

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE, AT PUNE****ORIGINAL APPLICATION NO. 83/2019**

Tanaji Balasaheb Gambhire

... **APPLICANT**

V/s

Union of India and others

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

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PUNE

DATE 31/12/2020


 ADVOCATE FOR RESPONDENT NO. 10

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... **RESPONDENTS**

REPLY ON BEHALF OF

RESPONDENT NO.10

(M/s.SAIBABA SALES PVT.

LTD.)

MAY IT PLEASE BE THE HON'BLE TRIBUNAL

(I) PRELIMINARY OBJECTIONS

1. At the outset, the present Respondent No.10 states that, the statements, averments and prayers, made by the Applicant are not admitted to the present Respondents and are denied in toto, expressly so far as they are admitted herein. The Respondent No.10 submits that, the present application has been filed by the Applicant with a view to harass the present Respondent and is not maintainable before this Hon'ble Tribunal.

2. At the outset, the Respondent No.10 submits that, this Hon'ble Tribunal does not have jurisdiction to try, entertain and dispose of the present application, as the same is not within limitation. The

present Respondent states that, the Hon'ble Bombay High Court and Supreme Court had on the interpretation on various Statues, held that, when a statute prescribes a shorter period of limitation and difference scheme of the limitation, the provision of Limitation Act is excluded and the Court/Tribunal must apply the period of limitation as prescribed in the specific statute while exercising the powers. In view of this, the application preferred by the Applicant is totally misconceived and liable to be dismissed.

3. The present Application filed by the Applicant upon plain reading of Section 15 of the said act is barred by law of limitation. On bare perusal of section 15 of the said Act, an Application raising substantial question relating to environment seeking restitution, remediation and compensation (including enforcement of legal right relating to environment) has to be filed within a period of 5 years from date on which the cause of action for such dispute "first arose" provided that ,this Hon'ble Tribunal may, if it is satisfied that the Applicant was prevented by sufficient cause from filling the Application within the said period allow it to be filed within a further period not exceeding sixty days. In the present case the application is totally barred by Limitation, as the cause of action

for filing the present Application first arose on 14th May 2013, when the Respondent No.10 sought building permission. The present Application is filed on 4th October 2019.

4. The present application is filed after almost 6 years after accrual of cause of action and also after 2 years after receipt of Environmental Clearance being received. The Applicant is unnecessarily hampering the execution of construction and denying the benefits to numerous flat buyers and their families for his vested interest. Hence, on this ground the present application be rejected. It is submitted that the present application is barred by limitation u/s 15 and 16 of the NGT Act, 2010 which prescribes a period of 5 years for filing an application from the date on which the cause of action for such dispute “first” arose, extendable by a further period of 60 days thereafter, provided that the Applicant may show by a sufficient cause that the Applicant was prevented from filing such an application in time. Further, the Applicant has also sought to file an application under section 15 of the said act which also provides for the aforesaid words “the date”, “cause of action” and “first arose”.

5. The application was filed on 4th October 2019. The averment in the application relating to limitation is reproduced herein below:

“LIMITATION TO FILE PRESENT APPLICATION

- A. *It is submitted that, the present application is filed under section 15 and 20 of the NGT Act, 2019 and there is limitation 5 years from the cause of action first arose and Principal prayer of the applicant is for restoration and restitution of the site to its original position*
- B. *It is submitted that, the present applicant has raised substantial questions relating to environment for its restitution & restoration and this application is filed arose on 23.05.2017 when PP exhausted its BUA threshold limit of 20,000Sq. Mtrs. and its triggered cause of action*
- C. *Respondents have not rebutted the factum of Non-obtaining prior EC despite the construction was going to cross limit of 20,000Sq. Mtrs. as per sanctioned plan BP/Chikhali/55/2017 dated 23.05.2017.*
- D. *The present application is filed within 5 years from 23.05.2017 and thus the application filed is within the prescribed period of limitation.”*
6. It is submitted that the date of knowledge has absolutely no application while interpreting the provisions of Section 15 of the NGT Act. The said Act is a special enactment and hence, there is a statutory prescription of the special period of limitation under Sections 15(3) of the said Act, which will certainly exclude general law of limitation.

7. Further, the application of the principles of recurring and/or continuing cause of action for the purposes of disputes under Section 15 of the said Act would lead to serious anomalous and undesirable consequences. That the Legislature while enacting the statute purposely used the words "first" for "cause of action" to file an action before the Tribunal. That the Hon'ble Supreme Court in the case of L.C. Hanumanthappa vs H.B. Shivakumar (2016) 1 SCC 332 has held that the word 'first' has been used between the words 'sues and 'accrued'. This would mean that if a suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to sue first accrues. To put it differently, successive violation of the right not give rise to fresh cause and the suit will be liable to be dismissed if it is beyond the period of limitation counted from the day when the right to sue first accrued.
8. That in a catena of cases, this Hon'ble Tribunal has also taken the view that limitation period begins to run from the date when the cause of action first arose including in Application No. 33 of 2016 *Jai Javan Jai Kisan and Ors. Vs Vidarbha Cricket Association and Ors.*; O.A. NO. 179 of 2016 Graminee Environment Foundation vs. Balaji Infrastructures Ltd. and Ors, OA No. 95 of 2014 Mr. Suresh WamanDhavale and ors. vs MOEF and Ors
9. Similarly, section 15(3) of the act contemplates that no application for grant of compensation or relief or restitution of property or

environment shall be entertained unless the same has been made within a period of five years from the date on which the for such compensation or relief first arose.

10. It is submitted that cause of action for filing an application under the provisions of the Green Tribunal Act, 2010 cannot accrue on the day when a person discovers the act of environmental damage. This Hon'ble Tribunal has rejected the proposition of 'Discovery Rule' being applicable to patent event perceptible to the public at large and therefore by no stretch of imagination can the cause of action for filing an application under the provisions of the said act could accrue on the day when such environmental damage is discovered by the party. The Applicant has thus approached this Hon'ble Tribunal with the sole intention to overcome the difficulty of limitation under the act, has approached this Hon'ble Tribunal with unclean hands. Therefore, the present Application under section 15 of the NGT Act, 2010 is clearly barred by limitation.

11. The Respondent No.10 submits that the Respondent No.8 had granted Environment Clearance to the Respondent No.10 on 28.11.2017. The challenge to the EC can be made only by filing an Appeal u/s 16 of the NGT Act, 2010. The limitation provided u/s 16 of the Act is 30 days from the date of the receipt of the order and further period of 60 days can be granted by explaining the reasons for delay on the part of the person preferring the appeal. In the present case, the Applicant has not challenged the EC and thus, to forgo the said bar of limitation, the Applicant has preferred the

present Original Application u/s 15 of the NGT Act. It is trite law that, if the Litigant cannot do directly before the Court or Tribunal, he cannot do the same indirectly. The OA is in effect a challenge to the EC dated 28.11.2017, and the same is evident from the pleadings, as also from the findings of the NGT. Such a challenge, being an order specified as an appealable order under Sec. 16, was necessarily to be challenged only under the said Section. However, if the Applicant had done so, the same would be hopelessly barred by limitation, as it has to be filed within 60 days from the date on which the order was passed. In the instant case, even taking the date on which the judgment in *Society for Protection of Environment & Biodiversity* was rendered i.e., 08.12.2017, there would have been a delay of over 2 years in filing the same. The Original Applicant, therefore to get over the bar of limitation preferred the said OA which was otherwise not maintainable

12. The Applicant herein has not joined the necessary parties to the present application, as the Respondent No.10 had constructed 3 buildings and has created third party rights by selling flats to the intended purchasers by executing agreements with the said purchasers. Not only that, the Respondent No.10 has also formed a Co-operative Housing Society of the said flat purchasers, registered with the Registrar of Co-operative Societies, Pune. Even, the Applicant has also not been made party to the said Society. Therefore, on this count alone, the present Original Application is liable to be dismissed with cost.

(II)FACTS OF THE CASE

- 13.The Respondent No.10 herein had purchased the land bearing Gat No.1660/1(P) situated at village Chikhali, Tal. Haveli Dist. Pune by entering into a Joint Venture Development Agreement dated 9.9.2011. The said plot is totally admeasured 19005.76 Sq. mtrs.
- 14.The Respondent No.10 submits that on 14.05.2013, the Respondent No.10 sought for building permission for construction of a Residential and Commercial Building on a plot of land admeasuring 19,005.76 sq. m. bearing Gat No. 1660/1(p) of village Chikhali, (now known as 'Sai Exotique') from the Building Permissions Department.
- 15.The Respondent No.10 submits that the same came to be granted by the said Department, and which, while granting the same recorded that there was no ongoing construction on the land. It further recorded that, though a portion of the property fell the blue and red flood line of Indrayani River i.e. the No Development Area, there was no proposed construction in the said portion of the land. It also recorded that the built-up area of proposed construction was 15,040.05sq.m. The Respondent No.10, in terms of this permission, was to construct 5 structures (i.e. A, B, C, D&E and Commercial) having a built-up area of 15,040.05 sq.m. which is less than 20,000 sq.m.. Hence the Respondent No.10 was not required to obtain a prior EC for the construction. The Respondent No.10 submits that on 14.05.2013, the Respondent No.10 obtained

a Commencement Certificate from the Pimpri-Chinchwad Municipal Corporation (the same is annexed by the Applicant at ANNEXURE – A-12 at pg 105). A translated copy of the permission dated 14.05.2013 granted by the Building Permissions Department of the Pimpri Chinchwad Municipal Corporation Pune, is hereto annexed and marked as ANNEXURE 'R-1'.

16.The Respondent No.10 submits that on 20.04.2015, a structural Consultants' firm, known as Hansal Parikh and Associates, issued a Plinth Completion Certificate to the City Engineer, Pimpri Chinchwad Municipal Corporation, For A & E Wing of the project. (The same is annexed by the Applicant at ANNEXURE – A-17 (colly) at pg 125)

~~17.The Respondent No.10 submits that on 17.11.2016, the Respondent No.10 filed an application before the PCMC seeking sanction of the Proposed Development Certificate of building at G. No. 1660/1 p Village Chikhali, Taluka Haveli, Pune in view of circular No. SEIAA 2014/CR.02/TC.3 dated 30.01.2014.~~

18.The Respondent No.10 submits that on 28.11.2016, the PCMC granted sanction to the Proposed Development Certificate- layout plan, submitted *vide* application dated 17.11.2016, for the purpose of submission of the same to the SEAC and SEIAA, for the purpose of obtaining an EC. (The same is annexed by the Applicant at ANNEXURE – A-22 at pg.133).

19. The Respondent No.10 submits that on 09.12.2016, the MoEFCC amended the EIA Notification 2006, so as to incorporate provisions for a composite clearance containing both building permissions and environmental clearance, which was to be granted by the local authority.
20. Pertinently, the said notification provided that the State Government would amend their building bye-laws and other State laws and incorporate in them the conditions stipulated in Appendix XIV, and once the same are notified and the project proponent has obtained such an integrated building permission, the project proponent was not required to obtain a separate environmental clearance. (The same is annexed by the Applicant at ANNEXURE –A-23 at pg 136)
21. The Respondent No.10 submits that on 21.12.2016, an NGO known as the Society for Protection of Environment filed OA No. 677/2016, impugning the validity of the aforesaid notification dated 09.12.2016, wherein the NGT issued notice, but refused to stay the operation of the said notification. A copy of the order dated 21.12.2016 passed by the NGT in OA No. 677/2016 is hereto annexed and marked as ANNEXURE 'R-2'
22. The Respondent No.10 submits that on 15.02.2017, the NGT passed an order in OA No. 677/2016 stating that *“all action taken ... including any benefit accruing to any of the stakeholder including private parties will be subject to final orders of the*

Tribunal". (The same is annexed by the Applicant at ANNEXURE – A-24 at pg 147)

23. The Respondent No.10 submits that on 13.04.2017, the aforesaid amendments were incorporated into the building regulations/byelaws by the State of Maharashtra. A copy of the notification dated 13.04.2017 bearing ref. no. TPS-1816/CR-443/16/RP Directives/UD-13 issued by the Government of Maharashtra is hereto annexed and marked as ANNEXURE 'R-3'

24. The Respondent No.10 submits that on 23.05.2017, the PCMC issued sanction for the Revised Plan bearing ref. no. BP/Layout/Chikali/55/2017 sanctioning the Respondent No.10's Revised layout plan for BUA 16593.40 FSI and Considering Parking area and Non FSI Area for EC 27020.40 Sq. Mtrs. A copy of the order bearing ref. no. BP/Layout/Chikali/55/2017 dated 23.05.2017 issued by the Pimpri Chinchwad Municipal Corporation to the Respondent No.10 is hereto annexed and marked as ANNEXURE 'R-4'.

25. The Respondent No.10 submits that on 28.06.2017, the Applicant issued a legal notice to various State Bodies alleging *inter alia* that the Respondent No.10 construction was being carried out in violation of EIA 2006, as even though the built-up area of the constructed structure was 24,519.66 sq.m, the Respondent No.10 has not obtained a prior EC. Copy of the same is annexed by the Applicant at ANNEXURE – A-29 at pg 170.

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26.The Respondent No.10 submits that on 10.07.2017, the Respondent No.10 submitted an application in the prescribed Form IA (prepared by a Qualified Building Environment Auditor, namely JV Analytical Services), to the Chairman, Environmental Cell/Joint City Engineer, Building Permission Department, seeking grant of environmental clearance under category II.A copy of the letter dated 10.07.2017 from the Respondent No.10 to the Chairman, Environmental Cell/Joint City Engineer, Building Permission Department is hereto annexed and marked as ANNEXURE 'R-5' A copy of Form IA as submitted by the Respondent No.10 is hereto annexed and marked as ANNEXURE 'R-6'

27.The Respondent No.10 submits that on 08.08.2017, the Respondent No.10 was granted registration by the Maharashtra Real Estate Regulatory Authority bearing No. P52100004171 for D Wing of the Project. A copy of the registration certificate granted by the Maharashtra Real Estate Regulatory Authority bearing No. P52100004171 dated 08.08.2017 is hereto annexed and marked as ANNEXURE 'R-7'.

28.The Respondent No.10 submits that on 22.08.2017, the Respondent No.10 was granted registration by the Maharashtra Real Estate Regulatory Authority bearing No. P52100009721 for B Wing of the Project. A copy of the registration certificate granted by the Maharashtra Real Estate Regulatory Authority

bearing No. P52100009721 dated 22.08.2017 is hereto annexed and marked as ANNEXURE 'R-8'.

29. The Respondent No.10 submits that on 28.09.2017, the aforesaid application filed by the Respondent No.10 came to be considered by the Environment Committee of the PCMC, which approved the said proposal. A copy of Meeting No.1 of the Environment Committee of the PCMC dated 28.09.2017 is hereto annexed and marked as ANNEXURE 'R-9'.

30. The Respondent No.10 submits that on 28.11.2017, the PCMC issued "Environmental conditions for Building and constructions" to the Respondent No.10 for category II project i.e. 20,000 sq. m. to less than 50,000 sq. m. This was granted in exercise of powers under the EIA Notification 2006, as amendment on 09.12.2016 read with the notification dated 13.04.2017 issued by the State Government. A copy of the "Environmental conditions for Building and constructions" dated 28.11.2017 issued to the Respondent No.10 is hereto annexed and marked as ANNEXURE 'R-10'

31. The Respondent No.10 submits that on 08.12.2017, the Amendment dated 09.12.2016 was held to be bad by the NGT *inter alia* on account of the fact that it diluted environmental safeguards such as the requirement to obtain a consent to establish and consent to operate, and since it contrary to the Environmental (Protection) Act, 1986 further delegated powers to local bodies.

32. The Tribunal however, did not strike down the entire notification, but only held that:

“2. ... (i) clause 14.8, (ii) the provisions relating to exclusion of Consent to Operate and Consent to establish under Water (Prevention and control of Pollution) Act, 1974, and the Air (Prevention and control of Pollution) Act, 1981 in clause 14 of the impugned notification; (iii) Appendix-XVI relating to constitution and functioning of Environmental Cell, cannot be sustained and are liable to be quashed for the reasons aforesaid. Thus, we direct MoEF&CC to re-examine its Notification dated 9th December, 2016 and take appropriate steps to delete, amend and rectify the clauses of the said notification in light of this judgment.

3. ... the byelaws amended by the DDA vide its Notification dated 22nd March, 2016 as amended in April 2017 can also not be given effect to, unless the Gazette Notification no. SO 3999(E) dated 9th December, 2016 is amended in terms of this judgment.”

The Tribunal also did not comment on the status of EC's which were previously granted by the authority constituted under the said notification, not the applications which continued to be pending. A copy of the judgment of the National Green Tribunal, New Delhi dated 08.12.2017 in OA No. 677/2016 is hereto annexed and marked as ANNEXURE 'R-11'

33.The Respondent No.10 submits that on 29.01.2018, the Government of Maharashtra issued a clarification clarifying that, in view of the aforesaid judgement dated 08.12.2017, all Municipal Corporations, municipal Councils and all Special Planning Authorities in Pune and the Konkan Division should not *process* any permission to building and construction projects having a built up area between 20,000 sq. m and 1,50,000sq.m. under the Amendment Notification dated 09.12.2016. It further clarified that the powers originally vested with the SEACs/SEIAA under the provisions of the EIA Notification 2006 continued to be in force and all the concerned local bodies/authorities were therefore directed to inform the concerned project proponents to apply online for the grant of an EC. The EC issued to Respondent No.10 is prior to the aforesaid judgment, and hence their application was not pending or under process. No clarification was provided with respect to the status of such an EC. Moreover, the Respondent No.10 has not received any intimation from the concerned authority requiring them to apply afresh for the grant of an EC. A copy of the Circular dated 29.01.2018 issued by the Environment Department, Government of Maharashtra is hereto annexed and marked as **ANNEXURE 'R-12'**

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34. The Maharashtra Pollution Control board (“MPCB”) issued a warning notice to the Respondent No.10 herein for not obtaining consent to establish and operate from the Board, and for other violations under the WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 (“Water Act”), and the AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 (“Air Act”). That on 01.09.2018, the MPCB asked the Respondent No.8 (to City Engineer, PCMC Chinchwad, Pune) to provide details of the construction completed up to 31.08. 2018. That on 08.10.2018, the Respondent No.08 in response to the said letter informed the MPCB that it has constructed 17,242.86 sq. m. up to 31.08.2018 and 14,132.51 sq.m. as on the date of EC i.e. on 28.11.2017. Thus it is clear from the said letter that Respondent No.10 has not constructed the construction over 20000 sq. mtrs. A translated copy of the letter dated 08.10.2018 addressed by the City Engineer PCMC to the MPCB is hereto annexed and marked as ANNEXURE ‘R-13’

35.The Respondent No.10 submits that on 04.05.2019, the MPCB granted the Respondent No.10 consent to establish for a residential and commercial construction project under the Air Act and Water Act. A copy of the Consent to Establish dated 04.05.2019 bearing No. Format1.0/BO/JD(WPC)/UAN-55364/CE/CC/905000231 is hereto annexed and marked as ANNEXURE 'R-14'

36.The Respondent No.10 submits that on 15.06.2019, the Environment Department, Government of Maharashtra, based on the complaint filed by the Applicant's Complainant, issued a show cause notice to the Respondent No.10 stating therein, *inter alia*, that it was obligatory for the Respondent No.10 to obtain a prior Environment Clearance before starting construction, as the total built up area of the proposed construction was 49,012.15 sq.m. A copy of the show-cause notice dated 15.06.2019 issued by the Environment Department, Government of Maharashtra is hereto annexed and marked as ANNEXURE 'R-15'

37.The Respondent No.10 submits that on 25.07.2019, the Respondent No.10 filed its response to the aforesaid show cause notice, stating therein that it had obtained an Environmental Clearance dated

28.11.2017 bearing No. BP/EC/16/03/2017 from the competent authority, after following due process. The Respondent No.10 also stated therein that it had obtained the requisite permissions from the MPCB. After the Respondent No.10 filed the captioned reply, no further orders were issued by the SEIAA, Environment Department, Government of Maharashtra. Though the amendment was subsequently declared to be bad by the NGT on 08.12.2017, the rights of the Respondent No.10 had crystallised before the judgment, and hence are saved, as held by the Hon'ble Supreme Court in *Goan Real Estate and Construction Limited v. Union of India* (2010) 5 SCC 388 (at para 38), where constructions undertaken under the amended CRZ Notification, which came to be declared bad by this Hon'ble Court were saved by this Hon'ble Court. Assuming without admitting that the EC was indeed invalid after the passing of the judgment in *Society for Protection of Environment & Biodiversity (supra)*, it is settled law that an order does not bear a brand of invalidity on its forehead, and anyone affected by any such order has to seek redress against the same within the period permissible for doing so. A copy of the reply dated 25.07.2019 sent by the Respondent No.10 to the SEIAA,

Environment Department, Government of Maharashtra is hereto annexed and marked as ANNEXURE 'R-16'

38. The Respondent No.10 submits that on 03.10.2019, the Applicant Complainant, filed OA No. 83/2019 (WZ) before the NGT falsely stating therein, *inter alia*, that the Respondent No.10 had not obtained a mandatory prior environmental clearance from the SEIAA, and that it was operating without a consent to establish and operate from the MPCB. Thereafter the Respondent No.10 submits that the Hon'ble Tribunal constituted a committee comprising of SEIAA, Maharashtra, MPCB and PCMC vide its order dated 9th July 2020. The Committee constituted by this Hon'ble Tribunal caused a visit to the site of the Respondent No.10 and submitted its detailed report dated 11th August 2020. It is pertinent to mention herein that the report submitted by the Committee did not observe that there are any illegalities committed by the Respondent No.10. The Committee further observed that the Respondent No.10 had obtained the Consent to Establish, Consent to Operate and further observed that the STP, OWC, Rain Water Harvesting and Solar Systems were in accordance to the permissions granted. The Committee also observed that the Respondent No.10 had obtained

all permissions and the same were valid and subsisting. The Hon'ble Tribunal proceeded on the submissions of the Applicant and passed an order dated 17th November 2020 directing demolition or recovering compensation from the Respondent No.10. The said order was challenged by the Respondent No.10 before the Hon'ble Supreme Court of India by preferring an Appeal Being Civil Appeal No.3893 of 2020. The Hon'ble Supreme Court of India allowed the said Appeal by setting aside the order of the Hon'ble Tribunal dated 17th November 2020 and directed the parties to remain present before the Tribunal. Copy of the order dated 11th December 2020 passed by the Hon'ble Supreme Court of India is annexed hereto and marked as **ANNEXURE – R-17.**

(III) PARA-WISE REPLY

39. With respect to the contents of para 1 & 2, the Respondent No.10 does not wish to offer any comments.
40. With respect to the contents of paras 3 to 6, the same are denied by this Respondent. The contents therein are neither true nor correct

nor bonafide. Moreover, the same are misleading misconceived, afterthought and as such are denied. The Applicant has proceeded to file the present Original Application on mere surmises and without gathering the correct information. As regards the allegations against the authorities, this Respondent would not be able to comment on the same.

41. With respect to the contents of paras 8 to 21, the contents therein false and denied by the Respondent No.10. As regards the allegations levelled by the Applicant in the said paras, it has been dealt by the Committee extensively in its report dated 11th August 2020 and also the same has been replied by this Respondent vide its reply dated 25th July 2019 to the SEIAA to the show cause notice. The same are not being reproduced here to avoid repetition as the same is part and parcel of the record of this Hon'ble Tribunal.

42. With respect to the contents of para 24, the contentions therein are not true and correct. It is submitted that there are no illegalities committed on the part of the Respondent No.10. The Respondent No.10 has constructed the project with all due permissions.

43. With respect to the contents of para 25, the Applicant has failed to make out the prima facie case and hence this Hon'ble Tribunal ought to reject the same with costs.
44. With respect to paras 26 to 28, the contents therein are not admitted by the Respondent No.10. The contents of para 29 are also not correct. There is no substantial question of law made out by the Applicant. The Respondent No.10 humbly states that, the Applicant has assumed and presumed that there is violation of environmental norms, rules and notifications issued by the government from time to time. The Applicant has no legal right to assume and presume such violation.
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45. The Applicant has no locus/legal right to file such Application, as the Applicant is not owner, flat purchaser, developer of the said scheme. The Applicant is a third person to the entire scheme floated by the undersigned. The Applicant has tried to obtain document relating to the scheme mentioned in the Applicant from various government/semi-government bodies under the provisions of the RTI act and misinterpreted the same to its convenience and has filed the present Application with a view to blackmail the Respondent No.10 for extorting huge amounts of money from the

Respondent No.10. The Applicant has malafide intentions in filling the present complaint and hence, the act of filling of the Applicant before this Hon'ble Tribunal is abuse of process of law. The allegations of the Applicant in the complaint are wild, baseless, and reckless and moreover, the same are defamatory in nature. The Respondent No.10 denies each and every allegation mentioned in the Application. The Respondent No.10 has filed the present reply thereby reserving rights to take appropriate criminal as well as civil action against the Applicant.

46. With respect to the contents of paras 31 to 33, the same has been already dealt by the present Respondent No.10 in the preliminary objections and the same is not reproduced herein to avoid repetition.

47. The allegations made by the Applicant are not admitted by the present Respondent No.10 and are denied in toto and therefore, in view of the facts mentioned herein above, the Original Application, filed by the Applicant is liable to be rejected with heavy cost.

PUNE
DATE 31/12/2020


ADVOCATE
FOR THE RESPONDENT No.10

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

ORIGINAL APPLICATION NO. 83/2019

Tanaji Balasaheb Gambhire ... **APPLICANT**

V/s

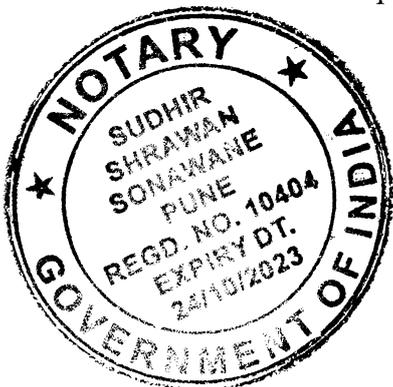
Union of India and others ... **RESPONDENTS**

A F F I D A V I T

MAY IT PLEASE THE HON'BLE TRIBUNAL

I, Kirpal Ghanshyam Gehani, Aged : 50 years, Occu.: Business, having address at 92-C, MIDC Block D-3, Old-Mumbai-Pune Highway, Chinchwad, Pune – 411 019 do hereby state on solemn affirmation as under :-

1. I am Director of the Respondent No.10 and responsible for day to day administration of the Respondent No.10's business. As such, I have gone through the Reply and annexures thereto being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.



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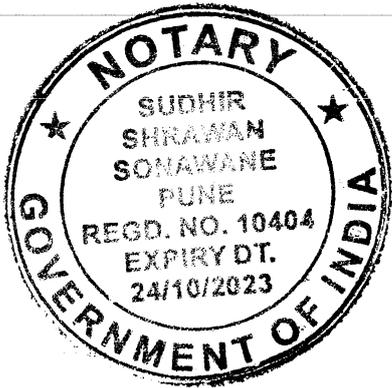
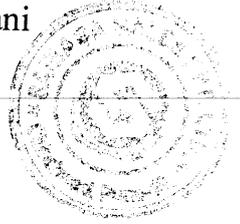
WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief.

In witness whereof I have signed hereunder at Pune on 31st day of December, 2020.

Identified by


Advocate

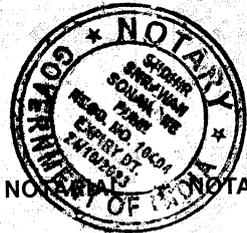

Kirpal Ghanshyam Gehani
Director
Respondent No.10



BEFORE ME


SUDHIR S. SONAWANE
NOTARY, GOVT. OF INDIA
PUNE

31 DEC 2020



NOTARIAL NOTARIAL NOTARIAL

ANNEXURE-R-1

571

REVISED CONSTRUCTION PERMISSION NO BP/PIMPRI/32/2008 DATE 23/05/2008

PIMPRI CHINCHWAD MUNICIPAL CORPORATION PIMPRI – 411018

(Henceforth following No. and date be mentioned in correspondence) This Consent Letter is given to Applicant without taking Reference of Legal Ownership of Land or Building)

Commencement Certificate

Revised Certificate For Starting Construction

Permission is hereby granted on the terms and under section 45 of Maharashtra Regional Town Planning Act 1966 and on the terms of Section 253 & 254

Pimpri Chinchwad Municipal Corporation

Pimpri 411018

No. BP/Chikhali layout/2013

Date 14/05/2013

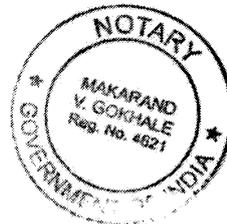
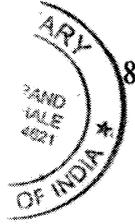
Shri Namdeo Sopana Bag & Others 2, Shri Babu Suryabhan Mukhekar through M/s Saibaba Sales Pvt. Ltd. through Director Shri. Kripal Ghanshyam Gehani (PAH) through L.A. Sachin Sutar.

You have been given Notice to Corporation for construction at Chikhali at Gat No. 1660 Part within Limits PCMC U/s 45 of Maharashtra Regional Town Planning Act 1966 and U/s 253 the Bombay Provincial Municipal Corporation at 1949 and It is received on 18/10/2011 . The Consent is given in following Terms & Condition and Terms No. to

- 1) To carry out Work as per Revised Plan enclosed
- 2) Proposed Construction is seen touching to standard demarcated Line Road then you have demolish on our Expenses whenever Officers of Corporation then will inform.
- 3) That the work came upto Plinth then set back shall get inspected by planning Department till then no work on Plinth can be started.
- 4) Consent is given on Terms written back on enclosed up.
- 5) The owner shall plant trees inside and outside of Building where the ne construction is being done before demanding Completion Certificate. and to Maintain & Preserve it Unless no Completion Certificate will not get The owner shall make fence to tress/Plants It is binding on owner for paying deposit amount in treasury as per prevailing Rules Corporation.



- 6) Unless & Until the debris of Building fallen on outside road or inside road is picked and cleared No application of giving Completion Certificate will be taken in account.
- 7) No existing trees to be cut if any on land without prior permission of Tree Authority otherwise legal action will be taken. Take a Note.
- 8) That P.C.M.C. has privilege to keep right to take penal action against you in case this construction is made violating provisions of The Bombay Provincial Municipal Corporations Act 1949 and Maharashtra Regional Town Planning Act 1966 or without taking permission form Completion Authority / not made as per sanction plan or made changes in that map or without obtaining Occupancy Certificates.
- 9) You have to keep building Material or Material of Old construction not on Public Road or to keep at the place which will not obstruct and if the same is found then penalty Rs. 25/- per sq.mt for Residential and Rs. 50/- per Sq.mtr. for Commercial Used per week will be charged as per Revised control Regulation.
- 10) Owner shall connect drainage pipeline of Building to Corporation Drainage at his own cost.
- 11) That Contractor of Plot owner/Builder or Project Scheme shall produce Affidavit stating that No. Complaint of Proposed Residential /Commercial holder will receive to Corporation duly executed before special Executive Magistrate before taking Completion Certificate.
- 12) That Separate Letter Box of names of Tenements shall be fix on Proper Place of ground floor of Building Till then No. Completion Certificate will get.
- 13) That it is binding to handover area of Road widening Under Development Layout to Corporation as per Rules.
- 14) Note use wood for Support and for structure, for RCC Work of Building. It is binding to use Iron Material for Support.
- 15) That Appointment of Structural Engineers approved by Indian Society of Structural Engineers Pune 30 be made for Building Construction Purpose. It is necessary to submit acceptance letter by structural Engineers to this Department. Not to start Building construction Unless this Letter is submitted
- 16) Not to Start Building construction till Tax, Paid, Receipt / Certificate for First six Month be submitted to this Department.
- 17) It is binding to make development as per Rule No. 11/03/5 of Development Control Rules of Open land shown in Sanction Layout Till then Part or completion Certificate will be given.



18) It is binding to handover Letter of Road widening as per Development layout to Corporation, The name of Corporation is to be recorded in acquired road widening area and then revised Property Card in acquired road widening area and then revised Property Card Land Records Demarcation Map is required to submit this office before taking part or Completion Certificate. It is binding to produce Certificate from Department Land and Assets. It is binding on Applicant to make macadamisation of road widening area as per instruction at his own expenses or as per prevailing rate of Corporation.

19) That the Land Records Demarcation map is as per easement. Corporation is not responsible for any dispute of boundaries of Land arises. The part or completion Certificate will not be given unless. Authorised Demarcation Map of City Land Records office/Property card submitted to this department.

20) It is binding to submit Revised Property Card Measurement Map of Plot Consolidation in this case City Land Record office before obtaining Occupancy Certificate.

21) It is binding to make Rain Water Harvesting Arrangement for Building on plot 300 Sq. mtr. And for the above area Except dense Populated area 300 sq.mtr. are and or for above area.

22) It is necessary to Make approach road to Plots and proper drain water system in around area in view of Public health. The Developer/Applicant is entirely responsible for making arrangement as per Rule 9.1 in Development council Regulation. Thus there will no be any problem for drain of water naturally. The Developer/Applicant is entirely responsible for that. That Developer/Applicant is also responsible for solving dispute arised from concerned Tenement Resident. The Corporation will not held responsible for such dispute. The consent Letter is sanction on the basis of this Terms.

23) It is binding on Developer to make arrangement of clean water for drinking & toilets for the construction Laborer residing on site.

24) It is binding on Developer to make available parking area for tenement without taking any consideration as per Development Control Regulations.

Seal

Sd.

Sd.

Sign of Asst. City Engineer

For City Engineer

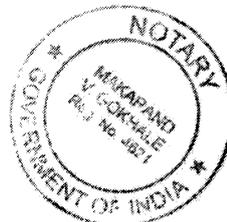
Is obtained on office Copy

Pimpri Chinchwad Municipal Corporation

Pimpri - 411018

Note: True Insulation

Makrand
MAKARAND V. GOKHALE
 M. Com., LL.M.
 ADVOCATE & NOTARY (GOVT. OF INDIA)
 378/2120, Sant Tukaram Nagar, P.S.
 Pimpri, Pune- 411 018.
 Maharashtra



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For Information:- 1) To Hon'ble District collector Pune District R.B. Pune

2) To Asstt Circle / Zonal officer PCMC/Pimpri waghire/ Pimpri Nagar/ Chinchwad/ Bhosari/ Kasarwadi/Akurdi/ Nigadi/Pradhikaran Sangvi/Pimple Gurav/ Pimple Nilakh/Pimple Saudagar/ Wakad / Ravet / Rahatni/ Thergaon for Information & further action.

3) Tax Collection Department, Main Office.



Building permission and unauthorised
Construction controlled Department

RTI 2005



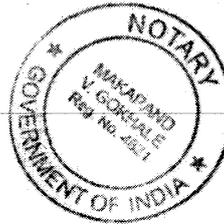
Information / Map

Given Under right to information Act 2005

(Xerox Copy)

Note:- Correct Translation

M. Gokhale
22/11/2020
MAKARAND V. GOKHALE
M. Com., LL.M.
ADVOCATE & NOTARY (GOVT. OF INDIA)
378/2120, Sant Tukaram Nagar,
Pimpri, Pune- 411 018.
Maharashtra



SOME IMPORTANT INSTRUCTION

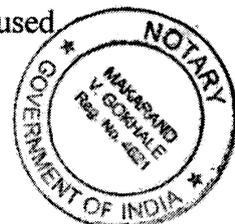
Corporation have to be Inform 10 days before actual starting of work Applicant is responsible if failed to do.

It is necessary Regarding Starting of Using of Land

- 1) It is necessary That The Owner shall make application for getting construction Occupancy Certificate U/s 263 of The Bombay Province Municipal Corporation Act 1949 immediately after Construction is Complete Thereby City Engineer or his Subordinates will able to Inspect the Land and will give their consent to use land. If failed then Applicant will be liable for penalty as per Policy.
- 2) That Corporation is not responsible for shifting previous floors electricity or other Mechanical wires. The Applicant have to make arrangement to obtain previous consent of concerned officers.
- 3) That Water Pipe lines shall be layed more than one foot from wall where there is one tenement. In case More than One tenement Pipe Should not layed more than one & half feet. That horizontal Pipe should not layed more than one and half feet. That Horizontal Pipe & standing cock be fixed so that it will go down to nearest Gutter or in Space in view of the water will not fell down in road from height.

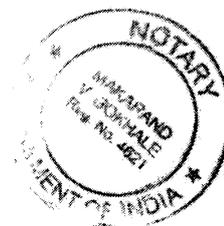
The consent Vide this Certificate is not given to close down or lower down the Natural water source (Specially rainy water) passing through plot.

- 4) That the Structure or Material required for Constructing home can not be kept in Corporation limits unless proper fee paid to Corporation. It will be an offence if structure is kept without obtaining consent.
- 5) That Non Agricultural permission have to be obtained from Hon'ble District Collector Pune before starting work for which NA tax of Land have to be paid No Construction without this Approval be Started
- 6) If the Public Open Space is seen included without any right then Corporation will demolish such construction & space will get open. This fact will not be affected by consent letter and Corporation will not responsible for any loss caused





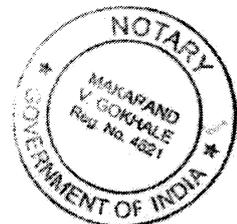
- 7) You are responsible for neighboring person, others for nuisance or shall cause any loss or inconvenience. There is no affect by this consent letter but you will be responsible for any additional work done by you on your own.
- 8) This Certificate be shown to Servant of Corporation or Police if they ask for. If not shown then it will be assumed that such construction is made without consent letter.
- 9) This Certificate will Valid for one year, After that it will be assumed to be cancelled. If the work is be start after one year as per consent letter then Application. With New Supervision Memo is to be made Validity period be increased and after taking consent letter construction can be started.
- 10) You have to accept any written order of corporation in case of special occasion. No obstructions will affect from this letter.
- 11) That Water Meter have to be taken & fixed from Corporation, before starting construction.
- 12) Corporation will not be responsible lower water pressure And due to lower water pressure water cannot reach to upper floor then in view of Proper & Sufficient water construction Supply to Building, then owner have to construct water Tank Minimum 0.50 mtrs as per Specification and Specific design as per Instruction of City Engineer or concerned officer and then to bring water from Corporations Main water Line in Tank. Then the water electric pump have to be fixed and then has to lift to water Tank in upper floors and from the Down Tech Pipe the water to every floors will be available such arrangement have to be made. The size of Tank will be made as per the instruction of City Engineer or Concerned officer In case Electricity Connection is not getting in spite of for owner will to arrange for then Petrol / Diesel shall be used for Engine for lifting water to upper floor. Until this arrangement is made completion Certificate will not be given. The owner /or third person can not use building for their own use.
- 13) No construction of new Well lake or pond Tank or fountain be done without written consent letter of Corporation. The arrangement of Mosquito Prevention to



Galley drops, open Gattars be made That Tank be covered with cap so as no dust will not go inside, That there must be strong lock and overflow (working) Pipe will be properly fenced with wire Gauge. No broken pieces of Glasses be fixed on boundary wall. That flushing Toilets or other toilets plinth should be above 0.5 mtrs from middle point of adjoining road or from surrounding area of owner Building.



- 14) That road to concerned plot; electricity drainage etc. shall be prepared as per development Municipal Specification otherwise no complainants of development be entertained nor road will be taken in possession.
- 15) You have to produce No Objection Certificate from Railway Ministry if Proposed construction is within 30 meters of Railway Limits.
- 16) That you have to submit copy of Challan of remaining Development Charges paid in Treasury of Corporation at the time of submitting Application for getting Building Completion Certificate. It is binding to pay remaining Development charges @ 18% from the date of close of Commencement Certificate as a Interest to be in Treasury of Corporation.
- 17) It is binding to submit copy of Permission from Competent Authority regarding Lifts in building, till then Lift cannot be used.
- 18) It is binding on Developer/ Applicant to put X-ray Scanner Door frame Metals Detector, Hand Held Metal Detector CC T.V. Camera, trained staff Sniffers dog & Soffits Exits in view of Providing Security to Malls Theatre Multiplex, Hotel, Amusement Centre's.
- 19) It is binding on Applicant to construct 2.40 X 2.40 mtr. Room at frontage part of Residential Projects Multiplex Malls having area 1 hecter or more then that for Corporations Kiosk /ATM Center and to handover without consideration to Corporation.





20) It is binding to install Solar Water Heating System to Guest House Hotels Police Main / Army Barax Canteens, Laboratory Research Canters, Hostels School, Colleges, Other institutes as per Revised Rule no. 23.3 of Development control Regulation Unless & Until no part or completion Certificate will be given.

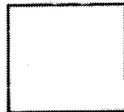
21) It is binding to install Solar water heating system of 50% capacity of Maximum Roof area for Residential Building having 150 Sq.mtrs. and Housing Projects having minimum 4000.00 Square meter area and 25 Ltr. Until no Part or Completion Certificate will be given.

Address of Construction Site

Address of Developer / Owner

Building permission and unauthorised
Construction controlled Department

RTI 2005



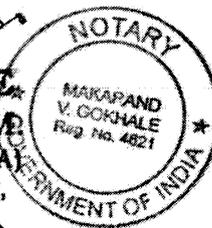
Information / Map

Given Under right to information Act 2005

(Xerox Copy)

Note:- Correct Translation.

M. Gokhale
25/11/2022
MAKARAND V. GOKHALE
M. Com., LL.M.
ADVOCATE & NOTARY (GOVT. OF INDIA)
378/2120, Sant Tukaram Nagar,
Pimpri, Pune- 411 018. P
Maharashtra



SBEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHIOriginal Application No.677 of 2016
(M.A. No. 1283 of 2016)IN THE MATTER OF:

Society for Protection of Environment Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant: Mr. Sanjay Upadhyay, Mr. Salik Shafique and Ms. Divya Sharma, Advs.
Respondents: Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Advs.
Ms. Alpana Poddar and Mr. Bhupendra Kumar, LA
Mr. B.V. Niren, Adv.
Mr. Tushar Mehta, ASG and Mr. Divya Prakash Pandey, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 02</p> <p>December 21, 2016 A</p>	<p><u>Original Application No.677 of 2016</u></p> <p>We have heard the Learned counsel appearing for the Applicant. Issue Notice to the Respondents. Learned counsel appearing for all the respective Respondents accept Notice, waive service and pray for time to file the Reply. Copies of the Application have been furnished to them. Let the Replies be filed within two weeks from today with advance copies to the Learned counsel appearing for the Applicant who may file Rejoinder(s) thereto, if any, before the next date of hearing.</p> <p>List this matter for final disposal on 04th January, 2017.</p> <p><u>M.A. No. 1283 of 2016</u></p> <p>This is an Application praying for interim stay of the Notification dated 09th December, 2016 since we have fixed the matter for hearing on 04th January, 2017 we do not wish to stay the Notification dated 09th December, 2016. However, all the acts done in the meanwhile will be subject to final orders that would be passed in the matter.</p>

		<p>Accordingly, M.A. No. 1283 of 2016 stands disposed of without any order as to costs.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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Government Directives under section
154(1) of Maharashtra Regional &
Town Planning Act, 1966

Government of Maharashtra,
Urban Development Department,
Mantralaya, Mumbai-400 032.
Dated : 13/04/2017

No. TPS-1816/CR-443/16/RP Directives/UD-13:-

The Government has sanctioned various Development Plans (hereinafter referred to as 'the said Development Plans') along with their Building Bye-laws and Development Control Regulations (hereinafter referred to as 'the said Development Control Regulations') to All Municipal Corporations / Special Planning Authorities / Municipal Councils and for all Regional Plans (hereinafter referred to as 'the said Authorities') under the provisions of the Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as 'the said Act')

Land, Air, Noise, Water, Energy, Biological, Solid and other waste management are the main environment factors to be considered in relation to the pre-during-post building construction and for that the Environment Clearance is necessary for a few categories of construction projects and area development projects under EIA notification 2006 as amended from time to time. The Ministry Of Environment, Forest and Climate Change has decided to integrate the green norms/ environmental safeguards into building plans approval process and to empower the concerned local authorities / planning authorities to examine, stipulate and ensure compliance of the environmental requirements in their respective areas with an objective of "Ease of Doing Business".

And Whereas, The Ministry Of Environment, Forest and Climate Change has sanctioned the amendment for incorporating Integration of Environmental condition in the building bye laws vide MoEF notification No.S.O.3999(E), dated 9th December 2016 (hereinafter referred to as the said notification) in which proposed that the State Government should incorporate the green norms/parameters (hereinafter referred to as the said Proposed Environmental norms) to be adopted for all buildings and constructions having built up area from 5000 sq mt to 1,50,000 sq mtr in the said Development Control Regulations of the respective said Authorities as specifically mentioned in the said notification.

And whereas, Ministry Of Environment, Forest and Climate Change vide their Office memorandum FNo19-159/2014-IA III/Dated 15.03.2017 has concurred with the state Government to adopt the said proposed Environmental Norms in the said DCR of the said Authorities;

In view of the fact mention above, the Government found it expedient in the public interest to take recourse of the Section 154 of the said Act to start implementation of the said proposed Environmental Green Norms / parameters issued by MoEF (Climate Change) vide



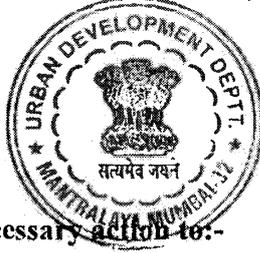
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notification, dated 09/12/2016 while sanctioning the building permissions along with their prevailing Development Control Regulations by all the said Authorities.

Now therefore, in exercise of the powers conferred by Section 154(1) of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) and all other powers enabling in that behalf, the Govt. of Maharashtra hereby, issues Directives to all the said Authorities, to start immediate implementation of the proposed Green Norms as mentioned in the MoEF notification No.S.O.3999(E), dated 9th December 2016 and more specifically mentioned at Schedule-A attached herewith while sanctioning the building permissions along with their prevailing Development Control Regulations pending sanction to the said proposed modification issued vide Notice No.TPS-1816/CR-443/16/RP Notice/UD-13, dated 13/04/2017 under section 20(3) of the said Act.

These Directives shall also be published on the Government website www.maharashtra.gov.in (कायदे / नियम).

By order and in the name of Governor of Maharashtra,



(Sanjay Saoji)

Deputy Secretary to Government

Copy for information and necessary action to:-

- 1) Metropolitan Commissioner MMRDA
- 2) The Director of Town Planning, Maharashtra State, Pune.
- 3) Metropolitan Commissioner, PMRDA, Pune / NMRDA, Nashik / AMRDA, Aurangabad.
- 4) The Collector of concerned district (All)
- 8) Divisional Joint Director of Town Planning, Pune/Konkan/Amravati/Nagpur/Aurangabad / Nashik.
- 9) Deputy Director of Town Planning, Urban Reserch Cell Pune
- 10) Assistant Director of Town Planning of concerned district.
- 11) The Manager, Government Printing Press, Charni Road, Mumbai – You are requested to publish this directives in extra ordinary gazette at central level.

**Government Notice under section
20(3) of Maharashtra Regional &
Town Planning Act, 1966 for all
Regional Plans.**

**Government of Maharashtra,
Urban Development Department,
Mantralaya, Mumbai-400 032.
Dated : 13/04/2017**

NOTICE

No. TPS-1816/CR-443/16/RP notice /UD-13:- Whereas, the Government in Urban Development Department has sanctioned the **Regional Plans** for various Region in Maharashtra (hereinafter referred to as "the said Regional Plans") under Section 15 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide various Notifications (hereinafter referred to as "the said Notifications") from time to time, which have come into force, with effect from the dates as stipulated under the said Notifications;

And whereas, the said Regional Plan has been sanctioned along with their Development Control Regulations (hereinafter referred to as "the said Development Control Regulations");

And whereas Land, Air, Noise, Water, Energy, Biological, Solid and other waste management are the main environment factors to be considered in relation to the pre-during-post building construction and for that the Environment Clearance is necessary for a few categories of construction projects and area development projects under EIA notification 2006 as amended from time to time ;

And whereas the Ministry Of Environment , Forest and Climate Change has decided to integrate the environmental norms/ environmental safeguards into building plans approval process and to empower the concerned local authorities / planning authorities to examine, stipulate and ensure compliance of the environmental requirements in their respective areas with an objective of "Ease of doing business";

And whereas, The Ministry Of Environment and Forest has sanctioned the amendment for incorporating **Integration of Environmental condition in the building bye laws** vide MoEF notification No.S.O.3999(E), dated 9th December, 2016 (hereinafter referred to as the said MoEF notification) in which proposed that the State Government should incorporate the environmental norms/ environmental safeguards (hereinafter referred to as the said Proposed Modifications) to be adopted for all buildings and constructions having built up area 5000 Sq. mt. to 1,50,000 Sq mtr , in the said Development Control Regulations of the respective said Planning Authorities as specifically mentioned in the said notification;



9/19/17

And whereas, Ministry Of Environment, Forest and Climate Change vide their Office memorandum FNo19-159/2014-IA III/Dated 15.03.2017 has concurred with the state Government to adopt the said proposed Environmental Norms in the said DCR of the said Authorities;

And whereas, the Government is of the opinion that it is necessary in public interest to modify the said Development Control Regulations of **Regional Plans** as per the provisions of Section 20(2) of the said Act to incorporate the **Environmental conditions** of the said MoEF notification (hereinafter referred to as the "proposed modification");

Now therefore, as provided in sub-section 3 of Section 20 of the said Act, the Government hereby declares its intention to make the proposed modification and for that purpose, invites suggestions and / or objections from any person with respect to the Proposed Modification. Suggestions and / or objections in this regard shall be submitted to the concerned Divisional Joint Director of Town Planning who is hereby appointed as the "Officer" for giving hearing in respect of the suggestions and / or objections received in this regard and submit his report to the Government;

Suggestions and / or objections received by the concerned Divisional Joint Director of Town Planning, within a period of 30 (thirty) days only from the date of publication of this Notice in the Official Gazette will be considered.

This notice shall be kept open for inspection to the general public in the following offices for the above period on all working days.

- (i) Office of the Director of Town Planning, Central Building, Pune;
- (ii) Office of the Joint Director of Town Planning, Pune, Nashik, Nagpur, Konkan Aurangabad, Amravati Division;

This Notice shall also be published on the Government website www.maharashtra.gov.in (कायदे / नियम).

By order and in the name of Governor of Maharashtra,



(Sanjay Saoji)
Deputy Secretary to Government

Schedule-A

**(Accompanied with Government Notice No. TPS-1816/
CR-443/16/RP Notice/UD-13, Dated 13/04/2017)**

Integration of environmental condition in building bye-laws -

(1) The Integrated Environmental conditions with the building permission being granted by the local authorities and the construction of buildings for the built up area as mention in Schedule / item 8 of Environmental Impact Assessment Notification 2006 shall adhere to the objectives and monitorable environmental conditions as given at **Appendix-A**.

(2) The States adopting the objectives and monitorable environmental conditions referred to in subparagraph (1), in the building bye-laws and relevant State laws and incorporating these conditions in the approvals given for building construction making it legally enforceable shall not require a separate environmental clearance from the Ministry of Environment, Forest and Climate Change for individual buildings.

(3) The local authorities like Development Authorities, Municipal Corporations, may certify the compliance of the environmental conditions prior to issuance of Completion Certificate, as applicable as per the requirements stipulated for such buildings based on the recommendation of the Environmental Cell constituted in the local authority.

(4) The State Governments where bye-laws or rules are not framed may continue to follow the existing procedure of appraisal for individual projects and grant of Environmental Clearance for buildings and constructions as per the provisions laid down in this notification.

(5) For the purpose of certification regarding incorporation of environmental conditions in buildings, the Ministry of Environment, Forest and Climate Change may empanel through competent agencies, the Qualified Building Environment Auditors (QBEAs) to assess and certify the building projects, as per the requirements of this notification and the procedure for accreditation of Qualified Building Auditors and their role as given at **Appendix-B**.

(6) In order to implement the integration of environmental condition in building bye-laws, the State Governments or Local Authorities may constitute the Environment Cell (herein after called as Cell), for compliance and monitoring and to ensure environmental planning within their jurisdiction.

(7) The Cell shall monitor the implementation of the bye-laws and rules framed for Integration of environmental conditions for construction of building and the Cell may also allow the third part auditing process for oversight, if any.

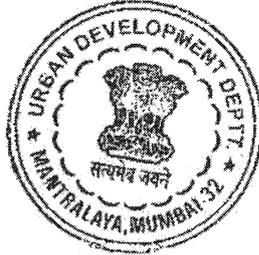
(8) The Cell shall function under the administrative control of the Local Authorities.

(9) The composition and functions of the Cell are given at **Appendix-C**.



[Handwritten signature]

to the local body for blacklisting of Qualified Building Environment Auditors and financial penalty on the owner and Qualified Building Environment Auditors. No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters.



(Sanjay Saoji)

Deputy Secretary to Government

Appendix- A
Environmental Condition for Building and Construction.

Category 1
(5000 to less than 20,000 sq.mt.)

Sr. No.	Medium	Environmental Condition
1	Topography and Natural Drainage	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bioswales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
2	Water Conservation, Rain Water Harvesting, and Ground Water Recharge	<p>Use of water efficient appliances shall be promoted. The local bye-law provisions on rain water harvesting should be followed.</p> <p>If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-Laws, 2016.</p> <p>A rain water harvesting plan needs to be designed where the recharge bores (minimum one recharge bore per 5,000 square meters of built up area) is recommended. Storage and reuse of the rain water harvested should be promoted. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.</p> <p>All recharge should be limited to shallow aquifer.</p>
2 a	--	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
3	Waste Management	<p>Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste.</p> <p>Sewage: In areas where there is no municipal sewage network, onsite treatment systems should be installed.</p>



		<p>Natural treatment systems which integrate with the landscape shall be promoted. As far as possible treated effluent should be reused. The excess treated effluent shall be discharged following the CPCB norms.</p> <p>Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.</p> <p>The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.</p>
4	Energy	<p>Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.</p> <p>Outdoor and common area lighting shall be Light Emitting Diode (LED).</p> <p>Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building by-laws requirement, whichever is higher.</p> <p>Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.</p> <p>Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design.</p> <p>Wall, window, and roof u-values shall be as per ECBC specifications.</p>



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5	Air Quality and Noise	<p>Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.</p> <p>Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.</p> <p>Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.</p> <p>All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.</p> <p>For indoor air quality the ventilation provisions as per National Building Code of India shall be made.</p>
5 a	--	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
6	Green Cover	Minimum of 1 tree for every 80 square meters of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
6 (a)	--	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. Planting of 3 trees for every 1 tree that is cut) shall be done and maintained.

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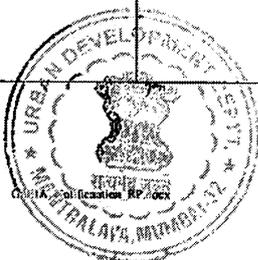
Category 2

(20,000 to less than 50,000 sq.mt.)

Sr. No	Medium	Environmental Condition
1	Topography and Natural Drainage	<p>The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bios wales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.</p> <p>Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.</p>
2	Water Conservation, Rain Water Harvesting, and Ground Water Recharge	<p>A complete plan for rain water harvesting, water efficiency and conservation should be prepared.</p> <p>Use of water efficient appliances should be promoted with low flow fixtures or sensors.</p> <p>If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-Laws, 2016.</p> <p>A rain water harvesting plan needs to be designed where the recharge bores (minimum one recharge bore per 5,000 square meters of built up area) is recommended. Storage and reuse of the rain water harvested should be promoted. In areas where ground water recharge is not feasible, the rain water should be harvested.</p> <p>And stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.</p> <p>All recharge should be limited to shallow aquifer.</p>
2 a	--	<p>At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.</p>



3	Waste Management	<p>Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste.</p> <p>Sewage: Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted.</p> <p>Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.</p> <p>The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.</p>
3(a)	--	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
3(b)	--	Organic waste compost/ Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
4	Energy	<p>Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.</p> <p>Outdoor and common area lighting shall be Light Emitting Diode (LED).</p> <p>Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design.</p> <p>Wall, window, and roof u-values shall be as per ECBC specifications.</p>



4(a)	--	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building by-laws requirement, whichever is higher.
4(b)	--	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
4(c)	--	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include fly ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials. Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
5	Air Quality and Noise	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site. Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution. Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.



		<p>All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.</p> <p>For indoor air quality the ventilation provisions as per National Building Code of India shall be made.</p>
5 a	--	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
6	Green Cover	Minimum of 1 tree for every 80 square meters of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
6 (a)	--	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.
7	Top Soil preservation and reuse	<p>Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services.</p> <p>It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.</p>
8	Transport	<p>A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks.</p> <p>Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria.</p> <ol style="list-style-type: none"> 1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. 2. Traffic calming measures. 3. Proper design of entry and exit points. 4. Parking norms as per local regulation.



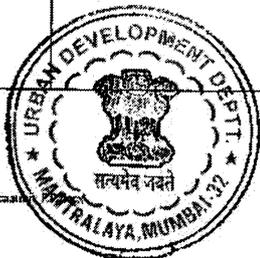
Category 3

(50,000 to 1,50,000 sq.mt.)

Sr. No	Medium	Environmental Conditions
1	Topography and Natural Drainage	<p>The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.</p> <p>Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.</p>
2	Water Conservation, Rain Water Harvesting, and Ground Water Recharge	<p>A complete plan for rain water harvesting, water efficiency and conservation should be prepared.</p> <p>Use of water efficient appliances should be promoted with low flow fixtures or sensors.</p> <p>The local byelaws provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-Laws, 2016.</p> <p>A rain water harvesting plan needs to be designed where the recharge bores (minimum one recharge bore per 5,000 square meters of built up area) is recommended. Storage and reuse of the rain water harvested should be promoted. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.</p> <p>All recharge should be limited to shallow aquifer.</p>
2 a	--	<p>At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.</p>



2 b	--	Use of water efficient appliances should be promoted. Low flow fixtures or sensors be used to promote water conservation.
2 c	--	Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
3	Solid Waste Management	<p>Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste.</p> <p>The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.</p>
3(a)		All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
3(b)		Organic waste compost/ Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
4	Sewage Treatment Plan	<p>Sewage: Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted.</p> <p>Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.</p>
5	Energy	<p>Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.</p> <p>Outdoor and common area lighting shall be Light Emitting Diode (LED).</p>



		<p>Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design.</p> <p>Wall, window, and roof u-values shall be as per ECBC specifications.</p>
5(a)	--	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building by-laws requirement, whichever is higher.
5(b)	--	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
5(c)	--	<p>Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity.</p> <p>These include fly ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.</p> <p>Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.</p>
6	Air Quality and Noise	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution



		<p>at the site as well as taking out debris from the site. Wheel washing for the vehicle used be done</p> <p>Sand, murram, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.</p> <p>Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.</p> <p>All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.</p> <p>All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.</p> <p>For indoor air quality the ventilation provisions as per National Building Code of India shall be made.</p>
6 a	--	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
7	Green Cover	Minimum of 1 tree for every 80 square meters of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
7(a)	--	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.
8	Top Soil preservation and reuse	<p>Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services.</p> <p>It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.</p>



9	Transport	<p>A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks.</p> <p>Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria.</p> <ol style="list-style-type: none"> 1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. 2. Traffic calming measures. 3. Proper design of entry and exit points. 4. Parking norms as per local regulation.
10	Environment and management Plan	<p>An environmental management plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified in item number 1 to 9 above. A dedicated Environment Monitoring Cell with defined functions and responsibility shall be put in place to implement the EMP. The environmental cell shall ensure that the environment infrastructure like Sewage Treatment Plant, Landscaping, Rain Water Harvesting, Energy efficiency and conservation, Water efficiency and conservation, Solid waste management, Renewable energy etc. are kept operational and meet the required standards. The environmental cell shall also keep the record of environment monitoring and those related to the environment infrastructure.</p>



(Signature)

(Sanjay Saoji)

Deputy Secretary to Government

APPENDIX - B**Accreditation of Environmental Auditors (Qualified Building Auditors)**

The Ministry of Environment, Forest and Climate Change (MoEFCC), through qualified agencies shall accredit the Qualified Building Environment Auditors (QBEAs). The Qualified Building Environment Auditors could be a firm / organization or an individual expert, who fulfils the requirements. The Ministry will implement this process of accreditation through Quality Council of India (QCI), National Productivity Council or any other organization identified by the Government. The organizations like Indian Green Building Council, Bureau of Energy Efficiency etc. can also be associated in the process of accreditation, training, and renewal. The environmental consultants accredited by the QCI for building sector will be qualified as QBEAs. The QBEAs will meet the following criteria. The accrediting agency can improvise on these criteria.

Qualifications of the Auditor:

a. Education: Architect (Degree or Diploma), Town Planners (Degree), Civil Engineer / Mechanical Engineer (Degree or Diploma), PG in Environmental Science or any other qualification as per the scheme of the accreditation.

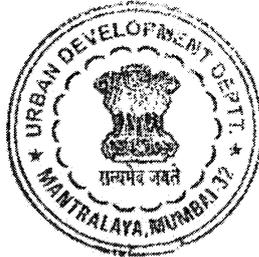
b. Training: Mandatory training to be given by the accreditation body or their approved training providers. This will be as per the scheme of the accreditation.

c. Experience: At least 3 years of work experience in the related field or building sector Environment Impact Assessment consultants accredited by QCI or any other experience criteria as per the scheme of the accreditation.

d. Infrastructure and equipment: As per the scheme of the accreditation Renewal:

e. Renewl : The accreditation will be valid for 5 years and will be renewed as per the process developed under the accreditation scheme.

Accountability/Complaint redressal mechanism: Any complaints regarding the quality of the work of QBEAs shall be made to the accreditation body. The accreditation body shall evaluate the complaint and take appropriate action including black listing or cancellation of the accreditation with wide public notice. This will be in addition to the action at the level of local authority for penalty and blacklisting. The Ministry can also take such action in case of specific complaint or feedback.



(Sanjay Saoji)

Deputy Secretary to Government

APPENDIX-C

Environmental Cell at the level of Local Authority:

An Environmental Cell shall be setup at the local authority level to support compliance and monitoring of environmental conditions in buildings. The Cell shall also provide assistance in environmental planning and capacity building within their jurisdiction. The responsibility of this cell would be monitoring the implementation of this notification and providing an oversight to the Third-Party Auditing process. The cell will operate under the local authority.

Constitution of the cell:

The cell will comprise of at least 3 dedicated experts in following fields:

- a. Waste management (solid and liquid)
- b. Water conservation and management
- c. Resource efficiency including Building materials
- d. Energy Efficiency and renewable energy
- e. Environmental planning including air quality management.
- f. Transport planning and management.

The Cell shall induct at least two outside experts as per the requirements and background of dedicated experts.

Existing environmental cells at the level of local authority can be co-opted and trained for this Cell.

Financial Support:

An additional fee may be charged along with processing fee for building permission for integrating environmental conditions and it's monitoring. The local authority can fix and revise this additional fee from time to time.

The amount of this fee shall be deposited in a separate bank account, and used for meeting the requirement of salary / emoluments of experts and running the system of online application, verifications and the Environmental Cell.

Functions of the Cell:

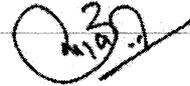
1. The cell shall be responsible for assessing and appraising the environmental concerns of the area under their jurisdiction where building activities are proposed. The Cell can evolve and propose additional environmental conditions as per requirements. These conditions may be area specific and shall be notified in advance from time to time. These additional conditions shall be approved following a due consultation process. These environmental conditions will be integrated in building permissions by the sanctioning authority.



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2. Develop and maintain an online system for application and payment of fees. The Cell shall maintain an online database of all applications received, projects approved, the compliance audit report, random inspections made. The Cell shall maintain a portal for public disclosure of project details including self-certification and compliance audit reports filed by the Qualified Building Environment Auditors for public scrutiny of compliance of environmental conditions by the project.
3. Monitoring the work of Environmental Audit process carried by the Qualified Building Auditors.
4. The Cell shall review the applications; finalize the additional environmental conditions if required within 30 days of the submission of the application to the local authority.
5. The Cell shall adopt risk based random selection of projects for verifying on site for certification of QBA, compliance of environmental conditions and five yearly audit report.
6. The Cell shall recommend to the local authority for financial penalty for non-compliance of environmental conditions by the project proponent.
7. The Cell shall recommend to the accrediting body and the local authority against any Qualified Building Environment Auditor, if any lapse is found in their work.





(Sanjay Saoji)

Deputy Secretary to Government

2. Develop and maintain an online system for application and payment of fees. The Cell shall maintain an online database of all applications received, projects approved, the compliance audit report, random inspections made. The Cell shall maintain a portal for public disclosure of project details including self-certification and compliance audit reports filed by the Qualified Building Environment Auditors for public scrutiny of compliance of environmental conditions by the project.
3. Monitoring the work of Environmental Audit process carried by the Qualified Building Auditors.
4. The Cell shall review the applications; finalize the additional environmental conditions if required within 30 days of the submission of the application to the local authority.
5. The Cell shall adopt risk based random selection of projects for verifying on site for certification of QBA, compliance of environmental conditions and five yearly audit report.
6. The Cell shall recommend to the local authority for financial penalty for non-compliance of environmental conditions by the project proponent.
7. The Cell shall recommend to the accrediting body and the local authority against any Qualified Building Environment Auditor, if any lapse is found in their work.



(Sanjay Saoji)

Deputy Secretary to Government



REVISED CONSTRUCTION PERMISSION NO BP/PIMPRI/32/2008 DATE 23/05/2008

PIMPRI CHINCHWAD MUNICIPAL CORPORATION PIMPRI – 411018

(Henceforth following No. and date be mentioned in correspondence) This Consent Letter is given to Applicant without taking Reference of Legal Ownership of Land or Building)

Commencement Certificate

Revised Certificate For Starting Construction

FOR BP/Chikhali/13/2013 dt. 14/05/2013

Permission is hereby granted on the terms and under section 45 of Maharashtra Regional Town Planning Act 1966 and on the terms of Section 253 & 254

Pimpri Chinchwad Municipal Corporation

Pimpri 411018

No. BP/Chikhali/55/2017

Date 23/05/2017

Shri Namdeo Sopana Bag & Others 2, Shri Babu Suryabhan Mukhekar through M/s Saibaba Sales Pvt. Ltd. through Director Shri. Kripal Ghanshyam Gehani (PAH) through L.A. Sachin Sutar.

You have been given Notice to Corporation for construction at Chikhali at Gat No. 1660 Part within Limits PCMC U/s 45 of Maharashtra Regional Town Planning Act 1966 and U/s 253 the Bombay Provincial Municipal Corporation at 1949 and It is received on 18/10/2011 . The Consent is given in following Terms & Condition and Terms No. 29 to 31.

- 1) To carry out Work as per Revised Plan enclosed
- 2) Proposed Construction is seen touching to standard demarcated Line Road then you have demolish on our Expenses whenever Officers of Corporation then will inform.
- 3) That the work came upto Plinth then set back shall get inspected by planning Department till then no work on Plinth can be started.
- 4) Consent is given on Terms written back on enclosed up.
- 5) The owner shall plant trees inside and outside of Building where the ne construction is being done before demanding Completion Certificate. and to Maintain & Preserve it Unless no Completion Certificate will not get The

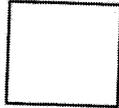




- owner shall make fence to tress/Plants It is binding on owner for paying deposit amount in treasury as per prevailing Rules Corporation.
- 6) Unless & Until the debris of Building fallen on outside road or inside road is picked and cleared No application of giving Completion Certificate will be taken in account.
 - 7) No existing trees to be cut if any on land without prior permission of Tree Authority otherwise legal action will be taken. Take a Note.
 - 8) That P.C.M.C. has privilege to keep right to take penal action against you in case this construction is made violating provisions of The Bombay Provincial Municipal Corporations Act 1949 and Maharashtra Regional Town Planning Act 1966 or without taking permission form Completion Authority / not made as per sanction plan or made changes in that map or without obtaining Occupancy Certificates.
 - 9) You have to keep building Material or Material of Old construction not on Public Road or to keep at the place which will not obstruct and if the same is found then penalty Rs. 25/- per sq.mt for Residential and Rs. 50/- per Sq.mtr. for Commercial Used per week will be charged as per Revised control Regulation.
 - 10) Owner shall connect drainage pipeline of Building to Corporation Drainage at his own cost.

Building permission and unauthorised
Construction controlled Department

RTI 2005



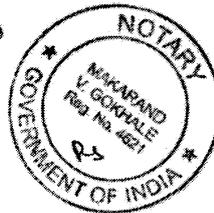
Information / Map

Given Under right to information Act 2005

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Note:- Correct Translation

Makarand V. Gokhale
7/11/2020
MAKARAND V. GOKHALE
Advocate, LL.M.
ADVOCATE & NOTARY (GOVT. OF INDIA)
378/2120, Sant Tukaram Nagar,
Pimpri, Pune- 411 018.
Maharashtra



 SAIBABA SALES PVT. LTD.

Date: 10/7/2017

To, Chairman, Environment cell / Joint City Engineer Building Permission Dept
Pimpri Chinchwad Municipal Corporation
Mumbai-Pune Road,
Pimpri, Pune-411018
Maharashtra, India.

Subject- Submission of Application for Environmental Clearance under category-II.

Dear Sir,

We are submitting herewith the application for Environmental Clearance in prescribed Form IA along with annexure for Proposed Project "Sai Exotique" by M/s Sai Baba Sales Pvt.Ltd.at Gat. No. 1660, Tal.-Chikhali, Dist. - Pune.

We request your good selves to kindly acknowledge the receipt of the same and arrange to process our application at the earliest.

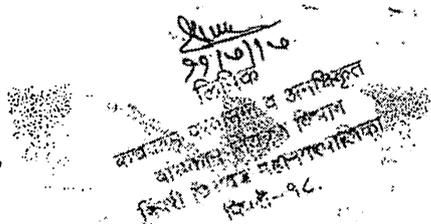
Thanking You

Yours Faithfully,
For Project: "Sai Exotique"
M/s Sai Baba Sales Pvt. Ltd

(Authorized Signatory)

Encl herewith: -

- 1) Form IA



दाखलम परवानगी व अनधिकृत
संशोधन विभाग निदेश

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(.....)

True Copy

ANNEXURE-R-6

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PIMPRI CHINCHWAD MUNICIPAL CORPORATION
An ISO 9001:2008 Certified Organization

FORM – IA

[Vide M.o.E.F & C.C Notification dated 14th September, 2006 & Government of Maharashtra, Urban Development Department Directives u/s 37(1AA) (c) No. TPS-1816/CR-443/16/DP/Pune and Kokan /UD-13 dated 28/06/2017]

For Proposed Building Construction Project

“SAI EXOTIQUE”

At

Gat No.1660/1, Chikhali ,Pune, Maharashtra

Of

M/s. Sai Baba Sales Pvt.Ltd.

Having Estimated Cost: Rs. 82 crores

Number of Tenements: 390 nos.

Commercial Area: 217.99 m²

Number of Occupants: 2023 nos. (Residential – 1950, Commercial-73)

Under Screening Category: Category 2

Name of Project Proponent: Mr. Kripal Gehaney

Address: At.Gat.No.1660/1, Tal.Chikhali,Pune, Maharashtra

Contact email address: gehaneyk@yahoo.com

Contact Number: 9764790999

पुणे नगरपालिका व अनधिकृत
विकास विभाग
पुणे



पुणे नगरपालिका व अनधिकृत
विकास विभाग
(उपनिवेशात)



Form IA

(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

- 1.1 Will the existing land use get significantly altered from the project that is not consistent with the surroundings? (Proposed land use must conform to the approved Master Plan / Development Plan of the area. Change of land use if any and the statutory approval from the competent authority to 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.**

- Ans. • Attach Google Image of site location – Annexure 1
• Village Map – Annexure 2
• R.P. Zoning map – Annexure 3

- 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.**

Ans Conceptual Layout is attached herewith as Annexure 4

Licensed Architect certificate regarding B.U.A is attached herewith as Annexure 5

Major requirements of the project are listed below as:

Sr. No.	Particular	Details
A	LAND AREA	
1.	Total plot area	19005.76
2.	Proposed F.S.I.	18927.61
3.	Proposed Non FSI	25461.54
4.	Total construction built up area	44389.15
4.	Parking area	6114.00
5.	R.G. area (area for landscape)	2441.973
B	WATER	
I	During Construction Phase	
1	For Workers	Drinking: 0.5m ³ /day Domestic: 4.5m ³ /day
2	Construction purposes	30 m ³ /day
B	Total (1+2)	35m ³ /day

आधारभूत पर्यावरणीय व अनधिकृत

परिचयन विभाग, दिल्ली

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2009 अक्टोबर

1/1/2009

(सं. 1/2009)

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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?)
Ans.	<ul style="list-style-type: none"> Total quantity of excavation: 1800 m³ Quantity of backfill from excavated earth: 900 m³ Quantity of earthwork used in site leveling/reclamation: 540 m³ Quantity of excess earthwork to be disposed off outside site: No.
1.7	Give details regarding water supply, waste handling etc during the construction period.
Ans.:	<p>Details of water supply and waste management during construction phase is given below:</p> <p>Water:</p> <p>Total water requirement : 35 m³/day Domestic/ Drinking requirement : Domestic-4.5 m³/day, Drinking-0.5 m³/day Construction activity requirement : 30m³/day</p> <p>Wastewater Treatment & Disposal:</p> <p>Generated sewage from construction: 6.07m³/day Disposal through: Septic Tank with soak pit</p>
	<p>SOLID WASTE</p> <p>Quantity: 25 Kg/day (labour use)</p> <p>Disposal: site leveling</p>
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)
Ans.:	No
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)
Ans.:	<p>No</p> <p>Number of workers: 50 Nos.</p> <p>Safety Measures:</p> <ul style="list-style-type: none"> Barricading the site with at least 3 m height Sprinkling of water for dust suppression Face masks Personal protective equipment for workers <p>Source:</p> <p>Construction debris: Construction waste will be generated from the building will be channelized through debris chutes. It includes waste concrete, excavated soil, broken bricks, waste plaster, metallic scrap etc. Construction debris will be used for base course preparation.</p> <p>Domestic Solid Waste: 25 Kg/day from labour use. It includes food waste, rubbish & other biodegradable waste.</p> <p>DISPOSAL:</p> <p>Construction Debris: It will be used for leveling the site.</p>

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राजस्थान पर्यावरणी व अनधिकृत

विकास विभाग, दिल्ली

दस्तावेज संख्या: 2004

दिनांक: 20/04/2004

पृष्ठ संख्या: 1/1

संलग्निका: 1

आवेदन संख्या: 2004

दिनांक: 20/04/2004

पृष्ठ संख्या: 1/1

संलग्निका: 1

आवेदन संख्या: 2004

दिनांक: 20/04/2004

पृष्ठ संख्या: 1/1

संलग्निका: 1

आवेदन संख्या: 2004

दिनांक: 20/04/2004

पृष्ठ संख्या: 1/1

संलग्निका: 1

आवेदन संख्या: 2004

दिनांक: 20/04/2004

पृष्ठ संख्या: 1/1

संलग्निका: 1

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Domestic solid waste: The domestic solid waste from labours will be collected and disposed off through authorized recyclers. The entire construction waste will be used within the site for leveling purposes and base course preparation of internal approach roads.

Provisions of Construction & Demolition Waste Rules, 2016 will be followed: Yes

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.

Ans.: **A) CONSTRUCTION PHASE:**

Drinking Demand	0.5 m ³ /day
Domestic	4.5 m ³ /day
Construction purpose	30 m ³ /day

B) OPERATION PHASE:

Total Water Requirement	281.20 m ³ /day
Fresh water requirement	176.96 m ³ /day
Flushing water requirement	89.58 m ³ /day
Landscaping & Road Washing requirement	14.66 m ³ /day
Waste water generation	239.88 m ³ /day
Excess disposal of waste water to drain.	135.64m ³ /day

The details are enclosed in Water Balance Chart as Annexure 7.

2.2 What is the capacity (dependable flow or yield) of the proposed source of water?

Ans.: Water NOC
Water NOC is attached as Annexure 8

बाधकाम करवानगी व अनधिकृत

बाधकाम मिळवून देण्या

दिनांक १२/०५/२०१५



महानगरपालिका, मुंबई, महाराष्ट्र अंतर्गत
देखता अर्जा नं. १२०५/२०१५
(संयोजित प्रत)

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2.8	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?
Ans.:	Major Impact: No
2.9	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)
Ans.:	Ground water bores proposed: 3 nos. Average yield of bore: 60 m ³ /day Annual yield: 21600 m ³ /year Recharging capacity of aquifer: 4848 m ³ /year
2.10	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)
Ans.:	Following measures are proposed in project to control run off from construction site: <ul style="list-style-type: none"> • Proper storm water drainage system comprising of lined drains is proposed. • Filtration media and grease trap will be fixed to rainwater harvesting bores • Boundary wall will be constructed around the site. • Soak pits are proposed for safe disposal of domestic waste water during construction phase. • Prevent the mixing of storm water runoff and sewage from labour camps. • Use of leak proof containers for storage oil to avoid contamination of runoff.
2.11	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)
Ans.:	Max. storm water runoff: 598.35 m ³ /hr Max. Diameter of Storm water drain: 600 mm Disposal point: As per storm water layout. Area of Open Space: 2441.973 m ² Pervious area (grass pavers etc) @ 20% : 10507.717 m ² Storm water layout is attached as Annexure 12
2.12	Will the deployment of construction labours particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
Ans.:	No Precautions taken: <ul style="list-style-type: none"> • mobile toilets • Waste segregation bin & dedicated housekeeping team • Regular fumigation and pesticide control
2.13	What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities

बिचकाम परवानगी देण्यात येते

२०२३-२०२४

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२०२३-२०२४

महानगरपालिका, काठमाडौं, २०२३ अंतर्गत
२०२३-२०२४ अर्थवर्षा
(अनुमति प्राप्त)

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	with technology & facilities for recycling and disposal)
Ans.:	STP : 250m ³ /day Sewage treatment technology:MBBR Input BOD 3days @ 27 deg C:300 ppm Output BOD 3days @ 27 deg C:> 30ppm Details of Sewage Treatment plan are attached as Annexure 13 Excess treated sewage will be disposed off as per C.P.C.B norms: Yes Sewage Disposal Plan is attached herewith as Annexure 14
2.14.	Give details of dual plumbing system if treated waste water is used for flushing of toilets or any other use.
Ans.:	Dual plumbing system used: Yes If Yes: Discharge: 281.20 m ³ / day Head: 38 m Working hours: 6 hr. Capacity of pumps: 46.86 m ³ / hr Working + standby: 4W + 1 S Type of pipes used: uPVC Dual plumbing system showing separation of grey and black water is attached as Annexure 15
3.	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)
Ans.:	No.
3.2.	Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project).
Ans.:	Number of existing trees: NA Number of trees to be cut: NA Number of trees proposed to transplanted: NA Compensatory plantation @ 1:3: NA Total number of trees to be planted @ 1 tree per 80 sq.m + compensatory: 451 nos. Top Soil preservation and reuse: Yes.
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).
Ans.:	Compensatory plantation @ 1:3: NA Total number of trees to be planted @ 1 tree per 80 sq.m + compensatory: 451 nos. Details of tree plantation is attached as Annexure 16 Preference to native trees will be given: Yes Allergy causing trees will be avoided: Yes
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.

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बांधकाम नियंत्रण विभाग
पत्ता: ...
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Ans.: No.

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

Ans.: No.

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

Ans.: Not Applicable

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)

Ans.: This project will not result in any kind of heat islands due to vehicular emissions. To reduce the gaseous emission from vehicle, proper entry/exit is proposed in the project with adequate wide internal road. The baseline ambient air quality at and around the site is monitored and is shown in table below. Since the baseline ambient air quality is well within the permissible limits, the resultant increment in gases concentration will also be within the limits.

Sr. No.	Ambient Air Parameter	Existing Levels	Proposed Levels
	Sulphur di oxide	18.3 µg/m ³	-
	Oxides of nitrogen	24.9 µg/m ³	-
	PM ₁₀	19.4 µg/m ³	-
	PM _{2.5}	0.03 µg/m ³	-

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

Ans.: Mitigation measures proposed:

- Barricading of at least 3 m height
- Water Sprinkling
- Dust mask
- Covering of trucks with tarpaulin sheets

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.

Ans.:

Sr. No.	Vehicle	Required parking as per D.C. norms		Provided	
		(in nos.)	(in sq.m)	(in nos.)	(in sq.m)
1	Car	204	2550	204	2550
2	Scooter	810	2430	810	2430
3	Cycle	810	1134	810	1134
4	Total	1812	6114	1812	6114

संयोजक प्रशासन व अनुसंधान

संयोजक प्रशासन व अनुसंधान



संयोजक प्रशासन व अनुसंधान
 संयोजक प्रशासन व अनुसंधान
 (अनुसंधान प्रशासन)

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8.4.	Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.																									
Ans.	<p>Waste generation in the operation Phase:</p> <ul style="list-style-type: none"> • Dry waste :401 kg/day • Wet waste @ 0.3kg/person/day : 592 kg/day • STP sludge : 21.58 kg/day • Hazardous waste :NA • E-waste: NA • Biomedical waste : NA <p>Mode of Disposal of waste:</p> <ul style="list-style-type: none"> • Separate dry and wet waste bins for each unit and ground level provided: Yes • Dry waste : Handed over to authorized recycler for further handling & disposal purpose • Wet waste: Through Organic Waste Converter. Generated manure will be used for gardening • STP Sludge : Will be used as manure for gardening purpose or will be disposed off as per CPHEEO manual on sewerage & sewage treatment system, 2013 • Hazardous waste: NA • E- waste : NA • Biomedical waste : NA • Provisions of Solid Waste (Management) Rules, 2016, E- Waste (Management) Rules, 2016 & Plastic Waste (Management) Rules, 2016 will be complied: Yes 																									
9.	<u>ENERGY CONSERVATION</u>																									
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?																									
Ans.:	<table border="1"> <thead> <tr> <th>Sr. No.</th> <th colspan="2">Power Requirement</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td colspan="2">Source of power supply: MSEDCL</td> </tr> <tr> <td>2.</td> <td>During Construction Phase</td> <td></td> </tr> <tr> <td></td> <td>a) Total Connected Load</td> <td>30 KW</td> </tr> <tr> <td>3.</td> <td>During Operation Phase</td> <td></td> </tr> <tr> <td></td> <td>a) Total Max. Demand Load</td> <td>1470 KVA</td> </tr> <tr> <td></td> <td>b) Total Connected Load</td> <td>1654 KW</td> </tr> <tr> <td>4.</td> <td>Transformers</td> <td>2 nos. x 630 KVA</td> </tr> </tbody> </table> <p>Special Energy Conservation Methods:</p> <ul style="list-style-type: none"> • Common area lighting with LED bulbs: 10 KW • Solar Water heating system: 39000 lit • Energy efficient pumps.3 TO 5% • Timer for Staircase lighting, Lift Lobby, Parking area and street lights. 		Sr. No.	Power Requirement		1.	Source of power supply: MSEDCL		2.	During Construction Phase			a) Total Connected Load	30 KW	3.	During Operation Phase			a) Total Max. Demand Load	1470 KVA		b) Total Connected Load	1654 KW	4.	Transformers	2 nos. x 630 KVA
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4.	Transformers	2 nos. x 630 KVA																								
9.2.	What type of, and capacity of power back-up do you plan to provide?																									

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Ans.:	DG Sets are provided for power back up.		
	Sr. No.	DG sets	Capacity
	1.	DG set as Power Back-up a) During Construction phase	1 nos. x 40 KVA
		b) During Operation phase	1 nos. x 100 KVA + 1 nos. x 62.5 KVA
9.3.	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?		
Ans.:	Glass type: reflective Sun ban light gold Saint gobain glass Solar factor: 0.5 S.H.G.C:0.5 U Value :5.7 wat/sqm Transmittance: 32% Internal Reflection: 54 % External Reflection 45%		
9.4.	What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.		
Ans.:	Details on passive solar features are attached as Annexure 20 Details on shading devices:		
9.5.	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 bot water systems for use in the building complex? Substantiate with details.		
Ans.:	Street lighting load on LED: 15.9KW Solar photovoltaic generation @ 1% connected load: 11 KW Solar water heating system @ 20% hot water demand: 39000 lit		
9.6.	Is 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?		
Ans.:	The RCC roof is covered with Brickbat Concrete and Terracotta weather tiles, which reduces the heat penetration by 18%.		
9.7.	Do 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.		
Ans.:	Compliance to ECBC: Yes If yes: State efficiency of: Transformers:95 % to 98% Air conditioners: The A. C. in the flat is not provided by the proponent. The minimum		



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	Water pumps/motors: utility-20 HP Recycled : 15 HP Drinking : 6 HP Details of E.C.B.C compliance are attached as Annexure 21																						
9.8.	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?																						
Ans.:	Adverse effect: No																						
9.9.	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.																						
Ans.:	<table border="1"> <thead> <tr> <th>Description.</th> <th>Maximum U-Factor of the overall assembly (W/m²-°C)</th> <th>Minimum R-Value of the overall assembly (W /m²-°C)</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>Roof</td> <td>U-0.261</td> <td>R-3.5</td> <td rowspan="2">Roof shall comply with either the maximum assembly U-factor or the minimum insulation R-Value.</td> </tr> <tr> <td>Opaque walls</td> <td>U-0.352</td> <td>R-2.35</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Description.</th> <th>Maximum U-Factor of the overall assembly (W/m²-°C)</th> <th>Maximum SHGC</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>Fenestration</td> <td>U-3.177</td> <td>0.25</td> <td>Overhangs and /or sides applied will be considered in determining SHGC for proposed design.</td> </tr> </tbody> </table>				Description.	Maximum U-Factor of the overall assembly (W/m ² -°C)	Minimum R-Value of the overall assembly (W /m ² -°C)	Remarks	Roof	U-0.261	R-3.5	Roof shall comply with either the maximum assembly U-factor or the minimum insulation R-Value.	Opaque walls	U-0.352	R-2.35	Description.	Maximum U-Factor of the overall assembly (W/m ² -°C)	Maximum SHGC	Remarks	Fenestration	U-3.177	0.25	Overhangs and /or sides applied will be considered in determining SHGC for proposed design.
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Fenestration	U-3.177	0.25	Overhangs and /or sides applied will be considered in determining SHGC for proposed design.																				
9.10.	What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.																						
Ans.:	<ul style="list-style-type: none"> • Fire fighting system will be provided as per Fire NOC: Yes • Sand buckets shall be placed at adequate locations during construction: Yes • Fire alarm and extinguishers will be provided at strategic locations: Yes • Separate fire fighting underground and over head water tank will be provided: Yes • Proper signage for emergency evacuation will be displayed: Yes. • Fire fighting & emergency evacuation plan is attached herewith as Annexure 22. 																						
9.11.	If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.																						
Ans.:	Is glass being used entirely as a wall material like structural glazing: No																						
9.12.	What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.																						

बांधकाम परवानगा व अनधिकृत

वास्तव्य नियंत्रण विभाग

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efficiency of the A.C available in the market is above 90-95 % for star rated

Form IA

Ans.	<ul style="list-style-type: none"> • Air Infiltration rate: NA <ul style="list-style-type: none"> ○ Windows: NA ○ Doors: NA • Mitigation measures: NA <ul style="list-style-type: none"> ○ Combined capacity of exhaust fans: NA ○ Ventilation slit on bottom of door: No. 			
9.13.	To what extent the non-conventional energy technologies are utilized in the overall energy consumption? Provide details of the renewable energy technologies used.			
Ans.	Renewable energy capacity @ 1% connected load: 11 KW Type of technology: Solar Renewable energy plan and usage details are attached as Annexure 23			
10.	ENVIRONMENT MANAGEMENT PLAN			
	The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.			
Ans.:	Sr. No.	Pollution Control & Other Environment Infrastructure	Capital Cost In Rs. Lakhs	Annual O & M Cost in Rs. Lakhs/Yr
	A)	During Construction Phase:		
	1	Water for Dust Suppression	-	-
	2	Site Sanitation & Safety	-	0.25
	3	Environmental Monitoring	-	6.0
	4	Disinfection	-	1.0
	5	Health Check up	-	0.25
		Total (A)	-	7.5
	B)	During Operation Phase:		
	1.	Rain Water Harvesting	4.00	2.00
	2.	Sewage Treatment Plant	50.0	5.40
	3.	Organic Waste Composting	14.75	2.29
	4.	Tree Plantation	22.00	3.00
	5.	Energy saving	38.90	1.01
	6.	Environment Monitoring	-	2.5
	7.	Laying of Storm & Sewer line up to final disposal point	-	-
	8.	Basement Ventilation	-	-
		Total (B)	129.65	16.20
		Total (A+B)		153.35

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Digitally Signed by

Project Proponent

Qualified Building Environment Auditor:

Name : JV Analytical Services
Mr. Sunder Jagdale/Miss Rupali Chandrekar

Accreditation No : Sr. No. 91 in List 'A' of O.M. of MoEF,
GoI, New Delhi Dated 05/07/2017

Address : Plot No. 40/1A, Samay Apartment, Bhau Patil Road,
Bopodi, Pune- 411020.

Contact No. : 9822052142

Signature

बांधकाम परवानगी व अनधिकृत
बांधकाम नियंत्रण विभाग
पुणे - ४११०२०

नियंत्रित
देखात असेल
(अधिकारी)

LIST OF ANNEXURES

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3	D.P.Plan
4	Conceptual Layout
5	Architect certificate for B.U. Area
6	Contour Map
7	Water Balance Chart
8	Water NOC
9	Water Treatment Process
10	Hydro-geological report
11	Rain Water Harvesting Plan
12	Storm water layout
13	Details of Sewage Treatment Plant
14	Sewage disposal plan
15	Dual Plumbing Layout
16	Tree Plantation Layout
17	Vehicular Movement & Parking Plan
18	Master Services showing U.G.T , S.T.P , O.W.C , D.G. Set & Transformer room.
19	Typical Cross Section of Site
20	E.C.B.C Compliance sheet
21	Renewable Energy usage Details



वाघकाम परवानगी व अन्तिकृत

वाघकाम निष्ठेच्या विभागात

दिनांक २०/०५/२०१५

वाघकाम निष्ठेच्या विभागात
दिनांक २०/०५/२०१५
(सिवाजी मठ)

True Copy



Maharashtra Real Estate Regulatory Authority

REGISTRATION CERTIFICATE OF PROJECT

FORM 'C'

[See rule 6(a)]

This registration is granted under section 5 of the Act to the following project under project registration number **P52100004171**

Project: Sai Exotique D Wing Plot Bearing / CTS / Survey / Final Plot No.:1660/1 at Pimpri Chinchawad (M Corp.), Haveli, Pune, 412114;

1. **Saibaba Sales Private Limited** having its registered office / principal place of business at *Tehsil: Haveli, District: Pune, Pin: 411019.*
2. This registration is granted subject to the following conditions, namely:-
 - ◊ The promoter shall enter into an agreement for sale with the allottees;
 - ◊ The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment or the common areas as per Rule 9 of Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017;
 - ◊ The promoter shall deposit seventy percent of the amounts realised by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub- clause (D) of clause (l) of sub-section (2) of section 4 read with Rule 5;

OR

That entire of the amounts to be realised hereinafter by promoter for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose, since the estimated receivable of the project is less than the estimated cost of completion of the project.

 - ◊ The Registration shall be valid for a period commencing from **08/08/2017** and ending with **31/08/2019** unless renewed by the Maharashtra Real Estate Regulatory Authority in accordance with section 5 of the Act read with rule 6.
 - ◊ The promoter shall comply with the provisions of the Act and the rules and regulations made there under;
 - ◊ That the promoter shall take all the pending approvals from the competent authorities
3. If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted herein, as per the Act and the rules and regulations made there under.

Signature valid
Digitally Signed by
Dr. Vasant Premanand Prabhu
(Secretary, MahaRERA)
Date:8/8/2017 3:27:03 PM

Dated: 08/08/2017
Place: Mumbai



True Copy

Signature and seal of the Authorized Officer
Maharashtra Real Estate Regulatory Authority



Maharashtra Real Estate Regulatory Authority

REGISTRATION CERTIFICATE OF PROJECT

FORM 'C'

[See rule 6(a)]

This registration is granted under section 5 of the Act to the following project under project registration number :
P52100009721

**Project: Sai Exotique B Wing Plot Bearing / CTS / Survey / Final Plot No.:1660/1 at Pimpri Chinchawad (M Corp.),
Haveli, Pune, 412114;**

1. **Saibaba Sales Private Limited** having its registered office / principal place of business at *Tehsil: Haveli, District: Pune, Pin: 411019.*

2. This registration is granted subject to the following conditions, namely:-

- ◊ The promoter shall enter into an agreement for sale with the allottees;
- ◊ The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment or the common areas as per Rule 9 of Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017;
- ◊ The promoter shall deposit seventy percent of the amounts realised by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub- clause (D) of clause (l) of sub-section (2) of section 4 read with Rule 5;

OR

That entire of the amounts to be realised hereinafter by promoter for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose, since the estimated receivable of the project is less than the estimated cost of completion of the project.

- ◊ The Registration shall be valid for a period commencing from **22/08/2017** and ending with **31/12/2018** unless renewed by the Maharashtra Real Estate Regulatory Authority in accordance with section 5 of the Act read with rule 6.
 - ◊ The promoter shall comply with the provisions of the Act and the rules and regulations made there under;
 - ◊ That the promoter shall take all the pending approvals from the competent authorities
3. If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted herein, as per the Act and the rules and regulations made there under.

Signature valid
Digitally Signed by
Dr. Vasant Pramanand Prabhu
(Secretary, MahaRERA)
Date:22-08-2017 17:32:46

Dated: 22/08/2017

Place: Mumbai

Signature and seal of the Authorized Officer
Maharashtra Real Estate Regulatory Authority

True Copy



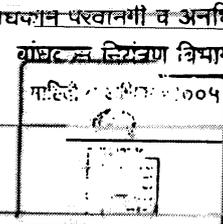
ANNEXURE-R-9

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Pimpri-Chinchwad Municipal Corporation
Environment Committee Meeting dated 28/09/2017
 Meeting Number- 01 Subject Number-
Proposal for Recommendation To Environment Committee
 (Category 02-20,000 to 50,000 m²)

(As per Directives of Government of Maharashtra, Notification No TPS-1816 CR443/16/ DP/Pune and Kokan /UD-13 dated 28/06/2017 issued under Section 154(1) of Maharashtra Regional and Town Planning Act 1966)

Brief Information of M/s Sai Baba Sales Pvt. Ltd. is as-

Basic Information		
1.	Name Of Project	"Sai Exotique"
2.	Name of Project Proponent, address & Email Id	<ul style="list-style-type: none"> • M/s. Sai Baba Sales Pvt.Ltd • Name : Mr. Kripal Gehaney • Address: D-II, 92 C, Mumbai Pune Road, Kalbhor Nagar, Chinchwad, Pune-19 • Email ID : gehaneyk@yahoo.com • Mobile Number: 9764790999
3.	Name of Consultant, Contact and & Email id	Mr. Sundar Jagadale/Dr. C. P. Vibhute M/s. JV Analytical Services Address; Plot No. Address ; 40/1A, Samay Apartment ,Bhau Patil Road, Bopodi,Pune,411020 Tel No. - +91-20-25811129/9011681500 Mail id :enviconmail@gmail.com enviconmail@rediffmail.com jvlabpune@gmail.com
4.	Accreditation of consultant (NABET/OCI Accreditation)	Sr. No. 90 in List ' A ' of O.M. of MoEF, GoI , New Delhi Dated 05/09/2017 (Registered in PCMC vide Sr. No.01)
5.	Is Environmental clearance obtained earlier If yes (Details)	No
6.	Location of the project Taluka Village	Gat No.1660/1, Chikhali, Pune, Maharashtra
7.	Note on the initiated work (If applicable)	Building A: 6815.11m ² Building B :3309.00 m ² Building E: 7919.93m ² Total = 18044.04 m ² NA
8.	LOI/NOC from MHADA/ Other approvals (If Applicable)	
9.	Total Plot Area(sq.m.)	19005.76 m ²
10.	Deductions	2844.99 m ²
11.	Net Plot area in sqm	16160.77 m ²
12.	Permissible FSI (Including TDR etc.)	23059.72 m ²
13.	Proposed Built up Area (FSI & Non FSI)	49012.15 m ² (FSI = 18927.61 + Non FSI = 30084.54 m ²)
14.	Total ground coverage(m2) &	3211.08 m ²

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	its % (Note: Percentage of plot not open to sky)	17.54 % of Total Plot area (19005.76 m ²) 25.19 % of Net Plot area (16160.77 m ²)																																			
15.	Estimated cost of the project	82.00 Cr.																																			
16.	Court cases pending if any	No																																			
17.	Building Configuration:																																				
	<table border="1"> <thead> <tr> <th>Sr. No.</th> <th>WINGS</th> <th>Floors & Height of Building</th> <th>Total No. of Tenements</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>A</td> <td>P +9 (26.08M)</td> <td>86</td> </tr> <tr> <td>2</td> <td>B</td> <td>P +8 (23.20M)</td> <td>80</td> </tr> <tr> <td>3</td> <td>C</td> <td>P +8 (23.20M)</td> <td>48</td> </tr> <tr> <td>4</td> <td>D</td> <td>P +8 (23.20M)</td> <td>64</td> </tr> <tr> <td>5</td> <td>E</td> <td>P +9 (26.08M)</td> <td>70</td> </tr> <tr> <td>6</td> <td>F</td> <td>P +8 (23.20M)</td> <td>48</td> </tr> <tr> <td colspan="3">Total Tenements</td> <td>396</td> </tr> <tr> <td>7</td> <td>Commercial Building</td> <td>G +01 (6.45M)</td> <td>Shops- 05 Nos & Offices- 02 Nos.</td> </tr> </tbody> </table>	Sr. No.	WINGS	Floors & Height of Building	Total No. of Tenements	1	A	P +9 (26.08M)	86	2	B	P +8 (23.20M)	80	3	C	P +8 (23.20M)	48	4	D	P +8 (23.20M)	64	5	E	P +9 (26.08M)	70	6	F	P +8 (23.20M)	48	Total Tenements			396	7	Commercial Building	G +01 (6.45M)	Shops- 05 Nos & Offices- 02 Nos.
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7	Commercial Building	G +01 (6.45M)	Shops- 05 Nos & Offices- 02 Nos.																																		
18.	Number of tenants and shops	Total Tenements -396 No. Shops = 05 Nos. Offices = 02 Nos.																																			
19.	Number of expected residents/users	Residential Users = 1980 Nos., Commercial Users = 73 Nos. Total Users: 2053 Nos.																																			
20.	Tenant density per hectare	208																																			
21.	Right of way (Width of the road from the nearest fire station to the proposed building(s))	12 M wide D.P. road																																			
22.	Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9 m																																			
23.	Existing structure(s) (as on date of application)	Not Applicable																																			
24.	Details of the demolition with disposal(If applicable)	Not Applicable																																			

वाप-काम परखानगी व अनधिकृत
काम व निराकरण विभाग

महिला विकास विभाग, २००५



महिला विकास विभाग, २००५ अंतर्गत 2
दफ्तरात आलेली नोंदणी/मकाशा
(जायोजित प्रत)

25.	Total Water Requirement	Residential:		
		Source: Pimpri Chinchwad Municipal Corporation (PCMC)		
		During Dry Season		
		Sr. No		
		1	Fresh Water	179.66 m ³ /day
		2	Recycled Water (Flushing)	90.93 m ³ /day
		3	Recycled Water (Gardening)	14.66 m ³ /day
		4	HVAC Makeup	NA
		5	Total Fresh water Requirement	285.25 m ³ /day
		6	Excess treated water	137.93 m ³ /day
		7	Fire fighting (Cum)	300 m ³
		During Wet Season		
		Sr. No		
		1	Fresh Water	179.66 m ³ /day
		2	Recycled Water (Flushing)	90.93 m ³ /day
3	Recycled Water (Gardening)	NA		
4	HVAC Makeup	NA		
5	Total Fresh Water Requirement	270.59 m ³ /day		
6	Excess treated water	152.59 m ³ /day		
7	Fire fighting (Cum)	300 m ³		
26.	Details about Swimming pool	NA		
Section (1)- Topography And Natural Drainage-				
1.	Highest Contour	103.73		
2.	Lowest Contour	90.52		
3.	Slope	13 M		
4.	Ratio	1:15.50		
5.	Total cutting quantity	1800 cum		
6.	Subsoil quantity	45 cum		
7.	Small rocks quantity	1755 cum		
8.	Required quantity of debris for backfilling cum.	0		
9.	Additional required quantity of debris cum.	0		
10.	Disposal Method	NA		
11.	Is any Nala Passing through Site	No		

माहितीचा अडिटर यांनी २००९ अंतर्गत
दण्यात आलेली माहिती/मकारण
(संशोधित प्रत)

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12.	If yes-Details		
Section (2) & (4) Water Conservation, Waste Water Management, Rain Water Harvesting and Ground Water Recharge-			
During construction phase:			
Source Of Water	Tanker/Bore Well		
Labour water Requirement	Domestic-4.5 m ³ /day. Drinking-0.5 m ³ /day		
Construction water requirement	28 m ³ /day		
During Operational Phase			
	Details	Dry Season	Wet Season
Fresh water (in m ³ /day)	179.66 m ³ /day	179.66 m ³ /day	179.66 m ³ /day
Recycled water (Flushing)	90.93 m ³ /day	90.93 m ³ /day	90.93 m ³ /day
Recycled water (Gardening)	14.66 m ³ /day	NA	NA
Clubhouse	NA	NA	NA
Swimming pool	NA	NA	NA
Total fresh water requirement (Fresh+clubhouse)	179.66 m ³ /day	179.66 m ³ /day	179.66 m ³ /day
Excess treated water	137.93 m ³ /day	152.59 m ³ /day	152.59 m ³ /day
Recycled Water Used	105.59 m ³ /day	90.93 m ³ /day	90.93 m ³ /day
Fire fighting	300 m ³	300 m ³	300 m ³
Rain Water Harvesting (RWH) & Storm water drainage			
Level of the Ground water table	18-20m BGL		
Pre Monsoon	1.2-2.9m BGL		
Post Monsoon			
Size and no. of RWH tank(s) and Quantity:	NA		
Capacity of RWH tanks	NA		
Location of the RWH tank(s) if Provided	NA		
Number of recharge pits Provided	08 No's.		
Size of recharge pits	2m x 2m x 3m		
Natural water drainage pattern	-		
Volume of the recharge pit	3.47 m ³ /day		
Rain water Harvesting capacity	34.11 m ³ /Hr.		
Estimated Run off	122.50 m ³ /Hr.		
Size of SWD	600 mm		

नाडितीषा जलिकार २०१७ अंतर्गत
वेण्यात आलेली नोंदणी/मकारा
(छयांकित प्रत)

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Quantity of storm water:	122.50 m ³ /hr
Sewage and Wastewater	
Sewage generation in KLD:	243.52 m ³ /day
STP technology:	MBBR
Capacity of STP(CMD):	250 m ³ /day
Size of STP	420 m ²
Location of STP	Refer Drainage Layout
Budgetary allocation (Capital Cost And O&M cost)	<ul style="list-style-type: none"> Capital Cost: Rs. 50.00 Lakh O & M Cost: Rs 5.40 Lakh/year

Section (3): Solid waste Management-

Details	During Construction In Kgs	During Operation In Kgs	Disposal Method
Total Waste Generation			
Quantity of top soil to be preserved	45 m ³	-	Use For Landscaping
Disposal of construction waste Debris	-	-	Use for Leveling
Biodegradable Waste	15.0 kg/day	601.0 kg/day	Organic Waste Convertor
Non Biodegradable Waste	10.0 kg/day	407.0 kg/day	SWACH
E waste	NA	NA	NA
Biomedical Waste	NA	NA	NA
Hazardous Waste	NA	NA	NA
STP Sludge	-	21.91 kg/day	Used as Manure after treatment in OWC
Area Requirement for OWC		100.00 m ²	

Area Requirement:

1. Location: Refer Master Layout
2. Total Area provided for the storage & treatment of the solid waste: 106.00 m²
3. Budgetary Allocation:

- Capital Cost: Rs 17.75 Lakh
- O & M Cost: Rs.4.33 Lakh/year

बाधकाम परवानगी व अनधिकृत

महानगर निरक्षण विभाग

दिनांक २०/०५/२००५



5

नाहिलीया लॉडिंग व डंपिंग २००५ अंतर्गत
देगडाल आलेली नाले/मकाशा
(छायांकित प्रत)

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Section (5)Energy-		
Details	During Construction	During Operation
Connected Load	30 KW	1654 KW
Maximum Demand={connected load* U.F.} / P.F.	25 KW	1470 KVA
DG Set	1 nos. x40 KVA	1 No. x 100 KVA + 1No. X 62.5 KVA
No. Of Transformers	-	2 Nos. X 630 KVA
Source	MSEDCL	MSEDCL

The following Energy Conservation Methods 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.
- 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 LED Lights.
- Annual Savings with energy efficient equipments is 3 to 5 %

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

बांधकाम परवानगी व अनधिकृत
बांधकाम निरोधक विभाग
१००५

माहितीचा अभाव असल्याने यास २०१४ अंतर्गत
देण्यात आलेली परवानगी/मकाशा
(छायांकित प्रत)

Compliance with Energy Conservation Building Code (ECBC) 2007			
Sr.No	Section No.	Requirement	Compliance
1.	4.3.1	Roof Assembly U Factor to be max 0.261 w/m ² 0c	Complies By Architect.
2.	4.3.2	Opaque Walls Max U factor to be 0.440w/m ² 0c	Complies By Architect.
3.	4.3.3	Vertical fenestration Max U factor to be 3.30w/m ² 0c	Complies By Architect.
4.	4.3.3	Vertical fenestration Max U factor to be 3.30w/m ² 0c	Complies By Architect.
5.	4.3.3.1	Minimum Visible transmission to be 0.20 for WWR	Complies By Architect.
6.	5.2.2	Minimum Equipment efficiencies for Air-conditioning	The A. C. in the flat is not provided by the proponent. The minimum efficiency of the A.C available in the market is above 90-95 % for star rated A.C.s.
7.	5.2.4	Ducting in AC spaces to have insulation of R 0.6	N.A.
8.	5.2.5	All air and water systems of HVAC to be balanced and records maintained.	N.A.
9.	5.2.6.1	Condenser locations	N.A.
10.	6.2.1	Solar water heating for minimum 20% design capacity	Complies & Sheet Enclosed.
11.	6.2.2	Equipment efficiency standards	Complies & Sheet Enclosed.
12.	7.2	Lighting controls to be controlled by photo sensor or time switch	Complies
13.	7.2.1.2	Space control for lighting	N.A.
14.	7.2.1.4	Exterior lighting to be controlled by photo sensor or time switch	Complies
15.	7.3	Interior lighting power to be with in specified limits	Complies
16.	7.4	Exterior lighting power to be with in specified limits	Complies
17.	8.2.1.1	Maximum allowable power loss from transformer	Complies
18.	8.2.2	Energy efficient motors	N.A.
19.	8.2.3	Power factor be maintained between 0.95 and unity	Complies
20.	8.2.4	Check metering	Complies
21.	8.2.5	Power distribution system losses to be maintained less than 1%	Complies

बांधकाम नियंत्रण विभाग

पंजीकृत संख्या २००५

नवित्तीस अक्टोबर २००५ अंतर्गत

देण्यात आलेली नोंदी/मकाशा

(जायंकेत प्रत)

633

Detail calculations & % of saving		
Sr No	Energy Conservation Measures	Saving%
1	LED Lamp & Fitting For Common Areas i.e. Bldg, Parking, Staircase, Passage & Terrace Floor.	3.73 %
2	Up Lighter - Light Fitting For Landscape Area.	
3	Bollard Lighter - Light Fitting For Landscape Area.	
4	Solar Street Light Fitting - Pole Light On Road Side.	
5	Street Light on the Bldg.	
6	Energy Saving by Solar Hot Water System.	
<p>Section (6) Air Quality and Noise- Following measures are proposed to reduce air & noise pollution- Barricading the site with at least 3 m height Sprinkling of water to avoiding dust pollution. Sand, murrum, loose soil, cement, stored on site will be covered adequately. Ear plugs for Labors High noise generating construction activities would be carried out only during day time. Preventive maintenance of machineries. Acoustic enclosures for DG sets.</p>		

Section (7) Green Cover-		बांधकाम परवानगी व अंमलबंदीसाठी बांधकाम नियंत्रण विभाग		
Particulars		मार्च २०१९		
Plot Area (after deductions)	16160.77 m ²	मार्च २०१९		
Mandatory open space Provided as per local DCR	1844.35 m ²			
20% Pervious area Required to be maintained on	368.87 m ²			
% of pervious area provided on open space	20%			
List of Existing Plantation for the Scheme: NA				
Total No. of trees to be transplanted	NA	महाराष्ट्र शासन, नगरपालिका, नगरपालिका, नगरपालिका		
Total No. of trees to be cut	NA	देण्यात आलेली नोंदी/संख्या		
Total No. of trees to be protected	NA	(बांधकाम प्रत)		
Total no. of trees required for plantation (species of	202			
Total no. of trees proposed for plantation	451			
Tree density	1 tree in 80 sq.m area			
List of Proposed Plantation for the scheme:				
Sr.no.	Botanical Name	Common Name	Qty	Characteristics & Ecological Importance
1	<i>Azadiracta indica</i>	Neem	85	Medicinal value, To control soil erosion, To improve soil quality

2	<i>Cordia sebestena</i>	Geiger Tree	70	Medicinal value, drought tolerant.
3	<i>Cassia fistula</i>	Bahawa	50	Medicinal value, Drought tolerant species, Very ornamental, Well flowering plant, Honey bee attracting
4	<i>Ficus benjamina</i>	Weeping Fig	40	Evergreen & bird attracting tree
5	<i>Lagerstromia</i>	Banaba	45	Honey bee attracting species .
6	<i>Murraya paniculata</i>	Orange Jasmine	61	Medicinal value, Well flowering plant
7	<i>Milingtonia hortensis</i>	Indian Cork Tree	30	ornamental, Well flowering plant, Honey bee attracting species
8	<i>Plumeria alba</i>	White Frangipani	20	Medicinal value, wood is used for fuel.
9	<i>Spathodia campanulata</i>	African Tulip Tree	50	Medicinal value, To control soil erosion, To improve soil quality
Total No. of trees			451	

- NOC for the tree cutting/ transplantation/ compensatory plantation if any: NA

Section (8) Top Soil preservation and Reuse-
Quantity of top soil- 45 m³
Reuse- for Landscaping & plantation.

Section (9) Traffic management socio-economic aspects-

Criteria	Car	Scooters	Cycles
Commercial area= 217.99 m ² (For 100 m ² =2:6:2)	6	18	18
Every 2 tenements having B-up area upto 80 m ² . (1:4:4)	198	792	792
Required Parking	204	810	810
Provided Parking	204	810	810

Parking efficiency statement for residential Building

Level	Required Equivalent Car Space	Provided car parking No. 4W	Requires Area foe proposed parking	Proposed parking area (Sq.m)	Provided Equivalent Car Space (Sq.mt)
A	B	C	D	E	F
	12.5	204	=B*C 2550.0	At actual 2550.0	= E/C 12.5

बांधकाम नियंत्रण विभाग

माहिक: 1 अधिक. 2004



बांधकाम परवानगी व अनाधिकृत

बांधकाम नियंत्रण विभाग

पारितोषिक क्र. २००१

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5.	Labour safety equipment and training		3.50
	Total (A)		15.0
B}	During Operation Phase:		
1.	Rain Water Harvesting	4.00	2.00
2.	Sewage Treatment Plant	50.0	5.40
3.	Organic Waste Composting	17.75	4.33
4.	Tree Plantation	22.00	3.00
5.	Energy saving	38.90	1.01
6.	Environment Monitoring	-	2.50
	Total (B)	132.65	18.24
	Total (A+B)		165.89

Checklist for the other necessary approvals

Sr. No	Description	Status of approval	Name of the competent authority	Date of The Issued Letter
1.	CFO NOC for the above said building structure	Fire NOC Obtained	Pimpri Chinchwad Municipal Corporation	10.01.2017
2.	HRC NOC for the above said building structure(s)(If applicable)		Not Applicable	
3.	NOC for the above said building structure(s) from the aviation authority(If applicable)		Not Applicable	
4.	Consent for the water for the above said details	Water NOC Obtained	Pimpri Chinchwad Municipal Corporation	7.4.2012
5.	Consent for the Drainage for the above said details	Drainage NOC Obtained	Pimpri Chinchwad Municipal Corporation	30.4.2012
6.	Consent for the electric supply for the proposed demand		Not yet applied	
7.	Precertification for Green Building From Indian Green Building Council and other recognized institutes(If applicable)		Not Applicable	
8.	Court Order (If applicable)		Not Applicable	
9.	Solid Waste Approval		Not Applicable	

With the above sections- 1 to 10 Environment committee hereby approved/considered proposal with following conditions: -

General Conditions:

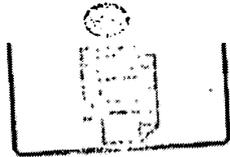
1. Permission for the excavation for underground for parking and disposal of material as per PCMC norms

2. Maintaining natural drainage. Developer will not obstruct the natural flow
3. Closure of the site to ensure control of noise and dust pollution and quarterly monitoring of dust and noise levels
4. Work to be carried out during day time
5. For construction Municipal water will not be permitted
6. Proper living conditions for workers to be ensured such as drinking water, sanitation, LPG for cooking,
7. Regular health checkup for the workers
8. Standard safety measures for the people working on site as also for the visitors
9. Storage for sand and cement will be covered to ensure no dust is generated from the site
10. Transportation of in-coming and out- going material should covered.
11. Natural drainage should not be blocked
12. Top soil to be removed and store at designated site for reuse for landscaping after project is completed.
13. List of existing tree species and tree species to be planted to be provided. As per plot size total number of trees should be 220 apart from shrubs and ornamentals.
14. Capacity of STP should be as per water budget plus provision for incremental flow. As proposed MBBR technology be installed before handing over to the occupants. BOD should be <10 PPM and other parameters as stipulated by CPCB/MPCB for reuse of treated sewage. Sludge should be removed periodically to ensure efficient treatment of sewage. Method of Sludge disposal be provided. Surplus treated sewage be released in the municipal sewerage line.
15. Proper mechanism for collection and segregation of solid waste required to be done. Organic waste processing site with required capacity to be installed and maintained. Composed material need to be used at sites landscape garden. Excess one to be sold to the users and proper agreement with such vendors to be completed and copies of the same be given to PCMC Environmental Cell. Non-biodegradable waste to be properly stored before it is handed over to SWACH or any such organization.
16. Plantation of native tree species having at least 5 years old be undertaken and to ensure their survivals.
17. Rain water harvesting: Roof top rain water be harvested and filtered before it is discharge in the shallow aquifer. As also storm water flow is maintained and to have recharge pits along the flow.
18. To ensure natural percolation of storm water minimum 20 % area will be of pervious one as per norms.
19. Building footprint along with the location for various services such as play area, DG sets, Organic composting, storage facility for e-waste.
20. Traffic movement: ensure set back at entry and exit points so as to ensure smooth traffic flow on the public road.
21. Compliance for energy saving be ensures as per the submission for the clearance. Common areas should have energy saving devices, Street light should be provided with LED.
22. Solar water heating system be installed to meet at least 20% demand
23. Construction material as per National Building Code to ensure use of fly ash.
24. To ensure the sustainability of natural resources Establish Environmental management team for effective treatment of sewage, proper processing of organic waste, e-waste collection and DG sets emission control of landscape including proper growth of trees etc.

माहितीचा अधिकार अधिनियम २००९ अंतर्गत

बांधकाम नियंत्रण विभाग

माहितीचा अधिकार २००९



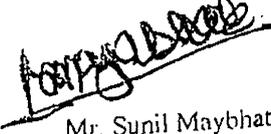
माहितीचा अधिकार अधिनियम २००९ अंतर्गत
 देण्यात आलेली माहिती/सकाशा
 (सत्यापित प्रत)

25. To ensure these over the period of time developer should make provision for proper functioning of STP, OWC, Land scape etc. for 5 years by way of annual maintenance agreement.
26. To know the use of treated sewage for flushing and landscape committee suggest to have water meter.


 Member Env. Committee,
 Joint City Engineer
 Building Permission Department, PCMC

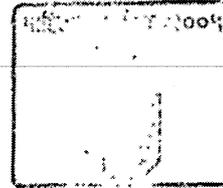

 Member of Env. Committee,
 Joint City Engineer
 Water & Drainage Department, PCMC


 Member of Env. Committee,
 Joint City Engineer
 Electrical Department, PCMC


 Mr. Sunil Maybhate
 Member of Environment Committee


 Chairman of Environment
 Commissioner, Pimpri Chinchwad
 Municipal Corporation,
 Pimpri, Pune- 18

बांधकाम परवानगा व अनाधिकृत
 बांधकाम नियंत्रण विभाग



सहिलीका अतिक्रमण विभाग २००९ अंतर्गत
 देण्यात आलेली परवानगी/मकाशा
 (छायांकित प्रत)



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ANNEXURE - R - 10

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बांधकाम परवानगी व अनधिकृत
बांधकाम नियंत्रण विभाग

PIMPRI CHINCHWAD MUNICIPAL CORPORATION
(An ISO 9001:2008 Certified Organization)

पिंपरी चिंचवड नगरपालिका २००५ अंतर्गत
नियंत्रण प्राधिकार/विकास
(नियंत्रित प्रत)

Joint City Engineer,
Building Permission Department
Pimpri Chinchwad Municipal Corporation
Pimpri Pune-411018
SAN. NO-BP/EC/16/02/2017
Date-28/11/2017

ENVIRONMENTAL CONDITIONS FOR BUILDINGS AND CONSTRUCTIONS

SUB :- Environmental Conditions for Buildings and Constructions

Ref :-

- 1) MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE NOTIFICATION No S.O. 3999(E), dated the 9th December, 2016 Integration of environmental condition in building bye-laws.
- 2) Government of Maharashtra, Urban Development Department Directives u/s 154 No. TPS-1816/CR-443/16/RP Directives/UD-13 dated 13/04/2017
- 3) Government of Maharashtra directives under section 37(1A.A) (c) of Maharashtra Regional Town Planning Act, 1966 Notification no TPS-1816/CR-443/16/DP/Pune and Kokan/UD-13 dated 28/06/2017
- 4) Joint City Engineer order no BP/JCE/SS/69/2017 Dated - 30.06.2017

Sir,

Applicant dated /2017 from Lic. Architect: - Mr. Sachin Sutar

The Applicant Mr/M/s. Sai Baba Sales Pvt Ltd

On behalf of Mr. Kripal Gehaney has requested above sanctioning at Chikhali Gat No - 1660/1, Tal- Haveli, Pune. The Joint City Engineer PCMC is therefore pleased to sanction the plan subject to the following Environmental conditions.

(Category '2': 20,000 to less than 50,000 Square meters)

S.N.	MEDIUM	ENVIRONMENTAL CONDITIONS
1	Topography and Natural Drainage	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
2	Water Conservation, Rain Water Harvesting, and Ground Water	A complete plan for rain water harvesting, water efficiency and conservation should be prepared. Use of water efficient appliances should be promoted with low flow fixtures or sensors. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model

	Recharge	Building Byelaws, 2016. A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer.
2(a)		At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
3	Waste Management	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Sewage: Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013. The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
3(a)		All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
3(b)		Organic waste compost/ Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
4	Energy	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be LED. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof R-values shall be as per ECBC specifications.
4(a)		Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-law's requirement, whichever is higher.
4(b)		Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
4(c)		Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include fly ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials. Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
5	Air Quality and Noise	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site. Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution. Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust. All construction and demolition debris shall be stored at the site (and not dumped on the

माहितीचा अधिकार अधिनियम २००९ अंतर्गत
दरम्यान आलेली माहिती/अकाशा
(समाप्त)

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		roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask. For indoor air quality the ventilation provisions as per National Building Code of India.
5 (a)		The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
6	Green Cover	A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
6 (a)		Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.
7	Top Soil preservation and reuse	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
8	Transport	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), Shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria. 1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. 2. Traffic calming measures. 3. Proper design of entry and exit points. 4. Parking norms as per local regulation.


 Secretary, Rev. Committee/
 Joint City Engineer,
 Building Permission Department,
 PCMC PIMPRI - 411018

Copy to:

1. ENVIRONMENTAL CELL, PCMC
2. LICENCED ARCHITECT _____
3. OWNER MR. _____



बाधकाम परवानगी व अनधिकृत

बांधकाम नियंत्रण विभाग

महाराष्ट्र शासक २००५



महाराष्ट्र शासक २००५ अंतर्गत
 देण्यात आलेली/नकाशा
 (हाथ्यांकित प्रत)

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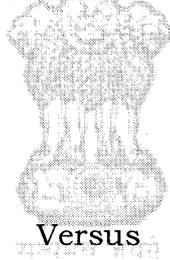
**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

.....

**ORIGINAL APPLICATION NO. 677 OF 2016
(M.A. NO. 148/2017)**

IN THE MATTER OF:

Society for Protection of Environment
& Biodiversity
Through the Convener
R-7/17, Raj Nagar
Ghaziabad (UP)-201001



.....Applicant

1. Union of India
Through Secretary, Govt. of India
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi-110003
2. Ministry of Urban Development
Through Secretary, Govt. of India
Maulana Azad Road
Rajpath Area, Central Secretariat
New Delhi
3. Central Pollution Control Board
Through Member Secretary
CBD-Cum-Office Complex
East Arjun Nagar
New Delhi

.....Respondents

AND

**ORIGINAL APPLICATION NO. 01 OF 2017
(M.A. NO. 03/2017 & M.A. NO. 445/2017)**

IN THE MATTER OF:

Pushp Jain
S/o Shri Dhanpat Rai Jain
R/o I A/2C Phase-I
Ashok Vihar
New Delhi-110052

.....Applicant

Versus

643

1. Union of India
Through the Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jorbagh Road,
New Delhi-110003
2. Ministry of Urban Development
Through the Secretary
Maulana Azad Road
Nirman Bhawan
New Delhi 110 011

.....Respondents

AND

**ORIGINAL APPLICATION NO. 7 OF 2017
(M.A. NO. 879/2017)**

IN THE MATTER OF:

Ajay Kumar Singh
236, Lawyers Chambers
M.C. Sitalwad Block
Supreme Court of India
New Delhi

.....Applicant

Versus

1. Ministry of Environment, Forest and Climate Change
Govt. of India
Through the Secretary
Indira Paryavaran Bhavan
Jorbagh Road,
New Delhi-110003
2. Ministry of Urban Development
Govt. of India
Through the Secretary
Nirman Bhawan
New Delhi 110 011
3. Delhi Development Authority
Through its Vice Chairman
Vikas Sadan, INA
New Delhi
4. Central Pollution Control Board
Through Member Secretary
Parivesh Bhawan, East Arjun Nagar
New Delhi

5. Central Ground Water Authority
Through its Member Secretary
Faridabad
6. Delhi Pollution Control Committee
Through Member Secretary
4th Floor, ISBT Building Kashmeri Gate
New Delhi
7. North Delhi Municipal Corporation
New Delhi
8. South Delhi Municipal Corporation
New Delhi
9. East Delhi Municipal Corporation
New Delhi
10. State Level Environment Impact Assessment
Authority, Delhi Govt. Secretariat
Delhi

.....Respondents

AND**ORIGINAL APPLICATION NO. 55 OF 2017****IN THE MATTER OF:**

Mahendra Pandey
S/o Sh. H.C. Pandey
R/o Flat No. 18, Kanishka Apartment
C&D Block, Shalimar Bagh
Delhi

.....Applicant

Versus

1. Union of India
Through Secretary
Ministry of Environment, Forest and Climate Change
Paryavaran Bhavan, Jorbagh Road,
New Delhi-110003
2. Ministry of Urban Development
Through its Secretary
Maulana Azad Road
Rajpat Area, Central Secretariat
New Delhi

3. Central Pollution Control Board
Through its Member Secretary
CBD cut Office Complex
East Arjun Nagar
New Delhi

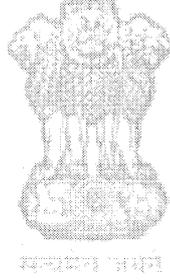
.....Respondents

AND

**ORIGINAL APPLICATION NO. 67 OF 2017
(M.A. NO. 620/2017)**

IN THE MATTER OF:

R. Sreedhar
R/o A-1/39, 2nd Floor
Freedom Fighter Colony
IGNOU Road, Gate No. 1
Neb Sarhai, New Delhi



.....Applicant

Versus

Union of India
Through the Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jorbagh Road,
New Delhi-110003

.....Respondent

COUNSEL FOR APPLICANTS:

Mr. Raj Panjwani, Sr. Advocate
Mr. Ritwick Dutta, Mr. Rahul Choudhary, Ms. Meera Gopal and Mr. Utkarsh Jain, Advocates
Mr. I. K. Kapila & Ms. Disha Singh, Advocates
Mr. Sanjay Upadhyay, Ms. Upama Bhattacharjee and Mr. Salik Shafique, Advocates
Mr. Gaurav Kumar Bansal, Mr. Ompal Shukin and Ms. Nandit Bansal, Advocates

COUNSEL FOR RESPONDENTS:

Mr. B.V. Niren with Mr. Vinayak Gupta, Advocates
Mr. Abhimanyu Garg and Ms. Preety Makkar, Advocates for Government of Puducherry
Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Sandeep Mishra, Advocates and Mr. Dinesh Jindal L.O. for DPCC
Mr. Bairaja Mahapatra, Advocate and Mr. Dinesh Jindal, L.O.
Mr. Rajkumar, Advocate with Mr. Bhupender, LA for Central Pollution Control Board
Mr. D. Rajeshwar Rao, Advocate
Mr. Atma Ram N.S. Naadkarni, Ld. ASG for MoEF&CC
Mr. Divya Prakash Pandey, Advocate

Mr. Utkarsh Sharma, Advocate for State of Uttar Pradesh
 Mr. Ravindra Kumar, Advocate for NOIDA Authority
 Mr. Krishna Kumar Singh and Mr. Anurag Kumar, Advocates
 Mr. Rahul Pratap, Advocate
 Ms. Puja Kalra, Advocate

JUDGMENT

PRESENT:

HON'BLE MR. JUSTICE SWATANTER KUMAR (CHAIRPERSON)

HON'BLE DR. JUSTICE JAWAD RAHIM (JUDICIAL MEMBER)

HON'BLE MR. BIKRAM SINGH SAJWAN (EXPERT MEMBER)

Reserved on: 8th November, 2017

Pronounced on: 8th December, 2017

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

JUSTICE SWATANTER KUMAR (CHAIRPERSON)

By this judgement, we shall dispose of all the five cases connected with Original Application No. 677 of 2016 as a common question of law and fact arises for consideration before the Tribunal in all these cases. However, it is not necessary for us to notice the facts of each case in greater detail and it would be sufficient to refer to the factual matrix of the lead application only, i.e., Original Application No. 677 of 2016, *Society for Protection of Environment & Biodiversity vs. Union of India and ors.*

2. The Applicant-Society claims that it works in the area of environmental conservation and aims at protection of the environment, ecology, natural resources, wildlife and bio-diversity existing on earth. It has filed various cases raising several environmental issues and concerns before the Courts as well as before this Tribunal. According to the Applicant, there is pathetic condition

of urban local bodies in the area under their jurisdiction more particularly in Ghaziabad. The exemption granted from Environmental Clearance for building and construction projects would be a huge retrograde step in the area of environment conservation. It would take us back to a pre- 2004 scenario, i.e., prior to issuance of EIA framework pursuant to specific orders of the Hon'ble Supreme Court. The Applicant believes that such a step will have a disastrous effect on the environment and would cause irreversible damage to the environment. The magnitude of the environmental footprint would be immense and unregulated building and construction activity would cause immense environmental damage. The Ministry of Environment, Forest & Climate Change (for short, "MoEF&CC"), Respondent No. 1 had issued a draft notification dated 29th April, 2016 with regard to amendment of the Notification of 2006 providing exemption to various construction projects all over the country. At that stage, the Applicant had filed an application bearing Original Application No. 168 of 2016 expressing its apprehension and raising serious objections to the draft Notification. The principal contention raised at that time was that the proposed Notification intends to dilute and exempt prior Environmental Clearance for buildings and construction projects through Model Building Bye Laws, 2016, as issued by the Town & Country Planning Organizing, Ministry of Urban Development and the subsequent Notification by Delhi Development Authority of the Unified Building Bye Laws for Delhi, 2016 which were notified vide Notification dated 22nd March, 2016 in pursuance to Chapter-XIV of the Model Building Bye Laws, 2016 and in concurrence with the impugned Notification of MoEF&CC. These amendments and Bye

Laws sought to defeat and do away with the substantive provisions of EIA Notification, 2006 that require prior Environmental Clearance by building and construction projects under item no. 8(a) of the Schedule to EIA Notification, 2006. Original Application No. 168 of 2016 was disposed of by the Tribunal vide its order dated 30th September, 2016 directing MoEF&CC to consider the objections filed by the Applicant prior to issuance of the final Notification. The order dated 30th September, 2016 of the Tribunal reads as under:

“Learned Counsel appearing for the Ministry of Environment, Forests and Climate Change submits that they are in the process of amending the EIA Notification, 2006. According to her the draft Notification has already been published and objections/suggestions have been invited and after expiry of the Statutory period they would issue the final Notification after considering the objections filed.

Learned Counsel appearing for the DDA on instruction from Director of Planning submits that DDA has already notified the unified building bye laws, however, the chapter on environment conditions for sanctioning building plans would not be put into practice/implemented till Ministry of Environment, Forests and Climate Change give its approval/concurrence.

The Learned Counsel appearing for the applicant has raised an issue with regard to the unified bye laws being in conflict with the Notification of EIA, 2006. According to the applicant these objections should be considered.

In view of the statement made by the Learned Counsel appearing for the respective parties, we are of the considered view that nothing survives in this application. The respective authorities will abide by their statements. We also direct the Ministry of Environment, Forests and Climate Change to consider the objections of the applicant before issuing final Notification so that the unified building bye laws are not in conflict with EIA Notification, 2006.

In view of the above, the Original Application No.168 of 2016 stands disposed of with no order as to cost.”

3. After passing of the above order, Respondent no. 1 issued the final Notification on 9th December, 2016. Though, the objections to the draft Notification was filed by the Applicant on 23rd November, 2016 but no intimation for hearing was given to the Applicant except when the Applicant was invited through Counsel for meeting with Shri Manoj Kumar Singh, Joint Secretary, MoEF&CC, Government of India on 8th December, 2016 to discuss and make presentation on behalf of the Applicant. The discussion went on for about an hour or so and the Applicant was assured that the objections would be considered objectively by the Ministry. However, the final Notification was issued on 9th December, 2016 making substantial changes even in the draft Notification dated 29th April, 2016 which were in total derogation to the environmental laws in force.

4. The Applicant, thus, in the present case prays that the Notification dated 9th December, 2016 should be quashed and set-aside, inter-alia, but primarily on the following grounds:

- I. The Impugned Notification not only dilutes but also renders otiose the substantive provisions of Environmental Impact Assessment Notification, 2006 and even that of Environment (Protection) Act, 1986 (for short, "Act of 1986"). The provisions of the impugned Notification, if implemented would potentially destroy the environment and ecology due to unregulated building and construction activities and will have disastrous effect on environment and would cause irreversible damage to the environment. The magnitude of Environmental footprint would be immense. The objections filed by the Applicant and

others have not been considered objectively and appropriately by the Ministry. The impugned Notification, thus suffers, from the element of non-application of mind as well as is violative of Principle of Natural Justice.

II. The Impugned final Notification is not only at variance with the draft Notification but even introduces new provisions which are diametrically opposite, beyond the scope and purview of the Draft Notification and even had destructive essence to the draft Notification. In this regard, the following significant variance can be noticed:

(a). Draft Notification did not contain any provision with regard to grant of exemption to the construction building projects from the provisions of Air (Prevention and Control of Pollution) Act, 1981 (for short, "Air Act, 1981) and Water (Prevention and Control of Pollution) Act, 1974 (for short, "Water Act, 1974) in relation to Consent to Establish and Consent to Operate.

(b). The composition of the Environmental Cells to monitor the conditions particularly in reference to Environmental Clearance is entirely at variance to the draft Notification.

(c). Accreditation of Environmental auditors in terms of Appendix XV to the impugned Notification is also at variance from the one proposed in the Draft Notification.

- III. In exercise of subordinate legislative power, a delegatee cannot affect the application of another legislation enacted by the Parliament. In other words, while amending the Notification of 2006 in exercise of subordinate legislation, the delegated authority cannot render the provisions of Water Act, 1974 and Air Act, 1981 as inapplicable and also take away the powers of the Pollution Control Boards under the said Acts, to grant/refuse consent to establish and/or operate to a project.
- IV. Neither any comprehensive study was carried out nor any data collected to support the drastic changes being made by the impugned Notification and also ignored the Precautionary Principle, the fundamental cannon of environmental jurisprudence.
- V. The impugned Notification has several deficiencies which are against the basic letter and spirit of the Act of 1986 and the Notification of 2006.
- VI. 'Ease of doing responsible business' cannot be in fact and in law the ground for making amendment to the environmental laws, as it primarily falls beyond the scope of the object and purposes of the environmental laws in force. It is only a ploy to circumvent the provisions of the environmental assessment. The comprehensive process for evaluating the impact on environment due to various projects has been negated by the said amendment.
- VII. Under the impugned Notification, local authority is responsible for development and passing the development

plan vested through the environment cell with the power to impose conditions relating to environmental protection and ensure their compliance. The local authorities which are the sanctioning authorities would also become adjudicatory authorities under the impugned Notification. This dual functioning by the same authority make them judge in their own cause in contravention with the Principle of Natural Justice, *nemo judex in sua causa*, as well as give rise to the plea of conflicting interest.

- VIII. Exemption granted under the amended Notification has no nexus to the object sought to be achieved, i.e., the environmental protection.
- IX. The impugned Notification is in derogation of India's international commitment and obligation under the Rio Declaration (1992), particularly Principle 15 to 17 and the Paris Agreement, 2015.
- X. The impugned Notification, if given effect to, as framed would result in wiping out the effect of environmental laws in force and hence would not be in consonance with the doctrine of non-regression.
- XI. In addition to above, Applicant has also contended that the impugned Notification has an impact of disturbing the federal structure as provided in the Constitution of India. The Central Government cannot exercise power, authority and control in relation to subject matter of the Notification over the local authorities. The Environmental Cell, constituted under the amended Notification, would be under control of the local

authority or the State Government, as the case may be and, therefore, it will have apparent conflict with the Central Regulating Authority.

XII. In terms of the Notification, the violations of environmental conditions would be punishable and action would be taken under local laws, thus, divesting the CPCB or the State Regulatory Authority from taking punitive action against the defaulters and, therefore, would not be in consonance with the scheme of 1986 Act. The Notification is a manifest ploy for ousting of the application of the Environmental Acts and even the jurisdiction of the Tribunal. Furthermore, power under Section 3(1) of the Act of 1986 can be exercised in harmony and consonance with other provisions of the Act. The power under Section 3 is to be exercised for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution. The measures contemplated under Section 3 can only be taken in that behalf. Thus, power cannot be exercised for purposes beyond Section 3(1) and the provisions of the Act of 1986.

XIII. It is also contended by Applicant that MoEF has not provided any appropriate answer to the questions formulated by the Tribunal in its order dated 21st December, 2016 and 28th July, 2017.

XIV. There is no power with the Central Government to transfer its responsibility to the local authorities. The impugned

Notification does not provide power of refusal or rejection of the application seeking Environmental Clearance. The impugned Notification which introduces Paragraph no. 14 to the Notification of 2006, would be in apparent conflict with Para 1 to 13 of the Notification 2006. The Environmental Cell would not be able to function independently, fairly and in a transparent manner.

XV. The impugned Notification is unsustainable as on one hand it is not based on any study and on the other it ignores the recommendations made in the various studies conducted by the Ministry itself including Dr. Kasturirangan's reports. The positive suggestions and recommendations made in these reports have been ignored. The Notification attempts to hide behind the poor for the benefit of the builders. It also lacks in providing for requisite expertise of the members constituting the environmental cell in the interest of environment. No, criteria or qualifications have been fixed for the Member of environmental cell unlike the law in existence, which certainly would have adverse impacts as there will be massive construction activity causing serious environmental degradation.

5. From the above grounds, the applicants in all these applications pray that the impugned Notification dated 9th December, 2016 should be declared as *ultra vires* and be quashed. The challenge to the Notification is on legal grounds as well as on other reasons that it will have an adverse impact on environment, ecology and natural resources. In fact, it is contended that it will also have serious

repercussion on climate change. The Notification though claims to serve social cause of providing housing for the poor but, in fact, result of its enforcement would be contrary. It would permit construction of huge buildings and apartments without strictly complying with the environmental norms.

6. It will be appropriate to commonly state the response of various respondents together to the applications filed by the applicants. The preliminary objection has been raised as to the maintainability of the applications. It is contended that the validity of the Notification dated 9th December, 2016, has been challenged which is amending the EIA Notification, 2006 in exercise of the power conferred under Section 3 of the Environment (Protection) Act, 1986 (for short, the 'act of 1986') on the ground that it is violative of Articles 21 and 14 of the Constitution of India, which is beyond the ambit of Section 14 read with Section 18 of the NGT Act and the Tribunal has no jurisdiction to examine the validity of the subordinate legislations. The object of Notification is to delegate the power to Urban Local Bodies to grant Environmental Clearance. The scope of the Environmental Clearance has been widened as, now, Environmental Clearance is required even for building size having a built-up area 5000 sq. mtr. to 20,000 sq. mtr. While under the earlier Notification the built-up area of 20,000 sq. mtr. and above was covered. Urban Local Bodies and Urban Development Authorities are involved in the building plan approval and while granting approval, the process of granting Environmental Clearance can very well be integrated and can be given online. This will hasten the grant of clearances and there would not be any adverse impact on the construction projects. The Notification attempts to

decentralize the clearance process and has also attempted to integrate the environmental conditions along with building permissions. The local authorities would be conferred with the responsibility with support from expert bodies to discharge the important function. It is proposed to have a system of Qualified Building Environment Auditors (QBEA) providing for Third Party Auditing of environmental plans and its implementation. The QBEA will undertake certification that whether the environmental conditions have been adequately planned in the building design or not, it will thoroughly check its implementation during construction and regularly monitor its performance every five years. The setting up of an Environmental Cell at the level of Local Authority has been directed after taking into consideration lack of capacity at the level of Local Authorities. The Environmental Cell will comprise of three dedicated experts in the field of Waste Management (Solid and Liquid), Water Conservation and Management, Resource Efficiency including Building Materials, Energy Efficiency and Renewal Energy, Environmental Planning including Air Quality Management, Transport Planning and Management. The environment cell will also perform various other functions. The Local Authorities will prescribe the fee for environmental appraisal along with the fee for building permissions. Relying upon the judgement of the High Court of Delhi in the case of *Delhi Pollution Control Committee vs. Splendor Landbase Ltd.* in LPA 1/2011 and C.M. No. 6781/2011, the Notification has been issued to grant exemption to the residential complexes from the operation of Air and Water Act, respectively. The High Court expressed the view that residential complexes do not require any permission to establish or

operate under the said Acts. The QBEA is to be accredited by the MoEF&CC through qualified agency which would assess and certify building projects. The project proponent shall submit performance data and certificate of continued compliance of the project for the environmental conditions and parameters applicable after completion of construction from QBEA every five years to the environment cell focusing on different issues. If, there were violations committed by the builders who failed to take prior Environment Clearance in terms of the EIA Notification, 2006 and to deal with the violation in excess, the Ministry had issued certain Office Memorandums granting one time exemption which came to be set aside by the Tribunal *vide* its judgement dated 7th July, 2015 in the case of *S.P. Muthuraman v. Union of India and Ors.* (2015) ALL(I) NGT REPORTER (2) (DELHI) 170. 400 cases were kept on hold at different stages and in order to deal with the same, the present Notification had been issued. The purpose is to bring the entities under Environmental Compliance Regime at the earliest. The Notification provides various stages to be followed for granting prior Environmental Clearance which protects the environment in all respects. The Notification dated 9th December, 2016, provides that the States adopting the environmental conditions prescribed in appendix XIV of the Notification and incorporating it in the building bye laws and relevant state laws and incorporating the said conditions in the approvals given for building construction and making it legally enforceable, shall not require a separate Environmental Clearance from the MoEF&CC. The proposed changes by the State Government in its bylaws are to be examined by MoEF&CC and only after the concurrence of MoEF&CC to the changes

made by the State Government, that the requirement of separate environmental Clearance by the Central government for buildings to be constructed in the State or Local Authority areas, is dispensed with. Appendix XVI provides setting up of Environmental Cell in terms thereof the cell shall be responsible for assessing and appraising the environmental concerns for the area under its jurisdiction where building activities are proposed. The environmental cell can evolve and propose additional environmental conditions as per requirement. The procedure for seeking building permission incorporating environmental conditions has been made more stringent in comparison to the earlier provisions. The burden lies on the project proponent for furnishing requisite information and the Local Authorities are expected to take greater caution and care in assessing them. The comparative analysis of the Notification dated 14th September, 2006 and 9th December, 2016 shows that the later is more comprehensive in terms of prescription of environmental protection standards and conditions. The Notification dated 9th December, 2016 was issued in view of the policy decision taken by the Government of India to provide affordable housing to weaker sections in Urban areas in terms of scheme of 'Housing for All by 2022'. The general conditions that were provided under the Notification of 14th September, 2006 in substance continue but only change that has been brought about is that instead of obtaining prior Environmental Clearance from the Central Government the same shall be obtained from the State/Union Territory Environmental Impact Assessment Authority. The requirement of obtaining prior Environmental Clearance has not been dispensed with. The Draft Notification was

also challenged by the applicant which was disposed of *vide* order dated 30th September, 2016. The suggestions and objections were invited and after considering the same the final Notification was issued. The reliance placed by the applicants on the judgement of *Dr. Avinash Ramkrishna Kashiwar vs. State of Maharashtra*; (2015) 5 Mh. L.J. is of no consequence as on facts that judgement has no applicability in relation to the examination of the present Notification.

JURISDICTION OF THE TRIBUNAL:

7. According to the respondents, reliance placed by the applicant on the judgement in the case of *Dr. Avinash Ramkrishna Kashiwar vs. State of Maharashtra* (supra) is misplaced as that judgement has no application to the facts of the present case and particularly, for examining the validity of the impugned Notification. The respondents, therefore, prayed that the application requires to be dismissed on merits as well as on the preliminary objections taken by them.

8. In light of the above factual matrix of the case, we have to examine the merit or otherwise of the preliminary objections taken by the respondents in regard to the jurisdiction of this Tribunal to examine the validity of the impugned Notification. To examine this issue, we do not have to refer to the facts in any detail suffices it to notice that challenge in the present case is to the legality and validity of the Notification dated 9th December, 2016. The contentions of the respondents are that this Tribunal has been constituted under the provisions of the National Green Tribunal Act, 2010 (for short, Act of 2010) and it being a statutory Tribunal is not vested with the powers to examine the validity or constitutionality of a subordinate

legislation, i.e., Notification dated 9th December, 2016. Such aspects can only be examined by a constitutional Court, i.e., the Hon'ble Supreme Court of India or Hon'ble High Court. Reliance in this regard has been placed by them upon the judgement of the Division Bench of the Bombay High Court in the case of *Central India Ayush Drugs Manufacturers Association, Nagpur & Ors. v. State of Maharashtra*, AIR 2016 BOM 261. The respondents also relied upon the judgement of Hon'ble Supreme Court of India in the case of *Alpha Chem & Anr. v. State of Uttar Pradesh & Ors.*, 1991 Supp (1) SCC 518, wherein it was held that challenge to the constitutionality of a statute is maintainable in proceedings initiated under Articles 226 and 32 of the Constitution of India and not in appeal or revision before High Court or in proceedings initiated under a statute before an authority constituted under the said statute itself. Contrary to this, the contention of the applicant is that the Tribunal is competent and is vested with the jurisdiction and power of judicial review. In exercise of such powers it can examine the constitutionality, validity and legality of a subordinate legislation, particularly, when the Notification issued in exercise of the subordinate legislation is for the implementation of the enactments specified in Schedule I of the Act of 2010. Under the provision of the Act of 2010, such power of the Tribunal is neither expressly nor impliedly barred. On the contrary, the scheme of the Act clearly demonstrates that the Tribunal is competent to examine the correctness of a Notification issued under any of the Scheduled Acts in so far as the Notification implement or impliedly implement the provisions, object and purpose of the scheduled Act under which it is issued. In support of their contention, the applicants rely upon

the judgements of the Hon'ble Supreme Court of India in the case of *L. Chandra Kumar v. Union of India & Ors.*, 1997 (2) SCR 1186, *SP Sampath Kumar v. Union of India & Ors.*, (1987) 1 SCC 124, *State of West Bengal v. Ashish Kumar Roy & Ors.*, (2005) 10 SCC 110 and judgements of this Tribunal in the case of *Wilfred J. v. Union of India* 204 ALL (I) NGT REPORTER 2013, *SP Muthuraman v. Union of India*, 2015 ALL (I) NGT REPORTER (2) DELHI 170 and *Himmat Singh Shekhawat v. State of Rajasthan & Ors.*, ALL (I) NGT REPORTER (1) DELHI 44.

9. As far as this bench of the Tribunal is concerned the question of jurisdiction is no longer *res integra*. It has been conclusively decided by larger bench of the Tribunal in the case of *Wilfred J.* (supra), where the Tribunal held as under:

“39. Having dealt with the constitution of the Tribunal and having established its independence, now let us proceed to examine the scope of power of the Tribunal, with particular reference to examining a subordinate or delegated legislation as being ultra vires, unconstitutional or illegal. Judicial review is the power of the court to review statutes or administrative acts or determine their constitutionality or validity according to a written constitution. In a wider sense, judicial review is not only concerned with the merits of the decision but also the decision making process. It tends to protect individuals against the misuse or abuse of power by a wide range of authorities. Judicial review is a protection to the individual and not a weapon. It is the doctrine under which legislative and/or executive actions are subject to review (and possible invalidation) by the judiciary. A specific court with the power of judicial review may annul the acts of the State, when it finds them incompatible with a higher authority (such as the terms of a written constitution). Judicial review is an example of checks and balances in a modern governmental system, where the judiciary checks the other branches of government. This principle is interpreted differently in different jurisdictions, which also have differing views on the different hierarchy of

governmental norms. As a result, the procedure and scope of judicial review may differ from country to country and State to State. Unlike in England, where the judiciary has no power to review the statutes/Acts made by the Parliament, the United States Supreme Court in terms of Article III and Article VI exercises the power of judicial review of the Acts passed by the Congress and has struck down several statutes as unconstitutional. In India, the Supreme Court and the High Courts have frequently exercised the power of judicial review keeping intact the 'doctrine of separation of power'. Challenge to legislation before the Courts in India has primarily been permitted on a very limited ground. The legislation in question should either be unconstitutional, or should lack legislative competence. Challenge to such legislation as being unreasonable has also been permitted, if it violates or unreasonably restricts the fundamental rights, particularly under Article 14 and 19 adumbrated in our Constitution.

40. The Courts are vested with the power of judicial review in relation to legislative acts and even in relation to judgments of the Courts. The power of judicial review has been exercised by the Courts in India sparingly and within the prescribed constitutional limitations. The Courts have also taken a view that functions of the Tribunal being judicial in nature, the public have a major stake in its functioning, for effective and orderly administration of justice. A Tribunal should have judicial autonomy and its administration relating to dispensation of justice should be free of opinions. (*Ajay Gandhi v. B. Singh*, (2004) 2 SCC 120). The National Green Tribunal has complete control over its functioning and all the administrative powers, including transfer of cases, constitution of benches and other administrative control over the functioning of the Tribunal, are vested in the Chairperson of the NGT under the provisions of the NGT Act".

10. The Tribunal in the case of *S.P. Muthuraman* (supra) also held that:

"This Tribunal has been vested with Original, Appellate and Special jurisdiction in regard to directing payment of compensation for damage to and for restitution and restoration of the environment. The legislature in its wisdom worded the provisions relating to the jurisdiction of the Tribunal (Sections 14 to 17 of the Act

of 2010) very widely, and with a clear intent to provide this Tribunal with jurisdiction of a very wide magnitude. Upon reading the various provisions of the Act of 112 2010 cumulatively and in light of the underlying scheme of the Act of 2010, including the definition of 'environment' in terms of Section 2(c) of the Act of 2010, it is quite clear that this Tribunal is having all the trappings of a Court and is conferred with the twin powers of judicial as well as merit review. There is no provision in the Act of 2010 which curtails the jurisdiction of the Tribunal to examine the validity and correctness of a delegated legislation and/or administrative or executive order passed by the Government including any of its instrumentalities or authorities. The fundamental principle for invoking the jurisdiction of this Tribunal is that, the question raised should be a substantial question relating to environment and should arise out of the implementation of the enactments specified in Schedule I of the Act of 2010. It could even relate to enforcement of any legal right relating to environment with regard to these enactments. Delegated or subordinate legislation, executive orders and/or administrative orders in so far as they relate to the implementation of the Scheduled Acts would be open to challenge before the Tribunal and hardly any argument can be raised that the documents like Office Memoranda would not be subject to judicial scrutiny before the Tribunal".

11. The parties to the *lis* had preferred statutory appeal against the above cited judgement of the Tribunal before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India had issued notice on the appeals and *vide* its order dated 21st January, 2015 in Civil Appeal No. 7884-7885 of 2014 had directed that further proceedings qua the appellants shall remain stay till further orders. However, in the same order the Hon'ble Supreme Court also directed that this Tribunal shall continue to exercise its powers in terms of Section 14, 16 and 18 of the NGT Act, 2010 in other cases. *Vide* order dated 3rd

February, 2016, passed by the Hon'ble Supreme Court of India in another set of appeals being Appeals No. 8550-8551 of 2014 passed an order by modifying order dated 21st January, 2015. The order dated 3rd February, 2016 reads as under:

“.....By our Order dated 21.01.2015, we had stayed further proceedings in Appeals No. 14 of 2014, 17 of 2014 and 88 of 2014 and Original Application No. 74 of 2014 pending before the National Green Tribunal, Principal Bench at Delhi. Having heard learned counsel for the parties at some length, we are inclined to modify the said order so as to permit the Tribunal to proceed with the hearing of the Appeals and the Original Application for an expeditious disposal of the same. Learned counsel for the parties also agree that the appeals and the original application could be finally heard and that neither party shall pray for any interim direction in the said matters nor seek any adjournment which may unnecessarily procrastinate the entire controversy. In the circumstances, therefore, we modify our Order dated 21.01.2015 and permit the National Green Tribunal, Principal Bench at Delhi to proceed with the hearing of the appeals and Original Application and make an endeavour to dispose of the same as far as possible within a period of six weeks from the date a copy of this 3 order is placed before it. We make it clear that hearing of the Appeals and O.A. on merits pending before the Tribunal shall be without prejudice to the contentions open to the parties in these appeals which shall await the final hearing and disposal of the matter by the Tribunal. These appeals shall accordingly stand over for being listed after the disposal of the matters by the Tribunal. Liberty is given to the parties to mention the matter once the Tribunal passes final orders in the case before it.”

In terms of the above order, the matters were finally heard by the Tribunal and disposed of *vide* order dated 2nd September, 2016. The parties had approached the Hon'ble Supreme Court after the final judgement by the Tribunal. The matter was heard by the Hon'ble Supreme Court and the Appeals were disposed of *vide* order dated 3rd

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July, 2017. The order dated 3rd July, 2017 while leaving the question of law open, reads as under:

“.....Pursuant to the order dated 3rd February, 2016, the National Green Tribunal has delivered judgment and order dated 2nd September, 2016. A review petition filed against that decision was disposed of on 30th November, 2016.

We are told by the learned Attorney General that the project has been upheld by the National Green Tribunal. Under the circumstances, we dispose of these appeals leaving open the question decided by the National Green Tribunal on its jurisdiction to set aside subordinate legislation.

In the event any of the aggrieved parties raises a dispute against the final order passed by the National Green Tribunal, it will be open to the appellant as well as the State of Kerala to agitate the issue of a 2 challenge to the subordinate legislation.

Pending applications, if any, are disposed of.”

In terms of the above order, it is clear that the law stated by the Tribunal in its judgement in the case of *Wilfred J. (supra)* was not disturbed by the Hon'ble Supreme Court either at the interim stage or while finally disposing of the appeals. Interim stay granted by the Hon'ble Supreme Court was limited to the appeals with a specific dictum that the Tribunal could decide other cases in terms of the provisions of the Act thereby clearly stating that the judgement in the case of *Wilfred J. (supra)* on the question of law was neither interfered nor stayed. Thus the law stated by the larger bench of the Tribunal attains finality and is binding on this bench. In any case, we have no reason not to accept the mandate of the larger bench and apply to the present case. The reliance placed by the respondents upon the judgement of the High Court of Bombay in the case of *Central India Ayush (supra)* will not be of any benefit to the respondents. Firstly,

the judgement of the High Court of Bombay does not consider the larger bench of the Tribunal in the case of *Wilfred J.* (supra). It also does not refer to the judgements of the Hon'ble Supreme Court in *L. Chandra Kumar* (supra) wherein Hon'ble Supreme Court had clearly stated that the Tribunals are competent to hear matters challenging *vires* of the statutory provisions or *vires* of the subordinate legislation. Of course such jurisdiction falls in a limited compass. In the case of *SP Sampat Kumar* (supra), the Hon'ble Supreme Court clearly stated that the Tribunal has power of the judicial review and even vested with the powers of the Civil Courts so it has wide jurisdiction including the power of judicial review. There are other judgements from other High Courts which have taken entirely a different view than the view taken by the High Court of Bombay. These High Courts have specifically referred to the Tribunal for adjudication of cases involving challenge to the Notifications issued in exercise of subordinate legislation with regard to noise pollution, plastic bags and other such matters. In this regard, we may refer to the judgement of the High Court of Delhi in the case of *All India Plastic Industries Association & Anr. v. Govt. of NCT of Delhi and Ors*, Writ Petition No. 7012 of 2012 decided on 5th December, 2016. The Division Bench of the High Court while relying upon the judgement of *L Chandra Kumar* (supra) of the Hon'ble Supreme Court of India and the provisions of the Schedule I to the Act of 2010, held that the matter before it challenging the Notification issued under Section 5 of the Environment (Protection) Act, 1986 (for short, 'act of 1986') imposing a ban on manufacture, import, store, sale or transport of any kind of plastic, carrying bags etc be transferred to this Tribunal for deciding

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the same on merits including the question, validity of the Notification.

It may be noticed that High Court of Delhi would be the jurisdictional High Court for the Principal Bench, National Green Tribunal.

12. The Punjab & Haryana High Court, Tripura High Court and Jharkhand High Court has also transferred the cases of *Goodwill Plastic Industries & Ors. v. Union Territory of Chandigarh & Ors.*, *All India Plastic Industries Association v. Tripura* and *RDS Bricks v. State of Jharkhand*, respectively to the Tribunal. In all these cases, *vires* to the Notifications dated 30th July, 2008 and 3rd July, 2013 both relating to banning of plastic and Notification dated 29th March, 2012 relating to eco-sensitive zone were challenged. To put it simply all these High Courts have taken a view that the Tribunal can examine the validity of a Notification issued for implementation of a subordinate legislation.

In the another judgment of the Tribunal in the case of *SP Muthuraman v. Union of India & Anr.* (supra), wherein the office memorandums issued by the MoEF&CC dated 12th December, 2012 and 27th June, 2013 were quashed. The Tribunal took the view that it had the limited power of judicial review and it can examine the office memorandums issued in furtherance to the rules framed by MoEF&CC. A review application was filed by the different project proponents in that case, which was also dismissed *vide* order dated 1st September, 2015. The orders of the Tribunal were challenged before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court *vide* its order dated 24th September, 2015, stayed the order of the Tribunal. *Vide* order dated 23rd November, 2015 and upon application

of MoEF&CC the Hon'ble Supreme Court of India clarified its order and stated that stay was applicable only to the appellant's before it. During the pendency of the appeals, some directions were passed by the Hon'ble Supreme court in relation to deposit of the environmental compensation imposed by the Tribunal. The Hon'ble Supreme Court *vide* order dated 4th July, 2016 made it clear that the Tribunal could proceed by passing of directions as contained in para 163(13) of its order dated 7th July, 2015 and parties were granted liberty to raise all submissions open to them on fact and law before the Tribunal. Even the judgement of the Tribunal on the question of jurisdiction has not been stayed by the Hon'ble Supreme Court. However, the parties have been granted liberty to raise all pleas of facts and law. The Tribunal had also passed similar judgments in the case of *Himmat Singh Shekhawat v. State of Rajasthan* (supra) and *Kalpriksha & Ors. v. Union of India*, in OA No. 116 of 2013 (THC) decided on 17th July, 2014. All these orders have attained finality and remain undisturbed.

13. Another aspect that needs specific mentioning by us is that this Tribunal is a special and unique Tribunal constituted under the legislation enacted by the Parliament in exercise of its powers under Article 253 of the Constitution of India. It needs to be distinguished from other Tribunals enacted under Article 323(A) and 323(B) of the Constitution. This Tribunal has been constituted for the purpose of implementing the decisions at the United Nations Conference on the Human Environment held at Stockholm in June 1972, where India also participated. 186th Law Commission Report also noticed that the environmental Tribunal constituted under Article 253 could be traced

as an act of implementation of the decisions taken at the International Conference with reference to Rio-declaration of 1992. The purpose of implementing the decisions at Rio conference & Stockholm Conference and constituting the Tribunal was to provide speedy adjudicatory body in respect of the disputes arising in environmental matters. In the case of *Braj Foundation vs. State Government of UP & Ors.*, Application No. 278 of 2013 decided on 5th August, 2014, the bench of the Tribunal held that one is to remember that the Tribunal is created in furtherance to the enactment of the Parliament to give effect to the true spirit of the terms of Article 253 of the Constitution of India and, therefore, there is no iota of doubt in our mind that the Tribunal has inherent power of not only enforcing its orders but also dealing with any person who either disobeys or violates its orders. The inherent power would co-exist with the Tribunal examining the correctness of any office order or subordinate legislation whether it is in consonance or not with the provisions of the environmental laws in force particularly when it is issued under those very legislations.

In light of the above position of law and the fact that the judgments of the Tribunal in the case of *Wilfred J.* (supra) and *S.P. Muthuraman* (supra) are binding upon this bench. We have no hesitation in rejecting the objection raised by the respondents as without merit.

DISCUSISON ON MERITS OF THE CONTENTIONS RELATING TO VALIDITY OF THE NOTIFICATION

14. The draft Notification dated 29th April, 2016 was published by the Respondent inviting objections and suggestions thereto. After

considering the objections/suggestions received by the MoEF&CC, it had issued the final Notification dated 9th December, 2016. According to the Applicant, not only the Notification dated 9th December, 2016 but also the entire process of finalizing the Notification suffers from factual and legal infirmities. It is also the contention that it defeats the very object and purpose of the Act of 1986, EIA Notification of 2006 and is also opposed to the federal scheme under the Constitution of India. The detailed objections raised by the Applicant has already been noticed by us in paragraph no. 4 of the judgment (supra). According to the respondent, the notification does not suffer from any error much less legal infirmity or validity. The contentions of the respondents have also been noticed above. And within the ambit of the contentions raised before us, now, we will proceed to deliberate on these issues. First and foremost, we may refer to the comparative study of the existing and proposed regime in terms of the Notifications dated 14th September, 2006 and 9th December, 2016. The useful reference can be made to the following chart:

Sl. No.	Particulars	EIA Notification dated 14 September, 2006	EIA Notification dated 09 December, 2016
1.	Consent to Establish & Operate	<ul style="list-style-type: none"> • Prior to the actual construction activities, the project proponent has to obtain Consent to Establish from the Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for all construction projects having BUA above 20,000 m² • After completion of the construction activity, the proponent has to obtain Consent to Operate from the Board under the Water 	<ul style="list-style-type: none"> • No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters

		<p>(Prevention <input type="checkbox"/> No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for all construction projects having BUA above 20,000 m².</p>	
2.	Construction projects having built up area below 20,000 m ²	<ul style="list-style-type: none"> Projects having built up area below 20,000 m² not require prior environmental clearance from MoEF 	<ul style="list-style-type: none"> BUILDINGS CATEGORY '1' (5,000 to < 20,000 Square meters) – A Self declaration Form to comply with the environmental conditions (Appendix XIV- attached below) along with Form 1A and certification by the Qualified Building Environment Auditor to be submitted online by the project proponent besides application for building permission to the local authority along with the specified fee in separate accounts – Thereafter, the local authority shall issue the building permission incorporating the environmental conditions in it and allow the project to start based on the self declaration and certification along with the application – After completion of the construction of the building, the project proponent may update Form 1A online based on audit done by the Qualified Building Environment Auditor and shall furnish the revised compliance undertaking to the local authority. – Any non-compliance issues in buildings less than

			20,000 square meters shall be dealt at the level of local body and the State through existing mechanism
3.	Construction Projects having built up area above 20,000 m ²	<ul style="list-style-type: none"> An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and –The project proponent to submit online application in Form 1 A along with specified fee for environmental appraisal and additional fee for building permission –The fee for environmental appraisal will be deposited in a separate account Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. 	<ul style="list-style-type: none"> The project proponent to submit online application in Form 1 A along with specified fee for environmental appraisal and additional fee for building permission –the fee for environmental appraisal will be deposited in a separate account. The Environment Cell will process the application and present it in the meeting of the Committee headed by the authority competent to give building permission in that local authority –The Committee will appraise the project and stipulate the environmental conditions to be integrated in the building permission –After recommendations of the Committee, the building permission and environmental clearance will be issued in an integrated format by the local authority –The project proponent to submit Performance Data and Certificate of Continued Compliance of the project for the environmental conditions parameters applicable after completion of construction from Qualified Building Environment Auditors every five years to the Environment Cell with special focus on the following parameters; <ol style="list-style-type: none"> 1. Energy Use (including all energy sources) 2. Energy generated on site from onsite Renewable energy sources 3. Water use and waste water generated,

			<p>treated and reused on site 4.Waste Segregated and Treated on site 5.Tree plantation and maintenance –After completion of the project, the Cell shall randomly check the projects compliance status including the five years audit report –The State Governments may enact the suitable law for imposing penalties for non-compliances of the environmental conditions and parameters –The Cell shall recommend financial penalty, as applicable under relevant State laws for noncompliance of conditions or parameters to the local authority.</p> <ul style="list-style-type: none"> • On the basis of the recommendation of the Cell, the local authority may impose the penalty under relevant State laws –The cases of false declaration or certification shall be reported to the accreditation body and to the local body for blacklisting of Qualified Building Environment Auditors and financial penalty on the owner and Qualified Building Environment Auditors
<p>4. Built up Area considered for EC</p>		<ul style="list-style-type: none"> • Built up area for covered construction; in the case of facilities open to the sky, it will be the activity area 	<ul style="list-style-type: none"> • The term “built up area” for the purpose of this notification is the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the buildings and construction projects
<p>5. Monitoring of environmental compliances</p>		<ul style="list-style-type: none"> • Earlier, it was mandatory for the project proponent to submit compliance report every six months. 	<ul style="list-style-type: none"> • Project proponent shall submit performance data & certificate of continued compliance of the project for the environmental conditions after completion of construction every five years.

6.	Process of granting permission for construction and building projects	<ul style="list-style-type: none"> • Under 2006 notification prior Environment clearance from SEIAA was mandatorily required even before <u>starting of the construction work or preparation of land</u>. SEIAA was to screen scope and appraise projects before granting of environment clearance. • The environmental clearance process before SEIAA comprises of four stages, all of which may not apply to particular cases as set forth. These four stages in sequential order are:- <ul style="list-style-type: none"> • Stage (1) Screening (Only for Category 'B' projects and activities) • Stage (2) Scoping • Stage (3) Public Consultation • Stage (4) Appraisal 	<ul style="list-style-type: none"> • Under 2016 notification Environmental conditions are to be imposed by Environmental cell at the level of local authority. The cell will then process the application and place it before the committee headed by the authority competent to give building permissions. The committee will then appraise the project and stipulate environmental conditions without any provisions of public consultation which is an integral part of 2006 notification. • Therefore, the environmental cells work under the building permit issuing authority therefore not a independent authority to impose environmental conditions. Moreover building permit authority is not a scientifically sound body as SEIAA or SEAC.
7.	Environment Clearance Authority concerning Building and Construction projects	<ul style="list-style-type: none"> • Clearance was given after screening and appraising of the projects by government constituted bodies' i.e. SEIAA or SEAC who are independent bodies. 	<ul style="list-style-type: none"> • Imposition of environmental conditions by local authority on the basis of assessment and certification by Qualified Building Environment Auditors (QBEAs) which could be a firm /Organization or an individual expert accredited by the accreditation authority.
8.	Violation of environmental conditions	<ul style="list-style-type: none"> • Violation of environmental conditions and parameters are dealt under section 15 and section 19 of EPA, Act 1986. 	<ul style="list-style-type: none"> • The state Government may enact suitable laws for imposing penalties for non compliance. The local Authorities shall impose penalties based on the recommendation of environmental cell of local body.
9.	Qualification of Experts	<ul style="list-style-type: none"> • Multi sectoral / Multi disciplinary experts in SEAC. • Qualification as per the Schedule 6 of the 	<ul style="list-style-type: none"> • Experts of limited sectors like Water, Air, Solid Waste, Energy and transport in environmental cell.

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	current EIA notification.	
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From the above comparative study of the two regimes, it is clear that the regime in terms of the Notification dated 9th December, 2016 would considerably dilute the environmental safeguards provided not only under the Regulation of 2006 but even under the Act of 1986. The Applicants have rightly placed reliance on the Principle of Non-regression. Under the International law, the doctrine of Non-regression is an accepted norm. It is founded on the idea that environmental law should not be modified to the detriment of environmental protection. This principle needs to be brought into play because today environmental law is facing a number of threats such as deregulation, a movement to simplify and at the same time diminish, environmental legislation perceived as too complex and an economic climate which favours development at the expense of protection of environment. The draft amendment of the existing environmental laws should be done with least impact on environment protection that was available under the existing law or regime. The present amendment in the Notification particularly few clauses that we will refer hereinafter can lead to severe environmental impacts.

15. The Precautionary Principle as propounded by the Hon'ble Apex Court is a cornerstone of environmental jurisprudence in the country as the environmental conditions imposed are not comprehensive enough and are only a tick-box exercise taken by the project proponent without any prior environment assessment process especially its impact on ecologically sensitive area and other environmental vulnerable area.

The impugned notification, takes away the power of the Pollution Control Boards and Committee to grant/refuse Consent to Establish and Consent to Operate for building and construction projects up to an area of 1,50,000 sq meter. It further dilutes the entire environmental assessment framework under the EIA notification 2006, which has been periodically strengthened and amended by the numerous orders of this Hon'ble Tribunal.

The impugned notification has several deficiencies that go against the basic letter and spirit of EPA Act, 1986 and the EIA notification issued there under. Power under Section 3 read with Rule 5 of Environment (Protection) Act, 1986 can only be exercised by the central government or the authorities constituted by it. Whereas the impugned notification gives power to the State Government for constitution of an authority to exercise and perform such of the powers and functions as provide under Environment Protection Act, 1986, which Includes assessment and granting of environment clearance to the projects. This would be apparently in conflict with the provisions of the Act of 1986. In this regard reference can also be made to the judgement of the constitutional bench of the Hon'ble Supreme Court in the case of *LIC v. Escorts Ltd.*, (1986) 1 SCC 264, where the Hon'ble Supreme Court held that it may be open to a subordinate legislating body to make appropriate rules and regulations to regulate the exercise of a power which the Parliament has vested in it, or as to carry out the purposes of the legislation, but it cannot divest itself of the power.

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It is further stated that these conditions fall substantially below the prior environmental assessment procedure which was much detailed and brought within EIA framework after the direction of the Hon'ble Supreme Court in the *Maily Yamuna Case* (W.P.C No. 725 of 1994).

16. The impugned notification provides that the local authorities such as the development authorities and Municipal Corporation may certify compliance of Environmental Conditions prior to issuance of completion certificate based on recommendations of the Environmental Cell to be constituted in the local authority. Further, the purpose of notification regarding integration of environmental conditions, the MoEF&CC through competent agencies would accredit Qualified Building Environmental Auditor (QBEA's) to assess and certify the building projects. It is clear from the above that the entire assessment procedure has been replaced over which the MoEF&CC has no control.

17. The MoEF&CC has failed to produce any study, literature, evaluation of the reason for taking such a retrograde decision to go back to a pre-2004 situation wherein the failure of the local bodies was considered to be the primary reason for bringing building and constructions activity within the EIA framework. In pre-2004 the position was that the construction sector projects were only regulated through Bye Laws and no Environmental Clearance was required.

18. The proposal for exemption of Environmental Clearance for construction and building project with built-up area to 1,50,000 Sq mtrs. is baseless as there is no study that indicates any improvement

in environment quality with regard to all environmental facets/ availability of natural resources, following which there can be a consideration for relaxation of current norms.

The said amendment notification is only a ploy to circumvent the provisions of environmental assessment under the EIA Notification, 2006 in the name of 'ease of doing responsible business' and there is no mechanism laid down under the amendment notification for evaluation, assessment or monitoring of the environment impact of the building and construction activity. The construction industry consumes enormous resources and has a significant energy footprint; the sector emits 22 per cent of India's total annual carbon-dioxide emission. The Hon'ble Tribunal in the matter of *S.P. Muthuraman vs. Union of India & Anr.* (supra) Observed:

"In recent past, building construction activities in our country have been carried out without much attention to environmental issues and this has caused tremendous pressure on various finite natural resources. The green cover, water bodies and ground water resources have been forced to give way to the rapid construction activities. Modern buildings generally have high levels of energy consumption because of requirements of air-conditioning and lighting in addition to water consumption. In this scenario, it is necessary to critically assess the utilization of natural resources in these activities."

19. The very purpose of including the construction projects in the EIA Notification was the failure of the local bodies to ensure compliance with environmental norms. The ULB's/DA's have always had specific stipulation on environmental concerns. However, such conditions were never adhered to or made a pre-requisite to such sanction. It was therefore the case of MoEF&CC that the local body have been approving new construction projects without adhering to

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environmental norms. Now, the MoEF&CC itself is taking a step in backward direction without there being any changes brought about in the capacity and technical competence of the local body to assess, evaluate and monitor the environmental norms or to ensure compliance.

20. The EIA Notification, 2006, has a comprehensive process for evaluating the impact on environment which will not be the case after the said notification. For instance, the EIA Notification, 2006 provides Expert Appraisal Committee at the Centre and the State Expert Appraisal Committee at the State level. The composition of these committees comprises as per Appendix-VI to EIA Notification, 2006 of independent experts, such as, Environment Quality Expert, Sectoral Expert in Project Management etc. But as per the amendment notification the same local body which is responsible for the stipulation of the condition would be responsible for ensuring the compliance of the same with the help of Environmental cell and QBEAs. This is in contravention of the principle of *nemo iudex in sua causa*, which is a principle of natural justice, meaning that a person cannot be judge of his own cause. Also, there is no technical expertise or competence within the local bodies to either evaluate impact or to ensure compliance of environmental conditions.

As per the EIA Notification 2006, clause 1.3 states "*what are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities)*". But as per the amended notification of 2016, no such provision is laid down.

21. This Hon'ble Tribunal in O.A. No. 171 of 2013 (*NGT Bar Association vs. MoEF*) vide Order dated 13.01.2015 stated "We direct Secretary, MoEF along with such experts and the States Afore referred will also consider the possibility of constituting the branches of SEIAA at the district or at least, division levels to ensure easy accessibility to encourage the mine holders to take EC". Similarly, the O.M. dated 19.06.2013 states that "In case of a large pendency case the concerned state Government feels that there is need for another SEAC, the State Government may accordingly send the proposal to MoEF&CC for setting up/notifying another SEAC and MoEF may consider the same". However instead of adhering to their own O.M.'s and the categorical judgement of the this Tribunal, they have chosen to completely dilute EC process and violate the EIA Notification, 2006 and thereby Act of 1986.

22. A bare perusal of amendment notification would show that there is complete dilution of the norms as provided under the EIA Notification, 2006. For instance, totality of issues related to conservation of water is completely ignored for building of built-up area up to 5000 sq.mtr. There is no sewage treatment or municipal solid waste processing facilities stipulated within the premises for building up to 5000 sq. mtr. of built up area.

23. The MoEF&CC has failed to fulfil its statutory responsibilities. By transferring the powers to ULBs/ Development Authority, it has created a situation of conflict of interest as all the powers have been vested with the same authority. National documents (CAG Report, 2016) also discourage such an integration of environment condition to

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the sanctioning authority under the urban local bodies instead of independent assessment by environmental experts of building and construction projects. Thus for example, the report by Comptroller and Auditor General of India (CAG Report, 2016) clearly states that urban local bodies have not been performing on environmental parameters. In most compliance audit, the environmental parameters including MSW, Waste minimisation, e-waste etc have been grossly violated.

It is submitted that on para wise comparison of the draft notification and final notification are entirely different. The main addition which were not part of draft notification but found place in the final notification are as follows:

- *Consent to establish and Consent to Operate under Water Pollution Act, 1974 and Air Pollution Act, 1981 will not be required from SPCB for residential buildings up to 1,50,000 sq.m.*
- *Stripping of building construction projects of built up area of 20,000 sq.m upto 1,50,000 sq.m. from the purview of EPA Act, 1986 and bringing under the concerned State Laws.*
- *The draft Notification specifically mentions that the exclusion/amendments mentioned in the draft notification are not intended for hospitals whereas the final notification clearly excludes hospitals also from the purview of EIA Notification and EPA Act, 1986.*
- *Addition of Appendix-XV, Accreditation of Environmental Auditors. (qualified Building Auditors).*
- *Addition of Appendix-XVI, Environmental Cell at the level of Local Authority.*

When the residential building construction projects of built up area more than 20,000 sq.m up to 1,50,000 sq.m are excluded from

the requirement of "Consent to Establish" or "Consent to Operate" then these building construction projects will be out of the purview of these statutes, what will be the relevance of CPCB norms and this will encourage indiscriminate discharge of untreated sewage into river and drains.

24. In the said notification, there is no definition of "Area". In the absence of such a definition, the "Area" can be for the whole of the State or District or Region. In this connection, attention is brought to the EIA Notification, 2006 wherein the word "built-up area" was introduced. There was no definition of "built up area" in the impugned Notification and which leads to confusion in the building construction sector.

The said notification is contrary to the recommendations of the report of the committee constituted by MoEF&CC on 11.12.2012 (The Kasturirangan report) to review the provisions of EIA Notification, 2006 relating to buildings, etc which was then accepted by MoEF&CC. The MoEF&CC vide OM dated 10.11.2015, reiterated and vetted the recommendations of Kasturirangan Committee among other things. If the MoEF&CC is now changing its stand, it is duty bound to produce back-up study or research material to prove that the local bodies have concern towards environment.

25. Besides noticing the above mentioned deficiencies in and dilutions of the existing laws by the impugned Notification, we must also notice a very strong legal infirmity in it. Admittedly, the notification has been issued by the MoEF&CC in exercise of its powers under sub-section (1) read with clause (V) of sub-section (2) of Section

(3) of the Act of 1986 and clause (d) of sub-rule (3) of Rule (5) of the Environment (Protection) Rules, 1986. By the impugned Notification, paragraph 14 is sought to be inserted after paragraph 13 of the existing Notification/Regulations of 2006. The powers under these provisions can be exercised under Section 3(2)(5) of the Act of 1986 which empowers the Central Government to take measures to protect and improvement of the quality of environment in regard to restrictions of areas in which any industry/operations or process or class of industries operations or processes shall not be carried out or shall be carried out subject to certain safeguards. In terms of section 3 (1) of the Act, this power of taking measures is to be exercised by the Central Government when it deems necessary and expedient for the purpose of protecting and improving the quality of environment and preventing, controlling and abating environmental pollution (emphasis supplied). Rule 5 deals with the prohibition and restriction on the locations of industries and the carrying on process and operations in different areas. It gives power to the Central Government to take into consideration the factors while prohibiting or restricting the locations of industries and carrying on of process/operations in different areas. Sub-rule 3 of this Rule contemplates the procedure to be followed by the Central Government while issuing the notification for imposing prohibition or restriction as stated in Sub-rule (1) of Rule 5.

Thus, both the sections and the rule gives power for issuing of any notification and placing prohibition / restriction in their terms, subject to the conditions, i.e., while issuing notification the procedure under Rule 5 (3) should be followed and more importantly it should be

exercised only for the purpose of protecting and improving the quality of the environment and preventing pollution. Once any of these essential statutory features are missing the notification issued would be liable to be interfered with. The major part of the Notification does not satisfy these ingredients.

26. The amended clause 14 while dealing with the other building category more than 20000 sq. meter also provides that no Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings upto 150000 sq. meter. This amendment is *ex-facie* opposed to the above objects and in fact lacks legislative competence. While exercising powers under a subordinate legislation in furtherance to Section 3 and Rule 5, the authority cannot in exercise of its subordinate legislation exclude the operation of a substantive law that is Water Act, 1974 and Air Act, 1981 enacted by the Parliament. This would suffer from the *vires* of excessive legislation. It is strange that the MoEF&CC, a delegatee under the said provision could venture upon excluding the application and enforcing of a Parliament Act without even making any amendment under that act or the rules framed under that act. This action of the MoEF&CC cannot stand the scrutiny of law.

27. The Environmental Cell is to be constituted by the local authority or the State Government, whereas the implementation of the environmental law is vested with the Central Government. The Environmental Clearance is expected to be issued by the authorities

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in an integrated format. Any offence or violation thereto which is punishable under the Act of the Parliament, i.e., the Act of 1986 thus subordinate legislative amendment takes away that power and requires a local authority to take precedence in relation to providing punishment for such violation or offence. There is clear ambiguity and uncertainty in the Constitution of the Environmental Cell and its functions. There is no clarity as to the qualification which the Member of the Environmental Cell should possess. A Cell, primary duty of which is to protect the environment would have to work in subordination to a local authority whose primary object is to permit development. Thus, the possibility of conflicting interest arising in the functioning of the local authority and the Environmental Cell cannot be ruled out. It may arise even then thus defeating the very purpose of the amendment.

28. Another serious objection raised to the Notification is that the final Notification has been issued without considering the objections filed to the draft Notification. Of course, in terms of the procedure prescribed under Rule 5(3) of the Rules of 1986 the procedure must be strictly adhered to. The MoEF&CC had invited objections which were filed and even the Applicant was heard. There cannot be a doubt that requirement of considering objections effectively is not a mere formality. It should be done objectively and in accordance with law as held in the case of *Dr. Avinash Ramkrishna Kashiwar vs. the State of Maharashtra (supra)*:

17."It could thus be seen that it appears to be settled position of law that the requirement of previous publication inviting objections and suggestions is not

an empty formality. It is with an intention to enable persons likely to be affected, to be informed, so that they may take steps as may be open to them and the objections/suggestions made would be required to be taken into consideration by the authorities before issuing a final notification”.

26. *“In the result, we hold that the impugned notification dated 26.07.2013 is not sustainable in law and, therefore, quashed and set aside. Rule is, therefore, made absolute in the aforesaid terms with no orders as to costs.”*

The Applicant had filed objections which were duly considered by the MoEF&CC and even the Applicant was heard. There is nothing on record before us that would show that there is no application of mind and that the objections were not considered objectively by the MoEF&CC. In light of this, we are unable to accept this contention raised on behalf of the Applicants.

29. The other argument of the Applicant which deserves to be considered with some merit is that the final impugned Notification is at substantial variance to the draft Notification. This has not only resulted in prejudice to the environment but has also defeated the purpose of Rule 5(3) of the Environment (Protection) Rules, 1986. Following are few examples of such variance and which have significant effect on the environmental laws:

- (a). The exclusion of application of the Water Act and the Air Act was never proposed or stated in the draft Notification, while it has been introduced in the final Notification.
- (b). Role of the State Pollution Control Boards to monitor and verify the environmental conditions is eliminated in the final notification. The construction of built up area upto area of 20,000 sq. meter upto 1,50,000 sq. meter which were

otherwise covered under the Act of 1986 now have been brought under the State Laws without specifying them in the draft notification. The draft Notification specifically mentions that the exclusion/amendment benefits mentioned in the draft Notification are not intended for hospitals whereas the final notification clearly excludes hospitals from the purview of the EIA Notification, 2006 and Environment (Protection) Act, 1986. It is at substantial variance as the hospitals fall under red category under the Central Pollution Control Board categorization dated 7th March, 2016. So, provision of dealing with the environmental conditions of hospitals falling under the environmental norms.

- (C). Addition of Appendix XV, accreditation of environmental auditor (Qualified Building Environment Auditor).
- (D). Addition of Appendix XVI, Environmental Cell at the level of local authority.

On the above premises, it is contended that on the one hand, there is substantial difference between the draft and the final notifications while on the other hand Applicants were deprived of the right to file objections on these aspects. Reliance is placed on the judgement of the Hon'ble Supreme Court of India in the case of *State of Punjab vs. Tehal Singh & Ors*, AIR 2002 SC 533 wherein the Supreme Court held that Principle of Natural Justice to subordinate legislation may be applied but where the legislature provides an

opportunity of hearing and filing objections then it must be adhered to *senso stricto*.

30. From the records before the Tribunal, it is clear that there are variations even of substantial nature between the draft and the final Notification dated 9th December, 2016 issued by the respondent. One of the significant failures of the same is that the applicants or public at large has lost substantive right to file objections on these aspects to the draft Notification. They have also lost the right to be heard in terms of Rule 5(3) of the Rules of 1986. Incorporation of such provisions from the draft Notification into the final Notification would not be permissible.

31. Some of the portions of the impugned Notification; particularly, relating to granting of exemption from the application of Water and Air Acts; Rendering the provisions of the central law for taking action, penalizing defaulters and offenders of the environmental law being rendered ineffective; ambiguity and deficiencies in constitution of the Environmental Cell are some of the patent features of the impugned Notification which dilutes the environmental impacts on the one hand, while on the other, they are in derogation to India's international commitments to the Rio Declaration, 1992 and Paris Agreement, 2015. If principle 15 to 17 of the Rio Declaration is read along with clauses of the Paris Agreement, 2015, particularly, in face of precautionary approach, preventing irreparable damage forming definite environmental impact assessment to examine adverse impact on the environment, reduction on the growth of is carbon emission and to adopt best practices and achieve the ambitious targets between

the stipulated time then the adopting cumulative effect of the Notification dated 9th December, 2016 would have some element of derogation. The Notification also ignores some essential features like source of water, source of raw material, urban ecology, provision of no development zone and construction face impacts. These aspects have a direct bearing on protection of environment and keeping in line with the Principle of Sustainable Development. It is important that there should be development and particularly, when the development is guided by the social cause but that development should not be permitted to cause irreparable loss to the environment and ecology. Sustainable development has to be the ultimate criteria. The Hon'ble Supreme Court in the case of *N.D. Dayal v. Union of India*, (2004) 9 SCC 362 deliberated upon the Doctrine of Sustainable Development and while comparing with the economic growth and well being held as under:

“24. The right to development cannot be treated as a mere right to economic betterment or cannot be limited to as a misnomer to simple construction activities. The right to development encompasses much more than economic well being, and includes within its definition the guarantee of fundamental human rights. The 'development' is not related only to the growth of GNP. In the classic work - '*Development As Freedom*' the Nobel prize winner Amartya Sen pointed out that 'the issue of development cannot be separated from the conceptual framework of human right'. This idea is also part of the UN Declaration on the Right to Development. The right to development includes the whole spectrum of civil, cultural, economic, political and social process, for the improvement of peoples' well being and realization of their full potential. It is an integral part of human right. Of course, construction of a dam or a mega project is definitely an attempt to achieve the goal of wholesome development. Such works could very well be treated as integral component for development.

25. Therefore, the adherence of sustainable development principle is a sine qua non for the maintenance of the symbiotic balance between the rights to environment and development. Right to environment is a fundamental right. On the other hand right to development is also one. Here the right to 'sustainable development' cannot be singled out. Therefore, the concept of 'sustainable development' is to be treated an integral part of 'life' under Article 21. The weighty concepts like intergenerational equity (*State of Himachal Pradesh v. Ganesh Wood Products*, [1995] 6 SCC 363), public trust doctrine (*MC Mehta v. Kamal Nath*, [1997] 1 SCC 388) and precautionary principle (*Vellore Citizens*), which we declared as inseparable ingredients of our environmental jurisprudence, could only be nurtured by ensuring sustainable development.

26. To ensure sustainable development is one of the goals of Environmental Protection Act, 1986 (for short 'the Act') and this is quiet necessary to guarantee 'right to life' under Article 21. If the Act is not armed with the powers to ensure sustainable development, it will become a barren shell. In other words, *sustainable development is one of the means to achieve the object and purpose of the Act as well as the protection of 'life' under Article 21.* Acknowledgment of this principle will breath new life into our environmental jurisprudence and constitutional resolve. Sustainable development could be achieved only by strict compliance of the directions under the Act. The object and purpose of the Act-"to provide for the protection and improvement of environment" could only be achieved by ensuring the strict compliance of its directions. The concerned authorities by exercising its powers under the Act will have to ensure the acquiescence of sustainable development. Therefore, the directions or conditions put forward by the Act need to be strictly complied with. Thus the power under the Act cannot be treated as a power simpliciter, but it is a power coupled with duty. It is the duty of the State to make sure the fulfilment of conditions or direction under the Act. Without strict compliance, right to environment under Article 21 could not be guaranteed and the purpose of the Act will also be defeated. The commitment to the conditions thereof is an obligation both under Article 21 and under the Act. The conditions glued to the environmental clearance for the Tehri Dam Project given by the Ministry of Environment vide its Order dated July 19, 1990 has to be viewed from this perspective".

Despite the above shortcomings of the Notification and some clauses suffering from legal infirmity, the impugned Notification has certainly good and effective aspects as well. As already noticed by us, it brings into effect a social cause of providing affordable housing to the poor strata of the society. It also proposes to decentralize and bring authorities granting environmental clearance and those granting building permission together under a single window system so as to address environmental concerns. The concept of one window system is sought to be introduced. The Notification specifically provides for emphasis on the aspects that are required to be considered by the environmental cell with special focus on energy use, energy generated on site from on site renewable energy sources, water use and waste water generated, treated on site, waste segregated and treated on site, waste segregation and treated on site, tree plantation and maintenance. These are the few good features of the Notification which also do not suffer from element of illegality. 'Housing for all by 2022' is a purpose and object in conformity with the constitutional mandate. There would be collective and coordinated effort by the Environmental Cell, local and other authorities at the State level to expeditiously deal with environmental clearance.

ORDER/DIRECTIONS

32. The object of the Notification is laudable that is providing housing to the poor. The provisions of the existing regime under the Regulation/Notification of 2006 are sought to be liberalized and expanded for obtaining that object. Some of the provisions of the Notification are being amended to provide for decentralized regulation

in relation to building projects. Certain specified building and construction projects of specified area are proposed to be exempted from the rigours of the Notification. But these amendments would have to be in consonance with the law, where certain provisions of the amended Notification dated 9th December, 2016 are in consonance with the provisions of the Act of 1986 and do not suffer from the *vires* of illegality. Thus, some other provisions of the same Notification *ex-facie* suffer from legal infirmities and are incapable of being implemented in accordance with the scheme of federal structure under the Constitution of India. Out of them, some provisions are directly opposed to the Principle of Non-regression as they considerably dilute the existing environmental laws and standards to the prejudice of the environment. Thus, in the facts and circumstances of the present case, the Tribunal can safely take recourse to the doctrine of severability to declare some of the provisions of the Notification as *ultra-vires* or ineffective while holding the other part of the Notification as legally sound and sustainable.

33. In view of the above, we pass the following order/directions:

1. We hold and declare that this Tribunal has jurisdiction to examine the legality, validity and correctness of a Notification issued by the competent forum in exercise of its power of subordinate legislation with regard to acts stated in Schedule-I to the National Green Tribunal Act, 2010.
2. We hold and declare that (i) clause 14(8), (ii) the provisions relating to exclusion of Consent to Operate and Consent to Establish under Water (Prevention and Control of Pollution)

Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 in clause 14 of the impugned Notification; (iii) Appendix-XVI relating to constitution and functioning of Environmental Cell, cannot be sustained and are liable to be quashed for the reasons afore-stated. Thus, we direct MoEF&CC to re-examine its Notification dated 9th December, 2016 and take appropriate steps to delete, amend and rectify the clauses of the said Notification in light of this judgement.

3. As a result of the above, the byelaws amended by the DDA vide its Notification dated 22nd March, 2016 can also not be given effect to, unless the Notification dated 9th December, 2016 is amended in terms of this judgement.
4. Till the time the Ministry comply with the above directions and notify the amended provisions of Regulations of 2006, it will not implement the impugned Notifications. However, once the amended regulations are notified, MoEF&CC/SEIAA /Local Authorities can give effect to that, without any further reference to the Tribunal.
5. MoEF&CC shall, particularly take care that the laudable social cause of 'providing Housing to the poor' does not get defeated by business, economic profitability with reference to 'ease of doing business', while particularly protecting the environment.

34. With the above order/directions, the Original Applications No. 677 of 2016, 01 of 2017, 07 of 2017, 55 of 2017 and 67 of 2017 stand disposed of, with no order as to costs.

35. All the Miscellaneous Applications No. 148 of 2017, 03 of 2017, 445 of 2017, 879 of 2017 and 620 of 2017 have become infructuous and are accordingly disposed of.

**SWATANTER KUMAR
CHAIRPERSON**

**DR. JAWAD RAHIM
JUDICIAL MEMBER**

**BIKRAM SINGH SAJWAN
EXPERT MEMBER**

New Delhi
8th December, 2017



NGT

GOVERNMENT OF MAHARASHTRA

Tel. No.: 22793132

No.NGT- 2017/CR-45/SEIAA
Environment Department,
Mantralaya, Mumal-400 032.
Dated : 29 January, 2018.

C I R C U L A R

Sub : Clarification regarding appraisal of cases for grant of Environment Clearance under provisions of the EIA Notification dtd. 14.9.2006 in light of the order passed by Hon'ble NGT, WZ, Pune and opinion given by the Law & Judiciary Department.

The Ministry of Environment Forest and Climate Change, Government of India had made several amendments in the Environment Impact Assessment Notification, 2006 by issuing notification dtd 9th December, 2016.

The said notification dtd. 9th December, 2016 was challenged before the Hon'ble National Green Tribunal, Principal Bench, New Delhi by filing Original Application Nos. 677 of 2016, 01 of 2017, 07 of 2017 and 55 of 2017, which has been decided by the Hon'ble Tribunal by passing an order dtd. 8.12.2017.

The Environment Department, Government of Maharashtra has obtained legal opinion from the Law & Judiciary Department, Government of Maharashtra on following two points w.r. to the order dtd. 8.12.2017 passed by the Hon'ble Tribunal :

- (a) whether the provisions of the EIA Notification dtd. 14.9.2006 amended prior 9th December, 2016 stands applicable and can be implementable by SEACs and SEIAA now?
- (b) whether the SEIAA / SEAC can appraise applications for grant of prior Environment Clearance received from the project proponents as per the provisions of EIA Notification, 2006 amended prior 9th December, 2016 till further notification is issued by the Ministry of Environment Forest and Climate Change, Government of India in compliance with the aforesaid Judgement?

The Law & Judiciary Department has opined that (related paras of the opinion are reproduced hereunder) :

- (a) *"the un-amended provisions of EIA Notification, 2006 are in force and can be implemented by SEACs and SEIAA,*
- (b) *Pre-9th December, 2016 amendment, Notification 2006 can be implemented by authorities concerned assuming that paragraph no.14 (which was inserted by 2016 amendment) is not at all inserted.*
- (c) *Regarding substitution of item no.8 and entries relating thereto in the schedule to the Notification 2006, the SEIAA/SEAC can appraise the applications for grant of prior environmental clearance, in accordance with un-amended provisions of the Notification 2006."*

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: 2 :

Considering above opinion given by the Law & Judiciary Department, concerned SEACs / SEIAA are directed to implement provisions of the EIA Notification dtd. 14.9.2006, until further orders of the M.o.E.F. & C.C. , G.o.I. w.r. to the amendment in the Notification dtd. 9.12.2016 in terms of the Judgement passed by the Hon'ble Tribunal dtd. 8.12.2017.

All Municipal Corporations, Municipal Councils and all Special Planning Authorities in Pune and Kokan Division to take note that they shall not process any permission to building and construction projects $\geq 20,000$ sq.m. and $< 1,50,000$ sq.m. BUA by Integrating environmental clearance conditions w.r. to the amendment dtd. 9.12.2016 in the EIA Notification 2006. The powers originally vested with the SEACs / SEIAA under provisions of the EIA Notification dtd. 14.9.2006 are in force in the light of the aforesaid Judgement. Hence; all concerned local bodies / Authorities are directed to inform concerned Project Proponents to apply online to the website www.ecmpcb.in for grant of Environment Clearance.


(Satish M. Gavai)
Addl. Chief Secretary,
Environment Department

Copy forwarded to :

- 1) Addl. Chief Secretary to Chief Minister, Maharashtra State – for information.
- 2) Chairman, State Environment Impact Assessment Authority / State Level Expert Appraisal Committee – I/ II/ III – for information.
- 3) P.S. to Hon'ble Minister (Environment) – for information.
- 4) P.S. to Hon'ble State Minister (Environment) – for information.

Copy to :

- 1) Additional Chief Secretary, Revenue Department – for information – It is requested to forward the above Circular to the Concerned Authorities under your jurisdiction.
- 2) Principal Secretary – I / II, Urban Development Department – for information – It is requested to forward the above Circular to the Planning Authorities under your jurisdiction.
- 3) Member Secretary, State Level Expert Appraisal Committee – I/ II/ III, 15th Floor, New Administrative Building, Mantralaya – for Information and necessary action.
- 4) Divisional Commissioner – Konkan / Nashik / Pune / Aurangabad / Amravati / Nagpur – for information and necessary action.
- 5) Municipal Commissioner – Municipal Corporation of Greater Mumbai / Navi Mumbai Municipal Corporation / Thane Municipal Corporation / Pune Municipal Corporation / Pimpri- Chinchwad Municipal Corporation / Solapur Municipal Corporation / Sangli-Miraj-Kupwad Municipal Corporation / Kolhapur Municipal Corporation /Nashik Municipal Corporation / Aurangabad Municipal Corporation /Nagpur Municipal Corporation / Amravati Municipal Corporation /Ulhasnagar Municipal Corporation/ Kalyan Dombivali Municipal Corporation / Nanded – Waghala Municipal Corporation /Bhiwandi-Nijampur Municipal Corporation / Panvel Municipal Corporation / Akola Municipal Corporation / Malegaon Municipal Corporation / Mira-Bhyandar Municipal Corporation /Jalgaon

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: 3 :

Municipal Corporation / Dhule Municipal Corporation / Ahamadnagar Municipal Corporation / Vasai-Virar Municipal Corporation / Parabhani Municipal Corporation / Chandrapur Municipal Corporation / Latur Municipal Corporation – for Information and necessary action

- 6) Managing Director, CIDCO / MIDC – for Information and necessary action.
- 7) Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority – for information and necessary action.
- 8) Vice-Chairman & Managing Director, Maharashtra State Road Development Corporation - for information and necessary action.
- 9) Chief Executive Officer, Slum Rehabilitation Authority, Anant Kanekar Marg, Bandra (E), Mumbai – 400 051 – for information and necessary action
- 10) Member Secretary, Maharashtra Pollution Control Board, Sion (E), Mumbai – for information



True Copy

RPAD

Pimpri Chinchwad Municipal Corporation

Pimpri Pune - 411018

Building Permission & Unauthorised

Construction Control Dept.

No. KAVI/BP/Chikhali/Case No.1/287/2018

Date 08/10/2018

To,

Regional Officer

Maharashtra Pollution Control Board

Regional Office Pune

3rd Floor, Jog Center Wakdewadi,

Old Pune Mumbai Road, Pune - 411003

Subject – Regarding Present Construction Position of Housing Project of M/s Sai Exotic Gat No. 1660/1 Patil Nagar Chikhali Tal Haveli dist – Pune.

Reference:- 1) Your Letter No. ROP/1932/2018 dt. 01/09/2018

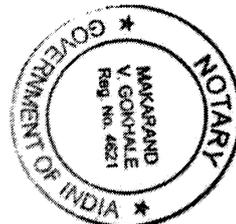
Sir,

The Information is as per follows which Reference to subject is called for

Construction completed till date – 31/08/2018

	F.S.I.		Non F.S.I.		Total
A Wing	4194.00 Sq.m.	+	1383.76 Sq.m	=	5577.76 Sq.m
B Wing	3820.27 Sq.m	+	1175.91 Sq.m	=	4996.18 Sq.m
C Wing	3817.23 Sq. m	+	2851.69 Sq.m	=	6668.92 Sq.m
11831.50 Sq.m			5411.36 Sq.m		17242.86 Sq.m

M. V. Gokhale
MAKARAND V. GOKHALE
 M. Com., LL.M.
 ADVOCATE & NOTARY (GOVT. OF INDIA)
 378/2120, Sant Tukaram Nagar,
 Pimpri, Pune - 411 018
 Maharashtra



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Construction completed till date – 28/11/2017

	F.S.I.		Non F.S.I.		Total
A Wing	4194.00 Sq.m.	+	1383.76 Sq.m	=	5577.76 Sq.m
B Wing	1476.51 Sq.m	+	409.32 Sq.m	=	1885.83 Sq.m
C Wing	3817.23 Sq. m	+	2851.69 Sq.m	=	6668.92 Sq.m
<hr/>					
	9487.74 Sq.m		4644.77 Sq.m		14132.51 Sq.m

Yours Truly

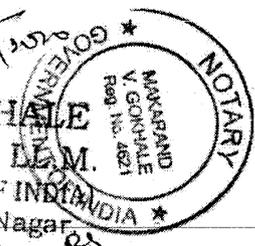
Sd.

Asst. Engineer

Building Permission & Unauthorised
Construction Control Dept.

Note:- True Translation

M.A.S.
22/11/2017
MAKARAND V. GOKHALE
M. Com., LL.M.
ADVOCATE & NOTARY (GOVT. OF INDIA)
378/2120, Sant Tukaram Nagar
Pimpri, Pune- 411 018.
Maharashtra



MAKARAND V. GOKHALE
NOTARY
GOVERNMENT
REG. NO. 4021
INDIA



MAHARASHTRA POLLUTION CONTROL BOARD

Phone 24010437/24020781
/24037124/24035273
Fax 24044532/24024068
/24023516
Email jdwater@mpcb.gov.in
Visit At <http://mpcb.gov.in>



Kalpataru Point, 3rd & 4th floor,
Sion- Matunga Scheme Road No. 8,
Opp. Cine Planet Cinema, Near Sion Circle,
Sion (E), Mumbai - 400022

Infrastructure /Red/LSI

Consent order No: Format 1.0/BO/JD (WPC)/UAN-55364/CE/CC- 1905000231
Date 04/05/2019

To,
M/s. Sai Baba Sales
S.No.1660/1, Chikhali,
Tal: Haveli, Dist: Pune .

Sub: Consent to Establish for Residential and Commercial Construction Project Under Red Category.

Ref : 1. Your Application vide UAN No. -0000055364 Dated: 28/08/2018
2. Minutes of Consent Committee meeting held on 15/03/2019 .
3. Environmental Clearance obtained vide letter 28.11.2017

For: Consent to Establish for Residential and Commercial Construction project under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 5 of the Hazardous and Other Wastes (M & TM) Rules, 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I, II, III & IV annexed to this order:

- The consent is granted for a period up to commissioning of the project or of 5 years whichever is earlier.
- The proposed capital investment of the project is Rs. 82.00 Cr.
(As per C.A certificate submitted by project proponent)

The Consent to Establish is valid for construction of Residential and Commercial Construction Project named as M/s. Sai Baba Sales S.No.1660/1, Chikhali, Tal: Haveli, Dist: Pune For total plot area of 19005.76 Sq. Mtrs and total construction build up area 49012.15 Sq.Mtrs as per Construction Commencement Certificate issued by local body.

3. Conditions under Water (P&CP), 1974 Act for discharge of effluent:

Sr. No.	Description	Permitted quantity of discharge (CMD)	Standards to be achieved	Disposal
1.	Trade effluent	NIL	NA	NA
2.	Domestic effluent	243.0	As per Schedule -I	60% should be reused & recycled and remaining should be discharged in municipal sewer

4. Conditions under Air (P& CP) Act, 1981 for air emissions:

Sr. No.	Description of stack/ source	Capacity	Number Of Stack	Standards to be achieved
1	DG Set	160 KVA	1	As Per Schedule -II

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5 Conditions under Solid Waste Management Rules, 2016:

Sr. no.	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Wet garbage	601.0 Kg/Day	Organics waste Converter with composting facility / Biogas digester with composting facility	Used as Manure
2	Dry garbage	407.0 Kg/Day	--	Segregate and Hand over to Local Body for recycling
3.	STP sludge	84.0 Kg/day	STP	Used as manure

6. Conditions under Hazardous and Other Wastes (M & TM) Rules, 2016 for treatment and disposal of hazardous waste; NIL.
7. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same should be binding on the industry.
8. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
9. Project Proponent shall comply the Construction and Demolition Waste Management Rules, 2016 which is notified by Ministry of Environment, Forest and Climate Change dtd.29/03/2016.
10. Project Proponent shall submit an affidavit in Board's prescribed format within 15 days regarding the compliance of conditions of EC/CRZ clearance and C to E.
11. Project Proponent shall install online monitoring systems for BOD, TSS and flow at the outlet of STP.
12. Project Proponent shall provide Organic waste digester with composting facility or Biogas digester with composting facility.
13. The applicant should comply with the conditions stipulated in environmental Clearance Obtained from PCMC, Environment Department, Government of Maharashtra, dtd. 28.11.2017 for total plot area 19005.76 Sqm and total construction BUA 49012.15 Sqm.

For and on behalf of the
Maharashtra Pollution Control Board

(E. Ravendiran, IAS)
Member Secretary

Received Consent fee of -

Sr. No.	Amount (Rs.)	Transaction No.	Date	Drawn On
1	1,25000/-	NINB6630814513	31/08/2018	Online

Copy to:

1. Regional Officer, MPCB, Pune and Sub-Regional Officer, MPCB, Pimpri Chinchwad : They are directed to ensure the compliance of the consent conditions.
2. Chief Accounts Officer, MPCB, Mumbai.
3. CC/CAC desk- for record & website updating purposes.

Schedule-I

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Terms & conditions for compliance of Water Pollution Control:

- 1) A] As per your application, you have proposed to install of Sewage Treatment Plants (STP) with the design capacity of 250.0 CMD
- B] The Applicant shall operate the effluent treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

Sr No.	Parameters	Standards prescribed by Board
		Limiting Concentration in mg/l, except for PH
01	BOD (3 days 27°C)	10
02	Suspended Solids	50
03	COD	100

- C) The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, firefighting, on land for gardening etc and remaining shall be discharged in to the municipal sewerage system.
- D] Project proponent shall operate STP for five years from the date of obtaining occupation certificate.
- The Board reserves its rights to review plans, Specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant should obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto
- 2) The industry should ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 3) The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, by installing water meters and other provisions as contained in the said act.

Sr. no.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Domestic purpose	285.0

- 4) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time.

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Schedule-II

Terms & conditions for compliance of Air Pollution Control:

1. As per your application, you have proposed to install the Air pollution control (APC) system and also proposed to erect following stack (s) and to observe the following fuel pattern-

Sr. No.	Stack Attached To	APC System	Height in Mtrs.	Type Of Fuel	Quantity	UOM	S ^o .	SO ₂
1.	DG Set (160 KVA)	Acoustic enclosure	3.0	HSD	50.0	Lit/Hr.	-	-

* Above roof of the building in which it is installed.

2. The applicant should operate and maintain above mentioned air pollution control system, so as to achieve the level of pollutants to the following standards.

Particulate matter	Not to exceed	150 mg/Nm ³
--------------------	---------------	------------------------

3. The Applicant should obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement alteration well before its life come to an end or erection of new pollution control equipment.
The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).



Schedule-III
Details of Bank Guarantees

Sr. No.	Consent (C to E/O/R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Consent to Establish	Rs. 10 lakh	15 Days	Towards Compliance of EC and consent conditions.	Up to Commissioning of the project	Five years



Schedule-IVGeneral Conditions:

The following general conditions shall apply as per the type of the industry.

- 1) The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- 2) The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and environmental protection Act 1986 and Solid Waste Management Rules, 2016 and E-Waste (Management) Rules, 2016.
- 3) Drainage system shall be provided for collection of sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No sewage shall be admitted in the pipes/sewers downstream of the terminal manholes. No sewage shall find its way other than in designed and provided collection system.
- 4) Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 5) Conditions for D.G. Set
 - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
 - b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
 - c) The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.
 - d) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
 - e) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
 - f) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
 - g) D.G. Set shall be operated only in case of power failure.
 - h) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
 - i) The applicant shall comply with the notification of MoEF dated 17.05.2002 regarding noise limit for generator sets run with diesel.
- 6) Solid Waste: The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rules, 2016 & E-Waste (M) Rules, 2016.
- 7) Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
- 8) The treated sewage shall be disinfected using suitable disinfection method
- 9) The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-V as per the provision of rule 14 of the Environmental (Protection) Second Amended rule 1992
- 10) The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.



GOVERNMENT OF MAHARASHTRA

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No. Comp-2019/CR-15 /SEIAA
Environment Department,
217(Annex), Mantralaya,
Mumbai - 400 032.
Date : 27/06/2019

By Fax/ RPAD/ Speed Post/e-mail

To,

M/s. Sai Baba Sales Private Limited
"Sai Exotique"
Bag Wasti, Near Kanifnath Temple,
Gat No. 1660/1 (p), Village-Chikhali,
Taluka-Haveli, District-Pune

Subject: - Proposed Directions u/s 5 of the Environmental (P) Act, 1986 r.w. EIA Notification-2006 dated 14.9.2006

Reference: - Complaint / Notice of Mr. Tanaji B. Gambhire through Advocate Bhadari & Patkar Law Associates dated 28.06.2017

WHEREAS, it was obligatory on your part to obtain prior Environment Clearance from the Competent Authority, as per the EIA Notification dated 14.9.2006, before starting any building construction activity.

AND WHEREAS, we are in receipt of above referred letter, wherein following issues are raised by the complainant in respect of your building construction project namely "Sai Exotique" at Gat No. 1660/1 (p), Village-Chikhali, Taluka-Haveli, District-Pune

- a) PP has carried out construction activity without obtaining Environmental Clearance and Consent to establish which is in blatant violation of the Environment Law, Pollution Control Acts and EIA Notification-2006. Total BUA proposed is 49012.15 Sq. Mtrs. and completed BUA is 24519.66 Sq. Mtrs. on date of complaint.
- b) No prior Consent to operate is not obtained.
- c) No Prior Permission for ground water use and Ground water is illegally extracted by the pp.
- d) Illegal operations of DG Sets.
- e) Solid waste is generated and no scientific disposal made.
- f) Sewage water is generated and PP failed to provide STP.
- g) Construction activity is undertaken without Environment Impact Assessment
- h) Entire plot is concretised and no rain water harvesting provision is made by the PP.
- i) No Top soil is preserved
- j) solar system is not installed
- k) required plants and species are not planted

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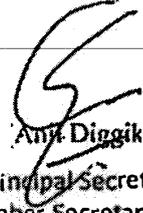
- l) Illegal modification in the natural water course connected to Holy Indrayani River
- m) Substantial damage to the environment and ecology caused by PP.
- n) Careless and reckless attitude towards the environment protection

AND WHEREAS, as per the Complaint / Notice referred above, you have not obtained mandatory prior Environment Clearance & Consent to Establish in proposed Residential & Commercial Building for the Project at Gat No. 1660/1 (p), Village-Chikhali, Taluka-Ilaveli, District-Pune. which amounts to violation of the EIA Notification 2006.

NOW THEREFORE, in view of the above non-compliances, you are hereby directed to show cause as under: -

- a) Why your building construction activity shall not be stopped forthwith for the violation of the provision of the Environment Impact Assessment Notification dated 14.09.2006, issued by the ministry of Environment & Forest, Government Of India, for not obtaining prior Environmental Clearance from the Competent Authority / Government of Maharashtra?
- b) Why further legal action shall not be initiated against you under the provisions of the Environment (Protection) Act, 1986 and Rules made there under?

Take notice that, you are hereby directed to submit your reply within a period of 15 days from the date of receipt of this Proposed Directions, after receipt of reply, you may call for personal hearing, so as to take appropriate decision in the matter, failing which, this office has no option than to initiate further legal action against you including stoppage of your construction activity, which please note.



Anil Diggikar)
Principal Secretary, &
Member Secretary- SEIAA

Copy to:

Pimpri Chinchwad Municipal Corporation Through Municipal Commissioner,

You are the sanctioning authority of the aforesaid project therefore you are hereby requested to take appropriate actions against project proponent and also to submit the documents related to Project.

Enclosed: Copy of Complaint / Notice of Mr. Tanaji B. Gambhire through Advocate Bhadari & Patekar Law Associates dated 28.06.2017 is attached herewith.



ANNEXURE- R-16

 SAIBABA SALES PVT. LTD.

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Date: 25/07/2019

To,
Principal Secretary & Member Secretary, SEIAA
Environment Department,
Government of Maharashtra,
Room No.217, Mantralaya Annexe,
Mantralaya, Mumbai 400032

Kind Attn.: Shri Anil Diggikar,
Principal Secretary & Member Secretary,
SEIAA.

25/7/19
लेखिक
प्रधान सचिव कार्यालय
पर्यावरण विभाग, मंत्रालय, मुंबई
D/C

Subject: Regarding Clarification to your letter dated 15/06/2019 for project "Sai Exotique" by M/s Sai Baba Sales Pvt. Ltd. at Gat No. 1660/1(P), Village- Chikhali, Taluka- Haveli Pune.

Reference: 1. Your letter No. Comp-2019/CR-15/SEIAA dated 15/06/2019.

2. Environmental Clearance letter dated 28/11/2017

3. Clarification letter submitted against compliant/notice of Mr. Tanaji B. Gambhire through Advocate Bhandari and Patekar Law Associates

Respected Sir,

1. The contents of the complaint of Mr. Tanaji B. Gambhire are neither true nor correct nor bonafide. Moreover, the same are misleading, misconceived, afterthought, concocted and as such are denied.
2. It is not made clear by the complainant; under which provision has he filed the present complaint. The undersigned has reserved his right to file a detailed reply

1



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when the said lacunae is filled by the complainant. It is pertinent to note here that the complainant has intentionally suppressed the provision/s.

3. The undersigned humbly states that, the complainant has assumed and presumed that there is violation of environmental norms, rules and notifications issued by the government from time to time. The complainant has no legal right to assume and presume such violation and directly file the complaint before this Hon'ble Authority.
4. The complainant has no locus/ legal right to file such complaint. The complainant is not owner, flat purchaser, developer of the said scheme. The complainant is a third person to the entire scheme floated by the undersigned. The complainant has tried to obtain documents relating to the scheme mentioned in the complaint from various government/ semi-government bodies under the provisions of the RTI Act and misinterpreted the same to its convenience and has filed the complaint with a view to blackmail the undersigned for extorting huge amounts of money from the undersigned. The complainant has malafide intentions in filing the present complaint and hence, the act of filing of the complaint before this Hon'ble Authority is abuse of process of law.
5. The allegations of the complainant in the complaint are wild, baseless, reckless and moreover, the same are defamatory in nature. The undersigned denies each and every allegation mentioned in the complaint. The undersigned has filed the present reply thereby reserving rights to take appropriate criminal as well as civil action against the complainant.
6. The undersigned humbly submits that once the Environmental Clearance Order is issued then the objection to the same can be lodged before the appropriate Tribunal constituted by the statute. It is pertinent to note here that, after



issuance of the Environmental Clearance Order, this Hon'ble Authority has no jurisdiction to amend, alter, modify the Environmental Clearance Order. Moreover, the Environmental Clearance Order dated 28/11/2017 is issued by Competent Authority having jurisdiction after following due process of law and hence, there is no violation of any laws. Moreover, the said Environmental Clearance Order is in existence till today.

7. The undersigned has obtained all the requisite permissions including Consent to Establish (CTE) from MPCB for setting up the Sewage Treatment Plant (STP).
8. Without prejudice to the aforesaid contentions, the undersigned would like to clarify point wise as follows:
 1. **PP has carried out construction activity without obtaining Environmental Clearance and Consent to Establish which is in blatant violation of the Environment Law, Pollution Control Acts and EIA Notification 2006. Total BUA proposed is 49012.15 Sq. Mtrs. and Completed BUA is 24519.66 Sq. Mtrs. On date of complaint.**

In this regards, the undersigned has applied for Environmental Clearance to the competent Authority and the Competent Authority has issued Environmental Clearance Order vide letter No. BP/EC/16/03/2017 dated 28/11/2017.

(Copy of the Environmental Clearance Order is enclosed herewith and marked as Annexure A).

The undersigned has also applied to the MPCB for Consent to Establish and accordingly the same is obtained vide Letter No. Format 1.0\BO\JD(WPC)/UAN-55364/CE/CC-1905000231 dated 04/05/2019.

(Copy of the Consent to Establish is enclosed herewith and marked as Annexure B).



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It is humbly submitted that, from the letter dated 08/10/2018, issued by Joint City Engineer of PCMC to the Regional Officer, MPCB, Pune, it is crystal clear that, the undersigned has not exceeded the construction as is laid down and permitted in the Environmental Clearance Order dated 28/11/2017. Thus, there is no violation of the Environmental Clearance Order.

(Copy of the said letter dated 08/10/2018 is enclosed herewith and marked as Annexure C).

From the wordings of this point, it is crystal clear that, the undersigned (PP) has obtained EC and there is no violation of the Environmental Clearance Order.

2. No prior Consent to Operate is not obtained.

Application for Consent to Operate is submitted by the undersigned (PP) vide UAN No. MPCB-Consent-0000076759 to MPCB.

(Copy of the said Application for Consent to Operate is enclosed herewith and marked as Annexure D).

3. No Prior Permission for ground water use and ground water is illegally extracted by the PP.

The undersigned (PP) humbly submits that, the undersigned has not extracted ground water for construction purposes. The undersigned has purchased water from other sources and brought it to the construction site by tankers for construction purposes. The PCMC has given water connection to the undersigned and the same is used for domestic purposes. It is further pertinent to note here that, the STP is functional at this moment and the water recycled from it is used for domestic purposes.

(Copies of the said bills of tankers is enclosed herewith and marked as Annexure E).



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4. Illegal Operations of DG Sets.

The undersigned (PP) has obtained Environmental Clearance and Consent to Establish for DG set.

5. Solid Waste is generated and no scientific disposal made.

The undersigned has installed Organic Waste Converter (OWC) and the waste generated from the scheme floated by the undersigned (PP) is properly treated on the site itself.

(Copy of the OWC Commissioning Report is enclosed herewith and marked as Annexure F).

6. Sewage water is generated and PP failed to provide STP.

The undersigned (PP) has already installed STP on site and the same is operational. At the cost of repetition, it is humbly submitted that, the undersigned (PP) has already obtained CTE for establishing the STP and the same is operational.

(Copy of STP commissioning report is enclosed herewith and marked as Annexure G).

7. Construction activity is undertaken without Environment Impact Assessment.

As the project floated by the undersigned (PP) is below 1,50,000 sq. mtr., the Environment Impact Assessment is not required for the project of the undersigned (PP).

8. Entire plot is concretized and no rain water harvesting provision is made by the PP.



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The undersigned (PP) humbly submits that, the plot is not concretized. Furthermore, the undersigned (PP) has implemented rain water harvesting on site. It is further submitted that, S. V. Enterprises, rain water harvesting Consultant has issued report dated 28/07/2017, thereby certifying that the undersigned (PP) has done rain water harvesting and the same is in accordance with Directions issued by the State Government.

(Copy of the report dated 28/07/2017 is enclosed herewith and marked as Annexure H).

9. No Top soil is preserved.

The undersigned humbly submits that the concerned surface of the earth is of rock and *murum* and there was/ is no black soil. There are stone quarries near the site. The surface of the earth is preserved and the landscape area of the said plot is developed by using the same earth.

10. Solar System is not installed.

Solar system is already installed.

(Copy of solar installation is attached herewith and marked as Annexure I).

11. Required Plants and species are not planted.

The undersigned has planted required trees and species on site as per norms.

12. Illegal Modification in the natural water course connected to Holy Indrayani River.

The undersigned (PP) has properly implemented Rainwater Harvesting System, installed STP for treatment of Sewage generated from the site, installed OWC for treatment of solid waste generated from the site and planted required trees on site. The undersigned (PP) has not modified any natural water course near the site connecting to the Holy Indrayani river.



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13. Substantial damage to the environment & ecology caused by PP.

The undersigned (PP) has not damaged the environment and/ or the ecology. Considering all above facts and documents, the undersigned (PP) urges you to kindly provide the undersigned (PP) a personal hearing before passing any order/ taking any action.

With reference to the above details, the undersigned (PP) requests your good selves to kindly not consider any legal action against the undersigned (PP).

Yours truly,

For M/s Sai Baba Sales Pvt. Ltd.



[Handwritten Signature]
Authorized signatory

Encl: As above.



True Copy

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 3893/2020

M/S SAI BABA SALES PVT. LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

The O.A. No.83/2019 (WZ) (in I.A.No.129/2019) has been filed before the National Green Tribunal, Principal Bench, New Delhi for demolition of an illegal structure set up by M/s Sai Baba Sales Private Limited, Pune.

According to the applicant, construction of 29,000 sq. mtrs. have already been taken place and there is a proposal to increase the capacity to 49012 sq. mtrs.

The Tribunal by its order dated 09.07.2020 constituted a three-member Committee comprising the SEIAA. Maharashtra, the State PCB and the Municipal Commissioner, Pune to submit a report about the factual position. The Committee submitted its report on 24.08.2020.

After considering the report of the Committee, the Tribunal directed remedial steps to be taken in accordance with the recommendation.

The Tribunal imposed interim compensation of Rs. 2 crores to be deposited within two months with the State PCB with further direction that no further construction shall take place without compliance of statutory norms.

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Mr. Huzefa Ahmadi, learned Senior Advocate appearing for the appellant submits that the appellant was not served with notice and was not given an opportunity to make its submissions on the report of the Committee.

We set aside the order dated 17.11.2020 and remit the matter back to the Tribunal with a direction to give an opportunity of hearing to the appellant and pass appropriate order afresh.

Mr. Ahmadi submitted that the appellant shall not proceed with the construction without complying with statutory norms.

Parties are directed to appear before the Tribunal in the Second Week of January, 2021.

With the aforesaid direction, the appeal is allowed accordingly.

.....J.
(L. NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

.....J.
(AJAY RASTOGI)

New Delhi
December 11, 2020.

ITEM NO.17 Court 4 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3893/2020

M/S SAI BABA SALES PVT. LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 124673/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 124674/2020 - EXEMPTION FROM FILING O.T.

IA No. 124672/2020 - STAY APPLICATION)

Date : 11-12-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s)

Mr. Huzefa Ahmadi, Sr. Adv.

Mr. Ninad Laud, Adv.

Mr. Saurabh Kulkarni, Adv.

Mr. IVO D'Costa, Adv.

Ms. Anshula Vijay Kumar Grover, AOR

For Respondent(s)

Mr. Mukesh Verma, Adv.

Mr. Yash Pal Dhingra, AOR

Mr. Nitin Lonkar, Adv.

Ms. Sonali Suryawanshi, Adv.

Mr. Shankey Agrawal, AOR (For Caveator)

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

The Civil Appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER

((SIGNED ORDER IS PLACED ON THE FILE))



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

ORIGINAL APPLICATION NO 83 /2019

MR. TANAJI BALASAHEB GAMBHIRE

APPLICANT

V/S

UNION OF INDIA THROUGH SECRETARY
 MoEF & Others

RESPONDENTS

VAKALATNAMA

KNOW ALL to whom these present shall come that we, 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 Sudarshan Hall, Pune – 411 030.
 Ph(O) 24459027
 (Email) sdkadvocate@gmail.com

Hereinafter called the Advocates to be **Respondent No.10's Sai Baba Sales Pvt. Ltd.** Advocates in the above noted case & authorize them;

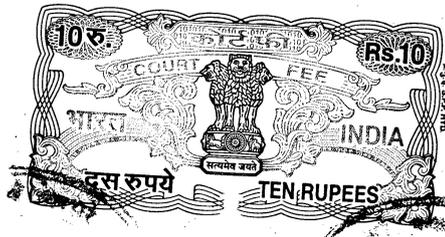
To, act appear and plead in the above noted case in this court or in any other court in which the same may tried or heard.

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

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

To take execution proceedings.

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.



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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.

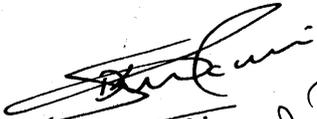
AND I/We undertake that I/We or My/Our duly authorized agent would appear in court on all hearing & will inform the Advocate for appearance when the case is called

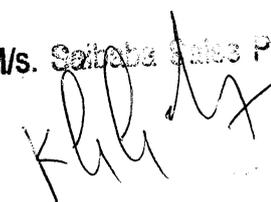
And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whatever ordered by the Court shall be of the Advocate he shall receive and retain for himself.

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 21st day of December 2020

Accepted subject to terms of fees.


ADVOCATES 

M/s. Saira Sales Pvt. 

Signature

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