil	Mulshi
	District	Pune
	State	Maharashtra
10	Nearest railway station /Airport along with distance in Km	RAILWAY: Pune Railway Station: 12 km AIRWAY: Lohegaon Airport about 17 km ROADWAY: Pune Banglore Highway: 1.7 km
11	Nearest town/city/district/Headquarters with distance in Km	Pimpri Chinchwad Municipal Corporation
12	Village pachayats,zilla	Pimpri Chinchwad Municipal Corporation

	Municipal corporation, Local body (complete postal addresses with telephone no. to be given)	Mumbai-Pune Road, Pimpri, Pune-411018 Maharashtra, INDIA Phone: 91-020-2742-5511/12/13/14 67333333
13	Name of the Applicant	Aswani Constructions
14	Registered address	Near Shere Punjab Hotel, Old Mumbai Pune Road, Kasarwadi, Pune
15	Address for correspondence	Same as In Point No.14
	Name	Mr. Satish Aswani
	Designation (Owner/Partner/CEO)	Owner
	Address	Same as In Point No.14
	Pin Code	Pune 411 030
	E-mail	E-mail : greenvally153@gmail.com
	Telephone no.	9881142312
	Fax No.	Not Applicable
16	Details of alternatives sites examined, if any. Location of these site should be shown on topo sheet	Not Applicable because this is a site specific construction Project
17	Interlinked Projects	Not Applicable
18	Whether separate application of interlinked project has been submitted?	Not Applicable
19	If yes, date of submission	Not Applicable
20	If no, reason	--
21	Whether the proposal involves approval/clearance ; Under if yes details of the same and their status to be given 1. Forest (Conservation) Act, 1980? 2. Wildlife (Protection) Act, 1972? 3. C.R.Z. Notification, 1991?	No, Since the proposal under reference is in the Residential Zone of Pimpari Chinchwad Municipal Corporation, Pune
22	Whether there is any government order/policy relevant relating to the site	Development Control Rules of Pimpari Chinchwad Municipal Corporation are applicable.
23	Forest land involved (hectors)	No forest land involved
24	Whether there is any litigation	Yes Attached as Annexure I

	<p>pending against the project and/or land in which the project is proposed to be set up?</p> <p>(a) Name of the court</p> <p>(b) Case no.</p> <p>(c) Orders/Directions of the court , if any and its relevance with the proposed project</p>	
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(II) ACTIVITY**1. Construction, Operation or decommissioning of the Project Involving actions, which will cause physical changes in the locality (Topography, land use, changes in water bodies, etc.)**

Sr. No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)	Yes	Please Refer Annexure II : Location Map Annexure III : Contour Map Annexure IV : Layout Plan source: Architect
1.2	Clearance of existing Land, vegetation and building?	Yes	Only three numbers of trees were present on the site. All trees were retained. Vegetation Clearance on the site is already done
1.3	Creation of new land uses?	Yes	As stated in Point 1.1
1.4	Pre-construction investigation e.g. borehole, soil testing?	Yes	Soil testing is done on the project site by Geotechnical Consultant
1.5	Construction works	Yes	The proposal pertains to construction of buildings and other services. Please refer Annexure V: Area statement Annexure VI: Building Configuration and Occupancy Details
1.6	Demolition work	Yes	Temporary tin sheds were there which were demolished.
1.7	Temporary sites used for construction works or housing of construction workers?	No	Now the construction is completed so there is no housing for workers required.
1.8	Above ground buildings, structures or earthworks including linear	Yes	Excavation for foundation was the prominent activity. The debris and rubble

Sr. No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
	structures, cut and fill or excavations		removed was used as filling material for leveling and for road construction. Topsoil is used for landscaping.
1.9	Underground works including mining or tunneling?	Yes	Underground work is involved for construction of footings and plinth.
1.10	Reclamation works?	No	Not Applicable
1.11	Dredging?	No	Not Applicable
1.12	Offshore structures?	No	Not Applicable
1.13	Production and manufacturing processes?	No	Not Applicable as the proposal pertains to construction of building & services.
1.14	Facilities for storage of goods or materials?	Yes	Temporary storage godown was provided for storage of construction material on site
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	Facility to treat liquid effluent is given. STP of 120 KLD is operational. For Wet waste OWC is given, Dry waste is handed over to authorized vendor.
1.16	Facilities for long term housing of operational workers?	No	Not Applicable, as the project is construction of residential complex. No Workers involved during operation phase
1.17	New road, rail or sea traffic during construction or operation?	Yes	There will be new roads and connecting roads constructed during construction for residential buildings and services. Annexure VIII: Parking Statement & Parking Layout
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	Yes	There will be increase in road traffic. New road shall be made & connecting roads for residential building and services shall also be constructed.
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	There will be no closure or diversion of existing transport routes. However, new roads proposed shall lead to change in traffic movements as population influx results in increased traffic.
1.20	New or diverted transmission lines or pipelines?	Yes	There will be new pipelines for drinking water, sewage, storm water and new transmission lines for electrical

Sr. No	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
			transmissions within the project premises.
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?	Yes	There will be hydrology changes as there is proposal for Rain water harvesting.
1.22	Stream crossing?	Yes	Open well exists in the plot.
1.23	Abstraction or transfers of water from ground or surface waters?	Yes	There is transfer of water in the form of treated sewage which will be used on land for gardening and excess treated sewage will be transported to municipal sewer.
1.24	Changes in water bodies or the land surface affecting drainage or run-off?	Yes	The project will affect land surface in terms of drainage or storm water runoff.
1.25	Transport of personnel or materials for construction, operation or decommissioning?	Yes	Transport of personnel and raw material both will require for construction and operation.
1.26	Long-term dismantling or decommissioning or restoration works?	Yes	Long term dismantling is not applicable, however restoration works is required in terms of ecological restoration i.e. plantation of ecology, lawn, creating water bodies etc.
1.27	Ongoing activity during decommissioning which could have an impact on the environment.	No	Not Applicable since there is no decommissioning.
1.28	Influx of people to an area in either temporarily or permanently?	Yes	Influx of people to the area in construction & operation phase is expected. Please refer, Annexure V: Building configuration
1.29	Introduction of alien species?	No	No, mostly all the native species are proposed
1.30	Loss of native species or genetic diversity?	Yes	Some species of grass & shrub will be lost from site.
1.31	Any other actions?	Yes	Activities related to land preparation, excavation, concreting (RCC structures), curing, painting, flooring & allied activities were involved

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

Sr. No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)	No	The land is non- agricultural and the land is developed as per the sanction plan.
2.2	Water (expected source & competing users) unit: KLD	Yes	<p>Construction phase: Water supply required during construction will be by tanker.</p> <p>Operation Phase: source of water during operation phase is PCMC.</p> <p>a. Fresh water requirement:-83kl b. Flushing water requirement:- 43 kl c. water required for landscaping:- 8 kl</p>
2.3	Minerals (MT)	Yes	Sand, Stone, etc will be used for construction.
2.4	Construction material – stone, aggregates, sand / soil (expected source – MT)	Yes	Materials will be procured from authorized Dealers.
2.5	Forests and timber (source – MT)	Yes	Timber will be used for door, window frames and for centering etc.
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	Yes	<p>Power Supply: MSEDCL At construction phase Connected load : 40 KW DG set: 40 KVA X 1</p> <p>At operation phase</p> <ul style="list-style-type: none"> • Connected Demand – 1163.5 KW • Maximum Demand = 1033.24 KW • No of Transformers – 630 KVA X 2 Nos • Source – MSEDCL • DG Set Required: -. 160 KVA X 1
2.7	Any other natural resources (use appropriate standard units)	Yes	Multiple resources shall be utilized.

3. Use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)	Yes	Fuels like diesel etc. shall be utilized for various machines & vehicles during construction phase however no storage will be facilitated on site.
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)	Yes	The insects like mosquito's etc may occur on site.
3.3	Affect the welfare of people e.g. by changing living conditions?	Yes	The project shall improve the living conditions of resident.
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.	Yes	There is impact on the surrounding area in terms of air, water, noise pollution during the construction phase and operation phase.
3.5	Any other causes	Yes	There are many unpredictable causes which cannot be predicted at this stage.

4. Production of solid wastes during construction or operation or decommissioning (MT/Month)

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes	Yes	Debris, excavated material for foundation will be used as filler material for low laying areas. Quantification is done. For quantification please refer debris management Plan.
4.2	Municipal waste (domestic and or commercial wastes)	Yes	<ul style="list-style-type: none"> • Biodegradable waste: 262 kg/day • Non-Biodegradable waste: 167 kg/day STP sludge: 10 kg/day
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	Yes	The hazardous waste will be generated in the form of battery waste, biomedical waste, STP Sludge, empty medicine containers etc.

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
			However no estimation of quantity can be done as the standards of consumption are not available.
4.4	Other industrial process wastes	No	Not Applicable. Since the project under reference is residential construction project.
4.5	Surplus product	No	Not Applicable.
4.6	Sewage sludge or other sludge from effluent treatment	Yes	Sewage Sludge will be used as manure for gardening after sewage treatment.
4.7	Construction or demolition wastes	Yes	Construction waste was used for internal roads and as fill material for leveling and for pathway construction.
4.8	Redundant machinery or equipment	No	No redundant machinery or equipment at project site.
4.9	Contaminated soils or other materials	Yes	The soil will get contaminated because of various construction activities & transportation.
4.10	Agricultural wastes	Yes	The Garden waste shall be treated through Organic Waste Converter.

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	Yes	The impact will be adverse impact through traffic emissions and emissions from DG set.
5.2	Emissions from production processes	Yes	Emissions from production processes are expected from various machinery and from vehicle transport during the construction phase.
5.3	Emissions from materials handling including storage or transport	Yes	Emission will occur from various construction process & transportation.
5.4	Emissions from construction activities including plant and equipment	Yes	Dust emissions may occur during excavation and earthwork. Proper care will be taken to reduce dust emission. Various emissions may occur as a part of process. Please refer EMP for details.

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.5	Dust or odors from handling of materials including construction materials, sewage and waste	Yes	Dust will be generated during transport and handling of material.
5.6	Emissions from incineration of waste	No	No incineration of waste will be carried out at site.
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	No burning of waste will be carried out at site.
5.8	Emissions from any other sources	Yes	There might be fugitive emissions apart from source & process emission.

6. Generation of noise and vibration and emissions of light and heat:

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers	Yes	Construction phase: The significant source of noise pollution will be the machinery used for construction and vehicular movement. Operation phase: During operation phase the only source of noise will be operation of mechanical equipment, vehicular traffic and DG sets.
6.2	From industrial or similar processes	No	Not Applicable
6.3	From construction or demolition	Yes	Due to construction machinery/vehicle movement there will be heavy noise from construction equipment and transportation.
6.4	From blasting or piling	No	No blasting and piling will be carried out.
6.5	From construction or operational traffic	Yes	No Significant disturbance due to traffic noise during construction and operation.
6.6	From lighting or cooling systems	No	Not Applicable
6.7	From any other sources	Yes	There might be fugitive emission apart from source and process emission and from unpredictable sources

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials	Yes	Spillage is possible while using handling of diesel and other fuels.
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	Yes	The treated sewage from STP will be utilized for gardening & flushing. Excess will be discharge to public sewer line. Please refer water budget .
7.3	By deposition of pollutants emitted to air into the land or into water	Yes	In construction phase dust & other emissions get disposed in premises and nearby areas. In operation phase emission from DG set & vehicular traffic will have negative environmental impact.
7.4	From any other sources	Yes	From unpredictable sources.
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	Yes	It will be cumulative impact and no precise quantification can be done in terms of buildup of pollution pollutants.

8. Risk of accidents during construction or operation of the project, which could affect human health or the environment:

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances	Yes	Though there is no storage of Hazardous waste proposed on site, the Hazardous waste may generate from explosions, spillage, fires etc. Or from the use of electricity and fuels used onsite. No pre-quantification can be done as those are accidental incidences.
8.2	From any other causes	Yes	The natural calamities like earthquake, flood, lightning, storms can lead to causalities.
8.3	Could the project be affected by natural disasters causing environmental damage (e.g.floods, earthquakes, landslides, cloudburst etc)?	Yes	The project may be affected by any natural disasters like earthquake, cloudburst, lightning, storms etc. This can affect both phases construction & operation phase.

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality.

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting. Facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) <ul style="list-style-type: none"> • Housing development • Extractive industries • Supply industries • Other 	Yes	The project will lead to increase in supporting infrastructure like roads, water, power supply labor supply and many other developments which might cause adverse environmental effects in terms of congestion, traffic, increased population density and other environmental impacts.
9.2	Lead to after-use of the site, which could have an impact on the environment	Yes	There could be adverse environmental impacts in terms of ecological losses & construction.
9.3	Set a precedent for later developments	Yes	It might attract other project proponents to take up new schemes of construction.
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	Yes	It will have cumulative effects with other similar projects.

(III) ENVIRONMENTAL SENSITIVITY

Sr. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	Yes	The development plan of the local body will be followed by the Project proponent.
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	Yes	River Mula is at 0.5 km River Mutha is at 14.5 Km River Pawana is at 3.0 Km Pashan Lake is at 7.0 Km Manas Lake is at 11.5 Km and Other water bodies within 15 Km.

			Pashan Takadi is at 4.5 Km And many Reserve Forest exists within 15 Km
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	Yes	May be. No details available.
4	Inland, coastal, marine or underground waters	Yes	The project is sensitive in terms of ground & surface water.
5	State /National boundaries	No	Not applicable
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	Yes	Project site is well connected by roads to other destinations. This being construction project it may affect certain public infrastructure in terms of increased load.
7	Defense installations	Yes	Directorate General Defense Estates, Dehu , Pune, Aundh Military Station and others existis within 15 Km
8	Densely populated or built-up area	Yes	Project is located in area of PCMC.
9	Areas occupied by sensitive man-made land uses (hospitals,schools, places of worship, community facilities)	Yes	The area is a well developed area with hospitals, schools and all other social infrastructure is in place,
10	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	Yes	The area contains ground water which is a scarce resource. This land, otherwise, would have been used for agriculture so the agriculture is also affected. Reserve forest exists within 15 Km radius
11	Areas already subjected to pollution or environmental damage. (Those where existing legal environmental standards are exceeded)	Yes	Not identified. The site is reasonably away from the industrial area.
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	Yes	The area is prone to natural hazards like earthquake, subsidence, erosion, flooding or extreme or adverse climatic conditions (occasionally).

(IV) Proposed Terms of Reference for EIA Studies:

Presented for Environmental Clearance under EIA Notification 2006 from SEIAA of Maharashtra

Although the built up area is below 1,50,000 sqm, project under reference is violation case. So, the proposed Terms of reference are as follows.

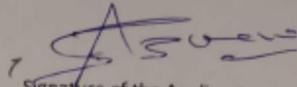
S No.	Details	No. of Samples	Parameters	Frequency
1.	Ambient air quality	At 5 locations around 10 km radius of site.	PM10, PM2.5, SO ₂ , NO _x , NH ₃ , CO	One month continuous (8 samples at each location)
2.	Meteorology	At project site	Wind speed, wind direction, Dry bulb temperature, wet bulb temperature, Relative humidity Rainfall.	15 days continuous
3.	Water	5 water samples in study zone of 10 km.	pH, temperature, Magnesium hardness, Calcium hardness, Total alkalinity chloride, sulphate, nitrate, fluoride, sodium, potassium, salinity, Total nitrogen, Total phosphorus, DO, BOD, COD, phenol, Heavy metals, Total coliforms, faecal coliforms, phytoplankton, Zooplankton.	One Month. One sample of every location. Total 5 Locations.
4.	Land Environment	5 soil samples in the study zone of 10 km.	Particle size distribution Texture, pH, Electrical conductivity, Sodium absorption ratio, infiltration rate, porosity.	
5.	Noise levels	At 5 locations in the study area of 10 km	Ambient noise monitoring	One month (8 samples at each locations)
6.	Landuse/ Landscape	Maps showing Land Use Land Cover		
7.	Flora and Fauna	Listing of local flora and fauna, Study of existing and proposed green belt		
8.	Socio economy	Survey to determine demographic details and impacts that occur due to project		
9.	OHS	Preventive measures to combat any prevalence or occurrence of occupational health problems		
10	Assessment of Ecological Damage	With Respect to air, water, land and other environmental attributes as directed by SEAC-III		
11	Remediation Plan and Natural community resource augmentation plan as directed by SEAC-III			

"I hereby giving undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project may be rejected and clearance give, if any to the project will be revoked at our risk and cost.

M/s. ASWANI CONSTRUCTIONS

Date:

Place: Pune

 Partner

Signature of the Applicant

Mr. Satish Aswani

Aswani Constructions

Annexure I: Court case details

Case Status : Search by Petitioners/Respondents Name

http://court.mah.nic.in/courtweb/cases/ki_petres.php?state_cd=1&d...**Chief Judicial Magistrate, Pune
Case Details**

Case Type	: R.C.C.	
Filing Number	: 428806/2015;	Filing Date: 05-11-2015
Registration No.	: 404254/2015	Registration Date: 05-11-2015
CNR NO	: MHPU04-029072-2015	

Case Status

First Hearing Date	: 02nd January 2016
Next Hearing Date	: 29th August 2016
Stage of Case	: Hearing Before Charge
Court No. and Judge	: 1-CHIEF JUDICIAL MAGISTRATE PUNE

Petitioner and Advocate

1) Maharashtra Pollution Control Board
Address - 3rd and 4th floor, Kalpataru Point Building, Sion, Mumbai.S.No. 215, F. P. No. 28, Jog Centre 3rd floor, Wakdev Pune. mumbai. road, Pune.

Respondent and Advocate

- 1) Ms. Aswani Constructions,
Address - Near Shere Punjab Hotel, Old mumbai pune raod, kasarwadi, Pune.
- 2) Sandeep Rasiklal Shah
Falt No. 103, B 1, Swarganaga Apratment Sant Tukaram Nagar Pimpri, Pune.
- 3) Reshma Sunil Chugwani
Hardevi Kutiey, Plot No. 313, Pimpri, Pune.
- 4) Satish Shamandas Aswani
Plot No. 140, opp. Cosmos bank, Pimpri, Pune.
- 5) Anil Shamandas Aswani
Shaymbhavan, Polt No. 140, Opp. Cosmos Bank, Pimpri, Pune.

Acts

Under Act(s)	Under Section(s)
Environment Protection Act, 1986	15,16.

History of Case Hearing

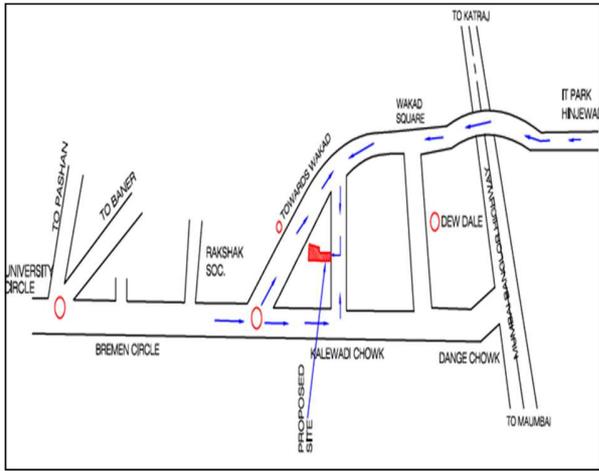
Registration No.	Judge	Business On Date	Hearing Date	Purpose of hearing
404254/2015	CHIEF JUDICIAL MAGISTRATE PUNE	02-01-2016	22-02-2016	Awaiting Summons
404254/2015	CHIEF JUDICIAL MAGISTRATE PUNE	22-02-2016	24-02-2016	Awaiting Summons
404254/2015	CHIEF JUDICIAL MAGISTRATE PUNE	24-02-2016	06-04-2016	Hearing Before Charge
404254/2015	CHIEF JUDICIAL MAGISTRATE PUNE	06-04-2016	09-05-2016	Hearing Before Charge
404254/2015	CHIEF JUDICIAL MAGISTRATE PUNE	09-05-2016	24-06-2016	Hearing Before Charge
404254/2015	CHIEF JUDICIAL MAGISTRATE PUNE	24-06-2016	29-08-2016	Hearing Before Charge

1 of 1

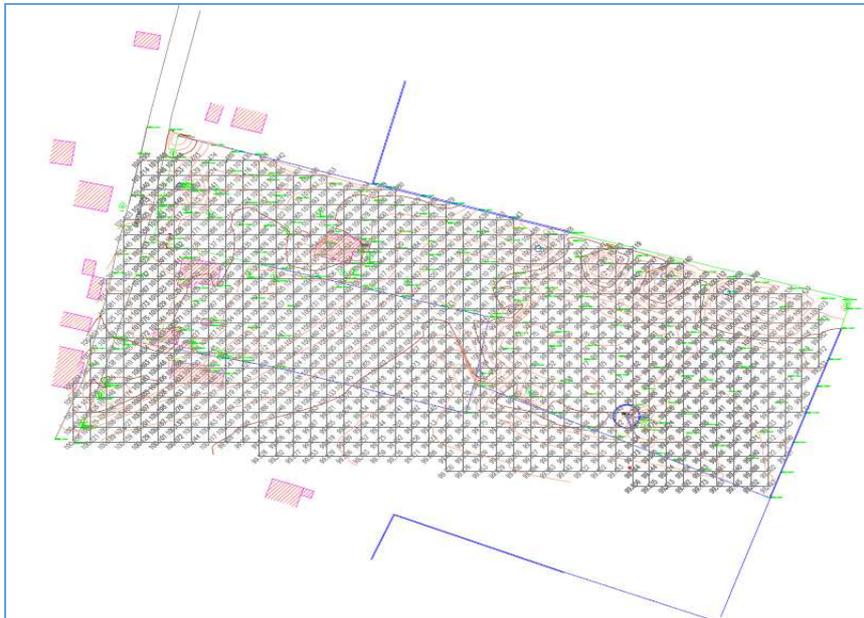
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Annexure II: Location map

Presented for Environmental Clearance under EIA Notification 2006 from SEIAA of Maharashtra



Annexure III: Contour map:



Annexure IV: Layout plan



Annexure V area statement

Sr. no.	Description	Area (sqm)
1	Area of plot	9899.00
2	Deduction	
a	Proposed road	334.79
3	Net gross plot area	9564.21
4	Open space 10%	956.42
5	Net area of plot	8607.79
6	F.A.R permissible	0.90
7	Permissible FSI (9564.21*90%)	8607.79
8	Addition	
	a. Proposed DP road	334.79
	b. Addition for TDR 40%	3443.00
9	Total area	3777.79
10	Total permissible area	12385.58
11	Proposed FSI- Residential	11872.18
12	Proposed FSI- Commercial	482.32
13	Total Proposed FSI	12301.27
14	Non FSI	17162.74
15	Total built up area	29,464.01

Annexure VI : Building configuration and occupancy

Sr. No	Type of Building	Configuration	Height (m)	2 BHK	3 BHK	No. of tenements	Occupancy	Total
1.	A	LP+UP+10	37.70	64	-	64	5	320
2.	B	LP+UP+11	34.8	-	39	39	5	195
3.	C	LP+UP+11	34.8	37	-	37	5	185
4.	D	LP+UP+11	34.8	39	-	39	5	195
5.	Twin Bungalow	P+G+1	12	-	-	1	5	5
6.	Commercial	Area: 470.14 sq.m					1 person/ 6 sq.m	78
	TOTAL					179+ 1 twin bungalow		983

Appendix II

Form 1A

FORM-1 A (only for construction projects listed under item 8 of the Schedule)**CHECK LIST OF ENVIRONMENTAL IMPACTS**

(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

1. LAND ENVIRONMENT

(Attach panoramic view of the project site and the vicinity)

1.1 Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

Name and address of the project	:	Green Valley
Location of the project		
Name of the Place	:	S. No. 257 Wakad
Tehsil	:	<i>Mulshi</i>
District	:	Pune
Latitude/Longitude Nearest	:	18 28'40.36" N 73 52'34.45" E

The land use of the area is mainly residential and the project would not alter the existing land use. As per Development Plan of PCMC (sanctioned by Gov. of Maharashtra), residential development on this plot is permissible; The plot under reference is developed as per the sanction plan. The plot is leveled with no major undulations.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

A	Area Break up	:	Total Plot Area : 9899 Sq. m FSI Area : 12301.27 Sq. m Non FSI area : 17162.74 Sq. m Total BUA: 29464.01 Sq.m
B	Vehicular Parking Details	:	Parking will be provided as per NBC/ DC Rules. Please refer Annexure VII Parking statement and Parking Plan
C	Water Requirement & Sources	:	Source of water will be through PCMC during operational phase. Fresh water requirement: 83 KL Flushing water requirement: 43 Kl Gardening: 8KL

D	Power	:	Power supply will be through MSEDCL during operation phase. Connected load: 1163.5 KW Maximum load: 1034.22 KW
E	Connectivity	:	RAILWAY: Pune Railway Station: 12 km AIRWAY: Lohegaon Airport about 17 km ROADWAY: Pune Bangalore Highway: 1.7 km
F	Community Facilities	:	School, College, hospital Market and Hotels are in vicinity of the project

1.3 What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

The site is located in developing area of Pune city. In terms of population increase, the project will have incremental impact in terms of population increase in the area.

1.4 Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

Yes there will be significant land disturbance as this project is a construction project also there is possibility of soil erosion due to change in land use. Soil analysis is being done to determine hydro-geological & other characteristics.

As far as seismicity is concerned the Pune region is in seismic zone -III and the entire construction needs to be done considering the seismicity. Therefore building stability remains the most crucial concern and the building has to be designed for a reasonable strength so as to sustain the earthquake.

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

Yes the project will involve the alteration of natural drainage system in terms of change in land use for construction. The storm water pattern of the land will substantially change. The impact will be also resulting in changes in the drainage pattern of the area. The project proponent will ensure minimum disturbance to the local natural drainage and propose mitigation measures accordingly.

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

The project involves earth work activities like excavation filling and leveling of land. The details thereof are given in EMP. Earth work is already completed.

1.7 Give details regarding water supply, waste handling etc during the construction period.

During construction phase, water was supplied through water tankers. Mobile toilets was provided to workers. Solid waste generated would be segregated at source and disposed to authorized vendors.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

Yes the low lying areas in the vicinity may get affected in terms of flooding. However there are no Wetlands nearby and hence no impacts on Wet lands.

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

There is no demolition involved. The Waste will generate during construction from the use of various raw materials. This waste-stream will largely comprise of primary materials such as cement, metal and quarried natural aggregates. The waste in terms of sewage will be generated as there is a labour force on site. Please refer EMP for treatment of sewage generating during construction phase.

2. WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

Project comes under PCMC. At the time of operation, source of water will be PCMC. Please refer **Annexure V** for Water demand and water balance. Requirement of flushing and gardening will be fulfilled by recycled water. During construction the tankers will be source of water.

2.2. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)

About 40 % of total water requirement will be met through recycled water. Please refer Annexure V for water balance

2.3. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)

Yes, there will be diversion of water from other users like other residents agricultural irrigation.

2.4. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)

Please Refer **Annexure VIII** for quality and characteristics of waste water generation.

2.5. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.

Rain water harvesting is done to recharge ground water. Daily water requirement will get fulfilled by PCMC and recycled water will be used for gardening and flushing. Please refer Annexure XI: Rain water harvesting potential and flow calculations and Drawing of Rain water harvesting pits.

2.6. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long-term basis? Would it aggravate the problems of flooding or water logging in any way?

Storm water management is already done by project proponent at project site with arrangement of rain water harvesting pits. Overflow is connected to municipal storm water line. There could be adverse impacts as the municipal drain will carry the excess water to the disposal points where the problem of flooding may occur. Same applies to excess treated sewage as it will be discharged to municipal sewers and taken to final disposal line where flooding has these incremental impacts.

2.7. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)

At present, there is no proposal for extraction of water either in construction phase or operation phase. However the Project proponent will acquire necessary permission if at all the ground water is to be used.

2.8. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)

The run-off during construction phase will be diverted to storm water system and during operation phase development of landscape and rain water harvesting techniques will reduce runoff from the area. However the rain water and treated sewer after sufficing the purpose of irrigation of land and recycling shall go to municipal storm water line and municipal sewage, respectively. This will increase the load on storm and sewer line thus having adverse impact.

2.9. How is the storm water from within the site managed? (State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)

A good storm water drainage network is already developed within site. Rain water to be harvested to the maximum possible extent through recharge pits. Excess water is flown through closed pipelines within the site to the external discharge point i.e. municipal lines. All the storm water pipeline is closed once whether internal or external.

2.10. Will the deployment of construction laborers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)

Yes there will be construction workers on site. Temporary arrangement for sewage treatment shall be provided by project proponent.

2.11. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)

Sewage Treatment Plant of 120 KLD is operational on site.

2.12. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

Recycled water from sewage treatment plant after tertiary treatment will be used for flushing&gardening within the premises. Dual plumbing system will be provided for the same.

1. VEGETATION

3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with its unique features, if any)

Yes, there is land disturbance caused due to construction therefore there will be threat to biodiversity in terms of cleaning of vegetation for expansion phase plot. The project proponent will avoid tree cutting to the possible extent and instead propose transplantation wherever possible. However there will be damage to soil, ecology, shrubs and grasses existing on site. There will be significance disturbance to soil fauna.

3.2 What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

Landscape plan and Tree plantation Details - **Annexure XIII.**

3.3 What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale?)

- To improve aesthetic environment, project proponent plans to plant no. of trees in addition to existing trees.
- Precaution will be taken while transporting construction material to the site to prevent accidental damage to the trees that would be newly planted.
- The work force will be briefed about importance of preserving and protection of saplings before starting the construction work.
- Necessary scaffolding and retaining structures would be constructed to protect the trees.
- Trees propagation/plantation will be initiated from project initiation stage for better results.
- Specifically, large size and locally suited species shall be selected to ensure maximum green cover and better survival rate.
- As per the experience for green belt development the rate of survival of the planted samplings is very low and utmost precautions need to be taken to ensure survival of the newly planted saplings. Considering protection and care required for them for the initial period of five years, it requires considerable expenditure. Therefore a comprehensive tree plantation programme will be undertaken at the inception of project and a separate budget earmarked for the activity.

Layout Plan indicating tree plantation/landscaping features enclosed.

4. FAUNA

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

Yes there are likely impacts on fauna in terms of change in land use of birds also there will be damage to micro flora in terms of soil disturbance and micro fauna.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

Yes there are likely impacts on fauna in terms of change in land use of birds also there will be damage to micro flora in terms of soil disturbance and micro fauna.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna.

The site lies in residential zone, therefore no impacts expected on bird corridors, fish ladders etc.

5. AIR ENVIRONMENT

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

The impacts during construction phase will be adverse impacts, though restricted to dust/particulates during land development and construction. During operation phase adverse impacts will be due to traffic emissions and emission from DG Sets.

During the construction phase due to excavation activity, dust emissions are expected. All other emission sources are intermittent and include emissions from materials transport, from heavy vehicles on site etc. During Operation phase impacts on air quality due to vehicular emissions in the premises and emissions from DG sets while in operation are expected.

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

There will be adverse impact of dust generation during construction thus impact may be predicted on people and properties around the sight. To reduce these impacts following measures are proposed:

- Temporary barriers to be erected to reduce dust impact to nearby areas.
- Water sprinkling during construction to reduce dust emissions.
- Use of ready mix concrete carried in enclosed container
- Dust covers on trucks used for transportation of material

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site

The parking space and circulation space is proposed as required by DC Rule, however; there will be adverse effects in terms of increase in traffic due to the project. **Parking statement is attached as Annexure VI**

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

Please refer **Parking statement is attached as Annexure VIII**

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

Traffic noise and vibration will increase during construction/ operation phase. Measures during construction phase:

- Temporary barriers to be erected to reduce dust impact to nearby areas.
- Trucks only to ply during day time only

Measures during Operation phase:

- Plantation of trees to reduce effects of noise pollution

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

DG sets will be used only in emergencies during power failure. The proponents will ensure that DG sets are supplied by standards suppliers. The DG sets shall be provided with the acoustic enclosures to control the noise. However there will be adverse impact due to operation of DG set as and when required.

6. AESTHETICS

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

Yes, the project construction will result in obstruction of views which are available today to the nearby building occupants. This has been taken into account while designing the project.

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

Yes, there will be adverse impact on the existing buildings within vicinity in terms of deposition of dust arising out of excavation. Proper mitigation measures shall be provided by the project proponent to minimize the impact.

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

The building plan shall be approved by competent authority and they shall impose reasonable restrictions as and when necessary. The building plan shall be submitted to SEIAA and changes will be made according to their instructions subject to feasibility and legal necessities.

6.4. Are there any anthropological or archaeological sites or artifact nearby? State if any other significant features in the vicinity of the proposed site have been considered

The development will be strictly according to the DC rules. The area which is defined as R zone or commercial zone only will be utilized under project.

7. SOCIO-ECONOMIC ASPECTS

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

Yes the demographic feature shall change in terms of population (occupants of project in operation phase) and migration of population from their original place of living to the newly constructed building in the project.

7.2. Give details of the existing social infrastructure around the proposed project.

The project is located in well developed area. School/Hospitals/Residential buildings etc. exists nearby. Also, good communication and transport facilities are available

7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

Yes the project will affect in terms in the increase in the population of the area.

8. BUILDING MATERIALS

8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)

Yes it may involve building material with high embodied energy used for construction. However there is very little scope for selecting building material as not many alternatives are available in the market. Therefore in terms of ecology and carbon footprint, the project will have adverse impact.

8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?

Please refer mitigation measures in EMP.

8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?

Waste generated during building construction due to use of various raw materials will largely comprise of primary materials such as cement, metal and quarried natural aggregates. Part of the sub-stratum removed will be used for back filling the plinth/foundation in order to bring formation level of plot above the road level to facilitate storm water drainage.

8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

The project proponents have proposed for authorized vendors for disposal of dry solid waste. The garbage is segregated and composted. The recyclable waste is disposed through recyclers.

The biodegradable waste is composted using organic waste converter and utilized as manure. Note on Solid waste Management is attached as **Annexure XII**

9. ENERGY CONSERVATION

9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?

Source of Supply: MSEDCL

Connected load: 1163 KW

Maximum Demand :1034.22 KW

No. of transformer: 630 KVA X2 nos.

DG set provided: 140 KVA

The following Energy Conservation Methods are proposed in the project:

- Auto Timer control for external & Common lighting
- Use of LED lamps in all public/ common areas.
- Solar powered water heating .
- Electronic V3F Drives for Elevators
- Solar PV Panel power for common area lighting.

9.2. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?

1. Increase natural source of light through glazed windows
2. Provision of 150 mm thick brick wall to filter heat radiation in to room thereby reducing electrical heating consumption.

9.3. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.

Yes. Solar PV panels of 13.5 KW each shall be installed.

9.4. Does the layout of streets & buildings maximize the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.

Solar water heater and solar street lights will be provided to reduce energy usage in the operation Phase in next phase.

9.5 Shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?

Building has been oriented in North -South the walls on East and south will have minimum openings. Also roof will be provided with brick bat coba water proofing.

9.6 The structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications

Not Applicable.

9.7. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

Not Applicable as this is a relatively small development to result in climate change. However it will contribute as cumulative impact.

9.8. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

Thermal Characteristics of building are as per ECBC norms for roof and external wall

9.9 What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

Fire fighting system will comprise of:

- Fire extinguishers and hydrants will be installed
- Provision of fire safety construction and protective and warning system
- Safe Passage to a public way or safe dispersal area
- Roof vents
- Properly marked and lighted exits
- Sufficient access / set back will be taken along all sides of building to facilitate movement of emergency vehicles

9.10. If you are using glass as wall material provides details and specifications including emissive and thermal characteristics.

Not Applicable

9.11. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

Not Applicable

9.12. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

Solar water heating and solar water heaters will be provided to reduce energy usage by 5 % in the operation phase.

10. Environment Management Plan

EMP is prepared. EMP will take care of mitigation measures and efficient environmental management of the project.





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Maharashtra Pollution Control Board

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

ANNEXURE-R-8 ²⁶⁵**Bank Guarantee**

BG UAN NUMBER:	MPCB-BG-0000026423				
Industry Name:	aswani constructions	Industry Address:	2ND FLOOR,KASARWADI,Pimpri Chinchawad (Municipal Corporation.),Pune		
RO Region:	RO-Pune	SRO Region:	SRO-Pimpri Chinchwad	BG Obtained for:	DIRECTION BG for: Conditional Direction
Direction No:	268TH SEIAA MOM CONDITION NO 1	Direction:	02-05-2023		
Conditions:	TO SUBMIT THE BANK GUARRANTY OF 1.75 CR	Compliance period:	06-09-2024	BG No:	0017023IPG013619 Amount: 17500000
Bank:	Bank of Maharashtra	BG submission Date:	06-09-2023	BG expiry Date:	06-09-2024

Note: You have been directed to submit original bank guarantee along with this acknowledge letter to concerned regional office.



Minutes of 166th SEAC-3 Meeting Scheduled On 14th, 15th & 16th March, 2023 through Video Conference

Maharashtra SEIAA directed SEAC-3 to appraise the proposals by using information technology facilities. Hence, SEAC-3 initiated to appraise the proposals received by the SEIAA through Videoconferencing technology on Zoom platform from 14th, 15th & 16th March, 2023.

Dr. Deepak Mhaisekar, IAS Rtd.	Chairman	14th, 15th & 16th March, 2023
Shri Mukund Pathak	Member	14th, 15th & 16th March, 2023
Shri Dattatray Thorat	Member	14th, 15th & 16th March, 2023
Shri Kiran Acharekar	Member	14th, 15th & 16th March, 2023
Dr. Aseem Gokarn Harwansh	Member	14th, 15th & 16th March, 2023
Shri Joy Thakur	Secretary	14th, 15th & 16th March, 2023

Chairman welcomed the members to the **166th SEAC III** Meeting.

Day 1

14th March, 2023

1	P-1	SIA/MH/MIS/242466/2021	"Green Valley" Residential cum commercial project by ASWANI CONSTRUCTIONS
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Representative of PP Mr. Suraj was present during the meeting along with environmental consultant M/s. SNEHA HI-TECH PRODUCTS, BANGALORE.

It is noted that, the PP has submitted the application for Environmental Clearance in Violation Category for proposed residential cum commercial project with total plot area of 9899.00 m², FSI area of 12301.27 m², Non FSI area of 17162.74 m² and total BUA of 29,464.01 m².

Brief information of the proposal is as below:

1	Proposal Number	SIA/MH/MIS/242466/2021	
2	Name of Project	Residential cum commercial Construction project "Green Valley" at Wakad by Aswani Constructions	
3	Project category	8a (B2) (Violation)	
4	Type of Institution	Private	
5	Project Proponent	Name	Aswani Constructions
		Registered office address	S. P. heights, 2nd Floor, Near Bank of Maharashtra, Old Mumbai-Pune Highway, Kasarwadi, Pune 411034
		Contact Number	+91-020-69788888
		e-mail	greenvalley153@gmail.com
6	Consultant	Accredited EIA Consultant: SNEHA HI-TECH PRODUCTS, BANGALORE Accredited vide certificate no. NABET/EIA/1619/IA0028	
7	Applied for	EC in Violation Category	
8	Details of previous EC	Not applicable as this is first EC applied.	
9	Location of the project	S. no. 257, Wakad, Tal. Mulshi, District: Pune-411057	
10	Latitude and Longitude	Latitude :18°28'40.36"N Longitude: 73°52'34.45"E	
11	Total Plot Area (m ²)	9899.00	
12	Deductions (m ²)	334.79	
13	Net Plot area (m ²)	9564.21	
14	Proposed FSI area (m ²)	12301.27	
15	Proposed Non FSI area (m ²)	17162.74	

16	Total BUA (m ²)			29,464.01 (Construction completed)			
17	TBUA (m ²) approved by Planning Authority till date			29464.01 as per the sanction plan no. B.P./Wakad/169/2014 dated 31/12/2014			
18	Ground coverage (sqm) & %			2582sqm and 30 %			
19	Total Project Cost (Rs.)			75 Cr			
20	CER as per MoEF& CC circular dated 01/05/2018			Activity	Location	Cost (Rs.)	Duration
CER Activity will be done as and if required as directed by SEAC.							
21	<p>Details of Building Configuration: <Please use following legends: Floor = F , Parking = Pk, Podium = Po, Stilt =St, Lower Ground = LG, Upper Ground = UG, Basement = B, Shops = Sh></p>						
Previous EC/Existing Building			Proposed Configuration				Reason for Modification /Change
Bldg. Name	Configuration	Ht. (m)	Bldg. Name	Configuration	Ht. (m)		
A	2 P +11	31.90	A	2 P +11	31.90	No Change, Project is complete.	
B	2 P +10	29.00	B	2 P +10	29.00		
C	2 P +10	29.00	C	2 P +10	29.00		
D	2 P +10	29.00	D	2 P +10	29.00		
Commercial bld.	G +2	9.60	Commercial Bld.	G +2	9.60		
Twin Bungalow	P + 2	6.40	Twin Bungalow	P +2	6.40		
Club House	G +1	7.50	Club House	G+1	7.5		
22	Total No. of Tenements			179 Tenements + Twin Bungalow= 181 Tenements and One Commercial building			
23	Water Budget			Dry Season (CMD)		Wet Season (CMD)	
				Fresh Water	83	Fresh Water	83
				Recycled	53	Recycled	43
				HVAC	0	HVAC	0
				Swimming pool	0	Swimming Pool	0
				Flushing	43	Flushing	43
				Total	134	Total	124
				Wastewater generation	113	Wastewater generation	114
24	Water Storage Capacity for Firefighting/UGT			UGT - Domestic water tank : 125 KL Fire water tank : 350 KLD			

25	Source of water	Pimpari Chinchwad Municipal Corporation		
26	Rainwater Harvesting (RWH)	Level of the Ground Water	Summer– 30.00 m (Average) Winter- 5.75 m (Average) Monsoon– 17.88 m (Average)	
		Size and no of RWH tank(s) and Quantity:	NA as no tank is proposed	
		Quantity and size of recharge pits:	6 No. RWH pits (2.00 m X 2.00 m X 2.00 m) and one open dug well	
		Details of UGT tanks if any:	As per point no. 24	
27	Sewage and Waste water	Sewage Generation (CMD)	113	
		STP technology	MBBR	
		Capacity of STP (CMD)	120	
28	Solid Waste Management during construction phase	Type	Quantity	Treatment / Disposal
		Dry Waste	14 KG	Through authorized vendor
		Wet waste	32	Organic waste composter
		Construction waste	1% of raw material	For filling on same site
29	Solid waste Management during Operation phase	Type	Quantity	Treatment / Disposal
		Dry Waste Kg/day	167	Through authorized vendor
		Wet waste Kg/day	262	Organic waste composter
		Hazardous waste	NA	NA
		Biomedical waste	NA	NA
		E- waste Kg/year	260	Through authorized vendor
		STP sludge Kg/day	10	Organic waste composter
30	Green Belt Development	Total RG area (m2)		960.26
		Existing trees on plot		3
		Number of trees to be planted		179

		Number of trees to be cut	0		
		Number of trees to be transplanted	0		
31	Power requirement	Source of power supply	MSEDCL		
		During Construction Phase (Demand Load)	45 KW		
		During Operation phase (Connected load)	1163.50 KW		
		During Operation phase (Demand load)	1034.22 KW		
		Transformer	630 KVA X 2 Nos.		
		DG set	160 KVA X 1 Nos.		
		Fuel Used	Diesel		
32	Details of Energy Savings	Details	Savings (KWH/annum)		
		LED lamps	20567.02		
		Solar lightening	1668.05		
		Solar Water Heater	203625		
33	Environmental Management plan budget during construction phase	Type	Details	Cost (lakhs)	
		Capital	Erosion control, Site Safety, Site Sanitation, Disinfection & Health check up, Environmental Monitoring	20.0	
		O & M cost	Erosion control Site Safety Site Sanitation Disinfection & Health check up Environmental Monitoring	2.0	
34	Environmental Management plan budget during construction phase	Component	Details	Capital Cost (Lakhs)	O & M Cost (Lakhs)
		Storm Water	Network upto final disposal point	20.00	0.50
		Sewage Treatment	Installation of STP	25.00	7.50

		Water treatment	Disinfection treatment	--	--
		RWH	Bore holes and pits	2.50	0.25
		Swimming pool	Construction & Equipment	--	--
		Solid waste	OWC Machine	12.00	1.25
		Hazardous Waste	--	--	--
		E waste	--	--	--
		Green belt development	Plantation of trees and Maintenance	3.50	1.50
		Energy Saving	Solar Equipment	30.00	1.00
		Environmental Monitoring	Monitoring and analysis of air, water, soil & noise	3	1.50
		Disaster Management plan	Fire Fighting System	34	2.5
35	Traffic Management	Type	Required as per DCR	Provided	Area of parking (m ²)
		4-Wheeler	114	114	3420
		2-Wheeler	434	434	1302
		Bicycles	412	412	576.80
36	Details of Court cases/ litigations w.r.t. the project and project location if any	Violation case vide no. RCC no 040/4254/2015 filed by MPCB			

Deliberations:

PP stated that the proposal under consideration is of Violation of EIA Notification 2006, as amended, defined in MOEF & CC notification dated 14th March 2017 & 8th March 2018. The application is for regularization of violation within stipulated time period prescribed by MoEFCC vide amendment in EIA notification. It is noted that, the PP has submitted the application for total plot area of 9899.00m², FSI area of 12301.27m², Non FSI area of 17162.74m² and total BUA of 29,464.01m².

The project earlier considered in 100th SEAC-3 meeting held on 26/12/2019 and ToR & additional ToR accorded for remediation plan and natural & community resource

augmentation plan EIA Notification 2006, as amended and defined in MoEF & CC notification dated 14th March 2017 & 8th March 2018.

PP stated that, the project again considered in 135th meeting held on 24/2/2022 & the proposal is recommended for grant of Environment Clearance under violation category subject to conditions. PP further stated that, the proposal considered in 247 th SEIAA meeting held on 21.04.2022. The minutes of SEIAA is as follow-

“Deliberation in SEIAA-

Proposal is a violation of EIA Notification, 2006. PP applied under MoEF&CC Notification dated 14th March, 2017 & 8th March, 2018 within the amnesty period. Proposal is recommended by SEAC-3 in its 135th meeting for grant of Environment Clearance under violation category. During the meeting, SEIAA opined that, the project cost of the project in the ecological damage assessment report should be re verified as per ready reckoner norms, SEIAA after deliberation decided to refer back the proposal to SEAC for reappraisal with respect to revised project cost of the project.

SEIAA Decision-

SEIAA after deliberation decided to refer back the proposal to SEAC.”

PP further stated that, Accordingly, the project was considered again in 152nd SEAC-3 meeting held on 21.09.2022 and was deferred with observation- “Committee noted that, the calculation for damage assessment cost & natural augmentation plan should be calculated considering the ready reckoner rate, while appraisal committee noted that the for assessment of Environmental Damage cost, following points need to be considered. 1) The PP & Environmental Consultants are using the cost for working out cost based on their records like receipts, record book entries etc for use of tanker water and other material purchased. This may differ from one PP to another. Therefore to have uniformity it is advisable that these costs are worked out on the basis of the DSR (District scheduled of rates of respective years when the construction was carried out).”

Accordingly, PP submitted the compliance which was taken on record. The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8(a) B1.

Damage assessment report specifying activities contributing to the environmental damage and degradation noted from the report and deliberated in detail during the meeting.

A. Information Required:

Project details:

1	Name and address of Project	Proposed Project "Green Valley" at S.No. 257, Village – Wakad, Taluka – Mulshi, District – Pune, State – Maharashtra by M/s. Aswani Constructions	
2	Name of Directors/Project Proponent	Mr. Satish Aswani, M/s. Aswani Constructions	
3	Total construction completed (built-up area as per ECnotification):	Total Construction on site = 29464.00 sqm Thus, Area of 29464.00 sqm considered under violation	
4	Total construction proposed, built-up area as per ECnotification	29464.00 sqm	
5	Whether the project has any EC; if yes, give detailsincluding approved built-up area	No	
6	Total cost of the project and total cost of the project already executed? Also, give total cost of the project constructed without EC.	Total ProjectCost	Rs. 75 Crore
		Cost of Project Already Executed (overand above previous EC)	Rs. 75 Crore
7	Date of commencement of project	Commencement obtained vide Number BP/Wakad/69/2013 dated04/06/2013	
8	Date of violation of EC regulation (please justify withdocumentary evidence)	04/06/2013 Commencement obtained vide Number BP/Wakad/69/2013 dated 04/06/2013	
9	Date of first submission of information of such violation to the SEIAA or SEAC, if self-notified, alongwith stoppage of construction work	13/04/2018 Application for EC under Violation Window	
	1. No. of days of violation (9-8)	1774 days (Days are considered from 04/06/2013 as per first commencement up to Applicationfor EC under Violation Window dated 13/04/2018)	
10	Any other case of EC violation is reported or pendingor decided earlier for projects where any of the directors are involved? If yes, give details	NA	
11	Any court case related to EC violation pending or decided against any of the directors including HighCourt, NGT and sessions court?	NA	
(A) Description of activities contributing to the environmental damage and degradation:			

(a) Demolition, site preparation		
1	Whether any demolition work was carried out prior to EC? If yes what is date of commencement of demolition and also date of completion of demolition?	No
2	Whether such demolition or site had some asbestos, industrial waste or contaminated soil or hazardous waste etc. and if yes, how these types of waste have been segregated and disposed?	Not Applicable
3	If the project is located on any industrial site, whether any due diligence or environmental status of site was assessed? If yes, give details	Not Applicable
4	State the quantity of demolition waste disposed from the site, including quantity and disposal location along with location map and photographs	Not Applicable
5	Any air quality (including noise) monitoring done during demolition work? If yes, results	Not Applicable
6	Whether building plan and layout approved and permission from local authorities is taken to commence the work prior to demolition work	Not Applicable
(b) Construction of Project		
1	Date of commencement of construction and completion of construction, if any	Commencement obtained vide Number BP/Wakad/69/2013 dated 04/06/2013
2	Whether the construction carried out is strictly as per the sanction plan given by concerned local authority? If yes, please	Yes
3	In the additional construction, how much construction material including, sand, bricks, cement etc. was required to be transported? No. of trucks and its average haulage?	As per Architect
4	How many labors were engaged in construction, average per day?	50 Labour on average per day
5	Whether, the additional construction work, over and above valid EC, if so available, has any additional ground foot print? If yes please state, ground foot print in sqm. As per EC approved layout and current proposed layout?	NA

6	Whether the expansion was carried out simultaneously with EC approved work? If not give details of time frame? If yes, please give incremental additional time required for construction of additional area	NA	
7	Is there any change in foundation design, i.e. depth of foundation, basement etc. that were done due to additional area? If yes, what is the additional soil quantity excavated for such incremental foundation depth? Where it is disposed?	NA	
8	What is the quantity of top soil removed and how it is managed?	1626.35 cum. Top soil used for Landscaping purpose.	
9	Also, if water is encountered at such foundation depth, what is the volume of water pumped for such additional depth of excavation?	No	
10	How much additional water was required for curing and construction purpose? Source of water?	5388	KL
11	Rain Water harvesting details	No. of recharge pits: 6 Nos.	
		Size of pits: 2.3mX1.5mX1m	
12	Solar light, water heating details (Solar Water Provision in KLD)	17.90	KLD
13	Use of fly ash bricks ensured? Details thereof	Fly Ash Bricks used - Qty = 378.15cum	
14	Whether any noise or air pollution control measures taken, if so, what are they?	Barricading along the periphery of site, regular sprinkling of water etc.	
15	Whether any air quality and noise level monitoring done during construction stage, if yes attach results	No	
16	Whether any third-party rights are created on the construction without EC?	Yes	
17	Whether any of the construction without EC has already been occupied? If yes, number of families had given such occupation.	Yes	
	Also give total commercial area being used presently. Also state type of commercial activity i.e. offices, shops, hotels, restaurants etc.		

18	How many flats sold which are in the area of EC violation and total sale value of such flats	179 flats sold - Sale value = Rs. 86,45,97,840	
19	How much commercial area sold which is in area of EC violation and total sale value of such commercial area.	Commercial Area of 470.14 sqm sold Sale Value = Rs. 2,50,00,000	
(c) Commissioning of project			
1	Date of when the project was made operational either by giving possession of residential or commercial areas of the Project?	09/06/2015	
2	How many families are staying in project?	179 Families	
3	What is total water supply to project, source and quality	120.83 KLD - Source PCMC	
4	Total sewage generation m ³ /d	108.70 KLD	
5	STP details	STP of 120 KLD of MBBR Technology is commissioned	
6	Treated waste-water disposal	Excess treated water disposal at Sewer Line	
7	Any DG sets, are they complying the norms	Yes, according to Norms	
(B) Assessment of Environmental Damages			
Attributes	Scope of saving on account of environmental protection measures	EMP cost	
		Recurring cost, per day (Rs.)	Non-recurring Cost (Rs.)
Air Pollution	Water requirement for sprinkling (KL/day)	Rs. 250 –	0
	5 KL/day (average); Cost of 1 KL water Rs.50 including transportation and spraying.	Construction Phase Water requirement for sprinkling - 5 KL/day average at rate 1 KL for Rs. 50. Thus, average per day cost is Rs. 250 per day	
	A. Cost of water requirement:		

Water Pollution	a). Construction phase:	Rs. 152 Cost of Water required for Construction phase - 5388 KL in total i.e. 3.04 KL per day. Cost of 3.04 KL per day considering Rs. 50 per 1KL will be Rs. 152 per day	0
	b). Operation phase:	0	0
	B. Cost of sewage treatment, reuse & disposal:		
	a). Construction phase:	Rs. 104 Cost of Sewage Treatment - STP O&M Cost taken as Rs. 750000 per annum i.e. Rs. 2055 per day i.e. considering STP Capacity of 120 KLD - Rs. 17.1 per KL. Sewage generated in construction phase is 6.07 KLD considering 50 nos. of Labour. Thus, Cost of Sewage Treatment per day for construction phase is Rs. 104 per day	0
	b). Operation phase:	Rs. 1,862 Cost of Sewage Treatment - STP O&M Cost taken as Rs. 750000 per annum i.e. Rs. 2055 per day i.e. considering STP Capacity of 120	0
		KLD - Rs. 17.1 per KL. Sewage generated in operation phase is 108.7 KLD. Thus, Cost of Sewage Treatment per day for construction phase is Rs. 1862 per day	
	C. Quantity of water pumped out during excavation and a lumpsum cost of Rs. 50 per cum	0	0

	for such unauthorized water extraction and disposal		
	D. cost of construction & maintenance of recharge well:	Rs. 27 Cost of Construction and Maintenance of Recharge Pits - Operation Phase - RWH O&M Cost taken as Rs. 10000 per annum i.e. Rs. 27 per day	Rs. 2,40,000
Soil environment	In case of demolition has carried out, the cost of demolition waste management plan needs to be discussed and finalized as non- recurring cost	No	0
	In case there is some hazardous waste like asbestos or the site is located on industrial area where hazardous chemical or waste was handled, the cost based on due diligence of the projectsite, as given by consultants. (The report must include soil analysis, water analysis, MPCB consent copies, manifest of HW if any). This requires critical examination from SPCB.	No	0
	Cost of preservation of top soil & excavated earth to be considered. [Area (m ²)x depth (m)x sp. Gravity (kg/m ³)x cost per ton (Rs.)]	0	Rs. 1,44,375 Cost of preservation of Top Soil - [Area (m ²)x depth (m)x sp. Gravity (kg/m ³)x cost

			per ton (Rs.)] – 3500 sqm X 0.3m X 2.75 kg/m ³ X Rs. 50
			per kg i.e. Rs. 50000 per ton = Rs. 144375
Noise and Vibration	For damage due to noise pollution & vibration, the cost of barricades around the project site should be considered. [perimeter (m) x height of the barricade(m) x cost of the sheet]	0	Rs. 4,00,802 Damage due to Noise Pollution - perimeter (m) x height of the barricade(m) x cost of the sheet taken as 1350 per sheet = Rs. 400802
Green Belt	In case of any tree cutting without EC cost of Rs. 10000/- per tree apart from any statutory action for such tree cutting if any,	0	0
	Cost of planting & maintaining trees (Number of trees as per the bye-laws)	Rs. 395 Cost of planting & maintaining trees - Landscaping O&M Cost taken as Rs. 144000 per annum i.e., Rs. 395 per day.	Rs. 3,53,000
	Cost of compensatory tree plantation (5 trees for each tree cut)	0	0

RH/OHS	Cost of workers benefit to be considered in view of Building and Other Construction Workers Welfare Cess Act, 1996	In Contractors Scope	In Contractors Scope
	A. Cost of health checkup of workers	In Contractors Scope	Rs. 6,13,548
	B. Cost of safety measures including PPEs		
	Total Cost per working day	Rs. 2,790	Rs. 17,51,725
Calculation of Cost of remediation plan and natural & community resource augmentation plan			
Sr.	Description	Details	Amount (Rs. in Lacs)
1	Total of recurring cost	Cost arrived from above table per day X number of days in violation Total Cost - Rs. 2790 per day X No. of days of Violation - 1774 i.e. total Rs. 4949460 i.e. 49.49 Lakhs	Rs. 49.49 Lacs
2	Non-recurring cost	Non-recurring Cost as arrived from above table	Rs. 17.51 Lacs
(1+2)	Recurring Cost + Non-recurring Cost	Sum (1+2) Subject to minimum Rs. 1 crore)	Rs. 67.00 Lacs Which is <Rs. 100 Lacs Therefore, Rs. 100 Lacs
3	Economic benefits accrued due to violation	1% of Total Project cost including land, as declared by PP before SEAC, subject to maximum Rs. 10 Cr.	Rs. 75 Lacs
		Incremental cost of Rs. 10 lacs for each EC violation by PP or its directors observed at any other projects in last 3 years	Nil

4	Cost of remediation plan and natural & community resource Augmentation plan	Sum of 1, 2 and 3 above or amount equivalent to the CER amount as per the MOEF&CC's office Memorandum No: F NO 22- 65/2017-IA-III dated 01/05/2018, whichever is higher.	Sum (1+2+3)	Rs. 175 Lacs
			CER Cost	Rs. 150 Lacs
			Therefore	
			Rs. 175 Lacs	

It is noted that,

- **As per format given in SEIAA Circular, the Damage Assessment value is arrived at Rs. 1.75 Cr/-**

After deliberation, Committee decided to recommend the proposal for Environmental Clearance to SEIAA for further needful subject to conditions that-

1. PP to explore to increase the solar energy saving.
2. PP to provide electric charging facility by providing charging points at suitable places as per Maharashtra Electric Vehicle Policy,2021.
3. PP to ensure that, the water proposed to be used for construction phase should not be drinking water. They can use recycled water or tanker water for proposed construction

2	P-2	SIA/MH/MIS/287916/2022	Expansion in Residential Project at S. no. 47/1 + 48/C/2 + 48/C/3 + 48/C/4, village Mundhwa, Haveli, Pune, Maharashtra by Kumar Properties and Developers LLP
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Representative of PP Mr. Samir was present during the meeting along with environmental consultant M/s. Sneha Hi-Tech Products.

It is noted that, the PP has submitted the application for expansion in existing Environmental Clearance for proposed residential project with total p 0.00 m², FSI area of 57,186.35 m², Non FSI area of 27,299.41 m² and tot 5.76 m².



Brief information of the proposal is as below:

1	Proposal Number	SIA/MH/MIS/287916/2022
2	Name of Project	Expansion of Residential project

REMEDICATION & AUGMENTATION PLAN**ANNEXURE-R-9****for Proposed Project****“GREEN VALLEY”****by****M/s. Aswani Constructions****at****S. No. 257, Village – Wakad, Taluka – Mulshi,
District – Pune,
State – Maharashtra**

Introduction

This is a site specific Remediation & Augmentation Plan prepared for the Proposed Residential & Commercial Project by M/s. Aswani Constructions.

Need for Remediation and Augmentation

The development of any open land for residential and / or commercial purpose brings permanent change in the land use and as such creates recurring adverse impact on environment.

The need for development is unavoidable and unstoppable but the remediation for the recurring damage being caused to some extent, whereby adverse impacts are reduced, is possible. The change in land use has two fold adverse impacts on the environment. The permanent change of use simply means recurring use of various natural finite resources continuously in future as one part and the consumption generates various wastes which further creates adverse impact on environment as second part.

The deterioration of environment cannot be recovered in any developing state but can be postponed only. The same can be achieved through remediation and augmentation on various aspects or sources used on daily basis.

Thus remediation and augmentation is divided into three parts –

1. Identifying the resources consumed
2. Quantification of the waste created out of use of resources
3. Various processes for Remediation
4. Augmentation (if any) required

1. Project Location

The project is located at S. No. 257, Village – Wakad, Taluka – Mulshi, District – Pune, State – Maharashtra.

Project Summary

Table: Project Summary

Total Plot Area	9899	sqm
Deductions	1291.21	sqm
Net Plot Area	8607.79	sqm
RG Area	956.42	sqm
Proposed F S I	12301.27	sqm
Proposed Non - F S I	17162.74	sqm
Proposed Total Built Up Area	29464	sqm
Residential Tenements	179	nos.
No of Residential users	905	nos.
Other units	1 twin bungalow & 5 shops	-
No of Commercial users	78	nos.
Total Parking Area	5298.80	sqm
Minimum Turning Radius	9	meter
Approach Road width	24	meter

2. Remediation Plan at a Glance

Component	Remediation
Water	
Sewage generated	100 % of the sewage generated shall be treated in-situ, attaining the discharge parameters as per CPCB Norms
Waste	
Biodegradable Waste	Bio-degradable waste generated is disposed via In-situ composting by OWC.
Recyclable Waste	Proper segregation and storage of waste separately
E - Waste	Proper segregation and handover to authorized authorities
Hazardous Waste	Proper segregation and handover to authorized authorities
Plastic Waste	Proper segregation and handover to authorized authorities
Other non-biodegradable waste	Proper segregation and handover to authorized authorities
Energy	
Electrical consumption at the proposed project	Various saving measures shall be implemented including use of solar water heater and use of LED
Air & Noise Pollution	
Air pollution	1. Plantation of trees
	2. Stack monitoring for the D G set
	3. Dust suppression
	4. Design control
	5. PUC control
Noise pollution	1. Plantation of trees to create barrier for sound along the road facing boundary
	2. Canopy for the generator

3. Environmental Resources Consumed

The proposed construction on the of project shall consume following resources –

- ✓ Water
- ✓ Food
- ✓ Electricity
- ✓ Fossil fuel

These are the basic environment resources which are consumed on recurring basis after development of the project.

3.1. Quantification Of Waste Generation

The waste generation is direct or indirect but to sum up following wastes generation is normally observed due to permanent change in land use –

- Waste water
- Bio-degradable waste
- Non- biodegradable waste
 - Recyclable waste
 - Hazardous waste
 - E – waste
- Electricity which indirectly (for project) generate waste at the production point at a large

Fossil fuel again indirectly creates air pollution due to consumption at site as well as due to emissions from number of vehicles being used by the residents / users at the developed project

The quantification of various waste is as under –

Table: Quantification of Waste

Type of waste	Quantity	Unit
Waste water	113	KLD
Bio-degradable waste	262	Kg/day
Non- biodegradable waste	167	Kg/day
STP Sludge	10	Kg/day
Electrical consumption	1163	KW

4. Remediation

4.1. Waste Water Treatment (in-situ)

100 % of the waste water is being treated. The treated water is recycled and used for flushing and gardening purposes.

Proposed Remediation -

Bespoke sewage treatment plants are proposed for the project. The waste water shall be treated with STP of Total Capacity of 120 KLD capacity

Parameters of treated water -

Table: Proposed Treated Water Parameters

Sr. No.	Design Parameters	Permissible limit for discharge to inland surface water per schedule 6 of EP Act 1986/As per latest NGT order	Attended Parameters
1.	pH	6.5-7.5	6.5-7.5
2.	Color & odour	Colourless/odourless	Colourless/odourless
3.	Temperature	Shall not exceed 5oC above the receiving	Shall not exceed 5oC above the receiving
4.	Oil & Grease (mg/l)	<5	<5
5.	Biological Oxygen Demand (BOD) (mg/l)	<10	<10

6.	Chemical Oxygen Demand (COD) (mg/l)	<30	<30
7.	Total Suspended Solid (TSS) (mg/l)	<10	<10
8.	Total Nitrogen (mg/l)	<10	<10
9.	Nitrate (mg/l)	<10	<10
10.	Dissolve PO ₄ (as P) (mg/l)	<1	<1
11.	Faecal Coliform (MPN/100 ml)	No/100ML	No/100ML
12.	Residual Chlorine (ppm)	1.0	1.0
13.	Ammonical nitrogen (as N) mg/l Max	5.0	5.0
14.	Free Ammonia (as N) mg/l Max,	5	5
15.	Arsenic (as As) mg/l Max	0.2	0.2
16.	Lead (as pb) mg/l Max	0.1	0.1
17.	Cadmium(as cd) mg/l Max	2.0	2.0
18.	Hexavalent chromium (as Cr) mg/l Max	0.1	0.1

19.	Total chromium (as Cr) mg/l Max	2.0	2.0
20.	Copper (as Cu) mg/l Max	3.0	3.0
21.	Zinc(as Zn) mg/l Max	5.0	5.0
22.	Nickel (as Ni) mg/l Max	3.0	3.0
23.	Fluoride(as F) mg/l Max	2.0	2.0
24.	Manganese (as Mn)	2.0	2.0
25.	Sulphide(as S) mg/l Max	2.0	2.0
26.	Phenolic compounds (as C ₆ H ₅ OH) mg/l Max	1.0	1.0
27.	Iron (as Fe) mg/l, Max	3.0	3.0

4.2. Waste Management (Segregation & Handling)

Segregation as per Solid Waste (Management & Handling Rules), 2000 is now compulsory. The waste segregation is actually a two-step process.

Segregation of bio-degradable Waste & Segregation of various non-biodegradable wastes along with its storage.

Bio-degradable Waste is basically kitchen waste and organic waste which includes food (vegetarian & non vegetarian), fruits, vegetables, garden waste

etc. whereas non-biodegradable waste includes plastic, paper*, glass, metal, packing material, cloth used for cleaning purpose etc.

***though paper is bio-degradable waste it is advised to segregate the same from bio-degradable waste as it can be recycled and saves further tree cutting.**

Segregation at a point of generation is very essential for proper waste disposal. Therefore, every household must segregate waste before handing it over to the waste handling person. This way the probable time and exposure of the wet waste in segregation can be saved.

The non-biodegradable waste is then segregated into E-waste, Hazardous waste, Metal waste, paper and other non-biodegradable waste and stored accordingly.

Two bins system shall be made operative on daily basis. Segregated waste must be collected on daily basis. Transporting shall be made in covered bins to avoid air pollution.

No waste is allowed to go out of the premises thereby avoiding dumping in open environment which is source for various infections, foul odour and public nuisance.

4.3. Disposal of Bio-degradable Waste (in-situ)

The biodegradable waste generation is considered as per Norms.

There shall be 905 residential users + 78 commercial users. The quantity of bio-degradable waste generation is estimated at 262 kg / day. In-situ treatment is proposed for the waste using OWC machine.

Parameters as per FCO, 1986 as be strictly observed for disposal of bio-degradable waste as under –

Table: Parameters & Specification of Organic Fertilizer

No.	Parameters	Specification of organic fertilizer
1	Moisture (% by weight)	15.0-25.0
2	Colour	Dark brown to black
3	Odour	Absence of foul odour
4	Particle size	Minimum 90 % material should pass through 4.0 mm IS sieve
5	Bulk density(g/cm ³)	Less than 1.0
6	Total organic Carbon (% by weight min)	12
7	Total Nitrogen as N (% by weight min)	0.8
8	Total Phosphates as P ₂ O ₅ (% by weight min)	0.4
9	Total Potash as K ₂ O (% by weight min)	0.4
10	C:N ratio	Less than 20
11	pH	6.5-7.5
12	Conductivity(as dsm-1)	Not more than 4.0
13	Pathogens	Nil
14	Arsenic as As ₂ O ₃ (mg per kg)	10.00(Max.)
15	Cadmium as Cd(mg per kg)	5.00(Max.)
16	Chromium as Cr(mg per kg)	50.00(Max.)
17	Copper as Cu(mg per kg)	300(Max)
18	Mercury as Hg(mg per kg)	0.15(Max.)
19	Nickel as Ni(mg per kg)	50.00(Max.)
20	Lead as Pb(mg per kg)	100.00(Max.)
21	Zinc as Zn(mg per kg)	1000.00(Max.)

4.4. Disposal of Non Bio-degradable Waste (including plastic, paper & cloth)

The non - biodegradable waste is estimated at 167 kg/day. Disposal is proposed through Authorized Agency to avoid dumping in open environment.

4.5. Disposal of E-Waste and Hazardous Waste

These include Electronic Goods waste, Paint Tins, Cans, Pesticides, Fluorescent tubes etc. Proper segregation of E-waste and Hazardous Waste is done and the same is handed over to the authorized authorities for proper and safe disposal/recycling.

4.6. Sludge reuse

STP sludge formation is 10 kg/day in this process. The sludge will be dried and used as manure after treatment.

4.7. Energy

The maximum Connected Load is estimated at 1163 KW and Maximum Demand Load at 1034 kVA. The energy saving can be achieved using –

Following energy saving measures are proposed in the project:

- Solar Water Heating Systems Will Be Done For Bathrooms.
- Solar lights will be provided for common amenities like Street lighting & Garden lighting.
- CFL & LED based lighting will be done in the common areas, landscape areas, signage's, Entry gates and boundary compound walls etc.
- Auto Timer Switches will be provided for Street lights, Garden lights, Parking & staircase Lights & Other Common Area Lights, for saving electrical energy.
- Water Level Controllers with Timers will be used for Water Pumps.
- To create awareness to end consumer or flat owner, for using energy efficient light fittings like CFL, T5 Lamps

4.8. Rain Water Harvesting

The rainwater harvesting is made based on the roof top fed areas. The potential estimated harvesting is outlined in the hydro-geo report. The rain water harvesting is made through borewell with Recharge pits (6 Nos.). The bore wells will be supported by percolation pits according to recommended design.

4.9. Plantation

Plantation of trees is one of remediation measure which reduces the air pollution and noise pollution. In addition, it lowers down the ambient temperature. Another purpose of the plantation is to maintain the bio-diversity by planting local species which supports domestic animal and avian-fauna.

For this project, a total of 179 trees are proposed to be planted on site

5. Augmentation

5.1. Water

The capacity proposed for the treatment of waste water is made on the basis of completed construction plus the proposed construction for 905 + 78 residential + commercial population. Since the proposed STP capacity is sufficient for the treatment of sewage generation at the project no augmentation is required in terms of incremental capacity for STP.

5.2. Rain Water Harvesting

The rain water harvesting scheme is proposed for conserving rain water. The proposed pits shall be provided once the storm water drains for the incomplete / proposed construction activity is completed.

5.3. Waste Disposal Facility

The proposed facility for the waste handling for bio-degradable waste, non-biodegradable waste, hazardous waste, E-waste etc. is considered for the required quantity. No augmentation is required for handling Non-biodegradable waste and e waste. But augmentation is required for handling Biodegradable waste by proposing in-situ composting using OWC Machines. Since the proposed capacity is sufficient for the proposed project no augmentation is required in terms of incremental capacity for the waste treatment.

5.4. Energy

Since the possible energy saving plan is already proposed no further augmentation is proposed.

5.5. Plantation

Plantation of various trees with biodiversity is very important aspect in the augmentation plan. The plantation is not only for landscape purpose but have multifold benefits.

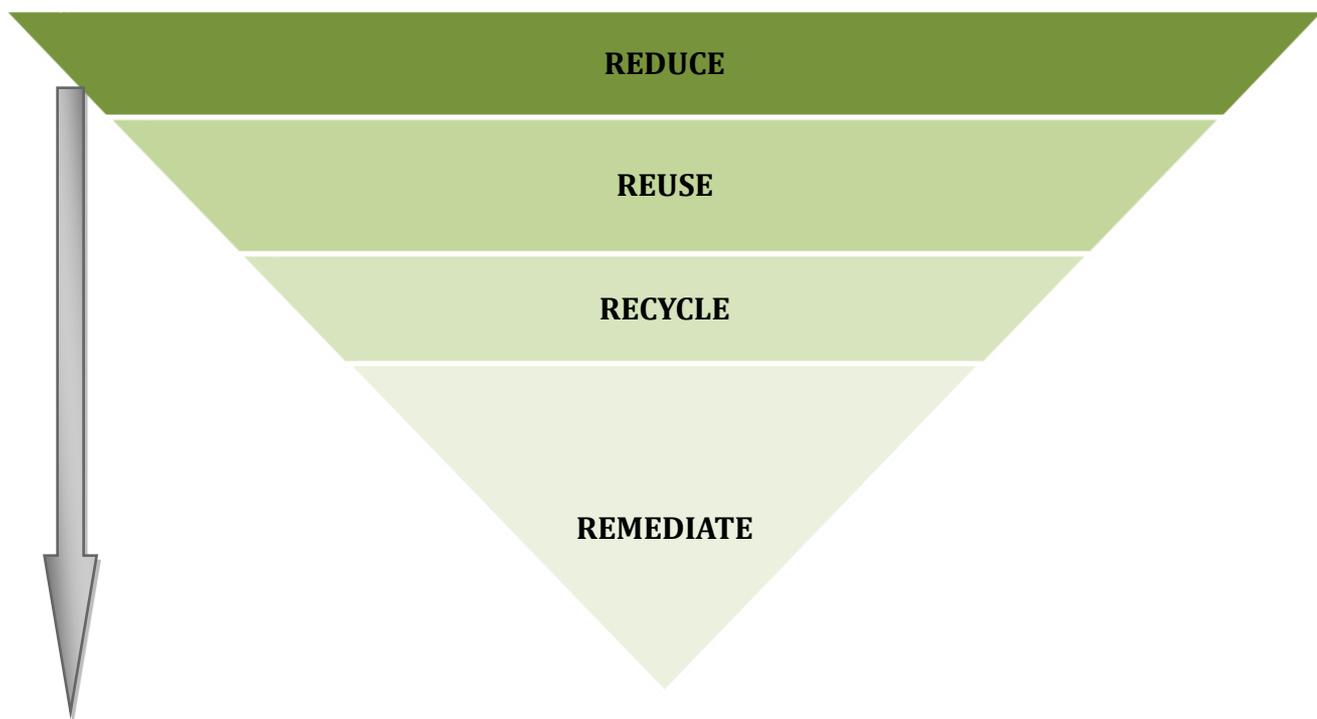
5.6. Air pollution control

The development inevitably adds operational vehicles within the premises. These vehicles release CO, CO₂, Oxides of Sulfur (SO₂) and Oxides of Nitrogen (NO_x). The trees help consume CO₂ and in turn release Oxygen.

6. EMP with respect to Natural & Community Resource

The construction and operation of a residential and/or commercial project is guaranteed to exploit natural resource and disrupt or modify surrounding communities. A thorough Environmental Management Plan specifically pertaining to these Natural and Community resources must be drafted in order to efficiently control, manage & minimize environmental damage.

Standard environmental management & waste pyramid can be followed when managing natural and community resource, wherein the primary importance must be given to reduce resource depletion, followed by reuse, recycle and finally remediate the environmental damage caused if necessary.



Environmental management & waste pyramid (with hierarchy of preference)

6.1. Natural Resource Management

Natural resources which need to be managed include:

- a. Land
- b. Water
- c. Air
- d. Solid Waste
- e. Fuel
- f. Energy

a. Land Resource –

Land resource management mainly includes resources like soil and plantation. Compensatory plantation of vegetation (including trees, shrubs and native species), according to the specified MoEF Norms, must be followed. Soil quality must be improved by increasing the organic content of the soil. Excavated soil must be dumped in a proper manner and the geological strata of the land must be maintained in order to achieve efficient rain water harvesting.

Restoration of the organic top soil layer must also be considered.

b. Water Resource –

Minimal use of water resource must be attempted and water must be reused wherever it is feasible to do so. Rain water harvesting must be implemented in an incremental fashion. Recycled sewage & waste water must be used for flushing and gardening purpose. Water saving fixtures like low-flow fixtures can be used to minimize water usage. Similarly, electronic sensors to avoid overflows must also be implemented. Flushing mechanism such as dual stage flushing tank can also be incorporated.

c. Air –

Air pollution management, control as well as mitigation, must be taken into consideration. Construction dust must be suppressed by water sprinkling and vehicular emissions must be monitored by abiding PUC norms. DG Sets used during construction as well as operation must also be monitored for emissions like Particulates ($PM_{2.5}$ & PM_{10}), Nitrous oxides, Sulphur oxides and Carbon monoxide.

d. Solid Waste –

Solid waste management is necessary when considering natural resource contamination due to bio-degradable and non bio-degradable waste. Proper segregation, treatment and disposal of solid waste must be achieved in order to avoid natural resource contamination.

e. Fuel –

Use of fossil fuels like Petrol, High Speed Diesel (HSD) etc results in excess environmental burden due to resource depletion. High efficiency fuels or Non-conventional fuels must be used wherever feasible and use of fossil fuels must be minimized whenever possible.

f. Energy –

Energy saving measures like solar water heaters, solar lights, LED lights and photo-voltaic cells must be adopted in order to manage and reduce power usage due to conventional energy sources. Auto timer lights can be used to manage and limit unnecessary electricity usage.

6.2. Community Resource Management

Community resources which need to be managed include:

- a. Noise
- b. Air
- c. Solid Waste Disposal
- d. Effluent Management

a. Noise –

Noise is an important factor when considering community resource management. Noise pollution is highly detrimental to nearby communities and needs to be managed in a dual mechanism. The noise during construction phase must be managed by tree plantation or sound barriers so as to avoid nuisance to nearby community. Similarly, the noise from nearby road traffic and public activities must be minimized by sound-proof windows or sound suppressing windows so as to avoid nuisance to incumbent residents. Noise from DG sets must also be taken into consideration.

b. Air –

Increased vehicular traffic due to increased residential settlement results in increased vehicular emissions thereby resulting in increase in overall emissions within the surrounding community. Proper measures must be adopted in order to reduce or remediate these increased emissions. Stack height for DG Sets must be set via proper dispersion modeling for common atmospheric contaminants.

c. Solid Waste Disposal –

Organic waste from residential and commercial establishments must be managed by using composting technique, in order to avoid community nuisance via foul odour and unsanitary conditions. Hazardous and Electronic waste must be managed via segregation and appropriate disposal techniques, in order to avoid contamination and to eliminate the risk of diseases.

d. Effluent management –

Excess treated water from STP must be monitored for BOD and Coliform levels so that the effluent will not contaminate local ponds and lakes. Nutrient level of the effluent must also be managed in order to avoid eutrophication and foul odour, which can be a serious nuisance to the local community.



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE AT PUNE****ORIGINAL APPLICATION NO.110 OF 2022**NAGESH VINAYAK DHAMALE ... **APPLICANT****V/s**ENVIRONMENT DEPARTMENT,
MAHARASHTRA AND OTHERS ... **RESPONDENTS****VAKALATNAMA**

KNOW ALL to whom these present shall come that we RESPONDENT NO.7, the above named 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 Bank of Maharashtra, Pune – 411 030.
Ph(O) 24459027
(Email) sdkadvocate@gmail.com

Hereinafter called the Advocates to be **Respondent No.7' (ASWANI CONSTRUCTIONS)** Advocates in the above noted case & authorize them;

To, act appears 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.

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

To take execution proceedings.

To appoint and instruct any other Legal practitioner or person authorizing him to exercise the power and authority hereby conferred upon the Advocate whatever they may think fit to do so & sign the power of attorney on.

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 is called

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whatever ordered by the Court shall be of the Advocate he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above court for a period of three years only. I/we hereby agree that once the fee is paid I/We will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF we do hereunto set our hand to their presents the contents of which have been understood by us on this 31st day of July 2023


ADVOCATES



Signature

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

