

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**WESTERN ZONE BENCH, PUNE****AT PUNE****APPEAL NO. 48 OF 2019****TANAJI BALASAHEB GAMBHIRE .. APPELLANT****V/s****THE PRINCIPAL SECRETARY
DoE, GoM AND OTHERS .. RESPONDENTS****INDEX**

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Place-Pune

Date-28/03/2022



ADVOCATE FOR THE RESPONDENT NO-5

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

AT PUNE

APPEAL NO. 48 OF 2019

TANAJI BALASAHEB GAMBHIRE .. **APPELLANT**

V/s

THE PRINCIPAL SECRETARY
DoE, GoM AND OTHERS .. **RESPONDENTS**

REPLY ON BEHALF OF RESPONDENT NO.9

M/S. RAVIRAJ REALTY

MAY IT PLEASE THE HON'BLE TRIBUNAL

01. At the outset, the appeal as filed by the Appellant is devoid of any merit and is liable to be dismissed with costs. The Respondent No.9 submits that, the statements and averments made in the said appeal are not admitted by this Respondent and hence denied, except so far they are expressly admitted herein under. The Respondent No.9 reserves its right/liberty to file a detailed reply as and when required by this Hon'ble Tribunal. The Appellant herein has made allegations against the Respondent authorities as well as

this Respondent, but has failed to substantiate the destruction and or the harm the project will cause to the environment.

(I) FACTS OF THE CASE

02. The Respondent No.9 submits that, the Respondent No.9 decided to construct the project “Vitoria Lagoon” on the land bearing CTS No. 8, 2A/7A, Bopodi, Pune. The Respondent No.9 after preparing the necessary documentation applied to the Respondent No.5 (Pune Municipal Corporation) for sanctioning of the layout in respect of the buildings to be constructed on the said land. The layout was sanctioned by Respondent No.5 vide Commencement Certificate No.CC/DPO/11111/4/378 dated 29th March 2007. The building plan was approved vide CC/4775/2006 dated 30th March 2007. In accordance to the receipt of the said sanction, the Respondent No.9 decided to construct the aforesaid project. At the outset, it is submitted that, when the said sanction was accorded to the project of the Respondent No.9, the area to be constructed was well below the threshold limit of 20000 sq.mtr., which requires Environmental Clearance.
03. The Respondent No.9 submits that, the future FSI component was taken into consideration by the Respondent No.5 and the Respondent No.9 thereafter decided to seek further revision of the

layout and that the same was accorded vide commencement certificate bearing No.CC/1290/18 dated 30th July 2018. In view of the revision of the layout of the property of the Respondent No.9, the Respondent No.5 directed the Respondent No.9 to obtain the Environmental Clearance from Respondent No.1 in accordance to the provisions of EIA Notification 2006. The Respondent No.9 has provided all relevant information at the time of applying for the Environmental Clearance Certificate. Accordingly, the Respondent No.9 applied to the Respondent No.1 and that the Environmental Clearance dated 7th May 2019 has been granted to the Respondent No.9 herein, which is under challenge. Copies of the Form – I and Form I-A are annexed hereto and marked as **ANNEXURE – R-1 and R-2** respectively.

04. It is submitted that, the Respondent No.9 has not commenced any construction at the site and that only excavation work was carried out for which the permission was granted by the Respondent No.5. The said fact has also been confirmed by the report of the committee dated 8th November 2021.

(II) PARAWISE REPLY

05. With respect to the contents of paras 1, 2, and 3 are a matter of record and hence need not be commented upon by this Respondent.

06. With respect to the contents of para No.4, the same is a figment of imagination of the Appellant and is devoid of any merit. The statements made therein are imaginary, fictitious, and hence need not be entertained by this Hon'ble Tribunal.
07. With respect to the contents of para No.5 (a to i), the same are a matter of record and need not be commented upon by this Respondent.
08. With respect to the contents of para No.6, the same are false and denied by this Respondent No.9. It is submitted that, the Respondent has not commenced any construction activity at the said site and hence there is no question of causing any damage to environment and ecology. As stated earlier, this Respondent has only done the partial excavation work for which the permission was already granted by the Respondent No.5 herein.
09. With respect to para No.7 (A) it is submitted that, as admitted by the Appellant, the land was already reserved for industrial activity. The said land came to be reserved in the year 1987 and as shown in the development plan dated 05.01.1987. The Appellant in the said appeal has not shown any evidence or pointed out any efforts made by him to challenge the said reservation at any point of time before approaching this Hon'ble Tribunal. Be that as it may, the said

challenge cannot be entertained before this Tribunal as it does not fall within Schedule I of the NGT Act, 2010. It may be pointed out that, the committee has already in its report pointed out that, the zone of the said land was changed from industrial to residential on dated 28th March 2007. It appears that, the said change of zone has also not been challenged by the Appellant before any authority.

10. With respect to para No.7(B) it is submitted that, the said statements are again generalised in nature and thus cannot be commented upon. However, it is submitted that, at the time of sanctioning of the layout of the project of the Respondent No.9, the demarcation of red line and blue line was not demonstrated on the development plan and the said demarcation came only in the year 2017. It is a trite law and also confirmed by the Hon'ble Supreme Court in Civil Appeal No. 595/2020 Sai Baba Sales v/s Union of India, that, a developer is not required to run around for various permissions if there has been any change in the legal position. At the time of granting of the sanctioning of the layout, there was no demarcation of the red line and the blue line, and hence the demarcation which has taken place in 2017 cannot be made applicable to the project of the Respondent No.9 retrospectively.

Copy of the said judgment passed in Civil Appeal No.595 of 2020 is annexed hereto and marked as **ANNEXURE – R-3**.

11. With respect to the contents of para No.7(C), the same are false and denied by this Respondent. It is submitted that, initially the layout which was sanctioned by the Respondent No.5 in the year 2007, the total built up area of the Respondent No.9's project was well below the threshold limit of 20000 sq.mtr. It was only after the FSI component was added to the project in 2018, that the built up area of the project exceeded the threshold limit of 20000 sq. mtr. and thus the Respondent No.9 was directed to obtain the Environmental Clearance Certificate. It is submitted that, the excavation work which was carried out was in accordance to the permission granted by the Respondent No.5 and the same has also been confirmed by the committee appointed by this Hon'ble Tribunal. It is submitted that, the Respondent No.9 has not carried out any developmental activity despite having all requisite permissions on the said site. It is further submitted that, the term "built up area" was clarified by the Ministry of Environment, Forest and Climate Change in the EIA Notification only on 9th December 2016.
12. The relevant information has been provided by the Respondent No.5 in the Form – I & I-A to the SEIAA at the time of applying

for the Environmental Clearance Certificate. The SEIAA after examining all aspects has proceeded to grant the same. Hence there is no question of the Respondent No.9 of suppressing any facts from the Authorities. Infact the project intends to make use of recycled materials including recycled steel, fly-ash mix for RCC & for Mortar, Fly-ash Bricks having fly-ash content etc. Due to use of such materials, project is reducing the extraction of natural resources by maximizing the use of waste products and thus involving the use of materials with low embodied energy.

13. With respect to the contents of para No.7(D), the same is false and denied by this Respondent. It is submitted that, the red line and blue line demarcation was done on the development plan only in the year 2017 and thus the authorities were right in granting the environmental clearance to the Respondent herein.
14. With respect to the contents of para No. 7(E), the same is part of record and need not be commented by the Respondent No.9.
15. With respect to the contents of para No.7(F), the judgement and order of the Hon'ble Tribunal is quite clear and thus need not be commented upon by this Respondent.
16. With respect to the contents of para No.7(G), the Respondent No.9 has already made a statement in the aforementioned paras that, it has not constructed any structure on the said land and that

whatever excavation work has been done, has been in accordance to the permission granted by the Respondent No.5.

17. With respect to the contents of para No.7(H), the contents therein are false and denied by the Respondent No.9. It may be mentioned herein that, the development plan and the contents therein are published by the planning authority U/s.21 of the Maharashtra Regional and Town Planning Act, 1966 (MRTP). The process of development plan includes inviting objections to the draft development plan under the provisions of S.28 of the said Act. After the objections are recorded by the respective authorities, the draft development plan is submitted to the State Government under the provisions of S.30. After due process, the development plan is accorded approval by the State Government under the provisions of S.31 of the Act. It appears that, if the Appellant was so concerned for the destruction of the environment, he could have taken objection at that point in time in the year 2017. However, it appears that, the Appellant has not taken any objection of whatsoever nature at that point of time. The concern for the environment by the Appellant is misplaced and is only to harass the present Respondent from going ahead with the construction of

the said project and deprived the purchasers of their hard earned properties.

18. With respect to the contents of para No.7(I), the contents therein are a matter of record and need not be commented upon by this Respondent.
19. With respect to the contents of para No.7(J), the contents therein are false and denied. It is hereby repeated again by this Respondent that, none of the sanctions granted by the Respondent No.5 have been challenged before any Court of Law. The Respondent No.1 on the basis of the said sanctions has accorded the environmental clearance to the project of the Respondent No.9 and hence it is not permissible for the Appellant to come at this belated stage before the Hon'ble Tribunal, as the Environmental Clearance Certificate is an additional permission which is combined with the earlier sanctions received by the Project.
20. With respect to the contents of para No. 7(K), that the said contents therein are false and denied. The Respondent No.9 submits that; the said statements are again a repetition of the earlier statements made by the Appellant in the appeal. It is a trite law that, a draft legislation does not have any value in the eyes of law and cannot be implemented. The Appellant has completely misconstrued the

provisions of law. The sanction and approval has been accorded by the Respondent No.5 in accordance to the provisions prevailing at that point in time and hence the said project is within the legal parameters.

21. With respect to the contents of para No.7(L), it is submitted that, the Appellant cannot assail the challenge to the sanction dated 30.07.2018 before this Hon'ble Tribunal, as it does not fall within any of the Statutes mentioned in Schedule I of the NGT Act. The Appellant has miserably failed to challenge any of the permissions granted by the Respondent No.5 before the appropriate Court of Law, and thus by way of a face saving exercise is trying to gain a back door entry by challenging all these permissions under the garb of challenge to the environmental clearance before this Hon'ble Tribunal.
22. With respect to the contents of para No.7(M) it is submitted that, the said contents are false and denied. The Respondent No.9 has given the true and correct information in accordance to the prevailing provisions of the EIA Notification, the copy of which is already produced before this Hon'ble Tribunal.

23. With respect to the contents of para No.7(N), the contents therein are a matter of record and hence need not be commented by the Respondent herein.
24. With respect to the contents of para No.7 (O, P, Q) has been dealt by the committee and responded by them.
25. In view of the statements made above, the Respondent No.9 submits that, the project of the Respondent No.9 has been accorded approval by various authorities in accordance with the prevailing Laws and that the same needs to be considered in accordance with the report submitted by the committee. Hence the present appeal is devoid of any merits and needs to be dismissed with compensatory costs.

PUNE
DATE: 28/03/2022



ADVOCATE FOR RESPONDENT NO. 9



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH PUNE AT PUNE .

APPEAL NO. 48 OF 2019

TANAJI BALASAHEB GAMBHIRE .. APPELLANT

V/s

THE PRINCIPAL SECRETARY

DoE, GoM AND OTHERS .. RESPONDENTS

AFFIDAVIT IN SUPPORT

MAY IT PLEASE THE HON'BLE TRIBUNAL

I, Mr. Nitin Shivajirao Bhosale, Age:- 49 years, Occupation :- Agriculturist and Business, having address at Suyash Plaza, 2nd Floor, Bhandarkar Road, Pune 411004, Maharashtra, do hereby state on solemn affirmation as under :-

I am Partner of the Respondent No.9 and responsible for day to day administration of the Respondent No.9's business. As such, I have gone through the Reply and annexures thereto being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

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

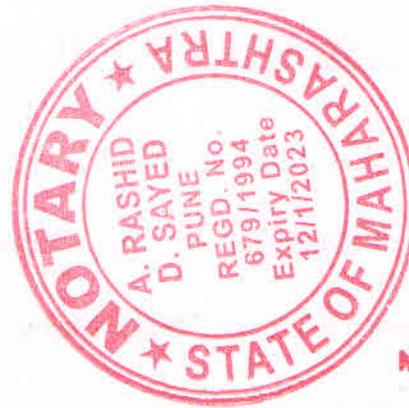
In witness whereof I have signed hereunder at Pune on 21st day of March, 2022.

Nitin Shivajirao
(Mr. Nitin Shivajirao Bhosale)

I know the Affiant

Affiant

V. Shinde
Adv. Vijay shinde
Advocate



BEFORE ME

A. Rashid D. Sayed

A. RASHID D. SAYED
NOTARY, STATE OF MAHARASHTRA
PUNE.

23 MAR 2022

Noted & Registered
At Sr. No.: A3581/2022





BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH PUNE AT PUNE .

APPEAL NO. 48 OF 2019

TANAJI BALASAHEB GAMBHIRE .. APPELLANT

V/s

THE PRINCIPAL SECRETARY

DoE, GoM AND OTHERS .. RESPONDENTS

AFFIDAVIT IN SUPPORT

MAY IT PLEASE THE HON'BLE TRIBUNAL

I, Mr. Ravindra Naupatlal Sakla, Age:- 60 years, Occupation :- Agriculturist and Business, having address at Office Nos. 1 to 5, Second Floor, Millennium Star, Next to Ruby Hall Clinic, Dhole Patil Road, Pune 411001, Maharashtra, do hereby state on solemn affirmation as under :-

I am Partner of the Respondent No.9 and responsible for day to day administration of the Respondent No.9's business. As such, I have gone through the Reply and annexures thereto being filed today. I find that the contents therein are true and

correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

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

In witness whereof I have signed hereunder at Pune on 21st day of March, 2022.

I know the Affiant

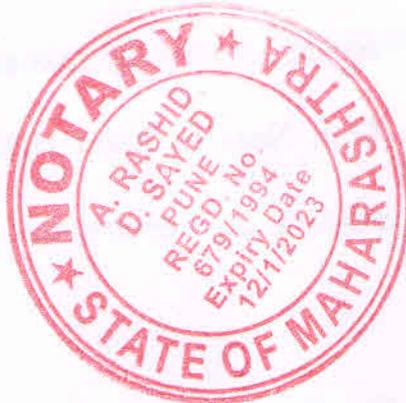
(Mr. Ravindra Naupatlal Sakla)

V. Shinde

Adv. Visay shinde
Advocate

Ravindra Sakla

Affiant



BEFORE ME

[Signature]

A. RASHID D. SAYED
NOTARY, STATE OF MAHARASHTRA
PUNE.

23 MAR 2022

Noted & Registered
At Sr. No.: A3580/2022



APPENDIX I

FORM 1

Basic Information

Sr. No.	Item	Details
1	Name of the project/s	Proposed Residential Development at “Vitoria Lagoon”, CTS No. 8, S. No. 2A/7A, Bopodi, Pune by M/s. Raviraj Reality.
2	S. No. in the schedule	Category B Building and Construction project.
3	Proposed capacity/area/length/tonnage handled/command area/lease area/number wells to be drilled	Total Plot Area = 17032.11 m ² Proposed FSI Area = 21758.16 m ² Non FSI area : 19,122.71 m ² Total Built up area : 40,688.68 m ²
4	New/proposed/Modernization	New Building and Construction Project
5	Existing Capacity/Area etc.	NA
6	Category of Project. e.' A' or 'B'	Project category B2; Activity under Item 8 (a) of the EIA Notification dated 14 th September 2006 as amended on 1 st December 2009
7	Does it attract general conditions? If yes, please Specify	Not Applicable
8	Does it attract specific condition? If 'yes, please Specify	Not Applicable
9	Location	CTS No. 8, S. No. 2A/7A, Bopodi, Pune
	Plot/Survey/Khasra No.	
	Village	Bopodi
	Tehsil	Haveli
	District	Pune
	State	Maharashtra

Sr. No.	Item	Details
10	Nearest railway station/airport along with distance in km.	Pune railway station (Approximate. Distance 6.50 km) Pune International Airport (Approximate distance 8.32 km)
11	Nearest Town, city, District Headquarters along with distance in kms.	Pune city
12	Village Panchayats, Zilla Parishad Municipal Corporation, Local body (complete postal addresses with telephone nos. to be given)	PMC
13	Name of the applicant	Mr. Nitin Bhosale
14	Registered Address	Raviraj Realty, Office No. 1 to 5, Millenium Star Dhole Patil Road, Pune- 411001
15	Address of correspondence	Raviraj Realty, Office No. 1 to 5, Millenium Star Dhole Patil Road, Pune- 411001
	Name	Mr. Nitin Bhosale
	Designation(Owner/Partner/CEO)	Partner
	Address	S/o Shivajirao Bhosale,Plot no. 2 ,Shivaie Bunglow, Bhosale Nagar, Ganesh Khind Rd, Shivaji Nagar, Pune
	Pin Code	411007
	E-mail	info@bhosalehousing.com
	Telephone No.	+91 8888887039
	Fax No.	-
16	Details of Alternative Sites examined if any. Location of these sites should be shown on a	No alternative options have been examined.

Sr. No.	Item	Details
	toposheet.	
17	Interlinked Projects	Not Applicable
18	Whether separate application of interlinked project has been submitted	Not Applicable
19	If yes, date of submission	Not Applicable
20	If no, reason	-----
21	Whether the proposal involves approval/ clearance under: if yes, details of the same and their status to be given: (a) The Forest (Conservation) Act – 1980? (b) The Wildlife (Protection) act – 1972? (c) The C.R.Z. Notification, 1991?	Not Applicable Not Applicable Not Applicable
22	Whether there is any government order/ policy relevant/ relating to the site?	No
23	Forest land involved (hectare)	No forest land involved .
24	Whether there is any litigation pending against the project and /or the land in which the project is proposed to be set up? (a)Name of the Court (b)Case No. (c) Orders/directions of the Court, if any and its relevance with the proposed project	Not Applicable

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

Sr. No	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data															
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)	NO	<p>Project is in line with land use. Proposed project consists of 3 residential buildings A,B,C and 1 Club House.</p> <table border="1"> <thead> <tr> <th>Sr. No.</th> <th>Building Name</th> <th>Number of floors</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>A Building</td> <td>2p+Stilt+22</td> </tr> <tr> <td>2</td> <td>B Building</td> <td>2p+Stilt+22</td> </tr> <tr> <td>3</td> <td>C Building</td> <td>2p+Stilt+15</td> </tr> <tr> <td>4</td> <td>Club House</td> <td>G+1</td> </tr> </tbody> </table>	Sr. No.	Building Name	Number of floors	1	A Building	2p+Stilt+22	2	B Building	2p+Stilt+22	3	C Building	2p+Stilt+15	4	Club House	G+1
Sr. No.	Building Name	Number of floors																
1	A Building	2p+Stilt+22																
2	B Building	2p+Stilt+22																
3	C Building	2p+Stilt+15																
4	Club House	G+1																
1.2	Clearance of existing land, vegetation and buildings?	NO	Few trees exist on site out of which few will be transplanted, and rest protected.															
1.3	Creation of new land uses?	NO	The proposed project is a Residential Project. The land is zoned as Residential and no change shall be created in the land use.															
1.4	Pre-construction investigations e.g. bore houses, soil testing?	YES	Soil testing will be carried out.															
1.5	Construction works?	YES	<p>General civil construction, construction of apartments, common utilities & amenities.</p> <p>Proposed project consists of 3 residential buildings A,B,C and 1 Club House.</p> <p>Total proposed BUA: 40,688.68 m² (FSI+ Non FSI area)</p> <p>Type of Construction = RCC work & Brick work</p>															
1.6	Demolition works?	NO	No demolition works involved.															
1.7	Temporary sites used for construction works or housing of construction workers?	YES	<p>Total No. of temporary workers = 100 Nos</p> <p>Temporary labour camps shall be provided for the construction workers.</p>															

Sr. No	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations	Yes	Proposed project consists of 322 flats and 1 Club House. The top soil layer of 200 mm shall be recovered during excavation work and shall be used for landscaping. Excavated material shall be used for back filling, road leveling, and filling during site development.
1.9	Underground works including mining or tunneling?	NO	The proposed development work does not include any mining or tunneling.
1.10	Reclamation works?	NO	Not applicable
1.11	Dredging?	NO	Not applicable
1.12	Offshore structures?	NO	Not applicable
1.13	Production and manufacturing processes?	NO	Not applicable
1.14	Facilities for storage of goods or materials?	NO	During construction the building materials will be temporarily stored within site premises. Covered storage shall be provided for materials susceptible to fugitive dust emissions.
1.15	Facilities for treatment or disposal of solid waste or liquid effluents	YES	Construction Phase: Solid wastes such as empty bags, packaging material, will be properly segregated and send it to be authorized recyclers. Operation Phase: The solid waste generated will be treated through onsite organic waste converter system. Sewage will be treated through onsite sewage treatment plant.
1.16	Facilities for long term housing of operational workers?	NO	The proposed development shall have temporary workers only during construction phase only.
1.17	New road, rail or sea traffic during construction or operation?	YES	There will be some increase in road traffic: Construction phase: Trucks and JCB may commute once or twice a day. Operation phase: The development will not have major impact on traffic pattern. Internal roads will be well

Sr. No	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
			constructed to manage internal traffic.
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	NO	Not Applicable.
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	NO	Not Applicable.
1.20	New or diverted transmission lines or pipelines?	NO	Not Applicable.
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?	NO	Not Applicable
1.22	Stream crossings?	NO	Not Applicable
1.23	Abstraction or transfers of water from ground or surface waters?	NO	<p>No ground water extraction</p> <p>Water requirement in the construction phase will be supplied from tanker.</p> <p>Source of water for occupants during operational phase: PMC</p>
1.24	Changes in water bodies or the land surface affecting drainage or run-off?	NO	No change in the water bodies or the land use surface affecting natural drainage ways.
1.25	Transport of personnel or materials for construction, operation or decommissioning?	YES	<p>Road traffic of the area will increase temporary during construction and permanently during operation phase</p> <p>Construction Phase: Transportation of material will be undertaken within the site through lorries/dumpers</p> <p>Transportation of labour will be undertaken on the site through transport vehicles.</p>

Sr. No	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
			<p>Operational Phase:</p> <p>Residents or commuters during the operation phase will use self-owned transportation facilities. Parking will be provided as per Regional Planning rules.</p>
1.26	Long-term dismantling or decommissioning or restoration works?	NO	Not Applicable
1.27	Ongoing activity during decommissioning which could have an impact on the environment?	NO	Not applicable
1.28	Influx of people to an area in either temporarily or permanently?	YES	<p>There will be temporary influx of labours during the construction phase and permanent influx of occupants during the operational phase.</p> <p>The estimated permanent influx due to residential units = 1610 People</p>
1.29	Introduction of alien species?	NO	The proposed landscape trees are all indigenous in nature.
1.30	Loss of native species or genetic diversity?	NO	Few trees exist on site out of which few will be transplanted, and rest protected.
1.31	Any other actions?	NO	Not applicable

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

Sr. No.	Information/checklist confirmation	Yes/No	Details there of (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)	YES	<p>Proposed site does not fall under Agriculture or Non-Development Zone.</p> <p>Total Plot Area: 17032.11 m² Total Built up area : 40,688.68 m²</p>

Sr. No.	Information/checklist confirmation	Yes/No	Details there of (with approximate quantities /rates, wherever possible) with source of information data
2.2	Water (expected source & competing users) unit: KLD	YES	<p>Construction Phase</p> <p>Source: Authorized private water tankers.</p> <p>Total water requirement for construction activity = 5.36 KLD</p> <p>Labour water consumption = 4.5 KLD</p> <p>Operational Phase</p> <p>Source: Pune municipal corporation</p> <ul style="list-style-type: none"> • Fresh water: 145 m³/day. • Flushing water: 72 m³/day. • Landscape water: 14 m³/day. • Total Water Requirement including landscape: 243 m³/day. • Total waste water generation: 195 m³/day • Capacity of STP: 200 kld <p>Treated waste water from STP shall be used for landscaping & flushing.</p>
2.3	Minerals (MT)	NO	Not Applicable
2.4	Construction material stone, aggregates, sand / soil (expected source – MT)	YES	Construction materials such as cement, steel, metal sand and bricks will be procured from authorized dealers.
2.5	Forests and timber (source – MT)	NO	Not Applicable

Sr. No.	Information/checklist confirmation	Yes/No	Details there of (with approximate quantities /rates, wherever possible) with source of information data
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	YES	<p>During Construction phase: Total Demand load: 19.97 kW Source of power supply: MSEDCL</p> <p>Number and Capacity of the DG sets to be Used : 1 DG set of 25 KVA</p> <p>During Operation phase: Connected Load : 33.28 KW Maximum Demand: 1380.77 kvA</p> <p>Source of power supply: MSEDCL</p> <p>Transformers: 2 nos. x 630 kvA</p> <p>Number and Capacity of DG sets to be Used : 1 nos. x 250 kvA Type of fuel used : HSD</p>
2.7	Any other natural resources (use appropriate standard units)	NO	No other natural resources will be used for the construction purpose.

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

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)	NO	Not Applicable.
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)	NO	All the waste generated will be managed properly and no conditions will prevail to affect epidemiology.

3.3	Affect the welfare of people e.g. by changing living conditions?	YES	There will be economic growth and improved quality of life with additional employment. The project will not have any negative impact on human welfare. Amenities will get better developed due to this kind of development.
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,	NO	Not Applicable
3.5	Any other causes	NO	No such activity or use of material will be done which will affect the environment or human health.

4. Production of solid wastes during construction or operation or decommissioning

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes	NO	No mine waste involved as this is Residential project. Excavated material shall be reused for back-filling purposes on site.
4.2	Municipal waste (domestic and or commercial wastes)	YES	<p>Construction Phase</p> <p>Total expected labour = 100</p> <p>Total Solid Waste Generation = 20 kg/ day</p> <p>Wet waste (kg/day):12</p> <p>Dry waste (kg/day): 8</p> <p>Operational Phase:</p> <p>Wet waste (Kg/day): 483 kg/day</p> <p>Dry waste (Kg/day): 322 kg/day</p>
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	NO	Not Applicable
4.4	Other industrial process wastes	NO	Not Applicable
4.5	Surplus product	NO	Not Applicable
4.6	Sewage sludge or other sludge from effluent treatment	YES	Sludge generated from STP will be used as manure on site. Sludge drying beds shall be provided on site.

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.7	Construction or demolition wastes	YES	Construction wastes will be generated and appropriately disposed. No waste shall be generated from demolition as no demolition work is involved.
4.8	Redundant machinery or equipment	NO	Not Applicable
4.9	Contaminated soils or other materials	NO	Not Applicable
4.10	Agricultural wastes	NO	Not Applicable
4.11	Other solid wastes	NO	Not Applicable

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

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	YES	Vehicular movement and DG sets will be point sources of air pollution. It will be managed appropriately during construction phase & operational phase.
5.2	Emissions from production processes	NO	Not Applicable
5.3	Emissions from materials handling including storage or transport	NO	Not applicable. The material transport, storage & handling will be undertaken in an appropriate manner; avoiding air, water and soil pollution.
5.4	Emissions from construction activities including plant and equipment	YES	Dust will be generated from excavation and other construction activities. Measures will be taken to reduce/ control the emissions.
5.5	Dust or odours from handling of materials including construction materials, sewage and waste	YES	Dust will be generated during transport and Handling of material. Measures will be taken to reduce/ control the emissions.
5.6	Emissions from incineration of waste	NO	No incineration activities are involved in the proposed development.
5.7	Emissions from burning of waste in open air (e.g.	NO	No material will be burnt within the project premises.

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
	slash materials, construction debris)		
5.8	Emissions from any other sources	NO	Not Applicable. No other activities apart from construction & transportation are involved which would generate emissions.

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers	YES	<p>Construction phase The machinery, equipment and vehicles used during construction activities will generate noise.</p> <p>Appropriate control measures will be undertaken to reduce the noise during construction phase.</p> <p>Operation phase This phase will involve noise generation due to the use of mechanical equipment, vehicular traffic and DG sets.</p> <p>Appropriate control measures will be undertaken to reduce the noise during construction and operation phase.</p>
6.2	From industrial or similar process's	NO	Not applicable
6.3	From construction or demolition	YES	No demolition activities involved. For Noise generation during construction activity - Measures will be taken to minimize the impacts of the noise.
6.4	From blasting or piling	YES	There will be temporary and intermittent noise generation from drilling activity during foundation.
6.5	From construction or operational traffic	YES	<p>Temporary noise influx during construction phase due to vehicles like trucks, tractors, lorries etc. During construction activities.</p> <p>Permanent marginal noise disturbance due to traffic during operational stage</p>

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.6	From lighting or cooling systems	NO	Not applicable
6.7	From any other sources	NO	Not applicable

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

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials	NO	Not Applicable
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	NO	<p>Sewage generated within the project will be treated within the project premises. The recycled water will be reused for landscaping and flushing.</p> <p>Proposed project :</p> <p>Expected waste water from proposed Project = 195 m³/day</p> <p>Use of treated water for flushing purpose in proposed project = 72 m³/day</p> <p>Use of treated water for landscaping purpose = 14 m³/day</p> <p>Quantity of excess treated waste water = 90 m³/day in dry season & 104 m³/day in Wet season.</p> <p>STP of capacity will be used to treat waste water from proposed buildings.</p>
7.3	By deposition of pollutants emitted to air into the land or into water	NO	Not Applicable
7.4	From any other sources	NO	Not applicable
7.5	Is there a risk of long-term build up of pollutants in the environment from these	NO	Not applicable

Sr. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
	sources?		

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

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc. from storage, handling, use or production of hazardous substances	NO	No use of explosives and hazardous material during construction / operational phase.
8.2	From any other causes	NO	Not applicable
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?	NO	The project area falls under Zone III as per Map showing Seismic Zones of India. Zone III is of moderate Seismic Intensity. The building design has been planned accordingly.

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

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting utilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: • Supporting infrastructure (roads, power supply, waste or waste water treatment,	YES	Proposed project is a residential development conducive to the land use. Infrastructure that accompanies proposed development include: <ul style="list-style-type: none"> • STP for treatment and recycling of waste water generated on site. • Provision for treatment of organic waste generated on site by OWC. • Common amenity areas, landscaping and green belt development.

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
	etc.) <ul style="list-style-type: none"> • Housing development • Extractive industries • Supply industries • Other 		<ul style="list-style-type: none"> • Rainwater harvesting system • Solar Water Heaters, use of Renewable energy and DG Sets for backup. <p>The proposed supporting infrastructure would lead to development of sustainable habitat.</p>
9.2	Lead to after-use of the site, which could have an impact on the environment	NO	Not applicable
9.3	Set a precedent for later developments	NO	Not Applicable
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	NO	Not Applicable

(III) Environmental Sensitivity

Sr. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	NONE	Not Applicable
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or	Yes	Mula River : 0.06 km

Sr. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
	other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	NONE	No protected, important or sensitive species of flora & fauna has been observed during the ecological survey.
4	Inland, coastal, marine or underground waters	NO	Not applicable
5	State, National boundaries	NO	Not applicable
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	NO	Not applicable
7	Defense installations	NO	Not applicable
8	Densely populated or built-up area	NO	The site is not located in densely populated or built-up area.

Sr. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)	<p>School 1) St Thomas Public School 2) Spicer higher secondary school</p> <p>Colleges 1) TJ college, Tikaram Jaganath College 2) Shrimati Chandrakala Shrinidi Kishorilal Goyal Junior College</p> <p>Hospitals 1) Seva Hospital 2) Moraya Hospital</p> <p>Market 1) Shree Sai Market 2) Mona Market</p>	<p>1.33 1.64</p> <p>1.55 1.69</p> <p>0.68 1.44</p> <p>0.79 2.00</p>
10	Areas containing important, high quality or scarce resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)	NO	Not Applicable
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)	NO	Not applicable



FORM-1 A

(Only for construction projects listed under item 8 of the Schedule)

CHECK LIST OF ENVIRONMENTAL IMPACTS**1. LAND ENVIRONMENT**

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

The project area is in a residential zone . Proposed project consists of 3 residential buildings A,B,C and club house. The proposed land use is also conducive and in harmony with the site surroundings.

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

1	BUILDING AREAS (Proposed Residential & commercial Project)	Details
1.1	Total Area of the Plot of Land	17032.11 m ²
1.2	Total proposed Built-up Area	40668.68 m ²
2	UTILITY REQUIREMENTS (Proposed)	
2.1	Total Fresh Water Requirement	145 kld
2.2	Total Energy requirement (connected load)	33.28 KW

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

The project involves residential which are in line with the existing land use pattern of the area. Thus, the proposed project adheres to the development plan of the area and does not alter the existing land use. The project does not adversely impact the local ecology, open spaces or community facilities in the surrounding area.

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

The top soil of the project area shall be preserved. To reuse the topsoil for landscaping in future, it will be harvested and will be stockpiled on the site. Proper storage methods will be undertaken on site by providing protection against rain and wind. The site is predominantly flat and hence chances of soil erosion are minimal. Proper soil erosion and sedimentation prevention measures shall be taken on site during construction and post occupancy. The project development comes under Seismic Zone III as per Map showing Seismic Zones of India. Seismic Zone III is of moderate Seismic Intensity. The building construction and structural system will be planned accordingly.

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

No. The proposal does not involve any alteration of natural drainage systems.

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

No basement is proposed for the project so excavation for foundation will be done which would be minimal. The top soil shall be harvested and used for landscaping purposes. Remaining excavated material shall be reused for back-filling on the site

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

Water supply during construction phase:

Water requirement for construction = $5.4 \text{ m}^3/\text{day}$

Source of water for construction = Private water tanks

Water requirement for construction workers per day = $4.5 \text{ m}^3/\text{day}$

Solid Waste during construction phase:

Construction waste management: The construction waste material will either be reused on site or will be sold to the local scrap dealer for recycling purpose. Part of the waste such as concrete waste, broken pieces of bricks, broken vitrified & ceramic tiles will be reused on site for sunk filling and road leveling; part of the scrap steel & broken tiles will be reused on site wherever required. Other construction waste material such as packaging waste, cladding waste, glazing, cement bags, scrap steel and aluminum, plastic waste, glass material etc will be sold to the local scrap dealer for recycling purpose.

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

No wetlands or low-lying areas have been identified within the project or in immediate vicinity of the project. Therefore, no impacts on the wetlands and low-lying areas due to the proposed project.

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

No, the construction waste and debris shall not cause any health hazard. Solid waste generated from the labour camp will be managed through the waste bins. The Solid Waste collected in waste bins will be collected and disposed through authorized vendor. Thus, there will be no health hazard caused due to the solid waste.

Total Solid Waste Generation at Labour camp per day: 20 kg/day

Dry quantity (kg/day): 8 kg/day

Wet Quantity (kg /day): 12 kg/day

The construction waste material will either be reused on site or will be sold to the scrap dealer for recycling purpose. Part of the waste such as broken pieces of bricks will be reused on site for sunk filling and road leveling; part of the scrap steel & broken tiles will be reused on site where required. Other construction waste material such as packaging waste, cement bags, scrap steel and aluminum, plastic, glass material will be sold to the local scrap dealer for recycling purpose.

2. WATER ENVIRONMENT

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

Fresh water: 145 m³/day

Waste water generation : 195 m³/day

Total Water Requirement: 243 m³/day including landscaping,

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

During Construction, the water source shall be private water tankers. Average water requirement during construction is 5.4 m³ /day. Labour water requirement is 4.5 m³ /day . The Fresh Water Supply during operation phase required = 145 m³/day

2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)

During operational phase, water will be made available from Pune Municipal corporation

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

It is planned to use treated waste water from STP for flushing & Gardening purposes.
 Total waste water generation = 195 kld
 Treated waste water for flushing = 72 kld
 Treated waste water for gardening = 14 kld

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

No. There will not be any diversion of water from other users.

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

The waste water generated will be 195 kld. All the waste water generated within the project premises will be treated through on site proposed Sewage Treatment Plant. .
 Hence no incremental pollution load will be generated. The projected quality of the treated waste water will be compliant to the norms prescribed by CPCB boards.

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

Rain water harvested from site will be recharged into the ground through the recharge pits and surplus of the harvested rain water will be managed through the municipal storm water drains.
 Maximum Intensity of rainfall considered for Pune is 55 mm/hr.

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

During operational phase the development shall involve appropriate surface drainage system. The storm water collected through the storm water drains of adequate capacity will be discharged in the shallow recharge pits. The project will take all the necessary measures to maintain the surface drainage system and the rain water harvesting systems throughout the project life.

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

It is planned to provide proper storm water management system. Storm water management system shall include rain water harvesting and recharging ground water through recharge pits. This may help to increase the ground water table in future. The project shall properly manage & maintain the surface and rain water harvesting structures at the post occupancy period.

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

As per the National Building Code Section 10, proper pollution prevention measures shall be undertaken on site. All the materials susceptible to erosion due to air or water shall be stored in proper material storage sheds to avoid any direct contact with water or air. Also, the storage of chemicals, cleaning agents etc shall be properly done as per a spill prevention plan. The solid waste and construction waste shall be managed and handled aptly on site. Thus, the project shall ensure that the land, air, water, aquifers are not affected adversely by the project. Measures will be followed for collecting runoff from construction areas and material storage sites. Temporary trenches and sedimentation basins will be constructed on site to divert the polluted water flow during construction, especially during the monsoons.

During operational phases, storm water run-off will be managed properly.

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

The rain water harvested from rooftops will be recharged into the ground through the recharge pits. The site will have a well-designed storm water drainage system that will prevent any flooding.

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

Temporary labour camp will be provided for construction workers. Mobile toilets have been provided for labour. Clean drinking water shall be provided to them.

Solid waste generated from the labour camps will be collected into the waste collection bins and will be diverted through the network of municipal waste collection & management system.

Regular Health Checkups, Training camps & Pest control programs will be carried out on site so as to keep hygienic conditions at labour camp.

2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of waste water generation, treatment capacities with technology &

facilities for recycling and disposal)

During construction phase, mobile toilets will be provided for labour.
During operational phase, 1 Sewage Treatment Plant of total capacity 200 kld will be installed so as to treat 100 % of the sewage generated within the project premises.

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

The project will be providing separate plumbing lines for flushing water supply. 100% flushing water requirement is catered through water recovered after onsite sewage treatment.

3. VEGETATION

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

No significant flora, fauna and avifauna species have been observed on site, hence there will not be any threat to the biodiversity due to the proposed project. Use of native species shall only enhance the biodiversity of the area. Additionally, bird nesting boxes and bird baths will be included into the landscape design to attract the local avifauna.

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

Few trees exist on site . The proposed landscape list involves the use of indigenous variety of species.

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

Trees within site premises will be protected and retained as part of the proposed landscape plan. Bird baths & nesting boxes will be incorporated into the landscape design so as to attract the local avi fauna. Landscape design shall involve maximum number of native trees into the design and water bodies conducive to the topography. This will help enhance the bio-diversity of the site.

4. FAUNA

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

No significant fauna movement has been observed on site, there will not be any displacement of the local biodiversity. Additionally, bird baths and bird nesting boxes will be incorporated into the proposed

landscape plan so as to attract the local avifauna of the area.

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

No.

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

Not applicable.

5. AIR ENVIRONMENT

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

The development (construction phase and operational phase) will increase the air pollution in minor scale during construction and operational phase.

During construction phase, the impacts will be periodic and temporary in nature. The concentration of Particulate Matter (PM₁₀ & PM_{2.5}), SO₂, NO_x and CO may rise in ambient air quality.

During operational phase, the air pollution will be mainly due to the traffic movement and DG sets. The mitigation measures for the same are documented into the Environmental Management Plan. Due to increase in the hard areas compared to the pristine site, there shall be increase in the heat island effect. To mitigate this the project shall use light colored exterior surfaces and shall plan for plantations to shade the external hard paved areas.

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

During construction phase dust will be the main pollutant, which could be generated from site development activities. Concentration of SO₂, NO_x and CO may rise due to traffic sporadically during construction. Measures including proper maintenance of vehicles, dust suppression methods e.g. sprinkling of water on roads and empty patches at construction site, site barricading etc. this would reduce the impact during construction phase. Pollution during operational phase will be taken care off and the mitigation measures are detailed in EMP.

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

No. The proposal will not create shortage of the parking space for vehicles. Sufficient parking has been planned for the proposed project as prescribed by the by-laws. The project has planned for appropriate traffic management.

Maintaining flow of traffic for approach roads -Entry and Exit points are carefully placed so as not to disturb this flow; One-way traffic inside the complex for comfortable movement of vehicles and reduction in possibility of congestion.

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

Traffic Management will be as follows

- Internal roads
- Pathways
- Driving instructions along with parking and site map will be displayed at appropriate place for visitors as well as for residents.

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

The traffic movement during construction phase will produce minor changes in the noise levels. To mitigate this minor impact, the traffic management will be in such a way that material off-loading will be undertaken in a day time only (7:00 AM – 8:00 PM). This will reduce the noise impact.

To avoid the noise pollution impacts into the adjacent areas, project site will be provided with noise barriers in form of barricade sheets around the site periphery.

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

Power Supply:

During Construction phase:

Total Demand load: 19.97 KW

Source of power supply: MSEDCL

Number and Capacity of the DG sets to be Used :

1 DG set of 25 KVA

During Operation phase:

Connected Load :33.28 KW

Maximum Demand: 1380.77 KVA

Source of power supply: MSEDCL

Transformers: 2 nos. x 630 kvA
 Number and Capacity of DG sets to be Used :
 1 nos. x 250 kvA
 Type of fuel used : HSD

*All the DG sets will comply CPCB norms for air emissions and noise levels

Other equipment's:

Construction phase:

Noise pollution will be generated due to use of machinery including Earthmoving Machinery, JCB, Dumpers and transportation materials.

Operational phase:

Noise and vibration source will be mainly the vehicles and the DG sets occasionally. During construction and operational phases minor temporary impacts on air quality and noise levels are expected. Measures including equipment compliance with CPCB norms, noise barriers, tree plantation will be undertaken to minimize the air & noise pollution. Periodic monitoring of air quality and noise levels will be undertaken in order to understand the trends and mitigation measures will be used if required.

6. AESTHETICS

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

No. The site is not surrounded by any scenic amenity or landscape. Thus, no visual obstruction has been identified.

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

Not applicable

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

No

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

No anthropological or archaeological sites have been observed in and within the vicinity of the project site.

7. SOCIO-ECONOMIC ASPECTS

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

Yes.

The proposed project comprises of residential units. The permanent residential population of the scheme is 1610 Nos.

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

School

- 1) St Thomas Public School : 1.33 km
- 2) Spicer higher secondary school : 1.64 km

Colleges

- 1) TJ college, Tikaram Jaganath College : 1.55 km
- 2) Shrimati Chandrakala Shrinidi Kishorilal Goyal Junior College : 1.69 km

Hospitals

- 1) Seva Hospital : 0.68 km
- 2) Moraya Hospital : 1.44 km

Market

- 1) Shree Sai Market : 0.79 km
- 2) Mona Market : 2.00 km

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

No adverse impacts on local communities/disturbance to sacred sites or other cultural values have been identified.

8. BUILDING MATERIALS

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

The project intends to make use of recycled materials including recycled steel, fly-ash mix for RCC & for Mortar, Fly-ash Bricks having fly-ash content etc. Due to use of such materials, project is reducing the extraction of natural resources by maximizing the use of waste products and thus involving the use of materials with low embodied energy. Additionally, the project shall also seek recycled content in other building materials such as glass, aluminium, False ceiling etc. Using recycled content shall substantially reduce the embodied energy of the project.

The project shall source bulk materials from local manufacturers, so as to reduce the energy spent in transportation of construction materials.

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

Noise and public nuisance shall be generated during construction phase due to transportation, machinery and construction activities like excavation. Following measures shall be

Installation of barricading sheets of tin around the project site to

Use of DG sets which are certified by CPCB for emissions & noise compliance

Noise generating activities like excavation and movement of vehicles to be carried out in the non-peak hours/day only.

All the workers will be provided with the ear plugs & dust masks for safety.

Contractors will be asked to repair the construction equipment's.

Trucks carrying construction material like cement bags and aggregates shall be covered with polythene sheet during transportation

All the contractors / Vendors will be instructed to use vehicles having PUC certificates.

Security staff presents at site will supervise loading and unloading of material at site.

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

Paver blocks with fly ash mix will be used for outdoor road work. For structures, the project intends to make use of recycled material including recycled steel, fly-ash mix for RCC & for Mortar, Fly-ash Bricks having fly-ash content etc. Excavated material will be reused for sunk filling and road filling and leveling.

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

For collection and segregation of the waste, common solid waste room shall be provided. Occupants will be made aware and encouraged for its proper use. Large bins will be placed in this garbage room Paper, cardboard, wet waste, metals, plastics and glass. The biodegradable waste i.e. wet waste shall be diverted to the Organic Waste Converter system on site, while the other dry waste shall be sold off to scrap dealers on a regular basis.

9. ENERGY CONSERVATION

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

Power Supply:

During Construction phase:

Total Demand load: 19.97 kW

Source of power supply: MSEDCL

Number and Capacity of the DG sets to be Used :

1 DG set of 25 KVA

During Operation phase:

Connected Load : 33.28 KW

Maximum Demand: 1380.77 KVA

Source of power supply: MSEDCL

Transformers: 2 nos. x 630 kvA

Number and Capacity of DG sets to be Used : 1 nos. x 250 kvA

Type of fuel used : HSD

*All the DG sets will comply CPCB norms for air emissions and noise levels

Energy Conservation Measures:

1. As per MSEDCL requirements, we planned to use high efficiency Transformer & to reduce losses.
Losses for Transformer will be as per IS standards & ECBC norms.
2. We are planning to keep power factor of the common load installation near unity.
3. Following are the Energy efficient fixtures should be used in our project for energy conservation :-
 - 3.1 Energy efficient LED fixtures are proposed for bracket lights provided of all buildings.
 - 3.2 LED lighting fixtures are proposed for general lighting for common passages, staircase & terrace area.
 - 3.3 The estimated saving in common area lighting consumption is up to 19.98 % due to adopting above measures.
4. Solar Heating System is being proposed for Hot water to be used in Toilets of each apartment.
5. V3F drive motors should be used for lifts, which saves 30% energy consumption.

9.2 What type of, and capacity of, power back-up does you plan to provide?

It is planned to provide Diesel Generators (DG Sets) for Power back-up (1 DG set of 250 KVA) will be used . The proposed DG sets shall be compliant with the CPCB norms for Air emissions and Noise levels.

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

The glass will allow short as well as long wave radiations to pass through. However, weather shades, louvers and low SHGC values will be used effectively to reduce heating inside the buildings. The properties of the glazing are as given here under –

Properties of Glazing used by the project

Glazing Type	Colour Shade	Brand	Light Transmission	Reflection		Solar Factor	Shading coefficient	U value W/sqmK	Relative Heat Gain W/Sqm
Residential Single Glazed Unit (6mm thick, coating face 2)	Neutral	Saint gobain	65	19	19	0.66	0.75	5.6	542

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

Use of architectural features like vegetated roofs, double walls, etc and planting shade giving trees are proposed. Also, maximum paved spaces shall be covered by grass pavers and shall be light in color to minimize the heat island effect.

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

Solar Energy usage has been planned for water heating system & solar Pv.

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

Design of shading devices to reduce sun rays:

Use of high-performance building envelope materials such as glazing and external walling with low U Value shall reduce the heat gain into the buildings. Use of architectural features like vegetated roofs, double walls, etc and planting shade giving trees are proposed. Also, maximum paved spaces shall be covered by grass pavers and shall be light in colour to minimize the heat island effect.

Design of roofs to reduce heat gain:

The roof shall be treated with solar reflective paints to protect against excessive heat gain. This will reduce the heat island effect and will also reduce the thermal gain of the building.

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

The architectural design ensures optimum daylight and fresh air ventilation. This will also reduce the heating and cooling loads. All the pumps, transformers and lifts used within the development will have efficiency as specified by ECBC. The Lighting Power density shall be compliant with ECBC.

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

The proposed site includes landscapes and open spaces as per requirement. The site will be properly planned to mitigate the micro climate temperature rise by the following ways:

- Shade will be provided on maximum non-roof impervious surfaces on the site.
- Pavements and walkways will use grass pavers and high SRI (Solar Reflective Index) tiles.

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

Details of the building envelope are given as follows:

Thermal Characteristics of Building Envelope			
Sr. No.	Building Component	Details (outside to inside)	U-Value
1	Roof	Heat Reflective paint + 35mm concrete screed + 120 mm Brick Bat Coba + 150 mm thk RCC Slab + 13 mm Internal Plaster	1.2 to 1.8 W/sqm
2	External Walls	8 mm Calcium Silicate Board + infill wall with 75 mm aerated concrete + 8 mm Calcium Silicate Board + 12 mm Internal Gypsum Plaster	2.5 W/sqm
3	Fenestration	Single Glazed Unit	5.7 W/sqm

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

The fire doors and fire escape staircases as per DC Regulations and in line with NBC 2016. Freeway from fire tender movement shall be provided as required with a clear width of 6 meters. Refuge floor shall be provided as stipulated.

9.11. If you are using glass as wall material provide details and specifications including emissivity and thermal characteristics.

The project is not using glass walls entirely, however the fenestration would include glazed windows. The details are given as hereunder -

Properties of Glazing used by the project

Glazing Type	Colour Shade	Brand	Light Transmission	Reflection		Solar Factor	Shading coefficient	U value W/sq mK	Relative Heat Gain W/Sqm
Residential Single Glazed Unit (6mm thick, coating face 2)	Neutral	Saint gobain	65	19	19	0.66	0.75	5.6	542

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

Primarily, the residential building will be air conditioned. The air infiltration from the fenestration shall not exceed 2.0 l/s-sqm as per the ECBC to minimize air conditioning losses. For mitigation of infiltration, measures undertaken as follows:

Mechanical ventilation & exhaust will be provided in spaces like mechanical plant rooms, DG rooms, electrical substations etc. Toilets to have air exhausts. Fans will be complete with filters and gravity louvers wherever required.

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

The project will be using Solar water heating systems hot water requirements & solar PV.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire. Regular monitoring of the Ecology will be done during both construction and operational phases. Environmental Monitoring plan has been prepared for the same.



2021 SCC OnLine SC 1133

In the Supreme Court of India
(BEFORE R. SUBHASH REDDY AND HRISHIKESH ROY, JJ.)

Civil Appeal No. 595 of 2021

Sai Baba Sales Pvt. Ltd. ... Appellant(s);

Versus

Union of India and Others ... Respondent(s).

With

Civil Appeal No. 5768 of 2021

Civil Appeal No. 595 of 2021 and Civil Appeal No. 5768 of 2021

Decided on November 26, 2021

The Judgment of the Court was delivered by

HRISHIKESH ROY, J.:— Heard Mr. Huzefa Ahmadi, learned senior counsel appearing for the appellant in Civil Appeal No. 595/2021. Mr. Lonkar Nitin representing the Original Applicant before the National Green Tribunal. Ms. Aishwarya Bhati, learned Additional Solicitor General of India appears for the Ministry of Environment & Forest. The Government of Maharashtra and the State Pollution Control Board are represented by Mr. Rahul Chitnis and Mr. Mukesh Verma, learned counsel respectively.

2. These two appeals are filed under Section 22 of the National Green Tribunal Act, 2010 (for short "the NGT Act") assailing the judgment and final order dated 18.1.2021 in the OA No. 83/2019. Under the impugned judgment, the NGT held that further construction cannot be made without environment impact assessment, but protected the constructions already made by the appellant, M/s Sai Baba Sales Pvt. Ltd. ("Project Proponent") on the basis of the Environmental Clearance ("EC" for short) issued by the Pimpri Chinchwad Municipal Corporation ("PCMC" for short) as per the notification dated 9.12.2016. The Original Applicant, on the other hand, is aggrieved by the decision of the NGT to protect the standing construction and limiting the impact of the impugned judgment on further construction to be made by the project proponent.

3. The main issue that arises for consideration in these matters is whether the Project Proponent herein possesses a validly granted Environmental Clearance (EC) under the Environmental Impact Assessment (EIA) notification dated 14.9.2006. The 2006 EIA notification provided that the projects above 20,000 sq. meter and below 1,50,000 sq. meter should obtain an EC from the State Environment Impact Assessment Authority (SEIAA) of the Ministry of Environment, Forest and Climate Change (MoEFCC).

4. For deciding the issue, the necessary facts in brief are that the Project Proponent initially conceived a project of 15,040 sq. mtrs. (below the EC threshold limit of 20,000 sq. mtrs.) and it approached the PCMC for a lay out order which was a prerequisite, to obtain an EC from the SEIAA of the MoEFCC. The application was processed and the Building Permission Department of the PCMC granted the commencement certificate to the Project Proponent for an area of 15,040 sq. mtrs. and approved the plan under the sanction letter dated 14.5.2013. With such permission, the Project Proponent could construct the permitted structures, and since the built up area was less than the threshold limit of 20000 sq. mtrs., the EC permission was not needed for the intended construction.

5. The Project Proponent builder then applied and was granted additional FSI as it intended to expand the project to one with built up area of 49,012 sq. mtrs. and for

this they approached the PCMC for a lay out order, which as noted earlier was essential to obtain an EC from the SEIAA of the Ministry of Environment, Forest and Climate Change (MoEFCC). The required approval was issued by the Corporation on 28.11.2016.

6. Under the Ministry's notification dated 9.12.2016, the EIA regime was altered to indicate that the EC could be obtained from the Environmental Cell of a local authority, such as the PCMC. The State of Maharashtra opted for the new regime and adopted the environmental condition stipulated in the MoEFCC notification dated 9.12.2016. This was followed by the communication of the MoEFCC on 7.7.2017 which clarified that separate environmental clearance is not required for projects upto 1,50,000 sq. mtrs. built up area in respect of municipal corporations in Pune and Konkan division.

7. The Project Proponent then filed an application for EC under the 2016 notification which was considered by the Environmental Cell of the PCMC which appraised the project, as contemplated in the notification dated 9.12.2016. The necessary permission for construction to the builder was issued on 28.11.2017, stipulating the environmental conditions for buildings and constructions and this permission was accorded as per the amended regime under the notification dated 9.12.2016 of the MoEFCC and consequential one dated 13.4.2017 of the Maharashtra Government.

8. While the matter stood thus, the NGT while considering the challenge by certain applicants to the exemption from EC, in a batch matter, quashed certain portions of the MoEFCC notification dated 9.12.2016. The NGT in the analogous judgment dated 8.12.2017 in the OA No. 677/2016 (*Society for Protection of Environment and Biodiversity v. Union of India*) and other cases, directed the MoEFCC to revisit its notification dated 9.12.2016 and to take appropriate steps to amend/rectify certain clauses in the Ministry's notification, in terms of the NGT's judgment.

9. Nearly two years after the Project Proponent secured construction permission on 8.12.2017 from the PCMC, the OA No. 83/2019 was filed by the Pune resident (respondent No. 10) with the allegation that the Project Proponent had made construction without obtaining any EC. In this proceeding the NGT constituted a three Member Committee comprising the SEIAA - Maharashtra, the State PCB and the Municipal Commissioner, Pune. The Committee, after spot verification, in its Report dated 18.8.2020 noted that construction of total built up area of 22930.17 sq. mtrs. is already completed for Building Nos. A, E, B, D and the Club House. Thereafter, the NGT considered the submission of the original applicant, who contended that while the authority to grant EC is SEIAA as per the EIA notification dated 14.9.2006, the EC for the project in question was granted by the PCMC. The NGT in its order on 17.11.2020, in the first round, opined that the constructions were irregular and remedial measures were directed for the project in question.

10. The above order of the NGT was challenged before this Court and the Project Proponent's CA No. 3893/2020 was allowed on 11.12.2020 whereby, the NGT's order was set aside and the matter was remitted back to the NGT to afford hearing to the appellants and to pass a fresh order.

11. The case of the Project Proponent as can be seen from the pleadings was that he had initially commenced construction on 14.5.2013 with a sanction plan of 15040.05 sq. mtrs., which, being lesser than the threshold limit of 20,000 sq. mtrs, did not require a prior EC. Thereafter, for the proposed expansion of the project, for total constructed area of 49,012 sq. mtrs., the Project Proponent approached the concerned authority on 7.11.2016 for issuance of "*Proposed Development Certificate*", which is a prerequisite to apply for EC, and the said certificate was granted on 28.11.2016 for the purpose of obtaining the EC from the SEIAA. But at that stage, by virtue of the MoEFCC notification dated 9.12.2016, the concerned local authority was designated as the sanctioning authority for projects between 20,000 sq. mtrs. and

50,000 sq. mtrs. and accordingly under the changed regime the Project Proponent applied to PCMC on 10.7.2017 and was sanctioned EC by the competent local authority, on 28.11.2017.

12. It is the further contention of the Project Proponent that when the NGT on 8.12.2017 had invalidated certain portions of the 2016 notification, it did not issue any order nullifying those ECs which were granted by the local authority under the altered regime.

13. The original applicant on the other hand, contended that when the NGT struck down certain provisions of the MoEFCC's 2016 notification, the 28.11.2017 EC granted by the Municipal Corporation, would not legitimize the construction and therefore the Project Proponent should be prevented from proceeding with the construction and also be penalized for the unauthorized construction.

14. The NGT then observed that because of the invalidation of certain clauses in the 2016 notification, the EC obtained from the PCMC is unacceptable and accordingly rendered a finding that the Project Proponent had failed to obtain the valid EC. The maintainability challenge of the OA on the ground of limitation was however rejected by observing that the cause of action arose only in 2017 when the builder allegedly exceeded the threshold limit of 20,000 sq. mtrs. Accordingly, the authorities were directed to take coercive action against the Project Proponent for construction done after 8.12.2017, when the NGT's judgment was rendered in the OA No. 677/2016. However, even with such finding having regard to the regime that existed at the relevant time and adverting to the ratio in *Goan Real Estate and Construction Ltd. v. Union of India*,¹ the NGT held that the construction already raised should be protected. However, further construction should be permitted only after securing the EC from the competent authority, under the current regime.

15. The picture which emerges from the above discussion is that when the Project Proponent initially wanted to apply for the EC it had obtained the requisite layout sanction for applying to the SEIAA. As such, it was operating well within the applicable procedure, prior to the amendment. After grant of such sanction, while the construction was underway, the amendment came about on 9.12.2016 whereby, the local authority such as the Municipal Corporation was made the competent authority to grant EC. In the changed circumstances, the Project Proponent necessarily had to apply to the PCMC as during the interregnum before the NGT's judgment on 8.12.2017, SEIAA was not the competent authority to consider application for EC. The Project Proponent was therefore, complying with the regime set out by the amended notification. It is apposite to note that the Committee appointed by the NGT, in its report dated 11.8.2020 had clearly indicated that when the Project Proponent had received the EC on 28.11.2017, the competent authority to issue the EC was the Environmental Cell of the PCMC. Thus, it is the discernible understanding as part of the NGT's own expert Committee that the Project Proponent had obtained the EC from the competent authority of the relevant time i.e. the PCMC. Interestingly, the constituted Committee also included a member of the SEIAA.

16. Moreover, only after the earlier judgment of the NGT on 8.12.2017 in the OA No. 677/2016, the State of Maharashtra issued a clarification on 29.1.2018 directing that the Municipal authorities should not process pending applications. But neither the decision of the NGT nor of the Maharashtra Government categorically gave any guidance as to the implication on the EC obtained by the Project Proponent, on the strength of which, a substantial measure of construction was already made. It is also necessary to note that in the subsequent notification issued on 14.11.2018 and 15.11.2018 by the MoEFCC, the power to grant EC continued to vest in the local authority such as the PCMC, with the only change being that it is the municipality itself and not its Environmental Cell which is empowered to grant the EC. For the sake

of completion, it may be recorded that the said notifications of the MoEFCC is stayed by the Delhi High Court on 26.11.2018 in the WP(C) No. 12517/2018.

17. It is important to bear in mind that the Committee constituted by the NGT to report on the building project did not underscore any major deviation but instead found that the Project Proponent had made substantial compliance by obtaining the EC from the competent local authority. Moreover the OA, neither before the NGT or this Court, ever contended that appraisal done by the PCMC's Environmental Cell was defective or any different from one done by SEIAA. Both processes are also similarly structured. This may be the reason why the NGT in the impugned judgment itself protected the already made construction. However, the Project Proponent was restrained from making any further construction without obtaining clearance from the statutory EC and adhering to the environmental norms.

18. The project of the appellant comprises six buildings of which three were constructed in full, and the super structure of the fourth building is completed and only the internal works remains to be done. In the fourth building, 40 out of the 64 apartments have already been sold. In this context, it would be appropriate to advert to the submission of Ms. Aishwarya Bhati, the learned ASG who had clearly stated that at the relevant time, the competent authority to grant EC is the PCMC and not the SEIAA and therefore the internal works for the fourth constructed building, can be allowed to be completed.

19. Considering the above circumstances, the NGT rightly protected the already erected buildings and this protection in our view, should not be impacted by the earlier judgment of the NGT on 8.12.2017 in the OA No. 677/2016 whereby certain portions of the MoEFCC's 9.12.2016 notification were invalidated and direction was issued to the Ministry to revisit the said notification. Importantly, neither the NGT's invalidation order nor the subsequent clarifications by the State of Maharashtra, have suggested any adverse action against the pre-existing structures. As the expert body exclusively occupying the environmental field, the NGT has assessed the factual circumstances to consciously lean towards protecting the already constructed structures. Nothing more need be added on this aspect. It is also not necessary in this appeal to venture into the question of the retrospective implication of the invalidation of certain parts of the 2016 Notification for other project proponents, which may have gained their ECs in the interregnum.

20. In situations of this nature, the Doctrine of *Legitimate Expectation* is attracted. The principle of the rule of law as explained in *De Smith's Judicial Review*, such as, Regularity, Predictability and Certainty in Government's dealings with the Public, must operate in the present matter. The Project Proponent can legitimately expect a certain degree of stability in the manner in which environmental regime is set and how the applications are processed. The actions of the authorities are expected to adhere to the prevalent norms only, without the element of uncertainty for the executed project.

21. In the above context we may benefit by referring to the seminal case of *Attorney General of Hong Kong v. Ng Yuen Shiu*², where Lord Fraser speaking for the Privy Council, appositely observed thus,

"... when a public authority has promised to follow a certain procedure, it is in the interest of good administration that it should act fairly and should implement its promise, so long as implementation does not interfere with its statutory duty."

22. This Court in *Sethi Auto Service Station v. Delhi Development Authority*³, speaking through Justice D.K. Jain, has cited other opinions and elucidated on the concept of *legitimate expectation*, in the following manner,

"24. The House of Lords in *Council of Civil Service Unions v. Minister for the Civil Service*, a locus classicus on the subject, wherein for the first time an attempt was made to give a comprehensive definition to the principle of legitimate expectation.

Enunciating the basic principles relating to legitimate expectation, Lord Diplock observed that for a legitimate expectation to arise, the decision of the administrative authority must affect such person either

(a) **** *
(b) by depriving him of some benefit or advantage which either :

(i) he has in the past been permitted by the decision maker to enjoy and which he can legitimately expect to be permitted to continue to do until some rational ground for withdrawing it has been communicated to him and he has been given an opportunity to comment thereon or (ii) he has received assurance from the decisionmaker that they will not be withdrawn without first giving him an opportunity of advancing reasons for contending that they should be withdrawn."

(emphasis supplied)

23. The Doctrine of *Legitimate Expectation* is further explained in *Food Corporation of India v. Kamdhenu Cattle Feed Industries*⁴ where for a Three-Judge Bench of this Court Justice J.S. Verma observed thus:—

"The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of non-arbitrariness, a necessary concomitant of the rule of law. Every legitimate expectation is a relevant factor requiring due consideration in a fair decision-making process. Whether the expectation of the claimant is reasonable or legitimate in the context is a question of fact in each case. Whenever the question arises, it is to be determined not according to the claimant's perception but in larger public interest wherein other more important considerations may outweigh what would otherwise have been the legitimate expectation of the claimant. A bona fide decision of the public authority reached in this manner would satisfy the requirement of non-arbitrariness and withstand judicial scrutiny. The doctrine of legitimate expectation gets assimilated in the rule of law and operates in our legal system in this manner and to this extent."

24. The more compelling public interest might possibly diminish the degree of *legitimate expectation* for a party but a balance has to be found. In the present matter the appellant has acted on the EC and made substantial investments. They cannot be pushed to a precipice and be made to fall. Doing so would be inequitable particularly when, the appellant has scrupulously adhered to the applicable legal framework during the concerned period. Moreover, third-party interests have also cropped up in the interregnum.

25. A Project Proponent is not expected to anticipate the changes in EC regimes, especially as a result of judicial interventions, and keep revisiting the sanctioned clearances by the competent authority or even raze down validly constructed structures. Neither can it be expected to knock the doors of an authority, not empowered at the relevant time, to process its applications. Such a scenario would render the process akin to a *Sisyphian task*, eternally inconclusive and never ending.

26. As seen, the NGT in the impugned judgment has protected the completed construction and, on this aspect, we deem it appropriate to endorse the same, by accepting the submission of the appellant's Counsel and the learned ASG. The four constructed buildings are resultantly to be treated to be under a valid EC with all legal consequences. It is, however, made clear that if any further construction is proposed by the appellant with the sanctioned layout, the same should not be done on the strength of the EC granted on 28.11.2017 by the PCMC. In other words, if the Project Proponent wishes to construct the remaining buildings, they must secure fresh

clearance from the competent authority, as per the currently applicable framework. It is ordered accordingly.

27. With the above order, the appeals are disposed of without any order on cost.

¹ (2010) 5 SCC 388

² (1983) 2 AC 629 : (1983) 2 WLR 735

³ (2009) 1 SCC 180

⁴ (1993) 1 SCC 71

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

APPEAL No.48 /2019

MR. TANAJI BALASAHEB GAMBHIRE

APPELLANT

V/S

THE PRINCIPAL SECRETARY-DoE, GoM
& Others
RESPONDENTS

VAKALATNAMA

KNOW ALL to whom these present shall come that we, the above named do hereby appoint:

Saurabh Kulkarni,
Advocate

Prashant Bhat
Advocate

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

Hereinafter called the Advocates to be **Respondent No.9's (M/s. Raviraj Realty)** Advocates in the above noted case & authorize them;

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

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

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

To take execution proceedings.



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

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

IN WITNESS WHEREOF we do hereunto set our hand to their presents the contents of which have been understood by us on this 5th day of January 2022


ADVOCATES



Ravindra Jadhav
M/s. Vitoria
Signatures
M/s. Vitoria
Through its
Partners
For Raviraj Realty

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