

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH,  
PUNE AT PUNE  
APPEAL NO. 68 OF 2019

In The Matter Of: -

Vishal Arinjay Shah

.....Appellant

Vs.

Smita Pradeep Shah and Ors.

.....Respondent(s)

**INDEX**

Sr. No.	Particulars	Pg No.
1.	Reply on behalf of the Respondent No. 2 along with Affidavit.	617-637
2.	<b>ANNEXURE R-1:</b> The copy of the order dated 19.04.2018 passed by this Hon'ble Tribunal in O.A. No. 22/2016.	638-647
3.	<b>ANNEXURE R-2:</b> The copy of the order dated 27.11.2017 passed by this Hon'ble Tribunal in O.A. No. 579 of 2016.	648-654
4.	<b>ANNEXURE R-3 COLLY:</b> The copy of the minutes of the 66 <sup>th</sup> and 67 <sup>th</sup> meeting of SEAC dated 12.06.2018 and 19.08.2018.	655-679
5.	<b>ANNEXURE R-4:</b> The copy of the minutes of the 139 <sup>th</sup> meeting of SEIAA dated 28.09.2018.	680-692
6.	<b>ANNEXURE R-5:</b> The copy of the Consent to Establish granted by the MPCB to the Respondent No. 2 dated 31.01.2020.	693-698
7.	<b>ANNEXURE R-6:</b> The copy of the order dated 02.08.2017 passed by the Hon'ble High Court at Bombay in W.P. No. 8402 of 2017.	699-702
8.	<b>ANNEXURE R-7 COLLY:</b> The copy of the order dated 04.12.2017 passed by the Hon'ble High Court of Bombay along with the orders continuing the interim protection in W.P. No. 13203 of 2017.	703-706

9.	<b>ANNEXURE R-8 COLLY:</b> The copy of the revocation of the stop work order dated 01.02.2020 issued by the Respondent No. 3 along with its translated copy.	707-710
10.	<b>ANNEXURE R-9 COLLY:</b> The copy of the order dated 13.11.2019 passed by the Superintendent Land Record Officer in Appeal No.94/2017.	711-722



Samridhi S. Jain  
ADVOCATE  
A-10, LGF,  
Lajpat Nagar III,  
New Delhi-110024  
Mbl: 9890210579  
[samridhi12318@gmail.com](mailto:samridhi12318@gmail.com)

Date: 04.10.2020  
Place: New Delhi

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APPEAL NO. 68 OF 2019

In The Matter Of: -

Vishal Arinjay Shah

.....Appellant

Vs.

Smita Pradeep Shah and Ors.

.....Respondent(s)

**REPLY ON BEHALF OF THE RESPONDENT NO. 2**

TO,

THE HON'BLE CHAIRPERSON

AND THE OTHER HON'BLE MEMBERS,

OF THE NATIONAL GREEN TRIBUNAL

It is most respectfully submitted on behalf of Respondent No. 2 as under,

1. At the outset, all the contentions, allegations and statements made by the Appellant in the present Appeal are denied and nothing therein shall be deemed to be admitted by the Respondent No. 2, by reason of non-traverse or otherwise, unless specifically admitted herein.
2. All the allegation, statements and contentions raised by the Appellant in the present appeal are false, frivolous and baseless and much contrary to the facts and circumstances of the present case. The present reply is being filed on behalf of the Respondent No.2 seeking dismissal of the present Appeal in limine as the same is vexatious and an abuse of the process of law. It is further submitted that the Appellant in the present Appeal has suppressed material facts from this Hon'ble Tribunal with an intention to deceive this Hon'ble Tribunal, to seek favorable orders from this Hon'ble Tribunal. Vide the present reply, the Respondent No. 2 is bringing on record material facts and circumstances, which have been intentionally

suppressed by the Appellant, and are necessary for the adjudication of the present Appeal.

3. Vide the present appeal the Appellant, by invoking the provisions of Section 16 of the National Green Tribunal Act, 2010, has challenged the Environmental Clearance dated 09.08.2019 granted in favor of the Respondent No. 2 for the construction activity at Survey No. 34/1/4, 39/1A + 39/2/5/1, Vadgaon Budruk, Manikbaug, Sinhgad Road, Pune – 411051 (Hereinafter referred to as "*Impugned Project*"). The State Level Environment Impact Assessment Authority has granted "*Post Facto*" Environmental Clearance dated 09.08.2019 to the Respondent No. 2 in terms of the Notification dated 14.03.2017 issued by the Ministry of the Environment, Forest and Climate Change, for the Building and Construction project falling under category B in item 8(a) of the Environment Impact Assessment Notification of 2006.
4. Primarily, the case of the Appellant in the present Appeal to challenge the Environment Clearance dated 09.08.2019 is that the grant of the *Post Facto* EC to the Respondent No. 2 is against the principle of Environmental Jurisprudence. Further, the Appellant vide the present Appeal has alleged non-application of mind by the State Level Environment Impact Assessment Authority and State Expert Appraisal Committee while granting the Environment Clearance dated 09.08.2019. Also, the Appellant has alleged violation of the conditions of the Environmental Clearance dated 09.08.2019 at the behest of the Respondent No. 2, thereby seeking to set aside the *Post Facto* Environmental Clearance dated 09.08.2019 granted to the Respondent No. 2.
5. It is submitted that the Environment Clearance dated 09.08.2019, which forms a challenge in the present Appeal has been granted by the State Level Environment Impact Assessment Authority, in view of the one-time window introduced by the Ministry Of Environment, Forest and Climate Change Notification dated 14.03.2017 for the grant of *post facto* Environment Clearance. Vide the said Notification, the Respondent No. 4 deemed it essential to establish a process to bring those projects and activities in compliance of the environmental laws, which were undertaken without obtaining prior EC, in violation of the EIA Notification 2006. Vide the said Notification the Ministry deemed it necessary to bring such projects and activities in compliance, rather than leaving them unregulated and unchecked which would be more damaging to environment. Thus, in

exercise of powers conferred u/s 3 of the Environment (Protection) Act, 1986, the Central Government directed that the projects and activities requiring prior EC under the EIA Notification 2006, having commenced without obtaining prior EC from the Central Government or SEIAA as the case may be, shall be considered a case of violation of the EIA Notification 2006 and shall be dealt by the procedure laid down in the Notification dated 14.03.2017.

6. The Ministry, vide its Notification dated 14.03.2017 allowed the projects or activities which were in violation as on date of this notification, to be eligible to apply for EC under this Notification within six months from the date of the Notification. Vide the said notification, even category B projects which were granted EC by the SEIAA were directed to be appraised for the grant of EC by the Expert Appraisal Committee at Central Level. Further, the Expert Appraisal Committee was to assess the ecological damage and economic benefit derived due to violation by a project proponent and impose bank guarantee equivalent to the amount of remediation plan and Natural & Community Resource Augmentation Plan upon the project proponent. Thus, in view of the 14.03.2017 Notification, the Government of India, introduced a one-time measure for granting *Post Facto* Environment Clearance to the projects which were in violation of the EIA Notification, 2006.
7. The vires of the Notification dated 14.03.2017 were challenged in W.P. No. 11189 of 2017 before the Hon'ble High Court of Madras under Article 226 of The Constitution of India seeking to declare the Notification as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India. The Hon'ble High Court of Madras vide its judgment dated 13.10.2017 upheld the Notification dated 14.03.2017 mainly on the ground that the said notification granted a one-time measure to bring those projects and activities, which were in contravention to the EIA Notification, 2006 within the ambit of the Environmental Laws and to balance the development on one hand and environment protection on the other. Thus, the Notification dated 14.03.2017 having being challenged before the Hon'ble High Court has stood the test of law and stands valid in the eyes of law.
8. The Respondent No. 2, in view of the 14.03.2017 notification, applied for an *Ex post Facto* Environment Clearance as a category B project under the Buildings and Construction Projects before the Central Environment Impact Assessment Authority on 17.07.2017. Thereafter, the Ministry of

Environment, Forest and Climate Change vide its Notification dated 08.03.2018, directed that the cases of violation and projects or activities covered under category B of the EIA Notification 2006 shall be appraised by the State Level Expert Appraisal Committee and the EC shall be granted at the State Level. Further, the Government of India, MoEF & CC vide its notification dated 15.03.2018 transferred the Application for grant of Environment Clearance of the Respondent No. 2 from the Central Level to the State Level Environment Impact Assessment Authority for appraisal. Thereafter, the project of the Respondent No. 2 was considered by the State Level Expert Appraisal Committee in terms of the MoEF & CC notification dated 14.03.2017 and 08.03.2018 in its 85<sup>th</sup> meeting dated 10.04.2019 and accordingly recommended for the grant of EC to the State Level Environment Impact Assessment Authority. The SEAC in its minutes of the meeting dated 10.04.2019 has assessed the cost of remediation plan and natural & community resource augmentation plan as Rs. 1.95 Crores and therefore decided to obtain bank guarantee of Rs.1.95 Crores from the project proponent in compliance of the MoEF & CC Notification dated 14.03.2017. Thereafter, the SEIAA in its 171<sup>st</sup> meeting dated 17.07.2019, on the basis of recommendations by SEAC decided to grant the EC to the Respondent No. 2 subject to the conditions imposed by the SEAC.

9. Ultimately, the Respondent No. 2 has been granted the EC for Building and Construction project on 09.08.2019 by the SEIAA in terms of the MoEF & CC notification dated 14.03.2017. The said *post facto* EC dated 09.08.2019 has been granted in terms of the MoEF & CC notification dated 14.03.2017 which had opened a one-time window to the violation projects or the activities requiring prior EC under EIA Notification 2006. The said notification introducing a one-time measure for post facto EC has been upheld by the Hon'ble High Court of Madras vide its order dated 13.10.2017 in W.P. No. 11189 of 2017. Thus, the grant of *post-facto* environment clearance to the Respondent No. 2 is well within the frame work of environmental laws and basic principle of environmental jurisprudence.
10. Further, previously, on 20.02.2016, the Appellant herein had challenged the construction of the impugned project before this Hon'ble Tribunal vide Original Application No. 22/2016 on the ground that the Respondent No.2 had started construction of the impugned project, without obtaining prior

Environmental Clearance. The O.A. No. 22 of 2016 (Renumbered as O.A. No. 115 of 2018) was heard at length by this Hon'ble Tribunal on 19.04.2018 and after considering that the Respondent No. 2 had applied for *post facto* EC in terms of the MoEF & CC Notification dated 14.03.2017 which was under consideration, the Hon'ble Tribunal was pleased to dispose of the O.A. No. 22 of 2016 reserving the liberty of the parties to approach this Hon'ble Tribunal. Thus, this Hon'ble Tribunal while disposing of the O.A. No. 22 of 2016 in its order dated 19.04.2018 has ascertained the applicability of the 14.03.2017 notification for grant of *post facto* EC. Also, this Hon'ble Tribunal in its order dated 19.04.2018 had directed the Respondent No.2 to not undertake any construction or create any third party interest, till the grant of Environmental Clearance in terms of the Notification dated 14.03.2017. The copy of the order dated 19.04.2018 passed by this Hon'ble Tribunal in O.A. No. 22/2016 is enclosed herewith as **ANNEXURE R-1**.

11. Previously, when the Appellant herein had challenged the construction of the impugned project before this Hon'ble Tribunal vide Original Application No. 22/2016 on the ground that the Respondent No.2 had started construction of the impugned project, without obtaining prior Environmental Clearance, vide O.A. No. 22/2016, the same was nothing but a vengeance petition filed by the Appellant as the Appellant herein is the nephew of Respondent No. 1 herein (Respondent No.1's brother's son). The Respondent No.1 has conferred development rights by way of Development Agreements and Power of Attorney executed in favor of Respondent No. 2, for development of the impugned project. The Appellant herein, having lost a legal battle against the Respondent No.1, right up to the Hon'ble Supreme Court with regard to a family dispute filed several proceedings against her before various fora. It is submitted that the Appellant, having failed in each of the said proceedings, attempted to unjustly invoke the powers of this Hon'ble Tribunal to settle the said alleged family dispute with the Respondent No.1. The proceedings arising out of the O.A. No. 22/2016 were initiated out of an oblique motive by the Appellant herein, which were disposed of by the order dated 19.04.2018 passed by this Hon'ble Tribunal. Likewise, the present Appeal filed by the Appellant is vexatious and ill intentioned, filed with the sole purpose to stall the impugned project of the Respondent No.2, and cause unnecessary hardships to the Respondent No.1 and 2. The Appellant vide the present

Appeal has not been able to make out a case of non-application of mind on the part of the State Expert Appraisal Committee and the State Level Impact Assessment Authority while granting the 'Post Facto' Environmental Clearance to the Respondent No.2, and thus, the present proceedings being an abuse of the process of law, ought to be dismissed on this ground alone.

12. Further, the Appellant vide the present Appeal filed under the provisions of Section 16 of the National Green Tribunal Act, 2010 has sought to challenge the violation of the Environment Clearance conditions dated 09.08.2019 granted by the State Level Impact Assessment Authority at the behest of the Respondent No.2. In this regard, it is submitted that the issue pertaining to the scope of the Appeal filed under Section 16 of the NGT Act, 2010 is no more *res integra*. The jurisdiction vested with this Hon'ble Tribunal u/s 16 of the NGT Act, is an Appellate Jurisdiction whereby the orders stated under Section 16 (a) to (j) can be challenged before this Hon'ble Tribunal. The scope of the challenge before this Hon'ble Tribunal in an Appeal is therefore restricted to test the legality and veracity of the order challenged before the Hon'ble Tribunal. In the present case, the challenge before this Hon'ble Tribunal in an Appeal is the EC dated 09.08.2019 granted by the State Level Impact Assessment Authority to the Respondent No.2. Thus, the jurisdiction of the Hon'ble Tribunal is restricted to adjudicate as to whether the EC dated 09.08.2019 has been passed by following the due course of law and in accordance with law. However, the Appellant herein, in guise of an Appeal has also alleged violation of the Environment Clearance conditions dated 09.08.2019 issued by the SEIAA. It is submitted that the alleged violation of the Environment Clearance conditions dated 09.08.2019 is an issue, which can only be adjudicated by this Hon'ble Tribunal under the provisions of Section 14 of the NGT Act, 2010 and not under the provisions of Section 16 of the NGT Act. The jurisdiction of the Hon'ble Tribunal u/s 14 of the Act is a wider jurisdiction, in addition to the Appellate jurisdiction, in which the Hon'ble Tribunal can try all civil cases, where a substantial question relating to environment arises out of the implementation of the enactments specified in Schedule I of the Act. Thus, the Hon'ble Tribunal can adjudicate the issue pertaining to violation of the Environment Clearance conditions only under Section 14 of the National Green Tribunal Act, 2010 as the jurisdiction of the Tribunal in an Appeal is

restricted to a challenge of an order. In view thereof, it is submitted that the allegation raised by the Appellant in the present Appeal regarding the violation of the Environment Clearance conditions by the Respondent No.2 is an issue raising a substantial question relating to environment, which cannot be adjudicated in an Appeal filed under the provisions of Section 16 of the NGT Act. Thus, the issues raised by the Appellant in the present Appeal fall beyond the scope of jurisdiction of the Hon'ble Tribunal under the provisions of Section 16 of the NGT Act, and therefore cannot be adjudicated due to lack of jurisdiction.

**PARA-WISE REPLY:**

13. The contentions raised by the Appellant in Para 1, 2 and 3 of the Appeal are a matter of record and need no reply. It is submitted that the Respondent No.2, in terms of the MoEF and CC Notification dated 14.03.2017 applied to the Environment Impact Assessment Authority vide its application dated 17.07.2017 seeking the grant of *Post facto* Environment Clearance. In view thereof, the State Level Impact Assessment Authority, vide the Environment Clearance dated 09.08.2019 has granted *Post Facto* Environment Clearance to the Respondent No.2, which is a subject matter of challenge before this Hon'ble Tribunal.
14. The contentions raised by the Appellant in Para 4 and 5 of the Appeal are a matter of record and need no reply.

**REPLY TO GROUNDS OF APPEAL:**

15. With regard to Ground (a), it is the contention of the Appellant that the grant of post-facto EC is against the basic principle of the statute and contrary to Environmental Jurisprudence and therefore, the impugned EC, being a Post Facto EC is required to be quashed. In this regard, it is submitted that the Respondent No.2 has been granted the Post facto EC in terms of the MoEF and CC Notification dated 14.03.2017. Vide the said Notification, the Government of India had directed the projects or activities requiring prior Environment Clearance, under the EIA Notification, 2006, who have commenced the construction without obtaining the Environment Clearance, to be considered as a case of violation and dealt with as per the procedure laid down in the Notification dated 14.03.2017. Thus, the MoEF, vide its Notification provided a one-time window to the projects or activities, which

were in violation, to be brought under compliance with the environmental laws.

Further, the Expert Appraisal Committee in terms of the Notification dated 14.03.2017 was to stipulate the implementation of Environmental Management Plan comprising of remediation and natural and community resource augmentation plan in terms of the damage assessed and economic benefit derived by the Project Proponent due to violation. Thus, the Project Proponent was required to submit a Bank Guarantee equivalent to the Remediation and Augmentation Plan prior to the grant of Environment Clearance.

The Notification dated 14.03.2017 issued by the MoEF was challenged before the Hon'ble High Court of Madras in W.P. No. 11189/2017 under Article 226 of the Constitution of India seeking a declaration that the Notification dated 14.03.2017 was arbitrary, illegal and violative of the Article 14 and 21 of the Constitution of India. The Hon'ble High Court of Madras vide its judgment dated 13.10.2019 upheld the MoEF & CC Notification dated 14.03.2017 holding that notification does not compromise with the need to preserve environmental purity, but only allows those industries and/or projects, which might otherwise have been given prior Environmental Clearance, but omitted to obtain the Environmental Clearance. Thus, the Hon'ble High Court of Madras has upheld the vires of the 14.03.2017 Notification, thereby upholding the one-time measure of the grant of *Post Facto* Environment Clearance. In view of the submissions made hereinabove, it can in no way be stated that the impugned *Post Facto* EC dated 09.08.2019 is against the basic principles of Environmental Jurisprudence.

Also, this Hon'ble Tribunal in O.A. No. 579 of 2016 on 27.11.2017 considered the applicability of the notification dated 14.03.2017 issued by the MoEF & CC and directed the application of those project proponents to be considered by the SEIAA in terms of the Notification dated 14.03.2017. Thus, this Hon'ble Tribunal has also considered the applicability of the 14.03.2017 notification as a one-time measure to bring the cases of violation under the framework of Environmental law. The copy of the order dated 27.11.2017 in O.A. No. 579 of 2016 passed by this Hon'ble Tribunal is enclosed herewith as **ANNEXURE R-2.**

16. In Ground (b) of the Appeal the Appellant has alleged non application of mind on the part of the SEAC and SEIAA while granting the Environment Clearance to the Respondent No. 2. The Appellant, except raising bald

allegations regarding non appraisal of facts and precise assessment of Environmental damage by the SEIAA and SEAC has brought nothing on record before this Hon'ble Tribunal to depict the non-application of mind by the Regulatory Authorities. The Appellant seems to be in the habit of raising frivolous allegations without any proof to deceive this Hon'ble Tribunal to procure favorable orders. In Ground (b), the Appellant has raised the issue that the SEAC and SEIAA have not made any independent appraisal of facts and precise assessment of the Environmental Damage but merely have relied upon the cost of ecological damage as assessed by the project proponent. In this regard, it is submitted that in terms of the 14.03.2017 notification, the Expert Appraisal Committee was to prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural & community resource augmentation plan which shall be prepared as an independent chapter in the EIA Report by Accredited Consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural & community resource augmentation plan was to be done by an environmental laboratory duly notified under Environment Protection Act, 1986 or an Environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research Institution working in the field of Environment. Thereafter, the EAC was to stipulate the implementation of the remediation plan and natural & community resource augmentation plan in the EC for which the project proponent was required to submit a bank guarantee equivalent to the amount of the said Plan. In the present case, in the Terms of Reference issued by SEIAA, the Respondent No. 2 was to prepare a remediation plan and natural & community resource augmentation plan by Accredited Consultants. In compliance of the Terms of Reference, the Respondent No. 2, prepared an EIA report and Environmental Management Plan in consultation with Pollution & Ecology Control Services and Vertex Enviro Consultancy Pvt. Ltd., a NABET accredited laboratory. Along with the EIA Report and Environmental Management Plan dated April, 2019 the Respondent No. 2 submitted an assessment for Environmental Damage and an Estimation for remediation cost as prepared by Pollution & Ecology Control Services and Vertex Enviro Consultancy Pvt. Ltd. In the said estimation, the calculation for the cost of the remediation plan and natural & community

resource augmentation plan has been assessed to be Rs. 1,95,00,000/- (*Refer to ANNEXURE A- 20 of the Appeal*).

Further the SEAC in its 85<sup>th</sup> meeting dated 10.04.2019 approved the cost of a remediation plan and natural & community resource augmentation plan and decided to obtain bank guarantee of Rs. 1,95,00,000/- from the Respondent No. 2. Thereafter, the SEIAA in its 171<sup>st</sup> meeting dated 17.07.2019, on the basis of the recommendations of SEAC decided to grant the EC to the Respondent No. 2 subject to submission of bank guarantee of Rs. 1,95,00,000/- to the Maharashtra Pollution Control Board towards effective implementation of the remediation plan and natural & community resource augmentation plan. The Respondent No. 2 in compliance of directions of the SEIAA dated 17.07.2019, on 06.08.2019 has submitted a bank guarantee of Rs. 1,95,00,000/- to Maharashtra Pollution Control Board. Thus, from the aforesaid it is abundantly clear that the assessment of the Environmental Damage has been calculated by a NABET accredited laboratory in terms of the 14.03.2017 Notification, which after due deliberation has been approved by SEAC and SEIAA.

17. It is also pertinent to note that the SEAC previously in its 66<sup>th</sup> and 67<sup>th</sup> minutes of the meeting dated 12.06.2018 and 19.08.2018 had calculated the cost of Environmental Damage as assessed by the Respondent No. 2 to be Rs. 33.34 Crore and therefore decided to impose bank guarantee of Rs. 1.55 Crores (5% of total damage assessment value) upon the Respondent No. 2. The copy of the minutes of the 66<sup>th</sup> and 67<sup>th</sup> meeting of SEAC dated 12.06.2018 and 19.08.2018 is enclosed herewith as **ANNEXURE R-3 colly**. Further, SEIAA in its 139<sup>th</sup> minutes of the meeting 28.09.2018 considered the recommendation of the SEAC and decided to impose a bank guarantee of Rs. 1.55 Crore on the Respondent No. 2. The copy of the minutes of the 139<sup>th</sup> meeting of SEIAA dated 28.09.2018 is enclosed herewith as **ANNEXURE R-4**. Thus, it is abundantly clear that the SEIAA and the SEAC previously in its minutes of the meeting dated 28.09.2018 and 19.08.2018 had decided to impose a bank guarantee of Rs. 1.55 Crore upon the Respondent No. 2 for remediation plan and natural & community resource augmentation plan. However, subsequently, on the basis of the assessment for environmental damage and estimation for remediation cost as prepared by Pollution and Ecology Control Services and Vertex Enviro Consultancy Pvt. Ltd on behalf of the Respondent No 2, the SEAC in its 85<sup>th</sup> meeting dated 10.04.2019 after due deliberation enhanced the cost of the remediation plan and natural &

community resource augmentation plan to Rs. 1.95 Crores. Evidently, the SEIAA and SEAC after independent appraisal of facts and the assessment of Environmental Damage have imposed the cost of Rs. 1.95 Crores upon the Respondent No. 2 after complete application of mind.

18. In Ground (c) of the Appeal, the Appellant that in terms of clause 3(VI) of EC the cost of Ecological Damage as assessed by the Respondent No. 2 and discussed by SEAC was Rs. 33.33 Crores and thus, the Respondent No. 2 was directed to submit bank guarantee of Rs. 1.55 Crores i.s. 5% of total damage assessment. Thus, it is the case of the Appellant that instead of 1.95 Crores, the Respondent No. 2 ought to have been imposed Environmental Damage Cost of Rs. 1.55 Crores. In this regard it is pertinent to know that in terms of clause 3(IX) of impugned EC, it can be seen that the SEAC had revised the estimated Environmental Damage cost to Rs. 1.95 Crores in pursuance of which a bank guarantee of Rs. 1.95 Crore was imposed on the Respondent No. 2 instead of Rs. 1.55 Crores. Thus, the contentions of the Appellant of the Ground (c) are baseless and contrary to the facts of the present case.
19. In Ground (d) of the Appeal, the Appellant has alleged that the regulatory authorities instead of awarding damage upon the Respondent No. 2 for the admitted violation have merely settled the case by imposing bank guarantee upon the Respondent No. 2. Such contention of the Appellant is not only false and baseless but also contrary to the directions of MoEF & CC in its notification dated 14.03.2017. In the Notification dated 14.03.2017 the MoEF and CC introduced a procedure for appraisal of those projects or activities which had started construction in violation of EIA Notification 2006, and directed such violation cases to be dealt by the procedure laid down in the Notification. Further, it was directed that the Expert Appraisal Committee shall prescribe specific terms of reference for the violation cases on assessment of ecological damage, remediation plan and natural & community resource augmentation plan. Thereafter, the EAC was to stipulate the implementation of remediation plan and natural & community resource augmentation plan by imposing a bank guarantee equivalent to the amount of said plan upon the project proponent. Such bank guarantee was to be deposited prior to the grant of EC and to be released after successful implementation of plan. In terms of the procedure laid down in the MoEF & CC notification dated 14.03.2017, the Respondent No. 2 was issued the Terms of Reference wherein the Respondent No. 2 was to prepare a

remediation plan and natural & community resource augmentation plan. In view of the said condition the Respondent No. 2 prepared an EIA Report dated April, 2019 along with an Assessment for Environmental Damage and an estimation for remediation cost of Rs. 1.95 Crores through Pollution and Ecology Control Services and Vertex Enviro Consultancy Pvt. Ltd., a NABET accredited laboratory. The said assessment and estimation was approved by the SEAC in its minutes of the meeting dated 10.04.2019 and the SEIAA in its meeting dated 17.07.2019 and a bank guarantee of Rs. 1.95 Crores was imposed upon the Respondent No. 2. The said bank guarantee imposed upon Respondent No. 2 has been submitted to MPCB by the Respondent No. 2 on 06.08.2019 (*Ref. Pg. 41 to 46 of the Appeal*). Thus, in due regard of the Notification dated 14.03.2017, the Regulatory Authorities have imposed bank guarantee of Rs. 1.95 Crores for the remediation plan on the Respondent No. 2 which has been duly submitted by Respondent No. 2. In such circumstances, the case of the Appellant that the Regulatory Authorities have merely settled the case by directing submission of bank guarantee instead of awarding damages to Respondent No. 2 is much contrary to the MoEF and CC notification dated 14.03.2017.

20. In terms of Ground (e), it is the case of the Appellant that the Respondent No. 2 has not taken prior consent to establish from MPCB for the construction of the impugned project. In this regard it is submitted that the Respondent No. 2 vide consent dated 31.01.2020 has been granted consent to establish by MPCB for the construction of housing project u/s 25 of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981. In view of the consent to establish dated 31.01.2020 granted to the Respondent No. 2, the contention of the Appellant that the construction of the Respondent No. 2 has started without the consent to establish is baseless and holds no field. The copy of the Consent to establish granted by the MPCB to Respondent No. 2 dated 31.01.2020 is enclosed herewith as **ANNEXURE R- 5**.
21. In Ground (f) of the Appeal, the Appellant has alleged violation of EC Condition No. 3(XLIV) at the behest of the Respondent No. 2 that the Respondent No. 2 has been granted Part Occupation Certificate prior to the operation of the STP/MSW. Firstly, the contention of the Appellant that the Respondent No. 2 has been granted Occupation Certificate prior to the operation of STP, amounting to violation of the EC condition No. 3(XLIV) is an issue beyond the scope of the Appeal filed u/s 16 of the National Green

Tribunal Act, 2010. The jurisdiction vested with this Tribunal u/s 16 of National Green Tribunal Act, 2010 is an Appellate Jurisdiction whereby the orders stated u/s 16 (a) to (j) could be challenged before this tribunal. In the present case the challenge before this Tribunal in the present Appeal is the EC dated 09.08.2019 passed by the State Level Environment Impact Assessment Authority in favor of Respondent No. 2. Thus, the jurisdiction of this Hon'ble Tribunal in the present Appeal is restricted to adjudicate as to whether the EC dated 09.08.2019 has been passed by following the due course of law and in accordance of law. It is therefore submitted that the alleged violation of the EC condition is an issue which cannot be adjudicated by this Hon'ble Tribunal within its Appellate jurisdiction. The jurisdiction of this Hon'ble Tribunal u/s 14 of NGT act is a wider jurisdiction in addition to the Appellate jurisdiction, wherein this Hon'ble Tribunal can try all civil cases, where a substantial question relating to Environment arising out of the implementation of the enactments specified in Schedule I of the NGT Act is raised. Thus, the issue pertaining to violation of EC condition, being a substantial question relating to environment can only be raised before this Hon'ble Tribunal u/s 14 of the NGT act, 2010. In view thereof, it is submitted that the allegation raised by the Appellant in the present Appeal regarding the violation of the EC conditions cannot be adjudicated by this Tribunal in an Appeal u/s 16 of the NGT act, 2010 and therefore the issue raised by the Appellant in Ground (f) is beyond the scope of jurisdiction of this Hon'ble Tribunal.

22. Without prejudice, it is submitted that previously the Respondent No. 2 vide Agreement for Sale dated April, 2015 had sold tenements bearing no. 301,302,303 from the Impugned Project to "M/s. Club Amida" i.e. Respondent No. 8 herein. In view thereof, the Respondent No. 3 had issued an Occupancy Certificate bearing no. OCC/1476/15 in favor of the Respondent No. 8 dated 02.02.2016 for running a gymnasium at tenements bearing no. 301, 302, 303 of impugned project. Thus, in terms of the occupation certificate dated 02.02.2016 the possession of tenements bearing no. 301, 302, 303 of the impugned project have been transferred to Respondent No. 8. Thereafter, the Respondent No. 3 in view of the O.A. No 22 of 2016 previously filed by the Appellant herein challenging the impugned project, cancelled the occupation certificate dated 02.02.2016 bearing no. OCC/1476/15 in favor of the Respondent No. 2 vide the cancellation order dated 17.05.2017. Being aggrieved by the cancellation of the occupation

certificate, M/s Club Amida, through its partner Shri. Sunil Revankar approached the Hon'ble High Court of Judicature at Bombay in W.P. No. 8402 of 2017 challenging the cancellation order dated 17.05.2017. The Hon'ble High Court, having found that the cancellation order dated 17.02.2017 had been passed without according an opportunity to the Respondent No. 8, vide its order dated 02.08.2017 set aside the cancellation order dated 17.05.2017 and remanded the matter to Respondent No. 3. The copy of the order dated 02.08.2017 passed by the Hon'ble High Court at Bombay in W.P. No. 8402 of 2017 is enclosed herewith as **ANNEXURE R-6**.

23. Thereafter, the Respondent No. 3, after hearing all the necessary parties in compliance of the order dated 02.08.2017 passed by the Hon'ble High Court of Bombay in W.P. No. 8402 of 2017, was pleased to cancel the Occupation Certificate dated 02.02.2016 granted in favor of Respondent No. 8 vide its order dated 17.11.2017. Being aggrieved by the cancellation of the occupation certificate dated 02.02.2016, the Respondent No. 8 approached the Hon'ble High Court of Judicature at Bombay vide the W.P. No. 13203 of 2017 challenging the cancellation order dated 17.11.2017. The Hon'ble High Court in W.P. No. 13203 of 2017 vide its order dated 04.12.2017 was pleased to stay the cancellation of order dated 17.11.2017 thereby protecting the possession of the Respondent No. 8. Thus, the possession of the Respondent No. 8 has been protected in terms of the order of the Hon'ble High Court dated 04.12.2017, which has been continued by the various orders of the Hon'ble High Court in W. P. No. 13203 of 2017. The copy of the order dated 04.12.2017 passed by the Hon'ble High Court of Bombay along with the orders continuing the interim protection in W.P. No. 13203 of 2017 are enclosed herewith as **ANNEXURE R-7 colly**. Thus, the case of the Appellant in Ground (f) of the Appeal that the commercial activity i.e. Club Amida is functioning in violation of EC condition is not true as the possession of the Respondent No. 8 has been protected by the orders of Hon'ble High Court in W.P. No. 13203 of 2017.

24. In Ground (g) of the Appeal, it is the contention of the Appellant that the Respondent No. 2 has not been issued a consent to operate u/s 25 of the Water (Prevention and Control of Pollution) Act, 1974. In this regard it is submitted that it was only on 30.01.2020 that the Respondent No. 2 was granted the consent to establish in pursuance to the EC dated 09.08.2020. Thereafter, the Respondent No. 2 has procured the copy of the revocation of the Stop-work order issued by the Respondent No. 3 dated 01.02.2020

bearing no. zone2/6590, whereby the stop-work order dated 28.01.2016 issue to the Respondent no. 2 has been revoked by the Respondent No. 2. Thus, it was only after receiving the consent to establish dated 30.01.2020 and the revocation of the stop-work order dated 01.02.2020, the Respondent No. 2 was eligible for undertaking any construction activity in terms of the EC dated 09.08.2020. The copy of the revocation of the stop work order dated 01.02.2020 issued by the Respondent No. 3 along with its translated copy is enclosed herewith as **ANNEXURE R-8** colly.

25. It is pertinent to note that by February 2020, the country had witnessed its first case of COVID-19 and city of Pune, where the impugned project is located confirmed its first COVID-19 positive patient on 09.03.2020. Thereafter, the Government of India had issued travel advisories suggesting the people to restrict the travel movement to urgent work. Subsequently, the Government of India imposed a nation-wide lockdown limiting the movement in the country as a preventive measure against COVID-19 pandemic in India. The complete nation-wide lockdown was partially lifted only from 01.06.2020 wherein the services were resumed in a phased manner. The city of Pune, having been emerged as one of the worst affected cities in the country due to the COVID-19 pandemic, has confined its functioning to curtail the spread of COVID-19 which exist even today. Due to the limited functioning of Government Offices and Restrictions on construction, the Respondent No. 2 has not been able to start construction of work at the impugned project and has only been able to undertake certain interior repair works at the impugned project. The Respondent No. 2, in spite of being granted all the requisite permissions has been undertaking the work at impugned project with minimum workforce on account of COVID-19 pandemic. The Respondent No. 2 shall procure the consent to operate from the MPCB as and when the construction of the impugned project is complete and ready for operation. Also, due to the minimum workforce undertaking the work of the impugned project at the Respondent No. 2's site, the Respondent No. 2 has not been able to undertake the work of the construction of STP at the impugned site.
26. With regard to the contention of the Appellant in Ground (g) of the present Appeal that a commercial activity has been running in the impugned project without obtaining a consent to operate it is once again reiterated that the Respondent No. 2 in April 2016 had entered into agreement to sale with M/s Club Amida i.e. Respondent No. 8 herein, with regard to tenements bearing

no. 301, 302, 303 from the impugned project. In view thereof, the Respondent No. 3 had issued an Occupancy Certificate bearing no. OCC/1476/15 in favor of the Respondent No. 8 dated 02.02.2016 for running a gymnasium at tenements bearing no. 301, 302, 303 of impugned project. Thus, in terms of the occupation certificate dated 02.02.2016 the possession of tenements bearing no. 301, 302, 303 of the impugned project has been transferred to Respondent No. 8. Thereafter, the Respondent No. 3 in view of the O.A. No 22 of 2016 previously filed by the Appellant herein challenging the impugned project, cancelled the occupation certificate dated 02.02.2016 bearing no. OCC/1476/15 in favor of the Respondent No. 2 vide the cancellation order dated 17.05.2017. Being aggrieved by the cancellation of the occupation certificate, M/s Club Amida, through its partner Shri. Sunil Revankar approached the Hon'ble High Court of Judicature at Bombay in W.P. No. 8402 of 2017 challenging the cancellation order dated 17.05.2017. The Hon'ble High Court, having found that the cancellation order dated 17.02.2017 had been passed without according an opportunity to the Respondent No. 8, vide its order dated 02.08.2017 set aside the cancellation order dated 17.05.2017 and remanded the matter to Respondent No. 3. Thereafter, the Respondent No. 3, after hearing all the necessary parties in compliance of the order dated 02.08.2017 passed by the Hon'ble High Court of Bombay in W.P. No. 8402 of 2017, was pleased to cancel the Occupation Certificate dated 02.02.2016 granted in favor of Respondent No. 8 vide its order dated 17.11.2017. Being aggrieved by the cancellation of the occupation certificate dated 02.02.2016, the Respondent No. 8 approached the Hon'ble High Court of Judicature at Bombay vide the W.P. No. 13203 of 2017 challenging the cancellation order dated 17.11.2017. The Hon'ble High Court in W.P. No. 13203 of 2017 vide its order dated 04.12.2017 was pleased to stay the cancellation of order dated 17.11.2017 thereby protecting the possession of the Respondent No. 8. Thus, the commercial activity being undertaken by the Respondent No. 8 at the impugned project since 2016, has already been protected in terms of the order of the Hon'ble High Court dated 04.12.2017, which has been continued by the various orders of the Hon'ble High Court in W.P. No. 13203 of 2017.

27. In Ground (h) of the present Appeal it is the contention of the Appellant that the Respondent No. 2 concealed the details of the pending litigations with regard to the Impugned Project while submitting its proposal to the Regulatory Authorities. The said contention of the Appellant is false and

baseless as the Respondent No. 2 while submitting his proposal for the Grant of the *post facto* EC in its FORM I submitted before the Regulatory Authority at Sr. No. 24 (Ref. Pg. 153 of the Appeal) has categorically mentioned the details of the pending litigation against the Respondent No. 2. The details of the pending litigation mentioned in Ground (h) of the Appeal by the Respondent No. 2 refers to the W.P. No. 13203 of 2017 and Contempt Petition No. 233 of 2016. The W.P. No. 13203 of 2017 does not deal with the Respondent No. 2. It is submitted that the said Writ Petition has been filed by the Respondent No.8 challenging the cancellation of Occupation Certificate dated 17.08.2017 granted in favor of the Respondent No.8. Further, the Contempt Petition No. 233 of 2016 has been filed by Appellant herein raising the issue pertaining to the tree cutting undertaken by the Respondent No. 1 at the Survey No. 34/1/4, 39/1A + 39/2/5/1, Vadgaon Budruk, Manikbaug, Sinhgad Road, Pune – 411051 and therefore the Contempt Petition No. 233/2016 does not concern the answering Respondent. Thus the contentions of the Appellant in Ground (h) of the Appeal are false and baseless and therefore denied.

28. The contentions raised by the Appellant in Ground (i) are false and the same lack proof and therefore denied. In Ground (i) it is the case of the Appellant that the Impugned EC is not comprehensive as the impact on the traffic due to additional congestion has not been assessed. In this regard it is submitted that in condition 3(XXXVI) of the Impugned EC, it has been categorically considered that the traffic congestion near entry and exit points from the roads adjoining the proposed project site must be avoided and the parking should be fully internalized with no public space utilized.
29. In Ground (j) of the Appeal it is the case of the appellant that there has been serious compromise to the hazard of conflagration as no marginal space and turning radius is sanctioned in the plan for fire tenders. At the outset it is submitted that, the said contention of the Appellant is baseless and same is not supported by any evidence. In this regard, it is submitted that the SEAC in its 67<sup>th</sup> meeting dated 19.08.2019 had considered the issue pertaining to the turning radius for easy access of fire tender movement from all around the building and decided to recommend the proposal of the Respondent No. 2 for the grant of EC. Further, the Respondent No. 2 has also submitted a Disaster Management Plan along with its FORM I and FORM IA for the appraisal of the Impugned Project wherein a specific provision pertaining to

the provisions in case of fire have been stated. Thus, the contentions raised by the Appellant in Ground (j) are false and therefore denied.

30. The contentions raised by the Appellant in Ground (k) are false and the same lack proof and therefore denied. In the Ground (k) it is the case of the Appellant that due to the high rise structure, the flow of fresh air and sunlight will affect the adjoining low height residential accommodation, which has not been considered in the Impugned EC. In this regard it is submitted that condition 3(XXXVIII) has been categorically imposed in the Impugned EC, wherein it has been stated that the building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation. Thus, a specific condition pertaining to the issue of flow of fresh air and sunlight to the adjoining accommodation has been imposed upon the Respondent No. 2 and therefore, the contention of the Appellant that the said issue has not been considered by the Regulatory Authorities at the time of grant of EC is false and therefore denied. Further, if at all, the Appellant is aggrieved by the violation of the environment of the said EC condition, the Appellant can avail appropriate remedy in accordance with law.
31. In Ground (l) the Appellant has alleged that the Demarcation Certificate submitted by the Respondent No.1 to the Respondent No.3 for the Survey No. 34/1/4, 39/1A + 39/2/5/1, Vadgaon Budruk, Manikbaug, Sinhgad Road, Pune – 411051, i.e, where the impugned project is located is defective and the challenge to the same is pending in an Appeal before the Superintendent Land Record Officer in Appeal No. 94/2017, which has not been disclosed by the Respondent No.2 while submitting its proposal to the Regulatory Authorities for the grant of EC. In this regard, it is submitted that the Appeal No. 94/2017 has been filed by the Appellant against the Respondent No.1 herein and that the answering Respondent is not even a party Respondent in the said Appeal and therefore the answering Respondent was not under an obligation to disclose about the pending Appeal in its proposal for EC. Further, the said Appeal filed by the Appellant against the Respondent No.1 seeking cancellation of the Demarcation Certificate granted to the Respondent No.1 has been decided by the Superintendent Land Record Officer vide its order dated 13.11.2019, wherein the Superintendent Land Record Officer has dismissed the Appeal No. 94/2017 filed by the Appellant herein. Thus, the contention of the Appellant herein that the Appeal No. 94/2017 is pending before the Superintendent Land Record Officer in view of

the order dated 13.11.2019, is false and holds no field. The copy of the order dated 13.11.2019 passed by the Superintendent Land Record Officer in Appeal No.94/2017 along with its translated copy is enclosed herewith as **ANNEXURE R-9 colly**.

32. The contentions raised by the Appellant in Ground (m) are nothing but a reiteration of the allegations raised by the Appellant in Ground (b) of the Appeal. The said contention has been aptly answered by the Respondent No. 2 herein para 16 and 17 above and the same is not repeated herein.
33. The contentions raised by the Appellant in Ground (n), need no reply.

#### **REPLY TO LIMITATION**

34. The contentions raised by the Appellant in the limitation clause are a matter of record and need no reply.

#### **REPLY TO JURISDICTION**

35. With reference to the jurisdiction of this Hon'ble Tribunal u/s 16 of NGT Act, 2010, it is submitted that the issues raised by the Appellant in the present Appeal pertain to the violation of the EC conditions dated 09.08.2019. The jurisdiction vested with this Hon'ble Tribunal u/s 16 of National Green Tribunal Act, 2010 is an Appellate Jurisdiction whereby the orders stated u/s 16 (a) to (j) could be challenged before this Hon'ble Tribunal. In the present case the challenge before this Tribunal in the present Appeal is the EC dated 09.08.2019 passed by the State Level Environment Impact Assessment Authority in favor of Respondent No. 2. Thus, the jurisdiction of this Hon'ble Tribunal in the present Appeal is restricted to adjudicate as to whether the EC dated 09.08.2019 has been passed by following the due course of law and in accordance of law. It is therefore submitted that the alleged violation of the EC conditions is an issue which cannot be adjudicated by this Hon'ble Tribunal within its Appellate jurisdiction. The jurisdiction of this Hon'ble Tribunal u/s 14 of NGT act is a wider jurisdiction in addition to the Appellate jurisdiction, wherein this Hon'ble Tribunal can try all civil cases, where a substantial question relating to Environment arising out of the implementation of the enactments specified in Schedule I of the NGT Act, 2010 is raised. Thus, the issue pertaining to violation of EC condition, being a substantial question relating to environment can only be raised before this Hon'ble Tribunal u/s 14 of the NGT Act, 2010. In view thereof, it is submitted that the allegation raised by the Appellant in the present Appeal

regarding the violation of the EC conditions cannot be adjudicated by this Tribunal in an Appeal u/s 16 of the NGT Act, 2010 and therefore the issues raised by the Appellant in the present Appeal are beyond the scope of jurisdiction of this Hon'ble Tribunal.

36. In the view of the facts and circumstances stated and contentions raised hereinabove, the prayers sought by the Appellant in the present Appeal invoking the Appellate jurisdiction of this Hon'ble Tribunal u/s 16 of the NGT Act, 2010 are not maintainable and therefore the present Appeal filed by the Appellant ought to be dismissed.



Samridhi S. Jain  
ADVOCATE  
A-10, LGF,  
Lajpat Nagar III,  
New Delhi-110024  
Mbl: 9890210579  
[samridhi12318@gmail.com](mailto:samridhi12318@gmail.com)

Date: 04.10.2020  
Place: New Delhi

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

APPEAL NO. 68 OF 2019

In the Matter Of: -

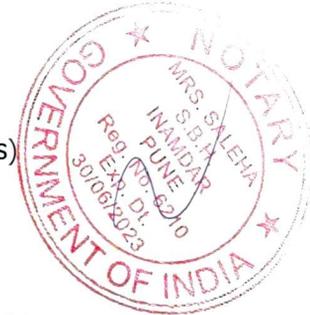
Vishal Arinjay Shah

.....Appellant

Vs.

Smita Pradeep Shah and Ors.

.....Respondent(s)



**AFFIDAVIT**

We, Genesisi Constro Pvt Ltd, Through its Managing Director Mrs. Nisha Pramod Korgaonkar, Age: 57 Years, Occ: Business, Having Office At: A-501, Thakkar House, East Street, Camp. Pune 411 001 Maharashtra, do hereby solemnly affirm and state as under:-

1. That we are the Respondent No.2 in the above mentioned Appeal as such am conversant with the facts and circumstances of the case and am competent to swear to this affidavit.
2. That I have read the contents of the accompanying the reply, the same being drafted by my counsel under my instructions and that the contents of Paras 1 to 36 of reply are believed to be true on legal advice and that I have not suppressed any material fact.
3. That the annexures filed along with the reply are the true copies of their respective originals.



*N.P. Korgaonkar*  
DEPONENT

VERIFICATION:

Verified on this 01<sup>st</sup> day of October, 2020 at Pune and that the contents of the above affidavit are true and correct to the best of my knowledge and that no part of it is false and nothing material has been concealed there from.

Noted & Registered  
at Sr. No. 623/2020

MRS. SALEHA S.B.H. INAMDAR  
B.A., LL.B.  
Notary Govt. of India  
D-8, Common Wealth Society,  
2/362 E. and Gordon Road,  
Opp. Bund Garden, Pune-411001



*N.P. Korgaonkar*  
BEFORE ME  
DEPONENT  
Mrs. Saleha S.B.H. Inamdar  
NOTARY  
GOVT. OF INDIA

- 1 OCT 2020

**ANNEXURE R-1****BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 115 of 2018  
(M.A. No. 314/2018 & M.A. No. 315/2018)  
(Earlier O.A. No. 22/2016 (WZ))**

**IN THE MATTER OF:**

**Vishal Arinjay Shah Vs. Suo Samita Pradeep Shah & Ors.**

**CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, ACTING CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

**Present: Applicant  
Respondent no. 2:**

**Mr. TVS Raghavendra Sreyas, Ms. Gayatri Gulati, Ms. Sneh Dhillion & Samridhi S. Jain, Advs.  
Mr. Mukesh Verma, Adv. for MPCB  
Ms. Aditya Singla and Ms. Priyanka Banerji, Advs.  
Mr. Vinayak Gupta, Adv. for Ministry of Environment, Forest and Climate Change  
Mr. Shivraj P. Kadam, Adv.**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<p><b>Item No. 10 April 19, 2018 ss</b></p>	<p>This Original Application No. 22 of 2016 is filed in this Tribunal under Section 14 of the National Green Tribunal Act, 2010 by Mr. Vishal Arinjay Shah seeking following directions from the Tribunal.</p> <ol style="list-style-type: none"> <li>1. That the development/construction activity carried out by the Project Proponent i.e. the respondent No. 2 on behalf of the owner i.e. the respondent no. 1 upon plots of land situated at Survey Nos. 39/1A+ 39/2/5/1 and 34/1/4 Vadgaon Budruk, Pune under the name Grand Horizon may kindly be declared illegal;</li> <li>2. That the development/construction activity carried out by the Project Proponent i.e. the respondent No. 2 on behalf of the owner i.e. the respondent no. 1 upon plots of land situated at Survey Nos. 39/1A + 39/2/5/1 and 34/1/4 Vadgaon Budruk, Pune under the name Grand Horizon and any further construction may kindly be stayed until final</li> </ol>

	<p><b>Item No. 10</b></p> <p><b>April 19, 2018</b></p> <p><b>ss</b></p>	<p>disposal of present proceeding on merits;</p> <p>3. That the respondent No. 3 PMC may kindly be directed to cancel the 'Occupancy Certificate' bearing No. OCC/1476/15 Dt. 02/02/2016 issued in favor of the Respondent No. 2 i.e. the Project Proponent, for conducting commercial activity of running a gymnasium on 3<sup>rd</sup> floor comprising of Unit Nos. 301, 302 &amp; 303;</p> <p>4. That the owner of the land i.e. respondent No. 1 and the Project Proponent i.e. the respondent no. 2 may held vicariously liable for the breach of undertakings, conducting of illegal activity and for carrying out development activity in contravention to the provision of obtaining prior environmental clearance as specified in clause in 8(b) of the MoEF notification dated 22/12/2014.</p> <p>5. That the owner of the land i.e. respondent No. 1 and the Project Proponent i.e. the respondent no. 2 may penalized according to law for the breach of undertakings, conducting of illegal activity and for carrying out development activity in contravention to the provision of obtaining prior environmental clearance as specified in clause in 8(b) of the MoEF notification dated 22/12/2014.</p> <p>Upon Notice the Project Proponent Respondent No. 2 M/s. Green Contour Constructions Pvt. Ltd. along with Respondent No. 1 and 2 entered appearance. Respondent No. 2 is in serious contest to the applicant seeking to dismiss the application on contention that he has raised issue regarding contravention of the provision of</p>
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	<p><b>Item No. 10</b></p> <p><b>April 19, 2018</b></p> <p><b>ss</b></p>	<p>Municipal laws which is not scheduled enactment in National Green Tribunal Act, 2010 and therefore this Tribunal has no jurisdiction. Besides they are denying the allegation that the project activity is illegal or the user of the structure is impermissible.</p> <p>Be that as it may a detailed statement was filed traversing the allegation made in the complaint to justify the project activity. However considering the material placed on record and undisputed factual aspect vide detailed orders dated 24th May, 2016 Zonal Bench at Pune passed the following order:-</p> <p><i>“This is yet another case where Pune Municipal Corporation has taken inconsistent stand in this proceeding relating to the extent of construction carried out by the Project Proponent. On the previous date of hearing, we had invited attention of the learned Counsel representing Pune Municipal Corporation about discrepant statement in the letter addressed by them to the Pollution Control Board and the statement in the affidavit filed in this Tribunal. It is apparent from the record that the Officer concerned who has deposed in the affidavit is very conscious of the statutory regulations requiring mandatory permission of the environmental clearance if the construction is more than 20,000 sq.m. As against it, he has made statement which undoubtedly intends to be acted upon by this Tribunal that construction activity of Project Proponent is only about 7144 sq.m. By this he has declared a clean chit to the Project Proponent. However, on perusal of the letter copy of which is made available to us it is very specifically stated that the construction comprising of FSI and non-FSI, the total of which is more than 20,000 sq.m. In this fact situation, the officer has either consciously or for extraneous reason indulged in said contradictory statement.</i></p> <p><i>We take serious note of it and direct him to show cause as to why appropriate action should not be taken for such conduct which may even attract criminal prosecution for perjury as affidavit is a Item No.3 24th May, 2016 Order No.4 mk sworn statement. Be that at it may, as learned Counsel for Pune Municipal Corporation seeks time to clarify this position, we grant him two (02) weeks time to do so.</i></p> <p><i>We place it on record that already MPCB has issued Stop Work Order based on the material information collected by them that the project is wholly illegal.</i></p>
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	<p><b>Item No. 10</b></p> <p><b>April 19, 2018</b></p> <p><b>ss</b></p>	<p><i>At this stage, Applicant's Counsel submits that Project Proponent has in utter disregard to the fact that they do not have any consent or EC for the project proceeding with the construction. He also draws our attention to the communication from Pune Municipal Corporation dated 2nd February, 2016 permitting the Project Proponent to run the commercial activity of Gymnasium in the premises in question. The Pune Municipal Corporation thus has a lot to explain on this core also.</i></p> <p><i>Since the Pollution Control Board has issued Stop Work Order and as clearly admitted by the Project Proponent they have not obtained prior EC or required permission for the project, the project cannot proceed. Similarly there is clear admission on the part of the Project Proponent that EC has been applied for post facto of the commencement of the project work. In the circumstances, we direct Pollution Control Board to enforce its Stop Work Order and shall not allow any construction activity till proper EC and necessary permission is obtained.</i></p> <p><i>Copy of this Order be marked to the Commissioner Pune Municipal Corporation to ensure his compliance. List it on 7th July, 2016."</i></p> <p>The extracted order is explicit and virtually records that the construction activity of the Project Proponent attracted notification of 2006 regarding Environmental Clearance as the structure was shown to be comprising of extent now totaling to more than 20,000 Sq. Mtrs. However we do not intend referring further to those findings as the order in question, has not been set aside.</p> <p>Today the issue raised is that this application i.e. Original Application No. 22 of 2016 has become infructuous in view of certain notifications issued by Ministry of Environment, Forest and Climate Change. Reference is made to the notification of Ministry of Environment, Forest and Climate Change issued on 14<sup>th</sup> March, 2017 keeping in mind the directions of this Tribunal in the case of S.P. Muthuraman Vs. Union of India - Original Application No. 37 of 2015 Original Application No. 213 of 2014 dated 07<sup>th</sup> July, 2015.</p>
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<p><b>Item No. 10</b></p> <p><b>April 19, 2018</b></p> <p><b>ss</b></p>	<p>The Project Proponent submits that it had continued the project activity and approached the Ministry of Environment, Forest and Climate Change for grant of Environmental Clearance, urging several factual and legal issues. Following facts are relevant:</p> <p>The applicant herein was applicant in Original Application No. 150 of 2016 renumbered as Original Application No. 115 of 2018. He had challenged the veracity, correctness of the statements made by the Project Proponent in Form 1 dated 01<sup>st</sup> October, 2016 submitted for grant of Environmental Clearance to CEAC on 02<sup>nd</sup> November, 2016. The action initiated by the applicant, according to the Project Proponent, is frustrated for the reason that the said application has become infructuous as the Project Proponent submitted another application on 18<sup>th</sup> July, 2017 in pursuance to the notification dated 14<sup>th</sup> March, 2017 issued by the Ministry of Environment, Forest and Climate Change for grant of Environmental Clearance.</p> <p>The relevant dates are as follows:-</p> <ul style="list-style-type: none"> <li>• 01<sup>st</sup> October, 2016 Form No. 15 for Environmental Clearance was submitted.</li> <li>• 02<sup>nd</sup> October, 2018, application for grant of Environmental Clearance was submitted to CEAC;</li> <li>• On 08<sup>th</sup> January, 2016 Form-1A was submitted for Environmental Clearance again;</li> <li>• On 22<sup>nd</sup> February, 2016 was the Original Application 22 of 2016 filed by the applicant alleging wrong information is furnished in Form No. 1 which was submitted to CEAC and</li> <li>• On 24<sup>th</sup> February, 2016 the interim order referred to</li> </ul>
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	<p><b>Item No. 10</b></p> <p><b>April 19, 2018</b></p> <p><b>ss</b></p>	<p>above was passed by the Zonal Bench at Pune in Original Application No. 22 of 2016. Meanwhile the Hon'ble High Court of Madras stayed the notification dated 14<sup>th</sup> February, 2017 and 04<sup>th</sup> May, 2017.</p> <p>In view of the statement the Project Proponent submitted fresh application in Form 1A on 02<sup>nd</sup> October, 2017 for grant of Environmental Clearance as a fresh cause of action had occurred. On 13<sup>th</sup> January, 2018 the stay order was vacated by the Hon'ble High Court of Madras. It is urged the application filed by Project Proponent on 18<sup>th</sup> May, 2018 is pending consideration with the Ministry of Environment, Forest and Climate Change. The said application was moved under the notification dated 14<sup>th</sup> February, 2017 after interim order of stay against the notification was vacated by the Hon'ble High Court.</p> <p>Again another application was submitted post facto on 24<sup>th</sup> April, 2017 and 23<sup>rd</sup> February, 2017. The application filed by the Project Proponent is numbered Original Application No. 420 of 2017 with M.A. No. 789 of 2017 seeking directions to Ministry of Environment, Forest and Climate Change to consider the fresh application. It is submitted by the Project Proponent, the application has not yet been considered, in view of pendency of Original Application No. 22 of 2016 (This case). Though this Tribunal granted directions to Ministry of Environment, Forest and Climate Change to consider this application but observed that the pendency of Original Application No. 22 of 2016 shall be taken to</p>
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	<p><b>Item No.</b> <b>10</b></p> <p><b>April 19,</b> <b>2018</b></p> <p><b>ss</b></p>	<p>consideration.</p> <p>During this period the Project Proponent approached the Hon'ble High Court of Madras in WP 9683/2013 which it is fairly conceded by the Project Proponent was a mis-conceived action and therefore the said writ petition has been withdrawn.</p> <p>In the meanwhile one Mr. Sunil Devankar filed WP 13203 of 2017 questioning the order passed by the Pune Municipal Corporation's submission invoking MRTP Act to protect his possession in respect of one of the tenements in the property in question. The interim order was granted on 17<sup>th</sup> November, 2017. However, that proceedings has no bearing on the list between these parties.</p> <p>The Project Proponent again filed an application before this Tribunal in Original Application No. 159 of 2017 seeking directions for constitution of Expert Committee as contemplated in para 115 of the discretion of the Tribunal in Original Application No. 37 of 2015 and Original Application No. 213 of 2014. The Tribunal issued notice.</p> <p>The above referred chronology of events is not disputed by the applicant before us. However the Learned Counsel for the applicant would submit that though the Project Proponent may be entitled to avail the benefit of the notification dated 14<sup>th</sup> March, 2017, yet it cannot claim the benefit to proceed with the construction pending consideration of this application and secondly convert the structure already constructed into commercial activity against the order of this Tribunal dated 24<sup>th</sup> May, 2016 which has remained undisturbed.</p>
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	<p><b>Item No. 10</b></p> <p><b>April 19, 2018</b></p> <p><b>ss</b></p>	<p>In short the parties are ad-idem on the point that fresh notification is issued by Ministry of Environment, Forest and Climate Change on 14th March, 2017 keeping which is said to be in consonance with the judgment of the Tribunal in the case of S.P. Muthuraman Vs. Union of India which envisages certain benefits to the Project Proponents who had commenced construction without obtaining prior Environmental Clearance to apply afresh for grant of post facto clearance, In terms of the notification.</p> <p>Thus, the notification has granted one time benefit to such of the Project Proponents who seek approval of the project for grant of Environmental Clearance post commencement of the project who without obtaining Environmental Clearance as hitherto required under 2006 notification of Environmental Clearance. If such applications are made undoubtedly the Ministry of Environment, Forest &amp; Climate Change would consider the request so made keeping in mind the judgment in the case of S.P. Muthuraman Vs. Union of India referred to above.</p> <p>In the instant the case, the contention of the Project Proponent is all earlier applications moved by it for grant of Environmental Clearance and documents submitted by it in the form of Form No.1A prior to submission of such applications is of no relevance or consequence. It is therefore urged that the contention of the original applicant in this case that the Project Proponent has furnished incorrect information in Form No.1A as of now is not sustainable in view of the fresh applications having being submitted by the Project Proponent in terms of</p>
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	<p><b>Item No.</b> <b>10</b></p> <p><b>April 19,</b> <b>2018</b></p> <p><b>ss</b></p>	<p>notification dated 14<sup>th</sup> March, 2017. The applicant in this original application does not dispute this factual position.</p> <p>The question that arises for consideration is whether the Project Proponent is right in contending that it has right under the new notification issued on 14<sup>th</sup> March, 2017 to apply/obtain Environmental Clearance, and pending consideration of the said application could proceed with construction of the Project activity.</p> <p>The answer to this question lies in the order passed by the Tribunal in this very case on 24<sup>th</sup> May, 2016 by the Zonal Bench at Pune which has been extracted in the para-supra of this order. The order dated 24<sup>th</sup> May, 2016 has not been disturbed in any appeal action by the Hon'ble Supreme Court nor any Constitutional Court and therefore reached finality. In terms of the said order the Project Proponent has to be restrained from putting up any structure which may be part of the request for grant of Environmental Clearance before Ministry of Environment, Forest &amp; Climate Change and also there has to be restrain against the Project Proponent regarding user of the property in question till it is granted a valid Environmental Clearance. Therefore till his request in the application is considered on merit by the Ministry of Environment, Forest &amp; Climate Change in terms of notification dated 14<sup>th</sup> March, 2017 even 3rd party interest cannot be created by the Project Proponent. Hence we order accordingly.</p> <p>We make it clear that in case of grant of Environmental Clearance by the Competent Authority, the Project Proponent is granted liberty to approach this Tribunal seeking further order in this regard. In view of</p>
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	<p><b>Item No. 10</b></p> <p><b>April 19, 2018</b></p> <p><b>ss</b></p>	<p>this observation we dispose of Original Application No. 22 of 2016 which is renumbered as Original Application No. 115 of 2018 now on the file of Principal Bench and all the pending applications, reserving liberty to the applicant in Original Application No. 22 of 2016 to seek relief in respect of issues not covered by this order.</p> <p>The Original Application No. 159 of 2017 stands disposed of as having become infructuous as conceded by the learned counsel for the Applicant</p> <p>The Learned counsel for the Project Proponent submits that in view of this order they would withdraw the Original Application No. 159 of 2017 which is on the file of Western Zonal Bench, Pune. We direct the Project Proponent to file appropriate memo for the said purpose of the withdrawal before the said Zonal Bench of this Tribunal within a week from now. Original Application No. 159 of 2017 stands disposed of with no order as to cost.</p> <p>.....,ACP (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal)</p> <p>19.04.2018</p>
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ANNEXURE R-2**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 570 of 2016  
(Earlier Original Application No. 288 of 2016)**

**And**

**Original Application No. 576 of 2016  
(M.A. No. 1444/2016)**

**And**

**Original Application No. 579 of 2016  
(M.A. No. 1443/2016)**

**IN THE MATTER OF :**

**M/s Anjli Infra Housing LLP Vs. Union of India & Ors.**

**And**

**M/s Ankur Khusal Construction LLP Vs. Union of India & Ors.**

**And**

**Anjli Infra Housing LLP Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present: Applicant:** Mr. Jayesh Dolia, Mr. R. Chandrachud and Mr. Nitin Thukral, Advs.  
Mr. Sumeer Sodhi, Adv.  
Mr. R. Chardrachud and Mr. Nitin Thukral, Adv  
Ms. Deep Shikha Bharati, Adv. for MoEF  
Ms. Sakshi Popli, Adv. for SEIAA TN  
Mr. Raj Kumar, Adv. and Mr. Bhupender Kr., LA for Central Pollution Control Board  
Mr. R. Rakesh Sharma Adv. Mr. V. Mowli, Advs.  
Mr. Divya Prakash Pande, Adv. Ministry of Environment, Forest and Climate Change  
Mr. B.V. Niren and Mr. Vinayak Gupta, Advs. for Central Ground Water Authority

**Respondent No. 1:**

**Present: Applicant:** Mr. Jayesh Dolia, Mr. R. Chandrachud and Mr. Nitin Thukral, Advs.  
Ms. Sakshi Popli and Mr. Tarun, Advs. for SEIAA TN  
Mr. Raj Kumar, Adv. and Mr. Bhupender Kr., LA for Central Pollution Control Board  
Ms. Deep shikha Bharti, Adv. Ministry of Environment, Forest and Climate Change  
Mr. B.V. Niren and Mr. Vinayak Gupta, Advs. for Central Ground Water Authority  
Mr. Narender Pal singh, Adv

**Present: Applicant:** Mr. Jayesh Dolia, Mr. R. Chandrachud and Mr. Nitin Thukral, Advs.  
Mr. Raj Kumar, Adv. and Mr. Bhupender Kr., LA for Central Pollution Control Board  
Mr. R. Rakesh Sharma, Adv. and Mr. V. Mowli, Adv. for State of TN, TNPCB and CMDA  
Mr. Krishna Kumar Singh and Mr. Anurag Kumar, Advs. for MoEF  
Ms. Sakshi Popli, Adv. for SEIAA TN  
Mr. Divya Prakash Pandey, Adv. for MoEF  
Ms. Deep Shikha Bharti, Adv. Ministry of Environment, Forest and Climate Change  
Mr. B.V. Niren and Mr. Vinayak Gupta, Advs. for CGWA

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item Nos. 15 to 17 November 27, 2017</b>	By this common order we shall dispose of all these three applications i.e. Original Application No. 570 of

2016, Original Application No. 576 of 2016 and Original Application No. 579 of 2016.

Since the facts and circumstances and the issues for consideration of the Tribunal are common in these cases, it is not necessary for us to refer to the facts of the all these cases in detail.

For the purpose of convenience we would refer to the facts of Original Application No. 579 of 2016 - Anjli Infra Housing LLP Vs. Union of India & Ors. for S.P. Muthuraman case the Applicant had raised the challenge to the Office Orders and Circulars issued by the Ministry of Environment, Forest and Climate Change dated 16<sup>th</sup> November, 2010, 12<sup>th</sup> December, 2012 and 27<sup>th</sup> June, 2013. These Office Memorandums intended to provide post Environmental Clearance to the commencing of the project despite the statutory provision requiring obtaining of prior Environment Clearance before commencement of any work of the project and otherwise covered under the schedule 1 to the notification of 2006. Various builders/respondents in the judgment of the Tribunal who had started their projects without obtaining or even moving the application for obtaining Environmental Clearance. Vide detailed judgment of the Tribunal dated 07<sup>th</sup> July, 2015, the Tribunal had held that these office memorandums and circulars were liable to be quashed and were quashed. Besides the rights of the respondent-builders who had also contested their own case before the Tribunal were also subject to various directions issued *interalia* imposition of Environmental Compensation and appointment of Joint Expert Committee and the

conditions that should be imposed while considering the case of respective respondent-builders. After the pronouncement of the judgment the applicant filed an application being M.A. No. 351 of 2016 in Original Application No. 371 of 2016, wherein the applicant has stated that his case was similar to the builders/respondents in the case of S.P. Muthuraman Vs. Union of India & Ors. and they were accepting the judgment of the Tribunal for its implementation in their case as well. The Tribunal in term of the Judgement of S.P. Muthuraman Vs. Union of India & Ors. imposed environmental compensation of Rs. 4.83 Crores upon the applicant and also directed the joint inspection expert team to conduct an inspection of the project of the applicant and submit its report and the recommendations with regard to the precautionary and other measures that were required to be taken. With these directions the application filed by the applicant was disposed of.

The Expert Committee constituted by the Tribunal conducted an inspection on 01<sup>st</sup> July, 2016 and submitted a detailed report before the Tribunal on 06<sup>th</sup> October, 2016. This report recommended the various precautionary and preventive remedial measures that the applicant should take, as already noticed the compensation as directed under the judgment had been paid by the Applicant in terms of the directions. Besides it it may be noticed the Ministry of Environment, Forest and Climate Change and any of the respondents did not raise any objection to the acceptance of the judgment and subsequently of passing appropriate orders at the relevant

stage.

Thereafter, the applicant has filed present application being application No. 579 of 2016 where the applicant gave an undertaking that he would carry out all the directions/recommendations of the Expert Committee in relation to solid waste management, green belt, recycling, reuse of treated sewage and storage of roof top of rain water harvesting. In these applications the applicant has also undertaken that he had already left the area and kept the green belt of 10% of 962 Sq. Mtrs. as reserved from the total area of the plot.

The applicant had filed an application before the State Environment Impact Assessment Authority for grant of Environment Clearance on 10<sup>th</sup> October, 2013 which was pending for consideration before the State Environment Impact Assessment Authority for quite some times. It may be noticed that the State Environment Impact Assessment Authority was non-functional due to non-appointment of members etc. during certain period. It is undisputed before us that the applications of the applicant before the State Environment Impact Assessment Authority was delisted vide order dated 25<sup>th</sup> November, 2014 because of pendency of S.P. Muthuraman case before the Tribunal. The said order had already been challenged before the Tribunal and the above directions for appointment of the joint inspection team and payment of environmental compensation were passed by the Tribunal. Neither the applicant nor the Ministry of Environment, Forest and Climate Change has filed any statutory appeal against the judgment of the Tribunal in

the case of S.P. Muthuraman and the subsequent orders passed by the Tribunal as stated above.

The Ministry of Environment, Forest and Climate Change on 14<sup>th</sup> March, 2017 issued a notification stating that within 6 months from the date of the notification the case of violators who have not taken prior Environment Clearance could be dealt with by the Ministry of Environment, Forest and Climate Change.

Having heard the Learned Counsel appearing for the parties and the above facts, we dispose of all these three applications with the following directions and the reasons recorded hereinafter:-

1. The rights of the parties have been decided by the Tribunal vide its order dated 21<sup>st</sup> April, 2016 and 12<sup>th</sup> July, 2016 and the parties not only accepted the order, but complied with the directions contained in the orders as aforesaid. The said deposits/acceptance and execution of the order was without prejudice to the rights and contentions of the parties which they may like to raise in any appropriate proceedings. The notification dated 14<sup>th</sup> March, 2017 issued by Ministry of Environment, Forest and Climate Change is prospective. It may also be noticed in terms of on the implementation of Section 6 of General Clause Act, 1897. The notification has no element of retrospectively. Furthermore no provision of the notification mandates that the application actually pending and being dealt with by State Environment Impact Assessment Authority should be or deemed to be

transferred to Ministry of Environment, Forest and Climate Change for consideration. Determining the rights of the parties cannot be taken away by implication of a particularly of a subordinate legislation with its explicit expression and in its perspective in its nature and content. It only refers to violation of the past and right to move Ministry of Environment, Forest and Climate Change within the specified period under the notification.

2. We direct that the State Environment Impact Assessment Authority shall consider the application of the applicants which was delisted and pass appropriate orders in regard to grant/refusal of the Environment Clearance in accordance with law.
3. The State Environment Impact Assessment Authority shall take into consideration and in fact impose the condition which has been stated by the joint inspection team in its report as condition of grant of Environment Clearance, if it grants. The condition imposed in different orders shall be part of the Environment Clearance if granted to the applicant.
4. The condition imposed by the Tribunal in S.P. Muthuraman shall form part and parcel of the Environment Clearance and if granted to the applicants.
5. The environmental compensation imposed by the Tribunal shall be maintained and the applicant would not be entitled to any refund thereof, however if the environmental compensation imposed is

higher compensation the amount deposited by the applicant shall be adjusted by the competent authority.

6. The existing law at the time of adjudication of the rights of the parties would have to take effect and the law which is not in existence even at that time cannot be retrospectively imposed upon the parties to the lis.

7. We expect that the State Environment Impact Assessment Authority would deal with the applications expeditiously.

We make it clear that this order is inter-se to parties and does not state the general principle.

With the above directions Original Application No. 570 of 2016, Original Application No. 576 of 2016 and Original Application No. 579 of 2016 stand disposed of. No order as to cost.

**M.A. No. 1444/2016 in Original Application No. 576 of 2016 and M.A. No. 1443/2016 in Original Application No. 579 of 2016**

These applications do not survive for consideration as the main applications itself stand disposed of.

Thus the M.A. No. 1444/2016 and M.A. No. 1443/2016 stand disposed of. No order as to cost.

.....,CP  
(Swatanter Kumar)

.....,JM  
(Dr. Jawad Rahim)

.....,EM  
(Bikram Singh Sajwan)

## Agenda for 66 th Meeting of SEAC-3

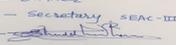
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SEAC Meeting number: 66 Meeting Date June 12, 2018

Subject: Environment Clearance for Building Construction Project

Is a Violation Case: No

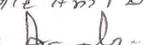
1.Name of Project	Grand Horizon by Grenesiis Constro Pvt. Ltd.
2.Type of institution	Private
3.Name of Project Proponent	Mr. Arinjay Korgaonkar
4.Name of Consultant	Mr. Rajesh Shrivastava, PECS (Pollution and Ecology Control Services)
5.Type of project	Housing project
6.New project/expansion in existing project/modernization/diversification in existing project	Not applicable
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Not applicable
8.Location of the project	S.No. 34/1/4,39/1A+39/2/5/1,
9.Taluka	Haveli
10.Village	Wadgaon (Bk)
Correspondence Name:	Mr. Arinjay Korgaonkar
Room Number:	A-501
Floor:	5th
Building Name:	Thacker's House
Road/Street Name:	East Street
Locality:	Camp
City:	Pune
11.Whether in Corporation / Municipal / other area	Pune Municipal Area
12.IOD/IOA/Concession/Plan Approval Number	Pune Municipal Corporation
	IOD/IOA/Concession/Plan Approval Number: CC/3613/15 dated 28/1/2016
	Approved Built-up Area: 7144.60
13.Note on the initiated work (If applicable)	Work has been initiated & completed the details of which are as under: First plan for amalgamation of plot and layout was sanctioned vide commencement certificate no. CC/2821/10 Dated 20/11/2010. The first NA Order was issued by Collector, Pune bearing no. PMH/NA/SR/68/2011 Dated 25/08/11 for 2549.10 sqm. Thereafter the second NA Order was issued bearing no PMH/NA/SR/1136/2012 Dated 5/10/13 for the entire plot of 10120 sqm. The first revision was sanctioned vide commencement certificate no CC/2330/12 Dated 9/11/12 The second revision was sanctioned vide commencement certificate no CC/3023/15 Dated 19/12/2015. The third revision was sanctioned vide commencement certificate no CC/3613/15 Dated 28/1/2016. The plan was sanctioned for FSI= 7144.60 sqm The plan was sanctioned and construction completed is FSI= 7144.60 sqm + Non FSI= 18190.65 sqm Total BUA= 25335.25 sqm. Part completion received wide OCC/1476/15 Dated 2/2/16. The violation was declared in the 46th meeting of SEAC-III hel
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	Not Applicable
15.Total Plot Area (sq. m.)	10120.00 Sqm
16.Deductions	1679.95 Sqm
17.Net Plot area	8420.05 Sqm
18 (a).Proposed Built-up Area (FSI & Non-FSI)	FSI area (sq. m.): 7144.60
	Non FSI area (sq. m.): 19915.65
	Total BUA area (sq. m.): 27060.25
18 (b).Approved Built up area as per DCR	Approved FSI area (sq. m.):
	Approved Non FSI area (sq. m.):
	Date of Approval:
19.Total ground coverage (m2)	2761.78

Name - S.D.Aher  
Designation - Secretary SEAC-III  
Sign 

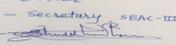
**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-0000001126 )  
SEAC-MINUTES-0000000775**

Page 1 of 12

Name: K. Anil Kale  
Signature:   
**Shri. Anil Kale (Chairman SEAC-III)**

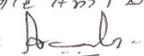
20. Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	32.80 %			
21. Estimated cost of the project	950000000			
<b>22. Number of buildings &amp; its configuration</b>				
Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)	
1	Residential & commercial Building	B+G+M+9	33.5	
23. Number of tenants and shops	No. of tenants- 46 Nos No. of shops- 40 Shops & 5 Offices			
24. Number of expected residents / users	Residential User- 230 Commercial User- 530			
25. Tenant density per hectare	751 Nos/Hector			
26. Height of the building(s)				
27. Right of way (Width of the road from the nearest fire station to the proposed building(s))	36 M			
28. Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9 M			
29. Existing structure (s) if any	Building is completed as per sanction plan.			
30. Details of the demolition with disposal (If applicable)	No demolition shall be carried out as the construction structure is part of the proposed project.			
<b>31. Production Details</b>				
Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable
<b>32. Total Water Requirement</b>				

Name - S.D. Aher  
Designation - Secretary SEAC-III  
Sign - 

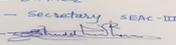
**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-0000001126 )**  
**SEAC-MINUTES-0000000775**

Page 2 of 12

Name: K. Anil Kale  
Signature:   
**Shri. Anil Kale (Chairman SEAC-III)**

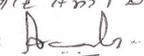
Dry season:	Source of water	PMC
	Fresh water (CMD):	37.98
	Recycled water - Flushing (CMD):	24.92
	Recycled water - Gardening (CMD):	3.60
	Swimming pool make up (Cum):	Nil
	Total Water Requirement (CMD) :	66.50
	Fire fighting - Underground water tank(CMD):	100 Cum
	Fire fighting - Overhead water tank(CMD):	-
	Excess treated water	28.09
Wet season:	Source of water	PMC
	Fresh water (CMD):	37.98
	Recycled water - Flushing (CMD):	24.92
	Recycled water - Gardening (CMD):	0.00
	Swimming pool make up (Cum):	Nil
	Total Water Requirement (CMD) :	62.90
	Fire fighting - Underground water tank(CMD):	100 Cum
	Fire fighting - Overhead water tank(CMD):	-
	Excess treated water	31.69
Details of Swimming pool (If any)	Not Proposed	

Name - S.D.Aher  
 Designation - Secretary SEAC-III  
 Sign 

**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-000001126 )**  
**SEAC-MINUTES-0000000775**

Page 3 of 12

Name: K. Anil Kale  
 Signature: 

**Shri. Anil Kale (Chairman SEAC-III)**

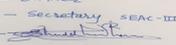
### 33.Details of Total water consumed

Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

<b>34.Rain Water Harvesting (RWH)</b>	Level of the Ground water table:	15M BGL
	Size and no of RWH tank(s) and Quantity:	NA
	Location of the RWH tank(s):	Shown on plan
	Quantity of recharge pits:	6 Nos.
	Size of recharge pits :	2 x 2 x 3
	Budgetary allocation (Capital cost) :	Rs. 4.50 Lacs
	Budgetary allocation (O & M cost) :	Rs. 0.5 Lacs
	Details of UGT tanks if any :	Domestic UG tank capacity: 100 Cum Flushing UG tank Capacity: 30 cum Fire UG Tank Capacity: 100 Cum

<b>35.Storm water drainage</b>	Natural water drainage pattern:	As per contour
	Quantity of storm water:	8.94 Cum/min
	Size of SWD:	200 mm - 450 mm RCC MP2 Pipes

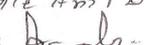
<b>36.Sewage and Waste water</b>	Sewage generation in KLD:	56.61 Cum
	STP technology:	Phytorid technology based STP
	Capacity of STP (CMD):	60 KLD- 1 No.
	Location & area of the STP:	Shown on plan
	Budgetary allocation (Capital cost):	Rs. 45 Lacs
	Budgetary allocation (O & M cost):	Rs. 1.50 Lacs

Name - S.D.Aher  
Designation - Secretary SEAC-III  
Sign 

**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-000001126 )  
SEAC-MINUTES-0000000775**

Page 4 of 12

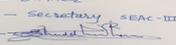
Name: K. Anil Kale  
Signature:   
**Shri. Anil Kale (Chairman SEAC-III)**

### 37. Solid waste Management

<b>Waste generation in the Pre Construction and Construction phase:</b>	<b>Waste generation:</b>	Negligible
	<b>Disposal of the construction waste debris:</b>	Excess excavated soil to be dumped at sites mentioned by PMC through its licensed contractors
<b>Waste generation in the operation Phase:</b>	<b>Dry waste:</b>	135.05 Kg/day
	<b>Wet waste:</b>	103.25 Kg/day
	<b>Hazardous waste:</b>	Negligible
	<b>Biomedical waste (If applicable):</b>	NIL
	<b>STP Sludge (Dry sludge):</b>	Negligible
	<b>Others if any:</b>	NIL
<b>Mode of Disposal of waste:</b>	<b>Dry waste:</b>	Handed over to authorized agency
	<b>Wet waste:</b>	Composting
	<b>Hazardous waste:</b>	NA
	<b>Biomedical waste (If applicable):</b>	NA
	<b>STP Sludge (Dry sludge):</b>	to be disposed once in three years
	<b>Others if any:</b>	NA
<b>Area requirement:</b>	<b>Location(s):</b>	Shown on plan
	<b>Area for the storage of waste &amp; other material:</b>	30 Sqm
	<b>Area for machinery:</b>	-
<b>Budgetary allocation (Capital cost and O&amp;M cost):</b>	<b>Capital cost:</b>	Rs. 14 Lacs
	<b>O &amp; M cost:</b>	Rs. 4.75 Lacs

### 38. Effluent Characteristics

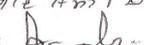
Serial Number	Parameters	Unit	Inlet Effluent Characteristics	Outlet Effluent Characteristics	Effluent discharge standards (MPCB)
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Amount of effluent generation (CMD):		Not applicable			
Capacity of the ETP:		Not applicable			
Amount of treated effluent recycled :		Not applicable			
Amount of water send to the CETP:		Not applicable			
Membership of CETP (if require):		Not applicable			
Note on ETP technology to be used		Not applicable			
Disposal of the ETP sludge		Not applicable			

Name - S.D.Aher  
Designation - Secretary SEAC-III  
Sign - 

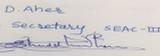
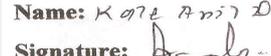
**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-0000001126 )**  
**SEAC-MINUTES-0000000775**

Page 5 of 12

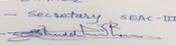
Name: K. Anil Kale  
Signature: 

**Shri. Anil Kale (Chairman SEAC-III)**

39.Hazardous Waste Details								
Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal	
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	
40.Stacks emission Details								
Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases		
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable		
41.Details of Fuel to be used								
Serial Number	Type of Fuel	Existing	Proposed	Total				
1	Not applicable	Not applicable	Not applicable	Not applicable				
42.Source of Fuel		Not applicable						
43.Mode of Transportation of fuel to site		Not applicable						
44.Green Belt Development								
		Total RG area :	844 Sqm					
		No of trees to be cut :	Nil					
		Number of trees to be planted :	106 Nos.					
		List of proposed native trees :	Listed below					
		Timeline for completion of plantation :	Before completion of the project					
45.Number and list of trees species to be planted in the ground								
Serial Number	Name of the plant	Common Name	Quantity	Characteristics & ecological importance				
1	Azadirachta indica	Neem	10	This tree with good canopy can tolerate high to very high temperature and has anti-desertification properties and is a good carbon dioxide sink.				
2	Mangifera indica	Mango	10	Large evergreen tree with a dense dome-shaped crown attracts and provides nesting for avi fauna.				
3	Terminalia paniculata	Kinjal	10	Tree with good canopy, attracting avifauna.				
4	Albizia lebbeck	Shrish	10	Medium sized deciduous tree. Beautiful yellow flowers				
5	Manilkara zapota	Chikku	10	Fruit trees attracting butterflies/ birds				
6	Dalbergia sissoo	Shisam	10	Medium sized tree. Good Shade giving canopy.				
7	Nyctanthes arbor-tristis	Parijatak	16	Small deciduous fast growing tree, beautiful flowers.c				
8	Citrus sp	Lemon	10	Butterfly host plant				
Name - S.D.Aher Designation - Secretary SEAC-III Sign - 		<b>SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-000001126 )</b> <b>SEAC-MINUTES-0000000775</b>			Page 6 of 12		Name: K. Anil Kale Signature:  <b>Shri. Anil Kale (Chairman SEAC-III)</b>	

9	Michelia champaca	Chapha	10	Medium sized evergreen tree fragrant yellow flowers, Butterfly host plant
10	Lagerstroemia flosreginae	Tamhan	10	State flower tree of Maharashtra Medium sized tree, beautiful purple flowers
<b>46.Total quantity of plants on ground</b>				
<b>47.Number and list of shrubs and bushes species to be planted in the podium RG:</b>				
Serial Number	Name	C/C Distance	Area m2	
1	NA	NA	NA	

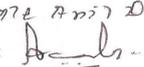
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**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12,  
2018 ( SEIAA-STATEMENT-000001126 )  
SEAC-MINUTES-0000000775**

**Page 7 of  
12**

Name: K. Anil Kale  
Signature: 

**Shri. Anil Kale (Chairman  
SEAC-III)**

## 48. Energy

<b>Power requirement:</b>	Source of power supply :	MSEDCL
	During Construction Phase: (Demand Load)	60 KW
	DG set as Power back-up during construction phase	30 KVA
	During Operation phase (Connected load):	-
	During Operation phase (Demand load):	992.60 KW
	Transformer:	630 KVA- 2 Nos & 315 KVA- 1 No.
	DG set as Power back-up during operation phase:	200 KVA- 1 No.
	Fuel used:	HSD
	Details of high tension line passing through the plot if any:	No

## 49. Energy saving by non-conventional method:

1. Solar Water Heater
2. Solar Street Lights

## 50. Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Solar water Heater & solar street Lights	45.42% saving

## 51. Details of pollution control Systems

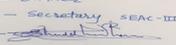
Source	Existing pollution control system	Proposed to be installed
Not applicable	Not applicable	Not applicable

<b>Budgetary allocation (Capital cost and O&amp;M cost):</b>	<b>Capital cost:</b>	Rs. 13.20 lacs
	<b>O &amp; M cost:</b>	Rs. 0.56 Lacs

## 52. Environmental Management plan Budgetary Allocation

### a) Construction phase (with Break-up):

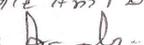
Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Site Sanitation	Health & Safety	Rs. 2.44 Lacs
2	Enviro Monitoring	Pollution Control	Rs. 3.16 Lacs
3	Disinfection	Health & safety	Rs. 1.20 Lacs
4	Health & check up of labour	Health & Safety	Rs. 2.90 Lacs

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**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-0000001126 )  
SEAC-MINUTES-0000000775**

**Page 8 of 12**

Name: K. Anil Kale  
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**Shri. Anil Kale (Chairman SEAC-III)**

**b) Operation Phase (with Break-up):**

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	STP	Sewage treatment	Rs. 45.00 Lacs	Rs. 1.50 Lacs
2	RWH	Rainwater harvesting pits	Rs. 4.50 Lacs	Rs. 0.50 Lacs
3	Landscape	Tree Plantation	Rs. 8.50 Lacs	Rs. 2.00 Lacs
4	Solar Water Heater	Non conventional energy	Rs. 3.20 Lacs	Rs. 0.064 Lacs
5	Solar Street Lights	Non conventional Energy	Rs. 10 Lacs	Rs. 0.50 Lacs
6	Solid Wastes	Biodegradable waste Management	Rs.14.0 Lacs	Rs. 4.75 Lacs
7	Enviro Monitoring	Pollution Control	-	Rs. 3.16 Lacs
8	Basement Parking Storm water Pumping	-	Rs. 10.0 Lacs	Rs. 0.20 Lacs

**52. Storage of chemicals (inflammable/explosive/hazardous/toxic substances)**

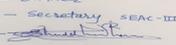
Description	Status	Location	Storage Capacity in MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month in MT	Source of Supply	Means of transportation
Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

**53. Any Other Information**

No Information Available

**54. Traffic Management**

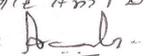
Nos. of the junction to the main road & design of confluence:	1 no.
---------------------------------------------------------------	-------

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**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-0000001126 )**  
**SEAC-MINUTES-0000000775**

Page 9 of 12

Name: K. Anil Kale  
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**Shri. Anil Kale (Chairman SEAC-III)**

Parking details:	Number and area of basement:	1 No. of Basement
	Number and area of podia:	-
	Total Parking area:	16879.0 Sqm
	Area per car:	12.5 Sqm/Car
	Area per car:	12.5 Sqm/Car
	Number of 2-Wheelers as approved by competent authority:	408 Nos
	Number of 4-Wheelers as approved by competent authority:	188 Nos
	Public Transport:	Nil
	Width of all Internal roads (m):	9M wide internal Road

SEAC-MINUTES-0000000775

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**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-0000001126 )**  
**SEAC-MINUTES-0000000775**

**Page 10**  
**of 12**

Name: K. Anil Kale  
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**Shri. Anil Kale (Chairman SEAC-III)**

	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	B
	Court cases pending if any	Yes
	Other Relevant Informations	-
	Have you previously submitted Application online on MOEF Website	Yes
	Date of online submission	18-07-2017

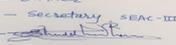
### Brief information of the project by SEAC

Environment Clearance for Building Construction Project at S.No.34/1/4,39/1A+39/2/5/1 Wadgaon (Bk) ,Pune by Grand Horizon by **GrenesiisConstroPvt. Ltd.**

PP submitted their application for Prior Environmental clearance for total plot area of 10120 Sq. Mtrs, BUA of 27060.25 Sq. Mtrs and FSI area of 7144 Sq. Mtrs. PP proposes to construct 1 no. residential and commercial building.

The violation case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8 (a) B2.

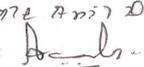
### DECISION OF SEAC

Name - S.D.Aher  
Designation - Secretary SEAC-III  
Sign 

**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-000001126 )**  
**SEAC-MINUTES-0000000775**

Page 11  
of 12

Name: K. Anil Kale  
Signature: 

**Shri. Anil Kale (Chairman SEAC-III)**

**After deliberation, Committee Hereby accords approval to the Terms of Reference for proposed 'Construction for undertaking Environment Impact Assessment (EIA) and preparation of Environment Management Plan (EMP) including all above points for further discussion and consideration of SEAC as per MoEF & CC Notification dated 14/03/2017 and 8/03/2018. PP requested for time to submit above information.**

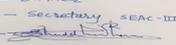
**Specific Conditions by SEAC:**

- 1) PP to submit traffic impact study.
- 2) PP to submit details of CER activities in consultation with the affected people in the project area as per MoEF & CC circular dated 1/05/2018 if applicable.
- 3) PP to submit an indemnity bond for project land.
- 4) PP to plant native tree species and submit revise tree list.
- 5) PP to submit energy saving calculations.
- 6) Cost of Ecological Damage as Assessed by PP and discussed in the SEAC is Rs. 33.34 Crore. In general the damage caused in construction period is 5% of the total damage. Therefore committee decide to put Bank Guarantee of Rs, 1.55 Crore (5% of the total damage assessment value)
- 7) PP to submit Bank Guarantee of Rs, 1.55 Crore.
- 8) PP to submit compliance report for remediation and augmentation is planned for various aspects affecting environment. (Compliance of PART-C of Ecological damage assessment report.)

**FINAL RECOMMENDATION**

The Committee decided to Grant ToR subject to the above observations, PP requested to prepare and submit EIA report as per EIA Notification, 2006 and amendments thereof.

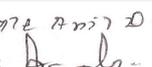
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Name - S.D.Aher  
Designation - Secretary SEAC-III  
Sign 

**S.D.Aher (Secretary SEAC-III)**

**SEAC Meeting No: 66 Meeting Date: June 12, 2018 ( SEIAA-STATEMENT-0000001126 )**  
**SEAC-MINUTES-0000000775**

**Page 12**  
**of 12**

Name:   
Signature: 

**Shri. Anil Kale (Chairman SEAC-III)**

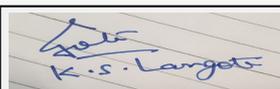
## Agenda for 67 th SEAC-3 Meeting. (Day-1)

**SEAC Meeting number: 67 Meeting Date August 19, 2018**

**Subject:** Environment Clearance for Building Construction Project

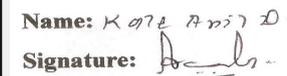
**Is a Violation Case:** No

<b>1.Name of Project</b>	Grand Horizon by Grenesiis Constro Pvt. Ltd.
<b>2.Type of institution</b>	Private
<b>3.Name of Project Proponent</b>	Mr. Arinjay Korgaonkar
<b>4.Name of Consultant</b>	Mr. Rajesh Shrivastava, PECS (Pollution and Ecology Control Services)
<b>5.Type of project</b>	Housing project
<b>6.New project/expansion in existing project/modernization/diversification in existing project</b>	Not applicable
<b>7.If expansion/diversification, whether environmental clearance has been obtained for existing project</b>	Not applicable
<b>8.Location of the project</b>	S.No. 34/1/4,39/1A+39/2/5/1,
<b>9.Taluka</b>	Haveli
<b>10.Village</b>	Wadgaon (Bk)
<b>Correspondence Name:</b>	Mr. Arinjay Korgaonkar
<b>Room Number:</b>	A-501
<b>Floor:</b>	5th
<b>Building Name:</b>	Thacker's House
<b>Road/Street Name:</b>	East Street
<b>Locality:</b>	Camp
<b>City:</b>	Pune
<b>11.Whether in Corporation / Municipal / other area</b>	Pune Municipal Area
<b>12.IOD/IOA/Concession/Plan Approval Number</b>	Pune Municipal Corporation
	<b>IOD/IOA/Concession/Plan Approval Number:</b> CC/3613/15 dated 28/1/2016
	<b>Approved Built-up Area:</b> 7144.60
<b>13.Note on the initiated work (If applicable)</b>	Work has been initiated & completed the details of which are as under: First plan for amalgamation of plot and layout was sanctioned vide commencement certificate no. CC/2821/10 Dated 20/11/2010. The first NA Order was issued by Collector, Pune bearing no. PMH/NA/SR/68/2011 Dated 25/08/11 for 2549.10 sqm. Thereafter the second NA Order was issued bearing no PMH/NA/SR/1136/2012 Dated 5/10/13 for the entire plot of 10120 sqm. The first revision was sanctioned vide commencement certificate no CC/2330/12 Dated 9/11/12 The second revision was sanctioned vide commencement certificate no CC/3023/15 Dated 19/12/2015. The third revision was sanctioned vide commencement certificate no CC/3613/15 Dated 28/1/2016. The plan was sanctioned for FSI= 7144.60 sqm The plan was sanctioned and construction completed is FSI= 7144.60 sqm + Non FSI= 18190.65 sqm Total BUA= 25335.25 sqm. Part completion received wide OCC/1476/15 Dated 2/2/16. The violation was declared in the 46th meeting of SEAC-III hel
<b>14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)</b>	Not Applicable
<b>15.Total Plot Area (sq. m.)</b>	10120.00 Sqm
<b>16.Deductions</b>	1679.95 Sqm
<b>17.Net Plot area</b>	8420.05 Sqm
<b>18 (a).Proposed Built-up Area (FSI &amp; Non-FSI)</b>	<b>FSI area (sq. m.):</b> 7144.60
	<b>Non FSI area (sq. m.):</b> 19915.65
	<b>Total BUA area (sq. m.):</b> 27060.25
<b>18 (b).Approved Built up area as per DCR</b>	<b>Approved FSI area (sq. m.):</b>
	<b>Approved Non FSI area (sq. m.):</b>
	<b>Date of Approval:</b>
<b>19.Total ground coverage (m2)</b>	2761.78

  
K.S.Langote (Secretary  
SEAC-III)

**SEAC Meeting No: 67 Meeting Date: August 19,  
2018 ( SEIAA-STATEMENT-0000001126 )  
SEAC-MINUTES-0000000922**

Page 1 of  
13

**Name:** K. S. Anil D.  
**Signature:**   
**Shri. Anil Kale (Chairman  
SEAC-III)**

20. Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	32.80 %			
21. Estimated cost of the project	950000000			
<b>22. Number of buildings &amp; its configuration</b>				
Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)	
1	Residential & commercial Building	B+G+M+9	33.5	
23. Number of tenants and shops	No. of tenants- 46 Nos No. of shops- 40 Shops & 5 Offices			
24. Number of expected residents / users	Residential User- 230 Commercial User- 530			
25. Tenant density per hectare	751 Nos/Hector			
26. Height of the building(s)				
27. Right of way (Width of the road from the nearest fire station to the proposed building(s))	36 M			
28. Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9 M			
29. Existing structure (s) if any	Building is completed as per sanction plan.			
30. Details of the demolition with disposal (If applicable)	No demolition shall be carried out as the construction structure is part of the proposed project.			
<b>31. Production Details</b>				
Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable
<b>32. Total Water Requirement</b>				



**K.S. Langote (Secretary SEAC-III)**

**SEAC Meeting No: 67 Meeting Date: August 19, 2018 ( SEIAA-STATEMENT-0000001126 )**  
**SEAC-MINUTES-0000000922**

**Page 2 of 13**

**Name: K S Langote**  
**Signature: [Handwritten Signature]**  
**Shri. Anil Kale (Chairman SEAC-III)**

Dry season:	Source of water	PMC
	Fresh water (CMD):	37.98
	Recycled water - Flushing (CMD):	24.92
	Recycled water - Gardening (CMD):	3.60
	Swimming pool make up (Cum):	Nil
	Total Water Requirement (CMD) :	66.50
	Fire fighting - Underground water tank(CMD):	100 Cum
	Fire fighting - Overhead water tank(CMD):	-
	Excess treated water	28.09
Wet season:	Source of water	PMC
	Fresh water (CMD):	37.98
	Recycled water - Flushing (CMD):	24.92
	Recycled water - Gardening (CMD):	0.00
	Swimming pool make up (Cum):	Nil
	Total Water Requirement (CMD) :	62.90
	Fire fighting - Underground water tank(CMD):	100 Cum
	Fire fighting - Overhead water tank(CMD):	-
	Excess treated water	31.69
Details of Swimming pool (If any)	Not Proposed	



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**SEAC Meeting No: 67 Meeting Date: August 19, 2018 ( SEIAA-STATEMENT-0000001126 ) SEAC-MINUTES-0000000922**

**Page 3 of 13**

**Name: K. S. Langote**  
**Signature: [Signature]**  
**Shri. Anil Kale (Chairman SEAC-III)**

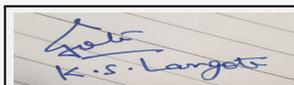
### 33.Details of Total water consumed

Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

<b>34.Rain Water Harvesting (RWH)</b>	<b>Level of the Ground water table:</b>	15M BGL
	<b>Size and no of RWH tank(s) and Quantity:</b>	NA
	<b>Location of the RWH tank(s):</b>	Shown on plan
	<b>Quantity of recharge pits:</b>	6 Nos.
	<b>Size of recharge pits :</b>	2 x 2 x 3
	<b>Budgetary allocation (Capital cost) :</b>	Rs. 4.50 Lacs
	<b>Budgetary allocation (O &amp; M cost) :</b>	Rs. 0.5 Lacs
	<b>Details of UGT tanks if any :</b>	Domestic UG tank capacity: 100 Cum Flushing UG tank Capacity: 30 cum Fire UG Tank Capacity: 100 Cum

<b>35.Storm water drainage</b>	<b>Natural water drainage pattern:</b>	As per contour
	<b>Quantity of storm water:</b>	8.94 Cum/min
	<b>Size of SWD:</b>	200 mm - 450 mm RCC MP2 Pipes

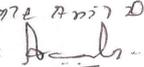
<b>36.Sewage and Waste water</b>	<b>Sewage generation in KLD:</b>	56.61 Cum
	<b>STP technology:</b>	Phytorid technology based STP
	<b>Capacity of STP (CMD):</b>	60 KLD- 1 No.
	<b>Location &amp; area of the STP:</b>	Shown on plan
	<b>Budgetary allocation (Capital cost):</b>	Rs. 45 Lacs
	<b>Budgetary allocation (O &amp; M cost):</b>	Rs. 1.50 Lacs



**K.S.Langote (Secretary SEAC-III)**

**SEAC Meeting No: 67 Meeting Date: August 19, 2018 ( SEIAA-STATEMENT-0000001126 )  
SEAC-MINUTES-0000000922**

**Page 4 of 13**

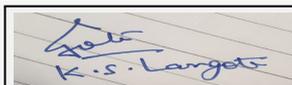
**Name:** K. S. Anil D.  
**Signature:**   
**Shri. Anil Kale (Chairman SEAC-III)**

### 37.Solid waste Management

<b>Waste generation in the Pre Construction and Construction phase:</b>	<b>Waste generation:</b>	Negligible
	<b>Disposal of the construction waste debris:</b>	Excess excavated soil to be dumped at sites mentioned by PMC through its licensed contractors
<b>Waste generation in the operation Phase:</b>	<b>Dry waste:</b>	135.05 Kg/day
	<b>Wet waste:</b>	103.25 Kg/day
	<b>Hazardous waste:</b>	Negligible
	<b>Biomedical waste (If applicable):</b>	NIL
	<b>STP Sludge (Dry sludge):</b>	Negligible
	<b>Others if any:</b>	NIL
<b>Mode of Disposal of waste:</b>	<b>Dry waste:</b>	Handed over to authorized agency
	<b>Wet waste:</b>	Composting
	<b>Hazardous waste:</b>	NA
	<b>Biomedical waste (If applicable):</b>	NA
	<b>STP Sludge (Dry sludge):</b>	to be disposed once in three years
	<b>Others if any:</b>	NA
<b>Area requirement:</b>	<b>Location(s):</b>	Shown on plan
	<b>Area for the storage of waste &amp; other material:</b>	30 Sqm
	<b>Area for machinery:</b>	-
<b>Budgetary allocation (Capital cost and O&amp;M cost):</b>	<b>Capital cost:</b>	Rs. 14 Lacs
	<b>O &amp; M cost:</b>	Rs. 4.75 Lacs

### 38.Effluent Charecterestics

Serial Number	Parameters	Unit	Inlet Effluent Charecterestics	Outlet Effluent Charecterestics	Effluent discharge standards (MPCB)
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Amount of effluent generation (CMD):		Not applicable			
Capacity of the ETP:		Not applicable			
Amount of treated effluent recycled :		Not applicable			
Amount of water send to the CETP:		Not applicable			
Membership of CETP (if require):		Not applicable			
Note on ETP technology to be used		Not applicable			
Disposal of the ETP sludge		Not applicable			

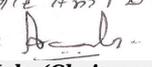


**K.S.Langote (Secretary SEAC-III)**

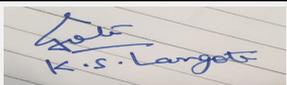
**SEAC Meeting No: 67 Meeting Date: August 19, 2018 ( SEIAA-STATEMENT-0000001126 )  
SEAC-MINUTES-0000000922**

**Page 5 of 13**

**Name:** K. S. Langote

**Signature:** 

**Shri. Anil Kale (Chairman SEAC-III)**

39.Hazardous Waste Details								
Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal	
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	
40.Stacks emission Details								
Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases		
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable		
41.Details of Fuel to be used								
Serial Number	Type of Fuel	Existing	Proposed	Total				
1	Not applicable	Not applicable	Not applicable	Not applicable				
42.Source of Fuel		Not applicable						
43.Mode of Transportation of fuel to site		Not applicable						
44.Green Belt Development								
		Total RG area :	844 Sqm					
		No of trees to be cut :	Nil					
		Number of trees to be planted :	106 Nos.					
		List of proposed native trees :	Listed below					
		Timeline for completion of plantation :	Before completion of the project					
45.Number and list of trees species to be planted in the ground								
Serial Number	Name of the plant	Common Name	Quantity	Characteristics & ecological importance				
1	Azadirachta indica	Neem	10	This tree with good canopy can tolerate high to very high temperature and has anti-desertification properties and is a good carbon dioxide sink.				
2	Mangifera indica	Mango	10	Large evergreen tree with a dense dome-shaped crown attracts and provides nesting for avi fauna.				
3	Terminalia paniculata	Kinjal	10	Tree with good canopy, attracting avifauna.				
4	Albizia lebbeck	Shrish	10	Medium sized deciduous tree. Beautiful yellow flowers				
5	Manilkara zapota	Chikku	10	Fruit trees attracting butterflies/ birds				
6	Dalbergia sissoo	Shisam	10	Medium sized tree. Good Shade giving canopy.				
7	Nyctanthes arbor-tristis	Parijatak	16	Small deciduous fast growing tree, beautiful flowers.c				
8	Citrus sp	Lemon	10	Butterfly host plant				
 <b>K.S.Langote (Secretary SEAC-III)</b>		<b>SEAC Meeting No: 67 Meeting Date: August 19, 2018 ( SEIAA-STATEMENT-0000001126 )</b> <b>SEAC-MINUTES-0000000922</b>			<b>Page 6 of 13</b>		<b>Name: K. Anil Kale</b> <b>Signature: [Signature]</b> <b>Shri. Anil Kale (Chairman SEAC-III)</b>	

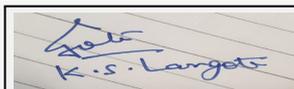
9	Michelia champaca	Chapha	10	Medium sized evergreen tree, fragrant yellow flowers, Butterfly host plant
10	Lagerstroemia flosreginae	Tamhan	10	State flower tree of Maharashtra Medium sized tree, beautiful purple flowers

46.Total quantity of plants on ground

**47.Number and list of shrubs and bushes species to be planted in the podium RG:**

Serial Number	Name	C/C Distance	Area m2
1	NA	NA	NA

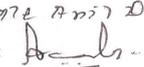
SEAC-MINUTES-0000000922



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SEAC-III)**

**SEAC Meeting No: 67 Meeting Date: August 19,  
2018 ( SEIAA-STATEMENT-000001126 )  
SEAC-MINUTES-0000000922**

**Page 7 of  
13**

**Name: K. Anil Kale**  
**Signature:** 

**Shri. Anil Kale (Chairman  
SEAC-III)**

## 48. Energy

<b>Power requirement:</b>	Source of power supply :	MSEDCL
	During Construction Phase: (Demand Load)	60 KW
	DG set as Power back-up during construction phase	30 KVA
	During Operation phase (Connected load):	-
	During Operation phase (Demand load):	992.60 KW
	Transformer:	630 KVA- 2 Nos & 315 KVA- 1 No.
	DG set as Power back-up during operation phase:	200 KVA- 1 No.
	Fuel used:	HSD
	Details of high tension line passing through the plot if any:	No

## 49. Energy saving by non-conventional method:

1. Solar Water Heater
2. Solar Street Lights

## 50. Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Solar water Heater & solar street Lights	45.42% saving

## 51. Details of pollution control Systems

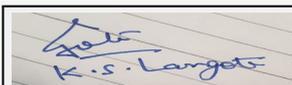
Source	Existing pollution control system	Proposed to be installed
Not applicable	Not applicable	Not applicable

<b>Budgetary allocation (Capital cost and O&amp;M cost):</b>	<b>Capital cost:</b>	Rs. 13.20 lacs
	<b>O &amp; M cost:</b>	Rs. 0.56 Lacs

## 52. Environmental Management plan Budgetary Allocation

### a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Site Sanitation	Health & Safety	Rs. 2.44 Lacs
2	Enviro Monitoring	Pollution Control	Rs. 3.16 Lacs
3	Disinfection	Health & safety	Rs. 1.20 Lacs
4	Health & check up of labour	Health & Safety	Rs. 2.90 Lacs

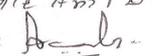


**K.S.Langote (Secretary SEAC-III)**

**SEAC Meeting No: 67 Meeting Date: August 19, 2018 ( SEIAA-STATEMENT-0000001126 ) SEAC-MINUTES-0000000922**

**Page 8 of 13**

**Name:** K. Anil Kale

**Signature:** 

**Shri. Anil Kale (Chairman SEAC-III)**

**b) Operation Phase (with Break-up):**

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	STP	Sewage treatment	Rs. 45.00 Lacs	Rs. 1.50 Lacs
2	RWH	Rainwater harvesting pits	Rs. 4.50 Lacs	Rs. 0.50 Lacs
3	Landscape	Tree Plantation	Rs. 8.50 Lacs	Rs. 2.00 Lacs
4	Solar Water Heater	Non conventional energy	Rs. 3.20 Lacs	Rs. 0.064 Lacs
5	Solar Street Lights	Non conventional Energy	Rs. 10 Lacs	Rs. 0.50 Lacs
6	Solid Wastes	Biodegradable waste Management	Rs.14.0 Lacs	Rs. 4.75 Lacs
7	Enviro Monitoring	Pollution Control	-	Rs. 3.16 Lacs
8	Basement Parking Storm water Pumping	-	Rs. 10.0 Lacs	Rs. 0.20 Lacs

**52. Storage of chemicals (inflammable/explosive/hazardous/toxic substances)**

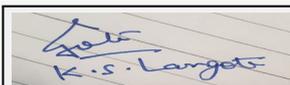
Description	Status	Location	Storage Capacity in MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month in MT	Source of Supply	Means of transportation
Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

**53. Any Other Information**

No Information Available

**54. Traffic Management**

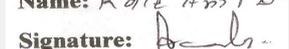
Nos. of the junction to the main road & design of confluence:	1 no.
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K.S.Langote (Secretary SEAC-III)

SEAC Meeting No: 67 Meeting Date: August 19, 2018 ( SEIAA-STATEMENT-0000001126 )  
SEAC-MINUTES-0000000922

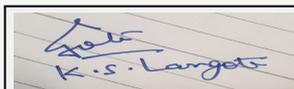
Page 9 of 13

Name: K. S. Langote  
Signature: 

Shri. Anil Kale (Chairman SEAC-III)

Parking details:	Number and area of basement:	1 No. of Basement
	Number and area of podia:	-
	Total Parking area:	16879.0 Sqm
	Area per car:	12.5 Sqm/Car
	Area per car:	12.5 Sqm/Car
	Number of 2-Wheelers as approved by competent authority:	408 Nos
	Number of 4-Wheelers as approved by competent authority:	188 Nos
	Public Transport:	Nil
	Width of all Internal roads (m):	9M wide internal Road

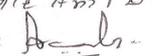
SEAC-MINUTES-0000000922



**K.S.Langote (Secretary  
SEAC-III)**

**SEAC Meeting No: 67 Meeting Date: August 19,  
2018 ( SEIAA-STATEMENT-0000001126 )  
SEAC-MINUTES-0000000922**

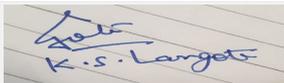
**Page 10  
of 13**

**Name: K. Anil Kale**  
**Signature:** 

**Shri. Anil Kale (Chairman  
SEAC-III)**

	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	B
	Court cases pending if any	Yes
	Other Relevant Informations	-
	Have you previously submitted Application online on MOEF Website	Yes
	Date of online submission	18-07-2017
<b>Brief information of the project by SEAC</b>		

SEAC-MINUTES-0000000922



**K.S.Langote (Secretary SEAC-III)**

**SEAC Meeting No: 67 Meeting Date: August 19, 2018 ( SEIAA-STATEMENT-0000001126 )**  
**SEAC-MINUTES-0000000922**

**Page 11**  
**of 13**

**Name: K. S. Langote**  
**Signature: [Handwritten Signature]**  
**Shri. Anil Kale (Chairman SEAC-III)**

**Environment Clearance for Building Construction Project at S.No. 34/1/4,39/1A+39/2/5/1,Wadgaon (Bk) Grand Horizon by Grenesiis Constro Pvt. Ltd.**

PP submitted their application for Prior Environmental clearance for total plot area of 10120.00 Sq. Mtrs, BUA of 27060.25 Sq. Mtrs and FSI area of 7144.60 Sq. Mtrs. PP proposes to construct 1 no. residential & commercial building.

**Brief history of Project**

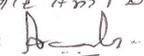
- Work has been initiated & completed the details of which are as under:
- First plan for amalgamation of plot and layout was sanctioned vide commencement certificate no. CC/2821/10 Dated 20/11/2010.
- The first NA Order was issued by Collector, Pune bearing no. PMH/NA/SR/68/2011 Dated 25/08/11 for 2549.10 sqm. Thereafter the second NA Order was issued bearing no. PMH/NA/SR/1136/2012 Dated 5/10/13 for the entire plot of 10120 sqm.
- The first revision was sanctioned vide commencement certificate no CC/2330/12 Dated 9/11/12
- The second revision was sanctioned vide commencement certificate no CC/3023/15 Dated 19/12/2015.
- The third revision was sanctioned vide commencement certificate no CC/3613/15 Dated 28/1/2016. The plan was sanctioned for FSI= 7144.60 sqm and Total BUA= 25335.25 sqm.
- Part completion received vide OCC/1476/15 Dated 2/2/16.
- The violation was declared in the 46th meeting of SEAC-III held on 25th April - 29th April 2016.
- Notice issued under section 5 of Environment (P) Act, 1986 w.r.t EIA Notification 2006, dated 20/6/2016
- Verification of violation received from MPCB vide letter dated 5/7/2016
- Inspection report from PMC dated 15/7/2016.
- Violation was declared vide order no SEIAA - 2015/III/CR-545/TC-3 Dated 02/08/2016.
- MPCB has filed the case in the court vide case no 3766/2016 Dated 01/09/2016.
- Application submission at MoEF & CC on dated 18/07/2017
- NGT Order 19.04.18 in favour of proponent.

The violation case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8 (a) B2.

  
K.S.Langote (Secretary  
SEAC-III)

**SEAC Meeting No: 67 Meeting Date: August 19,  
2018 ( SEIAA-STATEMENT-000001126 )  
SEAC-MINUTES-0000000922**

Page 12  
of 13

Name: K. Anil Kale  
Signature:   
Shri. Anil Kale (Chairman  
SEAC-III)

## DECISION OF SEAC

**SEAC decided to recommend the proposal for prior environmental Clearance, subject to PP complying with the following conditions.**

### Specific Conditions by SEAC:

- 1) PP to submit traffic impact study.
- 2) PP to submit details of CER activities in consultation with the affected people in the project area as per MoEF & CC circular dated 1/05/2018 if applicable.
- 3) PP to submit an indemnity bond for project land.
- 4) PP to plant native tree species and submit revise tree list.
- 5) PP to submit energy saving calculations.
- 6) Cost of Ecological Damage as Assessed by PP and discussed in the SEAC is Rs. 33.34 Crore. In general the damage caused in construction period is 5% of the total damage. Therefore committee decide to put Bank Guarantee of Rs, 1.55 Crore (5% of the total damage assessment value)
- 7) PP to submit Bank Guarantee of Rs, 1.55 Crore.
- 8) PP to submit compliance report for remediation and augmentation is planned for various aspects affecting environment. (Compliance of PART-C of Ecological damage assessment report.)

## FINAL RECOMMENDATION

SEAC-III have decided to recommend the proposal to SEIAA for Prior Environmental clearance subject to above conditions

SEAC-MINUTES-0000000922

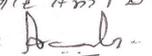


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SEAC-III)**

**SEAC Meeting No: 67 Meeting Date: August 19,  
2018 ( SEIAA-STATEMENT-000001126 )  
SEAC-MINUTES-0000000922**

**Page 13  
of 13**

**Name:** K. Anil Kale

**Signature:** 

**Shri. Anil Kale (Chairman  
SEAC-III)**

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**Agenda for 139th Meeting of SEIAA****SEIAA Meeting number: 139 Meeting Date September 28, 2018****Subject:** Environment Clearance for Building Construction Project**Is a Violation Case:** No

<b>1.Name of Project</b>	Grand Horizon by Grenesiis Constro Pvt. Ltd.
<b>2.Type of institution</b>	Private
<b>3.Name of Project Proponent</b>	Mr. Arinjay Korgaonkar
<b>4.Name of Consultant</b>	Mr. Rajesh Shrivastava, PECS (Pollution and Ecology Control Services)
<b>5.Type of project</b>	Housing project
<b>6.New project/expansion in existing project/modernization/diversification in existing project</b>	Not applicable
<b>7.If expansion/diversification, whether environmental clearance has been obtained for existing project</b>	Not applicable
<b>8.Location of the project</b>	S.No. 34/1/4,39/1A+39/2/5/1,
<b>9.Taluka</b>	Haveli
<b>10.Village</b>	Wadgaon (Bk)
<b>Correspondence Name:</b>	Mr. Arinjay Korgaonkar
<b>Room Number:</b>	A-501
<b>Floor:</b>	5th
<b>Building Name:</b>	Thacker's House
<b>Road/Street Name:</b>	East Street
<b>Locality:</b>	Camp
<b>City:</b>	Pune
<b>11.Whether in Corporation / Municipal / other area</b>	Pune Municipal Area
<b>12.IOD/IOA/Concession/Plan Approval Number</b>	Pune Municipal Corporation
	<b>IOD/IOA/Concession/Plan Approval Number:</b> CC/3613/15 dated 28/1/2016
	<b>Approved Built-up Area:</b> 7144.60
<b>13.Note on the initiated work (If applicable)</b>	Work has been initiated & completed the details of which are as under: First plan for amalgamation of plot and layout was sanctioned vide commencement certificate no. CC/2821/10 Dated 20/11/2010. The first NA Order was issued by Collector, Pune bearing no. PMH/NA/SR/68/2011 Dated 25/08/11 for 2549.10 sqm. Thereafter the second NA Order was issued bearing no PMH/NA/SR/1136/2012 Dated 5/10/13 for the entire plot of 10120 sqm. The first revision was sanctioned vide commencement certificate no CC/2330/12 Dated 9/11/12 The second revision was sanctioned vide commencement certificate no CC/3023/15 Dated 19/12/2015. The third revision was sanctioned vide commencement certificate no CC/3613/15 Dated 28/1/2016. The plan was sanctioned for FSI= 7144.60 sqm The plan was sanctioned and construction completed is FSI= 7144.60 sqm + Non FSI= 18190.65 sqm Total BUA= 25335.25 sqm. Part completion received vide OCC/1476/15 Dated 2/2/16. The violation was declared in the 46th meeting of SEAC-III hel
<b>14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)</b>	Not Applicable
<b>15.Total Plot Area (sq. m.)</b>	10120.00 Sqm
<b>16.Deductions</b>	1679.95 Sqm
<b>17.Net Plot area</b>	8420.05 Sqm
<b>18 (a).Proposed Built-up Area (FSI &amp; Non-FSI)</b>	<b>FSI area (sq. m.):</b> 7144.60
	<b>Non FSI area (sq. m.):</b> 19915.65
	<b>Total BUA area (sq. m.):</b> 27060.25
<b>18 (b).Approved Built up area as per DCR</b>	<b>Approved FSI area (sq. m.):</b>
	<b>Approved Non FSI area (sq. m.):</b>
	<b>Date of Approval:</b>
<b>19.Total ground coverage (m2)</b>	2761.78



**Shri. Anil Diggikar (Member Secretary SEIAA)**

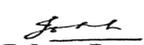
**SEIAA Meeting No: 139 Meeting Date:  
September 28, 2018 ( SEIAA-  
STATEMENT-0000001126 )  
SEIAA-MINUTES-0000000645**

**Page 1 of  
13**



**Shri. Johnny Joseph  
(Chairman SEIAA)**

20. Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)		32.80 %		
21. Estimated cost of the project		950000000		
<b>22. Number of buildings &amp; its configuration</b>				
Serial number	Building Name & number	Number of floors		Height of the building (Mtrs)
1	Residential & commercial Building	B+G+M+9		33.5
23. Number of tenants and shops		No. of tenants- 46 Nos No. of shops- 40 Shops & 5 Offices		
24. Number of expected residents / users		Residential User- 230 Commercial User- 530		
25. Tenant density per hectare		751 Nos/Hector		
26. Height of the building(s)				
27. Right of way (Width of the road from the nearest fire station to the proposed building(s))		36 M		
28. Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation		9 M		
29. Existing structure (s) if any		Building is completed as per sanction plan.		
30. Details of the demolition with disposal (If applicable)		No demolition shall be carried out as the construction structure is part of the proposed project.		
<b>31. Production Details</b>				
Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable
<b>32. Total Water Requirement</b>				

 <b>Shri. Anil Diggikar (Member Secretary SEIAA)</b>	<b>SEIAA Meeting No: 139 Meeting Date: September 28, 2018 ( SEIAA- STATEMENT-000001126 ) SEIAA-MINUTES-000000645</b>	<b>Page 2 of 13</b>	 <b>Shri. Johnny Joseph (Chairman SEIAA)</b>
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Dry season:	Source of water	PMC
	Fresh water (CMD):	37.98
	Recycled water - Flushing (CMD):	24.92
	Recycled water - Gardening (CMD):	3.60
	Swimming pool make up (Cum):	Nil
	Total Water Requirement (CMD) :	66.50
	Fire fighting - Underground water tank(CMD):	100 Cum
	Fire fighting - Overhead water tank(CMD):	-
	Excess treated water	28.09
Wet season:	Source of water	PMC
	Fresh water (CMD):	37.98
	Recycled water - Flushing (CMD):	24.92
	Recycled water - Gardening (CMD):	0.00
	Swimming pool make up (Cum):	Nil
	Total Water Requirement (CMD) :	62.90
	Fire fighting - Underground water tank(CMD):	100 Cum
	Fire fighting - Overhead water tank(CMD):	-
	Excess treated water	31.69
Details of Swimming pool (If any)	Not Proposed	

### 33.Details of Total water consumed

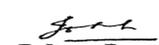
Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
34.Rain Water Harvesting (RWH)	Level of the Ground water table:		15M BGL						
	Size and no of RWH tank(s) and Quantity:		NA						
	Location of the RWH tank(s):		Shown on plan						
	Quantity of recharge pits:		6 Nos.						
	Size of recharge pits :		2 x 2 x 3						
	Budgetary allocation (Capital cost) :		Rs. 4.50 Lacs						
	Budgetary allocation (O & M cost) :		Rs. 0.5 Lacs						
	Details of UGT tanks if any :		Domestic UG tank capacity: 100 Cum Flushing UG tank Capacity: 30 cum Fire UG Tank Capacity: 100 Cum						
35.Storm water drainage	Natural water drainage pattern:		As per contour						
	Quantity of storm water:		8.94 Cum/min						
	Size of SWD:		200 mm - 450 mm RCC MP2 Pipes						
36.Sewage and Waste water	Sewage generation in KLD:		56.61 Cum						
	STP technology:		Phytorid technology based STP						
	Capacity of STP (CMD):		60 KLD- 1 No.						
	Location & area of the STP:		Shown on plan						
	Budgetary allocation (Capital cost):		Rs. 45 Lacs						
	Budgetary allocation (O & M cost):		Rs. 1.50 Lacs						

### 37. Solid waste Management

<b>Waste generation in the Pre Construction and Construction phase:</b>	<b>Waste generation:</b>	Negligible
	<b>Disposal of the construction waste debris:</b>	Excess excavated soil to be dumped at sites mentioned by PMC through its licensed contractors
<b>Waste generation in the operation Phase:</b>	<b>Dry waste:</b>	135.05 Kg/day
	<b>Wet waste:</b>	103.25 Kg/day
	<b>Hazardous waste:</b>	Negligible
	<b>Biomedical waste (If applicable):</b>	NIL
	<b>STP Sludge (Dry sludge):</b>	Negligible
	<b>Others if any:</b>	NIL
<b>Mode of Disposal of waste:</b>	<b>Dry waste:</b>	Handed over to authorized agency
	<b>Wet waste:</b>	Composting
	<b>Hazardous waste:</b>	NA
	<b>Biomedical waste (If applicable):</b>	NA
	<b>STP Sludge (Dry sludge):</b>	to be disposed once in three years
	<b>Others if any:</b>	NA
<b>Area requirement:</b>	<b>Location(s):</b>	Shown on plan
	<b>Area for the storage of waste &amp; other material:</b>	30 Sqm
	<b>Area for machinery:</b>	-
<b>Budgetary allocation (Capital cost and O&amp;M cost):</b>	<b>Capital cost:</b>	Rs. 14 Lacs
	<b>O &amp; M cost:</b>	Rs. 4.75 Lacs

### 38. Effluent Characteristics

Serial Number	Parameters	Unit	Inlet Effluent Characteristics	Outlet Effluent Characteristics	Effluent discharge standards (MPCB)
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Amount of effluent generation (CMD):		Not applicable			
Capacity of the ETP:		Not applicable			
Amount of treated effluent recycled :		Not applicable			
Amount of water send to the CETP:		Not applicable			
Membership of CETP (if require):		Not applicable			
Note on ETP technology to be used		Not applicable			
Disposal of the ETP sludge		Not applicable			

39.Hazardous Waste Details								
Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal	
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	
40.Stacks emission Details								
Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases		
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable		
41.Details of Fuel to be used								
Serial Number	Type of Fuel	Existing	Proposed	Total				
1	Not applicable	Not applicable	Not applicable	Not applicable				
42.Source of Fuel		Not applicable						
43.Mode of Transportation of fuel to site		Not applicable						
44.Green Belt Development								
		Total RG area :	844 Sqm					
		No of trees to be cut :	Nil					
		Number of trees to be planted :	106 Nos.					
		List of proposed native trees :	Listed below					
		Timeline for completion of plantation :	Before completion of the project					
45.Number and list of trees species to be planted in the ground								
Serial Number	Name of the plant	Common Name	Quantity	Characteristics & ecological importance				
1	Azadirachta indica	Neem	10	This tree with good canopy can tolerate high to very high temperature and has anti-desertification properties and is a good carbon dioxide sink.				
2	Mangifera indica	Mango	10	Large evergreen tree with a dense dome-shaped crown attracts and provides nesting for avi fauna.				
3	Terminalia paniculata	Kinjal	10	Tree with good canopy, attracting avifauna.				
4	Albizia lebbeck	Shrish	10	Medium sized deciduous tree. Beautiful yellow flowers				
5	Manilkara zapota	Chikku	10	Fruit trees attracting butterflies/ birds				
6	Dalbergia sissoo	Shisam	10	Medium sized tree. Good Shade giving canopy.				
7	Nyctanthes arbor-tristis	Parijatak	16	Small deciduous fast growing tree, beautiful flowers.c				
8	Citrus sp	Lemon	10	Butterfly host plant				
 <b>Shri. Anil Diggikar (Member Secretary SEIAA)</b>		<b>SEIAA Meeting No: 139 Meeting Date: September 28, 2018 ( SEIAA-STATEMENT-0000001126 ) SEIAA-MINUTES-0000000645</b>			<b>Page 6 of 13</b>		 <b>Shri. Johnny Joseph (Chairman SEIAA)</b>	

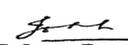
9	Michelia champaca	Chapha	10	Medium sized evergreen tree, fragrant yellow flowers, Butterfly host plant
10	Lagerstroemia flosreginae	Tamhan	10	State flower tree of Maharashtra Medium sized tree, beautiful purple flowers

**46.Total quantity of plants on ground**

**47.Number and list of shrubs and bushes species to be planted in the podium RG:**

Serial Number	Name	C/C Distance	Area m2
1	NA	NA	NA

SEIAA-MINUTES-0000000645

 <b>Shri. Anil Diggikar (Member Secretary SEIAA)</b>	<p><b>SEIAA Meeting No: 139 Meeting Date: September 28, 2018 ( SEIAA-STATEMENT-000001126 ) SEIAA-MINUTES-000000645</b></p>	<p><b>Page 7 of 13</b></p>	 <b>Shri. Johnny Joseph (Chairman SEIAA)</b>
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## 48. Energy

<b>Power requirement:</b>	<b>Source of power supply :</b>	MSEDCL
	<b>During Construction Phase: (Demand Load)</b>	60 KW
	<b>DG set as Power back-up during construction phase</b>	30 KVA
	<b>During Operation phase (Connected load):</b>	-
	<b>During Operation phase (Demand load):</b>	992.60 KW
	<b>Transformer:</b>	630 KVA- 2 Nos & 315 KVA- 1 No.
	<b>DG set as Power back-up during operation phase:</b>	200 KVA- 1 No.
	<b>Fuel used:</b>	HSD
	<b>Details of high tension line passing through the plot if any:</b>	No

## 49. Energy saving by non-conventional method:

1. Solar Water Heater
2. Solar Street Lights

## 50. Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	Solar water Heater & solar street Lights	45.42% saving

## 51. Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Not applicable	Not applicable	Not applicable

<b>Budgetary allocation (Capital cost and O&amp;M cost):</b>	<b>Capital cost:</b>	Rs. 13.20 lacs
	<b>O &amp; M cost:</b>	Rs. 0.56 Lacs

## 52. Environmental Management plan Budgetary Allocation

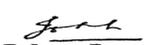
### a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Site Sanitation	Health & Safety	Rs. 2.44 Lacs
2	Enviro Monitoring	Pollution Control	Rs. 3.16 Lacs
3	Disinfection	Health & safety	Rs. 1.20 Lacs
4	Health & check up of labour	Health & Safety	Rs. 2.90 Lacs

  
**Shri. Anil Diggikar (Member Secretary SEIAA)**

**SEIAA Meeting No: 139 Meeting Date:  
September 28, 2018 ( SEIAA-  
STATEMENT-0000001126 )  
SEIAA-MINUTES-0000000645**

**Page 8 of  
13**

  
**Shri. Johnny Joseph  
(Chairman SEIAA)**

**b) Operation Phase (with Break-up):**

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	STP	Sewage treatment	Rs. 45.00 Lacs	Rs. 1.50 Lacs
2	RWH	Rainwater harvesting pits	Rs. 4.50 Lacs	Rs. 0.50 Lacs
3	Landscape	Tree Plantation	Rs. 8.50 Lacs	Rs. 2.00 Lacs
4	Solar Water Heater	Non conventional energy	Rs. 3.20 Lacs	Rs. 0.064 Lacs
5	Solar Street Lights	Non conventional Energy	Rs. 10 Lacs	Rs. 0.50 Lacs
6	Solid Wastes	Biodegradable waste Management	Rs.14.0 Lacs	Rs. 4.75 Lacs
7	Enviro Monitoring	Pollution Control	-	Rs. 3.16 Lacs
8	Basement Parking Storm water Pumping	-	Rs. 10.0 Lacs	Rs. 0.20 Lacs

**52. Storage of chemicals (inflammable/explosive/hazardous/toxic substances)**

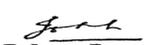
Description	Status	Location	Storage Capacity in MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month in MT	Source of Supply	Means of transportation
Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

**53. Any Other Information**

No Information Available

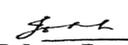
**54. Traffic Management**

Nos. of the junction to the main road & design of confluence:	1 no.
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 <b>Shri. Anil Diggikar (Member Secretary SEIAA)</b>	<b>SEIAA Meeting No: 139 Meeting Date: September 28, 2018 ( SEIAA-STATEMENT-0000001126 ) SEIAA-MINUTES-0000000645</b>	<b>Page 9 of 13</b>	 <b>Shri. Johnny Joseph (Chairman SEIAA)</b>
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<b>Parking details:</b>	<b>Number and area of basement:</b>	1 No. of Basement
	<b>Number and area of podia:</b>	-
	<b>Total Parking area:</b>	16879.0 Sqm
	<b>Area per car:</b>	12.5 Sqm/Car
	<b>Area per car:</b>	12.5 Sqm/Car
	<b>Number of 2-Wheelers as approved by competent authority:</b>	408 Nos
	<b>Number of 4-Wheelers as approved by competent authority:</b>	188 Nos
	<b>Public Transport:</b>	Nil
	<b>Width of all Internal roads (m):</b>	9M wide internal Road

SEIAA-MINUTES-0000000645

 <b>Shri. Anil Diggikar (Member Secretary SEIAA)</b>	<b>SEIAA Meeting No: 139 Meeting Date: September 28, 2018 ( SEIAA-STATEMENT-000001126 ) SEIAA-MINUTES-000000645</b>	<b>Page 10 of 13</b>	 <b>Shri. Johnny Joseph (Chairman SEIAA)</b>
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	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	B
	Court cases pending if any	Yes
	Other Relevant Informations	-
	Have you previously submitted Application online on MOEF Website	Yes
	Date of online submission	18-07-2017
<b>Brief information of the project by SEAC</b>		

SEIAA-MINUTES-0000000645

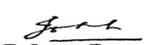
**Environment Clearance for Building Construction Project at S.No. 34/1/4,39/1A+39/2/5/1,Wadgaon (Bk) Grand Horizon by Grenesiis Constro Pvt. Ltd.**

PP submitted their application for Prior Environmental clearance for total plot area of 10120.00 Sq. Mtrs, BUA of 27060.25 Sq. Mtrs and FSI area of 7144.60 Sq. Mtrs. PP proposes to construct 1 no. residential & commercial building.

**Brief history of Project**

- Work has been initiated & completed the details of which are as under:
- First plan for amalgamation of plot and layout was sanctioned vide commencement certificate no. CC/2821/10 Dated 20/11/2010.
- The first NA Order was issued by Collector, Pune bearing no. PMH/NA/SR/68/2011 Dated 25/08/11 for 2549.10 sqm. Thereafter the second NA Order was issued bearing no. PMH/NA/SR/1136/2012 Dated 5/10/13 for the entire plot of 10120 sqm.
- The first revision was sanctioned vide commencement certificate no. CC/2330/12 Dated 9/11/12
- The second revision was sanctioned vide commencement certificate no. CC/3023/15 Dated 19/12/2015.
- The third revision was sanctioned vide commencement certificate no. CC/3613/15 Dated 28/1/2016. The plan was sanctioned for FSI= 7144.60 sqm and Total BUA= 25335.25 sqm.
- Part completion received vide OCC/1476/15 Dated 2/2/16.
- The violation was declared in the 46th meeting of SEAC-III held on 25th April - 29th April 2016.
- Notice issued under section 5 of Environment (P) Act, 1986 w.r.t EIA Notification 2006, dated 20/6/2016
- Verification of violation received from MPCB vide letter dated 5/7/2016
- Inspection report from PMC dated 15/7/2016.
- Violation was declared vide order no. SEIAA - 2015/III/CR-545/TC-3 Dated 02/08/2016.
- MPCB has filed the case in the court vide case no. 3766/2016 Dated 01/09/2016.
- Application submission at MoEF & CC on dated 18/07/2017
- NGT Order 19.04.18 in favour of proponent.

The violation case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8 (a) B2.

 <b>Shri. Anil Diggikar (Member Secretary SEIAA)</b>	<b>SEIAA Meeting No: 139 Meeting Date: September 28, 2018 ( SEIAA-STATEMENT-000001126 ) SEIAA-MINUTES-000000645</b>	<b>Page 12 of 13</b>	 <b>Shri. Johnny Joseph (Chairman SEIAA)</b>
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## DECISION OF SEAC

**SEAC decided to recommend the proposal for prior environmental Clearance, subject to PP complying with the following conditions.**

### Specific Conditions by SEAC:

- 1) PP to submit traffic impact study.
- 2) PP to submit details of CER activities in consultation with the affected people in the project area as per MoEF & CC circular dated 1/05/2018 if applicable.
- 3) PP to submit an indemnity bond for project land.
- 4) PP to plant native tree species and submit revise tree list.
- 5) PP to submit energy saving calculations.
- 6) Cost of Ecological Damage as Assessed by PP and discussed in the SEAC is Rs. 33.34 Crore. In general the damage caused in construction period is 5% of the total damage. Therefore committee decide to put Bank Guarantee of Rs, 1.55 Crore (5% of the total damage assessment value)
- 7) PP to submit Bank Guarantee of Rs, 1.55 Crore.
- 8) PP to submit compliance report for remediation and augmentation is planned for various aspects affecting environment. (Compliance of PART-C of Ecological damage assessment report.)

## SEIAA DECISION

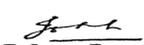
Authority has decided to defer the proposal till the violation issues & remediation are addressed.

### Specific Conditions by SEIAA:

## FINAL RECOMMENDATION

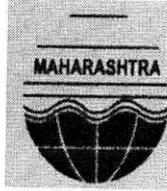
SEIAA have decided to defer the proposal. Please find SEIAA decision above.

SEIAA-MINUTES-0000000645

 <b>Shri. Anil Diggikar (Member Secretary SEIAA)</b>	<b>SEIAA Meeting No: 139 Meeting Date: September 28, 2018 (SEIAA-STATEMENT-0000000645) SEIAA-MINUTES-0000000645</b>	<b>Page 13 of 13</b>	 <b>Shri. Johnny Joseph (Chairman SEIAA)</b>
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**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: Format1.0/BO/JD (WPC)/UAN-03407/CE/CC- 2001002166  
Date 31/01/2020

To,  
M/s. Grenesis Contro Pvt Ltd,  
S.No.34/1/4, 39/1A, + 39/2/5/1, Wadgaon BK,  
Tal: Haveli, Dist: Pune.

**Sub: Consent to Establish for Construction of Housing Project granted under Red Category.**

**Ref:** 1. Your Application vide UAN No. -000003407 Dated: 23/04/2016  
2. Minutes of 8<sup>th</sup> Consent Committee meeting held on 26/11/2019.

For: Consent to Establish for Construction of Housing 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:

1. The consent is granted for a period up to commissioning of the project or of 5 years whichever is earlier.
2. The proposed capital investment of the project is Rs. 96.00 Cr.  
(As per undertaking submitted by project proponent)

The Consent to Establish is valid for construction of Housing Project named as **M/s. Grenesis Contro Pvt Ltd, S.No.34/1/4, 39/1A, + 39/2/5/1, Wadgaon BK, Tal: Haveli, Dist: Pune**, for total plot area of 10,120.00 Sqm and Proposed total construction built up area 27,060.25 Sqm as per EC dt. 09/08/2019 as per EC dt. 09.08.2019 including utilities and services and as per 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	176.05	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	200 KVA	1	As Per Schedule -II
2.	DG Set	200 KVA	1	As Per Schedule -II

5. Conditions under Solid Waste Management Rules, 2016:

Sr. no.	Type Of Waste	Quantity & UOM	Treatment	Disposal
1	Wet garbage	412.0 Kg/Day	Organics waste Converter with composting facility / Biogas digester with composting facility	Used as Manure
2	Dry garbage	295.45 Kg/Day	--	Segregate and Hand over to Local Body for recycling
3.	STP sludge	20.0	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 SEIAA, Environment Department, Government of Maharashtra, dt.19/08/2019 for total plot area **10,120.00 Sqm** and total construction BUA **27,060.25 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	1,25,000/-	UTIBH16112006434	21/04/2016	Axis Bank

Copy to:

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

Schedule-I**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 **225.00 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.

1.	pH	Between	6.5 to 9.0
2.	Total Suspended Solids	Not more than	20 mg/l.
3.	BOD 3 Days 27 degree C	Not more than	10 mg/l.
4.	Chemical oxygen Demand (COD)	Not to more than	50 mg/l.
5.	NH4 N	Not more than	5 mg/l.
6.	N Total	Not more than	10 mg/l.
7.	Fecal Coliform MPN/100 MI	Less than	100.0

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	199.86

- 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.

Schedule-IITerms & 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%	SO <sub>2</sub>
1.	DG Set (200 KVA)	Acoustic enclosure	3.00	HSD	20.00	Lit/Hr	--	--
2.	DG Set (200 KVA)	Acoustic enclosure	3.00	HSD	20.00	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 <sup>3</sup> .
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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	Up to Commissioning of the project



Maharashtra Pollution Control Board

**Schedule-IV****General 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.**

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION*

***WRIT PETITION NO.8402 OF 2017***

Sunil Gurunath Revankar & Ors. .. Petitioners  
Vs  
Pune Municipal Corporation & Ors. .. Respondents

...

Mr. Shriniwas Sudhir Patwardhan for the Petitioners.  
Mr. A. P. Kulkarni for the Respondent No.1.  
Mr. Rahul Shivaji Kadam for the Respondent No. 4.

***CORAM : A. S. OKA &  
SMT. VIBHA KANKANWADI, JJ.***

***DATE : 02/08/2017.***

***PC. :***

1] The learned counsel appearing for the Pune Municipal Corporation on instructions of Shri Khole Dhananjay, Junior Engineer states that there is an occupation certificate granted in respect of premises No. 301, 302 and 303 on the 3<sup>rd</sup> floor of the subject building on 2<sup>nd</sup> February 2016 and that the Petitioner is in possession of the said three premises. On instruction he further states that as the Petitioner was in possession of the said three premises in respect of which the occupation certificate was granted and as the Petitioner was not granted an opportunity of being heard before passing order dated 14<sup>th</sup> June 2017 of revocation of permission, the Municipal Corporation will withdraw the order dated 17<sup>th</sup> May 2017 and the notice dated 21<sup>st</sup> July 2017 Exh. 'O'. He states that on the date fixed for hearing, the Petitioner and all other concerned persons will be heard on the issue of revocation of development permission granted on 28<sup>th</sup> January 2016. He states that after giving an opportunity of being heard to the Petitioner and all other

concerned persons, appropriate order will be passed by the appropriate officer of the Pune Municipal Corporation. The learned counsel appearing for the 4<sup>th</sup> Respondent invited attention of the Court to various orders passed by National Green Tribunal, Western Zone Bench at Pune on application made by the 4<sup>th</sup> Respondent. His submission is that the revocation of permission has been made in exercise of the powers under Section 258 of the Maharashtra Municipal Corporations Act, 1949 on the ground of suppression of material facts and therefore, no interference is called for.

2] It is not in dispute that the Petitioner was in possession of premises No. 301, 302 and 303 in the subject building on 17<sup>th</sup> May 2017 when order of revocation of development permission was passed. It is also not in dispute that in respect of premises No. 301, 302 and 303, the Pune Municipal Corporation had granted occupation certificate on 2<sup>nd</sup> February 2016. Therefore, the rights of the Petitioner are affected by the impugned order of cancellation of development permission. Therefore, the learned counsel appearing for the Pune Municipal Corporation was right when he stated that hearing will be given to the Petitioner.

3] We have perused the orders passed by the National Green Tribunal. The orders obviously mean that Pune Municipal Corporation was expected to take action in terms of the said order by following due process of law.

4] It appears from the impugned order dated 17<sup>th</sup> May 2017 that action of cancellation of development permission has been taken under Section 258 of the Maharashtra Municipal Corporation Act, 1949. Therefore, by accepting the statement made by the learned counsel appearing for the Pune Municipal Corporation, we pass the following order:-

**ORDER**

- 1) The impugned order dated 17<sup>th</sup> May 2017 (Annexure 2 Exh. M) and the impugned notice dated 21<sup>st</sup> July 2017 (Exh. O) are hereby set aside only on the ground that opportunity of being heard was not granted to the Petitioner;
- 2) We direct the Petitioner to appear before the City Engineer of the Pune Municipal Corporation on 11<sup>th</sup> September 2017 at 11.00 am. The City Engineer shall issue notices to all other parties who are required to be heard calling upon them to remain present at the time of hearing. As the Petitioner is aware of the grounds on which Municipal Corporation proposes to cancel the Development Permission, it is not necessary to serve any show cause notice to the Petitioner. However, the Petitioner will be entitled to file written reply on the date fixed for the hearing;
- 3) After giving an opportunity of being heard to all the concerned parties, appropriate order shall be passed by the City Engineer on the basis of the notice date 5<sup>th</sup> October 2016 as expeditiously as possible and in any event, within a period of two months from 11<sup>th</sup> September 2017. All contention of the parties on merits are kept open;
- 4) The orders passed be communicated to the Petitioner and all the concerned parties;
- 5) If adverse action is to be taken against the Petitioner on

the basis of the order which may be passed by the City Engineer, the same shall be not be taken for a period of 15 days from the date on which a copy of the order is served to the Petitioner;

- 6) The petition is disposed of on the above terms. All concerned to act on an authenticated copy of this order.

(SMT. VIBHA KANKANWADI, J.)

(A. S. OKA, J.)

  
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*Amk*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 13203 OF 2017**

Sunil Gurunath Revankar & Ors. .. Petitioners  
Vs.  
Pune Municipal Corporation & Ors. .. Respondents

Mr. S. S. Patwardhan for the Petitioners.  
Mr. Vikram N. Walawalkar i/b S. M. Kharat for the Respondent No.4.  
Mr. V. N. Sagare, AGP for the Respondent-State.  
Mr. Saket Mane a/w. Mr. Vishesh Kalra, Mr. Subit Chakrabarti, Ms. Neha Joshi i/b Vidhi Partners for the Respondent No.2.

**CORAM : SMT. VASANTI. A. NAIK AND  
MR. RIYAZ I. CHAGLA, JJ.**  
**DATE : 4<sup>th</sup> DECEMBER, 2017.**

**P. C. :**

Heard.

Issue notice to the respondents returnable after four weeks. Learned counsel, Mr. Mane waives notice on behalf of the respondent No.2. Learned counsel, Mr. Walawalkar waives notice on behalf of the respondent No.4. The petitioners are permitted to serve the respondent Nos.1 to 3 by speed post in addition to the regular mode of service.

Since the petitioners have occupied the premises on 02.02.2016 in pursuance of the occupation certificate granted by the corporation and since by the order dated 09.10.2017 in Writ Petition No. 9683 of 2017 we had only directed that the third party interest should not be created and the building should not be occupied, we stay the impugned order and protect the possession of the petitioners in the property till the returnable date.

**[RIYAZ I. CHAGLA, J.]**

**[SMT. VASANTI A. NAIK J.]**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 13203 OF 2017

Sunil Gurunath Revankar And Ors. ....Petitioner

V/S

Pune Municipal Corporation Through Its ....Respondent  
Commissioner And Ors.

**CORAM : A.S. OKA &  
P.N. DESHMUKH, JJ**

**DATE : 2nd February, 2018**

**P.C. :**

Due to paucity of time the matter is adjourned to 08/02/2018. Ad-interim relief if any to continue till then.

**( FOR REGISTRAR JUDICIAL - I )**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 13203 OF 2017

Sunil Gurunath Revankar And Ors. ....Petitioner  
V/S  
Pune Municipal Corporation Through Its ....Respondent  
Commissioner And Ors.

**CORAM : S.C. DHARMADHIKARI &  
B.P. COLABAWALLA, JJ**

**DATE : 12th March, 2019**

**P.C. :**

Due to paucity of time the matter is adjourned for admission. Ad-interim relief if any to continue till then. Stand over to 25.03.2019.

**( FOR REGISTRAR JUDICIAL - I )**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CIVIL JURISDICTION**

CONT. PETITION NO. 233 OF 2016

Mr. Vishal Arinjay Shah .....Petitioner  
V/S

Mr. Kunal Kumar, The Commissioner And Ors .....Respondent

WITH  
WRIT PETITION NO. 13203 OF 2017

Sunil Gurunath Revankar And Ors. ....Petitioner  
V/S

Pune Municipal Corporation Through Its .....Respondent  
Commissioner And Ors.

**CORAM : THE ACTING CHIEF &  
N. R. BORKAR, JJ**

**DATE : 16th March, 2020**

**P.C. :**

Due to paucity of time the matter is adjourned to 15/04/2020 .  
In case any ad-interim/interim relief is operating till today, the  
said order will continue to operate till the next date. If  
ad-interim/interim relief is not granted for a limited period, the  
said order will remain unaffected.

**( FOR REGISTRAR JUDICIAL - I )**

  
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**ANNEXURE R-8**

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बांधकाम विकास विभाग झोन क्र.२

स्वा. सावरकर उद्योग भवन,

पुणे महानगरपालिका.

जावक क्र. :- झोन २/६५००

दिनांक :- १/१२/२०२०

१) मे. ग्रेनेसिस कन्स्ट्रो प्रा.लि.,

श्री.अरिंजय कोरगावकर,

अ/५०१ ठक्कर हाऊस,

ईस्ट स्ट्रीट, कॅम्प, पुणे

२) ला.इंजि. श्री. दिनेश चंद्रात्रे

पिनाक हाऊस १, स.नं. ७/३+४ कोथरूड,

पुणे ४११०३८.

विषय :- पुणे पेट वडगाव बु स.नं. ३४/१/४+३९/१अ+३९/२/५/१ या मिळकतीवरील इमारतीचे रद्द करण्यात आलेले बांधकाम नकाशे पुर्नजिवित करणे व जागेवर काम थांबवा दिलेले आदेश मागे घेणेबाबत.

संदर्भ :- १) या विभागाकडील पत्र जा.क्र. झोन क्र. २ /६६०७ दि.५/३/२०१६ व जा.क्र. झोन क्र. २/०७२३ दि.१७/५/२०१७.

२) पर्यावरण विभागाकडील नाहरकत पत्र जा.क्र. एसईआयअे -ईसी -००००००१९५२ दि.१/८/२०१९.

३) विकसक व ला. इंजि. यांनी काम थांबवा आदेश मागे घेणेबाबत या विभागाकडील दाखल केलेले पत्र आ.क्र. ४०७५ दि.१४/८/२०१९.

४) शहर अभियंता यांनी नकाशे पुर्नजिवित करणे व काम थांबवा आदेश मागे घेणेस दिलेली मान्यता दि. २९/१/२०२०.

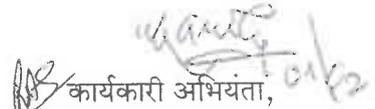
वरील विषयांकित मिळकतीवरील बांधकाम नकाशे संमतीपत्र क्र. सीसी/३६१३/१५ दि.२५/१/२०१६ अन्वये करण्यात आलेले आहेत. सदर मिळकतीवरील एकूण बांधकाम क्षेत्र २००००.०० चौ.मी. पेक्षा जास्त असल्याने पर्यावरण विभागाचे नाहरकत पत्र घेणे आवश्यक होते. पर्यावरण विभागाचे नाहरकत पत्र घेतलेले नसल्यामुळे मे. हरित लवाद यांनी जागेवरील काम थांबवण्याचे आदेश दिलेले होते. त्यानुसार या विभागाकडून संदर्भ क्र. १ चे पत्रान्वये जागेवरील काम थांबवण्यास व संमतीपत्र क्र. सीसी/३६१३/१५ दि.२८/१/२०१६ चे नकाशे रद्द करणे बाबत कळविले होते.

आपण संदर्भ क्र. ३ अन्वये आमचे विभागाकडे सदर मिळकतीवरील काम थांबवा आदेश मागे घेऊन जागेवरील काम सुरू करणेसाठी पत्र मिळणेबाबत विनंती अर्ज दाखल केलेला आहे. व संदर्भ क्र. २ अन्वये आपण पर्यावरण विभागाचे नाहरकत पत्र प्रकरणी दाखल केलेले आहे. त्यानुसार शहर अभियंता यांचेकडे जागेवरील काम थांबवा दिलेले आदेश मागे घेणेस व संमती पत्र क्र. सीसी/३६१३/१५ दि.२८/१/२०१६ चे रद्द केलेले बांधकाम नकाशे पुर्नजिवित करणेस मान्यता

मिळणेकरीता निवेदन सादर केलेले होते. तद्अनुषंगाने मा. शहर अभियंता यांनी संदर्भ क्र. ५ अन्वये संमती पत्र क्र. सीसी/३६१३/१५ दि. २८/१/२०१६ चे नकाशे पुर्नजिवित करणेस व काम थांबवा आदेश मागे घेणेस दि. २९/१/२०२० रोजी मान्यता दिलेली आहे.

तद्अनुषंगाने आपणास कळविणेत येत आहे की, संदर्भ क्र. १ अन्वये देण्यात आलेले काम थांबवा आदेश मागे घेण्यात येत आहेत व संमती क्र. सीसी/३६१३/१५ दि. २८/१/२०१६ चे रद्द केलेले बांधकाम नकाशे पुर्नजिवित करण्यात येत आहेत.

कळावे.

  
कार्यकारी अभियंता,  
बांधकाम विकास विभाग झोन क्र. २,  
पुणे महानगरपालिका.  


**TRANSLATED COPY OF ANNEXURE R-8****Construction Development Department Zone no.2**

Late Sawarkar Industry Bhavan,

Pune Municipal Corporation

Outward no.-Zone 2/6590

Date-01/02/2020

- 1) M/s Grenesis Constro Pvt. Ltd.  
Shri. Arinjay Korgaonkar, A/501, Thakkar House,  
East Street, Camp, Pune.
- 2) La. Eng. Shri. Dinesh Chandratre,  
Pinak House 2, Survey no.7/3+4 Kothrud,  
Pune 411038

Subject: Regarding reviving cancelled construction maps of building on Pune Peth Wadgaon-Budruk Survey no.34/1/4+39/1A+39/2/5/1 this property and taking back order given to stop work on site.

Reference: 1. This Department's letter Outward no. Zone No.2/6607 dated 5/3/2016 and Outward no. Zone no.2/0723 dated 17/5/2017

2. No objection letter Outward no. SEIAA-EC-0000001952 DATED 9/8/2019 of Environment Department.

3. Letter Inward no.4075 dated 14/8/2019 filed in this office regarding taking back stop work order by the Developer and La Eng.

4. Approval dated 29/1/2020 given by City Engineer to revive maps and to take back stop work order.

On the above subject property, construction maps have been made as per Consent letter no.CC/3613/15 dated 25/1/2016. No objection letter of Environment Department was necessary to be taken as total construction area on said property was more than 20000.00 Sq.m. Hon'ble Green Tribunal had given order to stop work on the site as No objection letter of the Environment Department was not taken. According to that, it was informed from this Department by Reference no.1

regarding stopping of on site work and cancelling maps of Consent letter no.CC/3613/15 dated 25/1/2016.

You have filed the request application as per Reference no.3 to our Department regarding getting of a letter to start work on site by taking back the stop work order on the said property. And you have filed No objection letter of Environment Department as per Reference no.2 in the matter. According to that, representation was submitted to the City Engineer for taking back the stop work order on site and getting approval to revive the cancelled construction map of Consent letter no.CC/3613/15 dated 25/1/2016. According to that, Hon'ble City Engineer has given approval on 29/1/2020 as per Reference no.4 to revive maps of the Consent letter no.CC/3613/15 dated 25/1/2016 and to take back the stop work order.

Accordingly, it is informed to you that order given as per Reference no.1 to stop work order is being taken back and the cancelled construction maps of Consent letter no.CC/3613/15 dated 25/1/2016 are being revived.

Regards.

Executive Engineer,  
Construction Development Department,  
Zone no.2,  
Pune Municipal Corporation

  
-TRUE COPY-

जिल्हा अधीक्षक भूमि अभिलेख संलग्न  
उपसंचालक भूमि अभिलेख, पुणे प्रदेश, पुणे यांचे कार्यालय

नविन प्रशासकीय इमारत, पहिला मजला, विधानभवनसमोर, पुणे - ०१ (०२०) २६०५००२९ E-mail - dtdrddipune@gmail.com

अपील निर्णय

क्र.न.भू./अपील क्र. ९४/२०१७ / ६८०९

पुणे, दिनांक १३/११/२०१९

13 NOV 2019

१. श्री. अरिजय हिराचंद शहा

रा.मनोरमा ३९/२, माणिकवाग, सिंहगड रोड, पुणे ४११०५१

अपीलार्थी

विरुद्ध

१. मा. उप अधीक्षक भूमि अभिलेख, हवेली

२. सौ. स्मिता प्रदीप शहा

रा. १८, रघुपती, श्री रघुराज को. ऑप. हौ. सोसा.

जुना विठ्ठलवाडी नाका, सिंहगड रोड, पुणे

जाबदार



विषय :- मांज- वडगाव बुद्रुक, तालुका- हवेली, जिल्हा- पुणे येथील स.नं. ३९/१अ + ३९/२/५/१ व ३४/१/४ चे अ.ता.मो.र.क्र. ९५५५/११ व ६२६/११ चे बाबत उप अधीक्षक भूमि अभिलेख हवेली यांनी दि. ३०/५/२०१७ रोजी दिलेल्या निर्णयाविरुद्ध अपील अर्ज.

संदर्भ:- १) अपीलार्थी श्री .अरिजय हिराचंद शहा यांचा अपील अर्ज दि. १/७/२०१७  
२) मा. उपसंचालक भूमि अभिलेख पुणे प्रदेश, पुणे यांचेकडील आदेश न.भू.२/अपील वर्ग/पुणे जिल्हा/२०१८ दिनांक १३/३/२०१८

प्राथमिक:-

वरील विषयांकीतबाबत संदर्भीय नुसार अपील अर्ज प्राप्त झाले आहे. अपीलार्थी यांनी अपील अर्जासोबत अनुषंगिक कागदपत्रे सादर केलेली आहेत. अपीलार्थी यांचा अपील अर्ज मुदतीत आहे. प्रकरणी अपीलार्थी व उत्तरार्थी यांना सुनावणीचे नोटीस काढण्यात आले व सुनावणी ठेवण्यात आली.

सुनावणीच्या तारखा:- २५/९/२०१८, १६/१०/२०१८, २०/११/२०१८, ११/१२/२०१८, २२/१/२०१९, २६/२/२०१९, २६/३/२०१९, १६/४/२०१९, ११/६/२०१९, २५/६/२०१९, २४/७/२०१९, १९/८/२०१९, २७/८/२०१९, २५/९/२०१९, १७/१०/२०१९.

अपीलार्थी यांचा युक्तिवाद :- अपीलार्थी यांनी अपील अर्जात नमूद केलेले मुद्दे खालील प्रमाणे आहेत.

तुकडी पुणे, पोट तुकडी तालुका हवेली जिल्हा पुणे महानगरपालिका यांचे हद्दीतील गाव मौजे वडगाव बुद्रुक येथील सर्वे नंबर ३९/१अ + ३९/२/५/१ व ३४/१/४ या मिळकतीच्या अतीतात्काळ मो.र.क्र. ९५५५/११ व ६२६/११ चे मोजणी बाबत उत्तरार्थी क्र. १ यांनी दि. ३०/५/२०१७ रोजी तक्रार अर्जाबाबत दिलेल्या निकाली आदेशाविरुद्ध अपीलार्थी सदर अपील अर्ज दाखल करित आहेत. उत्तरार्थी क्र. १ यांनी आदेशाचे परिच्छेद क्र. १ मध्ये नमूद अतीतात्काळ मो.र.क्र. १७५६३/१६ बाबत यांनी कोणतीही हरकत घेतलेली नाही किंवा आजपर्यंत कोणतीही नोटीस आलेली नाही परंतु अतीतात्काळ मो.र.क्र. १६७४४/१६ चे मोजणीस हरकत घेतली आहे परंतु सदर हरकती व तक्रार अर्जाची सुनावणी न घेता निकाली काढण्यात आलेला आहे.

विषयांकीत नमूद वाद मिळकतीचे अपीलार्थी व जाबदार क्र. २ हे लागत कब्जेदार आहेत आणि अ.ता.मो.र.क्र. ९५५५/११ व अ.ता. विनशंती मो.र.क्र. ६२६/११ अन्वये मोजणी होऊन क प्रत देण्यात आली. झालेल्या मोजणी मध्ये अपीलार्थी हे लागत कब्जेदार असतानादेखील अपीलार्थी यांना नोटीस दिलेले नाही. तसेच अ.ता.मो.र.क्र. ९५५५/११ व अ.ता.वि.शे.मो.र.क्र. ६२६/११ अन्वये केलेल्या मोजणी हे प्रत्यक्ष जागेवर जाऊन केलेले नाही अ.ता.मो.र.क्र. ९५५५/११ अन्वये

केलेल्या मोजणीची नक्कल अर्ज क्र. ८१३ दि. ५/९/२०१२ अन्वये नक्कल दिलेली तारीख २४/९/२०१२ ही नक्कल व पुणे मनपा यांचेकडे दाखल केलेली मोजणी नकाशा व जागेवरची परिस्थिती यामध्ये विसंगती व त्रुटी आहेत. यावरून जाबदार क्र. १ यांनी फाईफाईने तक्रारी अर्ज निकाली काढल्याचे दिसत आहे. तसेच अ.ता.मो.र.क्र.९५५५/११ संपूर्ण प्रकरणाची माहिती अधिकार अन्वये माहिती मागविली असतात अ.ता.मो.र.क्र.९५५५/११ हे प्रकरण आढळ होत नसल्याचे कळविण्यात आले तसेच मोजणी नकाशा उपलब्ध असून तो विहित फी भरून नक्कल प्राप्त करून घेणेबाबत अपीलार्थी यांना कळविले. क्वानुसार दि.७/९/२०१६ रोजी अपीलार्थी यांनी मोजणी नकाशाची प्रत घेतली परंतु सदर अ.ता.मो.र.क्र.९५५५/११ प्राप्त झालेली मोजणी नकाशाची प्रत व पुणे मनपा यांचेकडील मोजणी नकाशा यात विसंगती व त्रुटी आढळून येत आहेत. तरीही अपीलार्थी यांना तक्रारी अर्ज मान्य केलेला आहे. अपीलार्थी नमूद करतात की जाबदार क्र.२ हे त्यांचे जबाबदार अपीलार्थी हे सख्खे भाऊ असून त्यांचा अ.ता.मो.र.क्र.९५५५/११ च्या मोजणीशी काहीही संबंध नाही. तसेच अ.ता.बि.शे.मो.र.क्र.६२६/११ ही मो.र.क्र.७२७ची पुष्टी आहे व त्यामोजणीमध्ये स्थाननिश्चिती झालेली आहे परंतु नियमांमध्ये पुष्टी देणारी मोजणी अशी कोणतेही तरतुद नाही. तसेच मा.सिव्हील जज्ज ज्यूनीयर डिव्हीलन यांचे न्यायालयात कोर्ट कमिशन म्हणून नेमणूक करून मो.र. क्र. ११८/१० अन्वये मोजणी केलेली आहे. परंतु सदर मोजणीवर कोर्टनेकोणताही आदेश केलेला नाही असे असतानाही अ.ता.मो.र.क्र.९५५५/११ व अ.ता.बि.शे.मो.र.क्र.६२६/११ मध्ये विसंगती नाही असे जाबदार क्र.१ यांनी नमूद केले. तसेच मो.र. क्र. ११८/१० च्या मोजणीची कोणतीही खातरजमा केलेली नाही.

तसेच जाबदार क्र.१ यांनी मूळ अ प्रत व जाबदार क्र.२ यांचेकडील मुळ क प्रत या एकमेकांशी जुळतात. तसेच अ.ता.मो.र.क्र.९५५५/११ ची मोजणी दि.८/१२/२०११ रोजी असलेली अर्ज क्र. ८१३ दि. २४/९/२०१२ अन्वये देण्यात आलेली नक्कल बरोबर आहे तर दुसरा वाक्यात अ.ता.मो.र.क्र.९५५५/११ दि.२४/९/२०११ रोजी असलेली अर्ज क्र. ८१३ दि.२४/९/२०१२ अन्वये देण्यात आलेली नक्कल प्रत सदोष असलेने ग्राह्य धरणे उचित नाही असे नमूद केले आहे.तसेच दिनांक २४/९/२०१२ रोजीचा नकाशा प्रत रद्द करण्यात यावे असे आदेश दिलेले आहेत. तसेच मोजणे कामी जमा असलेल्या कागदपत्रांचा उल्लेख कुठेही करण्यात आलेला नाही तरी प्रकरणी अपीलार्थी यांचा अपील मान्य करण्यात यावे. अ.ता.मो.र.क्र.९५५५/११ व अ.ता.बि.शे.मो.र.क्र.६२६/११ केलेली मोजणी व नकाशा रद्द करण्यात यावा असे त्यांनी नमूद केले आहे.तसेच अपीलार्थी यांनी सुनावणीच्यावेळी युक्तिवाद केला की उत्तरार्थी क्र.१ यांचे दि.३०/५/२०१७ चे आदेशाविरुद्ध अपील असून अ.ता.मो.र.क्र.९५५५/११ बाबत हरकत आहे. मोजणी झाले किंवा कसे हे स्पष्ट होत नाही तसेच नोटीस न देता मोजणी झाली. अपीलार्थी हे लगत कब्जेदार आहेत. नक्कल अर्ज क्रमांक ८१३ नकाशा पाहणे. एकाच मोजणीच्या आधारे ३ नकाशा देणेत आले व त्यांना क प्रत म्हटले आहे व इन्स्पेक्शन वेळी प्रकरण गहाळ असल्याचे सांगितले.

उत्तरार्थी यांचा युक्तिवाद :- उत्तरार्थी क्र.२ यांनी सादर केलेल्या लेखी युक्तिवाद यामधील मुद्दे खालील प्रमाणे आहेत.

अपीलामधील मिळकतीचे वर्णन अयोग्य आहे. अपीलार्थी यांनी संपूर्ण मिळकत प्रस्तुत अपिलाचा हिस्सा केला आहे. अपीलार्थी यांनी मोघमपणे अपीलीय मिळकतीचे चतुःसिमा विषयी वर्णन न करता केले आहे. अपीलीय मिळकतीचे मालकी हक्क मा. उच्च न्यायालय मुंबई यांचे आदेशानुसार ठरलेले आहेत. फेरफार क्र. ८५०० पाहणे. तसेच आपलीय मिळकतीमधील अपीलार्थी व जाबदार क्र.२ यांचेमधील ताबे हक्क मा. दिवाणी न्यायालय वरिष्ठ स्तर पुणे यांचे समोर असलेल्या दिवाणी दावा क्र. २०५०/२००८ मध्ये मो.र.क्र.११८/१० च्या कोर्ट कमिशन मोजणीने अंतिम झाले आहेत.अपीलार्थी यांनी अद्यापही सदर मोजणा कोणत्याही न्यायालयासमोर आव्हानीत केलेली नाही.त्यामुळे नमूद विषयांकीत मोजणीवर हरकत घेण्याचा कोणताही अधिकार अपीलार्थी यांना नाही. मो.र.क्र.१७५६३/१६ व मो.र.क्र.१६७७४/१६ यावर घेतलेली हरकत यांचा प्रस्तुत अपीलामध्ये आव्हानीत निकालाशी कोणत्याही प्रकारचा संबंध नाही. असल्यास तसा कोणताही उल्लेख अपीलार्थी यांनी केलेला नाही. सदरबाब अपीलामध्ये मांगम नमूद आहे. त्याबाबत कोणताही आदेश किंवा कागदपत्रे जोडलेली नाही. अपीलार्थी यांचे म्हणण्यानुसार अ.ता.मो.र.क्र.९५५५/११ व अ.ता.बि.शे.मो.र.क्र.६२६/११ मोजणी अर्जांमध्ये अपीलार्थी लगत कब्जेदार

असताना देखील त्यांना मोजणी नोटीस दिली नाही. तथापि अपीलार्थी हे लगत कब्जेदार असल्याचे शकित करणे आवश्यक आहे. तसेच अ.ता.मो.र.क्र.१५५५/११ दिनांक २४/९/२०१२ रोजी दिलेला नक्कल यामध्ये तफावत असल्याचे नमूद केले आहे. परंतु सदरबाब मान्य करता येणार नाही.

तसेच सदर बाबत जाबदार क्र.१ यांनी आदेश पारित केलेला आहे व तो कायदेशीर असल्याचे जाहीर होणे जरूरीचे आहे. पूर्ण अपीलीय मिळकतीपैकी २ हे ६.१५ एवढी मिळकत जाबदार क्र. २ यांचे मालकी हक्क वट्टिद्वारे आहे. तसेच अपीलार्थी यांचे वायव्य दिशेस ९०५ चौ. मी.एवढी मिळकत आहे. सदर मिळकत जाबदार क्र. २ यांना त्यांचे वडीलांचे दि.१४/५/२००१ रोजीच्या नोंदणीकृत इच्छापत्रानुसार मालकी हक्काने मिळालेले आहे. तसेच मा. उच्च न्यायालय मुंबई यांनी देखील त्यांचे दि. २०/३/२०१४ च्या आदेशामध्ये सुद्धा सदर मालकी हक्क मान्य केलेले आहे. व सदरबाब अपीलार्थी यांनी लपविली आहे. मो.र.क्र.११८/१० ची मोजणी मा. दिवाणी न्यायालय वरिष्ठ स्तर पुणे यांचेकडील दिवाणी दावा क्र.२०५०/०८च्या आदेशानुसार झालेली आहे व अपीलार्थी यांच्या सर्व हरकती मा. दिवाणी न्यायालय वरिष्ठ स्तर पुणे यांनी फेटाळले आहे. तसेच अ.ता.मो.र.क्र.१५५५/११ व अ.ता.बि.शे.मो.र.क्र.६२६/११ तसेच मो.र.क्र.११८/१० मध्ये कोणत्याही प्रकारची विसंगती नाहीत. तसेच अ.ता.बि.शे.मो.र.क्र.६२६/११ ही मोजणी बिनशेती आदेशानुसार करण्यात आली आहे. व मो.र.क्र.७२७ ची सिमाकन योजना एकसारखी असून त्यास यापूर्वीच अपीलार्थी व सुरेखा शहा यांनी संमती दिली आहे. सबब अपीलार्थी यांनी हरकत घेण्याचा कोणताही अधिकार नाही.

तसेच उप अधीक्षक भूमी अभिलेख हवेली या कार्यालयाकडून अपीलार्थी यांना अ.ता.मो.र.क्र.८०२४/११ चा दि. १३/७/२०११ रोजीचे मोजणी कामी सूचना दि. ५/७/२०११ रोजीच्या पत्राने दिली होती. तसेच त्यास अपीलार्थी व सुरेखा शहा यांनी हरकत घेतली होती. सबब जागेवर वाद होऊ नये म्हणून संबंधित मोजणी अधिकारी यांनी सदर मोजणी प्रकरण प्रक्रिया रद्द केली. तसेच जाबदार क्र.२ यांनी मा. दिवाणी न्यायाधीश वरिष्ठ स्तर पुणे यांचे समोर असलेल्या दिवाणी दावा क्र. २०५०/०८ मध्ये झालेल्या आदेशाची कल्पना संबंधित अधिकाऱ्यांना दिली असता त्यांनी सदर मोजणी दि.८/१२/२०११ रोजी रिशेड्युल केली. तसेच त्यांची सूचना अपीलार्थी यांना अ.ता.मो.र.क्र.१५५५/११ दि. १/१२/२०११ रोजीचे नोटीस दिली. तसेच त्यास अपीलार्थी व सुरेखा शहा यांनी मा. दिवाणी न्यायाधीश वरिष्ठ स्तर पुणे यांचे समोर असलेल्या दिवाणी दावा क्र. २०५०/०८ मध्ये हरकत घेतली होती. सदर हरकत मा. दिवाणी न्यायालय वरिष्ठ स्तर पुणे यांनी निशाणी ३७ दि. ७/१२/२०११ रोजीचे आदेशाने फेटाळून लावले. तसेच जाबदार क्र.२ यांचे मोजणीस परवानगी दिली.सबब अ.ता.मो.र.क्र.१५५५/११ नुसार मोजणी होणार असल्याची पूर्ण माहिती अपीलार्थी यांना होती. सदर मोजणी ही ठरलेल्या वेळेनुसार झाली. तसेच नियमानुसार क प्रत तयार करण्यात आली. सबब आज रोजी अपीलार्थी यांना त्याचा आव्हानीत करण्याचे कोणतेही कारण नाही. तसेच आजरोजी घेतलेल्या हरकती यांनी अ.ता.मो.र.क्र.१५५५/११ नुसार क प्रत तयार होण्यापूर्वी का घेतला नाही याचे कोणतेही कारण अपीलार्थी यांनी दिलेले नाही.सबब अपीलार्थी यांना अ.ता.मो.र.क्र.१५५५/११ व अ.ता.बि.शे.मो.र.क्र.६२६/११ चे क प्रतिविषयी कोणतीही हरकत घेता येणार नाही.

तसेच संपूर्ण अपीलीय मिळकतींच क्षेत्र हे १०१०० चौ.मी आहे. सदर संपूर्ण मिळकत दोन विभागात विभाजित केले झालेले आहे. पैकी ३००० चौरस मीटर सिंगड मार्गाचे बाजूस ज्याच्या चतुःसीमा मो.र.क्र.७२७ /०४ आणि ६२६/११ दि. ६/९/२०११ नुसार अंतिम झाले आहेत. तसेच उर्वरित ७१०० चौरस मीटर क्षेत्र सदर ३००० चौरस मीटर क्षेत्राच्या पूर्वेस आहे. या क्षेत्राच्या चतुःसिमा खालील प्रमाणे आहे.

पूर्वेस :- जाबदार क्र. २ यांचा उर्वरित मिळकत

पश्चिमेस :- जाबदार क्र. २ यांची मिळकत

दक्षिणेस :- भौत, चैतन्य व इतर सहकारी गृहवचना संस्था यांची मिळकत

उत्तरेस :- डीपी मार्ग

सबब ही बाब स्पष्ट होते की, आन्वहानीत केलेल्या मोजणीच्या मिळकतीच्या शेजारच्या मिळकतीचे मालक अपीलार्थी व सुरेखा शहा हे नाहीत. म्हणजेच जाबदार क्र.१ यांनी अपीलार्थी यांना कोणतीही सूचना व नोटीस देण्याची गरज नव्हती. तसेच अपीलार्थी यांना प्रस्तुत अपील करण्याचा कोणताही हक्क व अधिकार नाही. सबब प्रस्तुत अपील रद्द होण्यास पात्र आहे. तसेच उत्तरार्थी क्र. २ यांनी सुनावणीवेळी युक्तिवाद केला की, लेखी युक्तिवादातील परीच्छेद क्र. १६, १७, १८, १९, २० पहावे व Exhibit ३७ पहावे. लगत कब्जेदार असल्याचे सिद्ध करू शकत नाही त्यामुळे अपीलार्थी यांचा नमूद मोजणीची काही संबंध नाही असा सुनावणीवेळी युक्तिवाद केला.

निष्कर्ष :- अपीलार्थी यांनी अपील अर्जात नमूद केलेले मुद्दे व सोबत सादर केलेली कागदपत्रे तसेच उत्तरार्थी यांचा युक्तिवाद यांच्या आधारे खालीलप्रमाणे निष्कर्ष समोर येतात.

१. अपीलार्थी यांनी अपील अर्जात नमूद केल्याप्रमाणे अपील अर्जातील मुद्दा क्र. २ मधील मो.र.क्र.१७५६३/१६ व मो.र.क्र.१६७७४/१६ बाबत कोणतीही कागदपत्रे सादर केलेली नाहीत किंवा पत्रव्यवहार, हरकत अर्जाचे तपशील अपील अर्जात नमूद केलेले नाही. तसेच सुनावणीचे वेळी सदरबाब उपस्थित केली नाही. अपीलार्थी यांनी अ.ता.मो.र.क्र.९५५५/११ व अ.ता.वि.शे.मो.र.क्र.६२६/११ याबाबत नोटीस न देता लगत कब्जेदार असतानादेखील नोटीस न देता मोजणी कार्यवाही करण्यात आली असे नमूद केले आहे. तथापि अपीलार्थी हे नमूद प्रकरणी लगतकब्जेदार असल्याबाबतचा पुरावा प्रकरणी सादर केलेला नाही. तसेच लगत कब्जेदार म्हणून नमूद प्रकरणी त्यांचे अपरोक्ष झाली आहे अशा स्थितीत अपीलार्थी यांचे मिळकतीचे हद्दीवर व क्षेत्रावर नमूद मोजणी प्रकरणामुळे काय व कसा परिणाम झाला याबाबत अपीलार्थी यांनी अपील अर्जासह तपशील नमूद करणे आवश्यक होते. परंतु त्यांनी तशी कार्यवाही केली नाही. तसेच अपीलार्थी यांनी अ.ता.मो.र.क्र.९५५५/११ व अ.ता.वि.शे.मो.र.क्र.६२६/११ या अन्वये केलेल्या मोजणी जागेवर जाऊन केलेल्या नाहीत असे नमूद केले. तथापि प्रकरणी नकाशांचे अवलोकन केले असता अपीलार्थी यांचे म्हणणे वस्तुस्थितीला धरून नाही. अपीलार्थी यांनी अ.ता.मो.र.क्र.९५५५/११ ची नक्कल अर्ज क्रमांक ८१३ अन्वये दिनांक २४/९/२०१२ रोजी प्राप्त केली आहे व सदरची नक्कल हे पुणे मनपा यांचेकडील जाबदार क्र.२ यांनी दाखल केलेला नकाशा या नकाशांचे विसंगती असल्याचे नमूद केले आहे. तसेच नमूद अ.ता.मो.र.क्र.९५५५/११ ची नक्कल दि.७/९/२०१६ रोजी प्राप्त केली असता सदर मोजणी नकाशाच्या नक्कलमध्ये व मनपाकडील मोजणी नकाशामध्ये विसंगती असल्याचे दिसून येते असे नमूद केले आहे. त्यामुळे सदर मोजणी बेकायदेशीर झाली आहे व सदरचे मोजणी रद्द करावी अशी मागणी केली आहे. प्रकरणी उप अधीक्षक भूमा अभिलेख हवेली यांचेकडाला दि.३०/५/२०१७ चे आदेशामध्ये अ.ता.मो.र.क्र.९५५५/११ ची नक्कल अर्ज क्र. ८१३ दि.२४/९/२०१२ अन्वये देण्यात आलेली नक्कल प्रत सदोष असल्याने ती ग्राह्य धरणे उचित होणार नसलेने ती परत रद्द समजण्यात यावी. अ.ता.मो.र.क्र.९५५५/११ मोजणी दि.८/१०/२०११ नमूद असलेली अर्ज क्र. ७७४ दि.७/९/२०१६ अन्वये देण्यात आलेली नक्कल प्रत सदोष असल्याने ती ग्राह्य धरणे उचित होणार नसल्याने ती प्रत रद्द समजणे उचित राईल असे नमूद केले. त्यामुळे अपीलार्थी यांचे नमूद नकाशाचे नक्कल संबंधी निर्णय यापूर्वी उप अधीक्षक भूमा अभिलेख हवेली यांनी दि.३०/५/२०१७ रोजी आदेश दिलेला आहे. त्यामुळे सद्यस्तरावर सदर बाबत दि. ३०/५/२०१७ च्या आदेशान्वये करण्यात आलेली कार्यवाही योग्य असल्याचे दिसून येते.

२. प्रकरणी अपीलार्थी यांनी अपील अर्जामध्ये मो.र.क्र.११८/१० कोर्ट कमीशन मोजणीचा उल्लेख केला आहे. तथापि त्यालगत दिवाणी दावा क्र.२०५०/०८ ची वस्तुस्थितीबाबत आदेशाचे आवश्यक प्रतीसह अपील अर्जात नमूद करणे आवश्यक होते परंतु तशी कार्यवाही केली नाही. तसेच मो.र.क्र.२०५०/०८ अन्वये झालेल्या मोजणीबाबत तसेच कोर्ट कमीशन मोजणीचे आदेशाचे अनुषंगाने करण्यात आलेल्या अपीलाचे अनुषंगाने व प्रस्तुत प्रकरणाचे अनुषंगाने व प्रस्तुत प्रकरणात सुरु असलेल्या दिवाणी दाव्याचे अनुषंगाने कोणताही उल्लेख अपील अर्जात केलेला नाही. तथापि अपीलार्थी यांनी वाद मिळकतीबाबत सुरु असलेले दिवाणी दावे संबंधीत आदेश, सद्यस्थितीत मा. उच्च न्यायालयाकडाला प्रकरणे याबाबत तपशील अपील अर्जात नमूद करणे

आवश्यक होते परंतु त्यांनी तशी कार्यवाही केली नाही. तसेच अपीलार्थी हे अपील अर्जातील मुद्दे सिध्द करू शकले नाहीत हेही स्पष्ट होते. सबब प्रकरणी उपरोक्त निष्कर्षांचे आधारे अपीलार्थी यांचे अपील फेटाळणे योग्य आहे या निष्कर्षाप्रत मी आलो आहे व उप अधीक्षक भूमि अभिलेख हवेली यांचा दि. ३०/५/२०१७ चा आदेश कायम ठेवणे या निष्कर्षाप्रत मी आलो आहे व खालील प्रमाणे आदेश पारित करत आहे.

आदेश :-

१. अपीलार्थी यांचा अपील अर्ज फेटाळण्यात येत आहे.
२. उप अधीक्षक भूमि अभिलेख हवेली यांचा दि. ३०/५/२०१७ रोजीचा आदेश कायम ठेवण्यात येत आहे.
३. उपरोक्त आदेश मा. दिवाणी न्यायालयात तसेच मा. उच्च न्यायालयात सुरू असलेल्या दाव्यांचे/प्रकरणांचे अंतीम आदेशाचे अर्धीन राहून पारित करण्यात येत आहे.
४. खर्चाबाबत आदेश नाही.
५. निर्णय संबंधितांना कळविण्यात यावे.

स्थळ : पुणे  
दिनांक ३/११/२०१९

(कमलाकर सु. हट्टेकर)

जिल्हा अधीक्षक भूमि अभिलेख संलग्न  
उपसंचालक भूमि अभिलेख,  
पुणे प्रदेश, पुणे

प्रत :- जिल्हा अधीक्षक भूमि अभिलेख, पुणे यांना माहितीसाठी व पुढील कार्यवाहीसाठी  
प्रत :- उप अधीक्षक भूमि अभिलेख, हवेली, पुणे यांना माहितीसाठी व पुढील कार्यवाहीसाठी.

अर्ज क्रमांक:- १११९  
अर्ज प्राप्त दिनांक.....  
नकल तयार दिनांक..... १२/११/२०१९  
नकल दिली दिनांक.....  
नकल अनामत फी..... (५५) -  
अक्षरी र. रु..... ५५५.०००  
पान नं..... ते ५  
नकल छायांकित प्रत.....  
वरिष्ठ लिपीक  
उप संचालक भूमि अभिलेख,  
पुणे प्रदेश, पुणे

TRANSLATED COPY OF ANNEXURE R-9

**OFFICE OF DISTRICT SUPERINTENDENT OF LAND RECORDS**  
**AFFILIATED TO DEPUTY DIRECTOR OF LAND RECORDS, PUNE**  
**REGION, PUNE**

New Administrative Building, First Floor, In Front of Vidhan Bhavan, Pune-01, (020)26050029, [E-mail-ddrddrpune@gmail.com](mailto:ddrddrpune@gmail.com)

**Appeal Decision**

No.C.S./Appeal No.94/2017

Pune, Date 13/11/2019

1. Shri. Arinjay Hirachand Shah R/o. Manorama 39/2, Manikbaug, Sinhgad Road, Pune 411051	}	Appellant
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**VERSUS**

1. Deputy Superintendent, Land Records, Haweli 2. Mrs. Smita Pradeep Shah R/o. 18, Raghupati, Shri Raguhraj Co-op. Housing Society, Old Vitthalwadi Naka, Sinhgad Road, Pune	}	Respondent
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Subject:- Memo of Appeal against the decision given on 30/5/2017 by Deputy Superintendent of Land Records, Haweli regarding V.U.M.R.No.9555/11 & 626/11 of C.S.No.39/1A + 39/2/5/1 & 34/1/4 situated at Mouza- WadgaonBudruk, Tal: Haweli, Dist: Pune.

Reference:- 1)Appeal Memo of the Appellant Shri. ArinjayHirachand Shah dated 01/07/2017

2)Order No. C.s.2/appeal section/Pune district/2018 of Hon'ble Deputy Director of Land Records Pune Region, Pune dated 13/3/2018

**Preliminary:**

The appeal memo has been received as per the reference of the above subject-matter. The Appellant has submitted the ancillary documents with the Appeal memo. The Appeal memo of the Appellant is within limitation. In the matter hearing notices were issued to the Appellant and Respondent and hearing was fixed.

Dates of Hearing: 25/9/2018, 16/10/2018, 20/11/2018, 11/12/2018, 22/1/2019, 26/2/2019, 26/3/2019, 16/4/2019, 11/6/2019, 25/6/2019, 24/7/2019, 19/8/2019, 27/8/2019, 25/9/2019, 17/10/2019.

**Arguments of the Appellant:** - Following are the points mentioned by the Appellant in the memo of appeal.

The Appellant is filing the said appeal memo against the order of Respondent No.1 dated 30/5/2017 on the complaint application regarding measurement of Immediate Mo.Ra.No.9555/11 & 626/11 of the property of Survey no.39/1A + 39/2/5/1 & 34/1/4 situated at Village Mouza Wadgaon-Budruk within the boundary of Division Pune, Sub-Division Haweli, District Pune. The Respondent No.1 has not taken objection as regards Immediate M.R.No. 17563/16 mentioned in paragraph no.1 of the order or no any notice has been received till today, but has objected to the measurement of Immediate M.R.No. 16744/16. However, the said objection and complaint were disposed of without taking hearing.

The Appellant and Respondent No.2 are the adjacent occupants of the disputed property mentioned in the subject-matter and 'C' copy was given after the measurement was done according to V.U.M.R.No.9555/11 & V.U.N.A.M.R.No.626/11. In spite of the Appellant being an adjacent occupant in the measurement, the Appellant was not given notice. Similarly, the measurement done as per V.U.M.R.No.9555/11 & V.U.N.A.M.R.No.626/11 was not done by going to the actual spot. There are discrepancies and errors between the copy given on 24/9/2012 as per copy application No.813 dated 5/9/2012 of measurement done as per V.U.M.R.No.9555/11 and measurement map filed with Pune Municipal Corporation & situation on the spot. From this it is seen that Respondent No.1 has hurriedly disposed of the complaint application. Similarly, on demanding information of this entire matter under Right to Information it was informed that this matter V.U.M.R.No.9555/11 was missing. Similarly, it was informed to the Appellant that the measurement map is available and a copy of it can be obtained by paying the prescribed fee. Accordingly, on 7/9/2016 the Appellant obtained a copy of the measurement map. However, discrepancies and errors are being found between a copy of measurement map of the said V.U.M.R.No.9555/11 and measurement map with Pune Municipal Corporation. Still Appellant has admitted complaint application. Appellant submits that, Respondent no.2 in his statement Appellant is his real brother and he has no connection with measurement of V.U.M.R.No.9555/11. Also, V.U.M.R.No.626/11 is confirmation of M.R.No.727 and in that measurement place determination has been done. But in the rules,

there is no provision for measurement giving confirmation. Also, measurement has been done as per M.R.No.118/10 by appointment as Court Commissioner in the Court of Hon'ble Civil Judge Junior Division. But Court has not passed any order on said measurement even then Respondent no.1 has stated that there is no discrepancy in V.U.M.R.No.9555/11 and V.U.N.A.M.R.No.626/11. Also, any ascertainment has not been done of measurement of M.R.No.118/10.

Also, the Respondent No.1 has mentioned that the original 'A' copy and 'C' copy with the Respondent No.2 match with each other, also the copy of measurement of V.U.M.R.No.9555/11 dated 8/12/2011 given as per Application No.813 dated 24/9/2012 is correct, but in a second sentence copy given as per Application No.813 dated 24/9/2012 of V.U.M.R.No.9555/11 dated 24/9/2011 being defective would not be appropriate to take into account. Similarly, it is ordered to cancel the copy of map dated 24/9/2012. Also, the documents submitted for measurement have not been mentioned anywhere. However, in the matter the appeal of the Appellant may be allowed. They have mentioned that the measurement & map of V.U.M.R.No.9555/11 & V.U.N.A.M.R.No.626/11 may be cancelled. Also the Appellant argued at the time of hearing that the appeal is against the order of Respondent No.1 dated 30/5/2017 and objection is regarding V.U.M.R.No.9555/11. It is not clear whether the measurement is done or not, also the measurement was done without giving notice. Appellant is the adjacent occupant. Copy Application No.813 map be seen. 3 maps were given based on only one measurement and those are said as 'C' Copy and at the time of inspection it was told that the matter is missing.

**Arguments of Respondents:** -The points submitted by Respondent No.2 in written argument are as follows.

The description of the property is improper. The Appellant has made the entire property a part of this present appeal. Appellant has vaguely described the boundaries of appeal property. The ownership right of the appeal property has been decided as per the orders of the Hon'ble High Court, Mumbai. Modification No. 8500 be seen. Similarly, the possession rights between Appellant and Respondent No.2 have been finalized in Civil Suit No.2050/2008 before the Hon'ble Civil Judge Senior Division, Pune as per the Court Commission measurement of M.R.No.118/10. The Appellant has not challenged the said measurement before any Court. Therefore, the Appellant does not have any right to take objection on the measurement of the mentioned subject-matter. The objection taken on M.R.No.17563/16 & M.R.No.16774/16 has no connection of any kind with the order challenged in present appeal. If there is, the Appellant

has not mentioned anything. The said fact is vaguely mentioned in the appeal. Any order or documents have not been attached regarding that. According to the Appellant in the measurement application of V.U.M.R.No.9555/11 &V.U.N.A.M.R.No.626/11, the Appellant inspite of being adjacent occupant, he is not given the notice of measurement. However, it is necessary to prove that the Appellant is an adjacent occupant. Also, it is mentioned that,there is difference between copy of V.U.M.R.No.9555/11 given on 24/9/2012. But the said fact cannot be accepted.

Similarly, regarding the same the Respondent No.1 has passed an order and this needs to be declared as legal. Out of the entire appeal property about 2 H.6.95 property is in ownership right occupation of Respondent No.2. Similarly, the Appellant has a property about 905 Sq. m. on north-west direction. Respondent No.2 has received the ownership right of the said property as per the registered will of her father dated 14/5/2001. Similarly, the Hon'ble High Court Mumbai has also accepted the said ownership right in the order dated 20/3/2014 and the Appellant has suppressed the said fact. The measurement of Mo.Ra.No.118/10 has been done as per the order of the Hon'ble Civil Judge Senior Division, Pune in Civil Suit No.2050/2008 and all the objections of the Appellant have been dismissed by the Hon'ble Civil Judge Senior Division, Pune. Also, there are no discrepancies of any kind in V.U.M.R.No.9555/11 &V.U.N.A.M.R.No.626/11. Similarly, V.U.N.A.M.R.No.626/11 this measurement has been done as per the non-agricultural order and the demarcation plan of M.R.No.727 being the same Appellant and Surekha Shah have already given their consent to it. So, the Appellant does not have any kind of right to take the objection.

Similarly, by the letter dated 5/7/2011 the notice was given to the Appellant by the office of Deputy Superintendent of Land Records, Haweli, for measurement work of V.U.M.R.No.8024/2011 dated 13/7/2011. Also, for that the Appellant and Surekha Shah had taken objection. So, to avoid the dispute the concerned measurement officer cancelled the process of the said measurement matter. Also, the said measurement was rescheduled to date 8/12/2011 as Respondent No.2 made the concerned officers aware of the order passed in Civil Suit No.2050/2008 by Hon'ble Civil Judge Senior Division, Pune. Also, its information was given to Appellant for V.U.M.R.No.9555/11 by notice dated 1/12/11. Also, the Appellant and Surekha Shah had taken objection to that in Civil Suit No.2050/08 before Hon'ble Civil Judge Senior Division. Hon'ble Civil Judge Senior Division, Pune by order below Exhibit 37 dated 7/12/2011 dismissed the said objection. Also, permission was granted to Respondent No.2 for measurement.

So, the Appellant had complete knowledge of measurement being done as per V.U.M.R.No.9555/11. The said measurement was done as per decided time. Similarly, 'C' copy was made as per rules. So, as on today there is no reason for the Appellant to challenge this. Also, the Appellant has not cited any reason as to why the objections taken as on today were not taken before making of 'C' Copy as per V.U.M.R.No.9555/11. So, the Appellant cannot take objection regarding 'C' copy of V.U.M.R.No.9555/11 & V.U.N.A.M.R.No.626/11.

Also, the entire area of the appeal property is 10100 Sq.m.. The said entire property has been divided into two parts. Out of which 3000 Sq.m. beside Sinhgad Road, boundaries of which are finalized 6/9/2011 as per Mo.Ra.No.727/04 & 626/11. Similarly, remaining 7100 Sq.m area is on the east side of the said 3000 Sq.m area. Boundaries of this area are as under.

Towards East- Remaining property of Respondent No.2

Towards West- Property of Respondent No.2

Towards South- Wall, property of Chaitanya & Other Co-operative Housing Societies

Towards North- D P Road

So, this fact is clear that owners of property besides the property of measurement which is challenged are not Appellant and Surekha Shah. It means, there was no need to give any information and notice to the Appellant by Respondent No.1. Also, Appellant does not have any right and authority to prefer present appeal. So, present appeal is liable to be dismissed.

Also, Respondent No.2 argued at the time of hearing to see paragraph nos.16,17,18,19,20 and to see Exhibit 37. It cannot be proved to be adjacent occupant, hence the Appellant has no connection with said measurement, such argument was made at the time of hearing.

**Conclusion:** -On the basis of the points mentioned by the Appellant in the Appeal memo and the documents submitted therewith, also, argument of Respondents conclusions as below come to the fore.

1. The Appellant has not submitted any documents related to M.R.No.17563/16 and M.R.No.16774/16 as mentioned in point no.2 in the appeal memo or the details of the correspondence, objection application have not been mentioned in the appeal memo. Similarly, at the time of hearing the said fact was not raised. The Appellant has mentioned that despite being adjacent occupant, measurement

proceeding was done without giving notice. However, no evidence was produced regarding the Appellant being an adjacent occupant in the said matter. Also, being adjacent occupant the said proceeding have been done in his absence, in such situation it was necessary for Appellant to mention the details with appeal memo regarding how and what consequences occurred due to said measurement proceeding on the boundaries and area of property of the Appellant. But he did not take such action. Also the Appellant has mentioned that the measurement as per V.U.M.R.No.9555/11 & V.U.N.A.M.R.No.626/11 was not done by going to the spot. However, if maps are observed, the Appellant is not sticking to the factual position in the matter. The Appellant obtained a copy of V.U.M.R.No.9555/11 as per application no.813 on 24/9/2012 and it is mentioned that there is discrepancy in the said copy & map filed with Pune Municipal Corporation by Respondent No.2. Similarly, it is mentioned that on obtaining the copy of mentioned V.U.M.R.No.9555/11, discrepancy is seen between in the said copy of measurement map and the measurement map filed with Pune Municipal Corporation. Therefore, the said measurement has become illegal and it is prayed that the measurement be cancelled. In this case, Copy given as per Copy application no.813 dated 24/9/2012 of V.U.M.R.No.9555/11 in order of 30/5/2017 of Deputy Superintendent of Land Records, Haveli being defective it be again considered as cancelled as it will not be appropriate to consider it. It is mentioned that, copy given as per application no.774 dt. 7/9/2016 mentioned in V.U.M.R.No.9555/11 measurement dt.8/12/2011 being defective it will be appropriate to consider that copy as cancelled as it will not be appropriate to consider it as valid. Because of that, decision in relation to copy of mentioned map of Appellant is given by the Deputy Superintendent of Land Record Haveli on 30/5/2017. Because of that, action done as per order of 30/05/2017 regarding said present position seems to be proper.

2. In this case, appellant has made mention of M.R.No.118/10 court commission measurement in appeal memo. However, beside that it was necessary to mention about factual position of Civil Suit No.2050/08 with necessary copies of order in appeal memo, but such action was not taken. Also, there is mention made about the measurement as per M.R.No.2050/08, also as per appeal made according to order of court commission measurement and as per present matter and as per civil suit pending in present matter. However, it was necessary for the appellant to make mention in the appeal memo the details regarding pending civil suits as regards disputed property, the concerned orders, presently matters pending with Hon'ble High Court. But he did not take such action. Also, it

becomes clear that, appellant has not been able to prove the grounds in appeal memo. I have reached to the conclusion that it will be proper to dismiss the appeal of appellant on the basis of above referred conclusions and I have reached to the conclusion that the order dated 30/5/2017 of Deputy Superintendent of Land Records, Haveli be confirmed and pass following order.

**Order:**

1. Appeal memo of the appellant is being dismissed.
2. Order dated 30/5/2017 of Deputy Superintendent of Land Records, Haveli is confirmed.
3. Above order is being passed subject to final order of suits/proceedings pending in Hon'ble Civil Court and Hon'ble High Court.
4. No order as to cost.
5. Order be communicated to the concerned.

Place: Pune

(Kamlakar S. Hattekar)

Date: 13/11/2019

District Superintendent of Land Records  
affiliated to Deputy Director of Land  
Records, Pune Region, Pune

Copy to: - District Superintendent of Land Records, Pune for information and further action

Copy to: - Deputy Superintendent of Land Records, Haveli, Pune for information and further action.