

**Report of the Committee in compliance with order dated 16/10/2020 of the Hon'ble
National Green Tribunal in the matter of Original Application No. 74/2019 (WZ)
(I.A. No. 120/2019 & 58/2020)**

1. Background

Relevant order passed vide order dated 30/07/2020 by the Hon'ble National Green Tribunal (NGT) in the matter of Original Application No. 74/2019 (WZ) (I.A. No. 120/2019 & 58/2020) titled Tanaji Balasaheb Gambhire Versus Principal Secretary-DoE & Ors. is reproduced as below:

"...SUMMARY/CONCLUSION

Sr.No	Point examined	Conclusion
1	The project proponent has not complied with environmental norms by non obtaining of mandatory prior Environmental Clearance, Consent to Establish, Consent to Operate.	M/s. Nyati Ethos I & M/s. Nyati Ethos II are two separate and distinct projects constructed on different lands pieces situated opposite each other. The said land pieces have different 7/12 extracts and government demarcations. Both the projects have separate open space, separate amenity space. As per Architect certificate it's observed that for the project Nyati Ethos I, PP has carried out the construction for total built up area 19787.45 SQM. It is in accordance with the revised building plan sanctioned by District Collector (order No. PMH/FSI/SR/61/2013 dated 15/10/2013). As per this sanction, PP has completed construction activity and thereafter obtained the occupation certificate also. Although, PP has revised the proposal for more than 20,000 SQM total built-up area vide sanction plan no. PMH/NA/SR/713/14 dated 24/09/2014; he has not carried out any expansion. As per Architect certificate it is observed that for the project Nyati Ethos II, PP has carried out construction of 18340.26 SQM which is in accordance with the revised building plan sanctioned by District Collector vide order bearing No. PMH/NA/SR/714/14 dated 28/08/2014. The said project is completed and granted completion certificate. From the above discussion it is clear that M/s. Nyati Ethos I & M/s. Nyati Ethos II are two separate and distinct projects. The total construction carried out by each project is below 20,000 SQM, and therefore does not attract prior Environmental Clearance as per EIA Notification 2006, nor the consent to establish and operate under Water (P & CP) Act, 1974 and Air (P & CP) Act, 1981.
2	PP has not obtained CGWA Permission for ground water extraction	There are two bore wells in the premises. PP has not obtained CGWA permissions for the extraction of ground water.
...

By perusing the Architect certificate and the report submitted by the Executive Engineer of Building Permission, Pune Municipal Corporation, it is concluded that the construction of both the projects might not have gone beyond 20,000 SQM."

3. Perusal of the report filed with regard to two bore wells is required to be considered and it is found to be in violation of extraction of Ground Water Act. Further, the attached report

submitted by Executive Engineer, Pune Municipal Corporation which start narrating 1 report Paragraph 5 says as follows:

"5. Nyati Ethos I Revision 3 was approved vide PMH/FSI/SR/713/14 dated 24/09/2014 and the details of layout are as follows:

Sr. No.	Building	Details	FSI (Sqm)	Observation at site
1	A1	P+11	4109.45	P + 6 completed
2	A2	P+12	4474.34	P+12 completed
3	B1	P+12	2983.42	P+12 completed
4	B2	P+12	2983.42	P+12 completed
5	B3	P+11	2683.85	Parking only completed
Total	5 Buildings		17234.48	

The Non FSI area is not mentioned in approved layout but the total area of construction (FSI + Non FSI) mentioned in Point No. 30 of the order of sanction vide PMH/FSI/SR/713/14 dated 24/09/2014 is given as 27095.01 Sqm. This area being greater than 20000 Sqm., Environment Clearance Certificate was made mandatory for carrying out development work as per approved plan Revision 3. Hence, the further construction activity was stopped and development work was limited to Revision 2 (i.e. 12721.96sqm of FSI) only. However, the developer has not submitted any EC in this regard to Pune Municipal Corporation as on date."

4. In light of above report, Central Pollution Control Board (CPCB) and the Maharashtra State Pollution Control Board (SPCB) and the SEIAA, Maharashtra are directed to submit a factual and action taken report on point no. 2 with regard to two bore wells and point as raised by the Executive Engineer, Pune Municipal Corporation in paragraph 5 of this report. The applicant may file objection, if any.

Copy of the aforesaid order dated 30/7/2020 of the Hon'ble NGT is given at Annexure-I.

In order to comply with aforesaid order of the Hon'ble Tribunal, the following official from the aforesaid organisations represented the committee:

- (i) Shri Bharat Kumar Sharma, Regional Director, Central Pollution Control Board, Regional Directorate, Pune;
- (ii) Shri Pankaj Joshi, State Environment Impact Assessment Authority, Maharashtra, and;
- (iii) Dr. Y. B. Sontakke, Joint Director (Water), Maharashtra Pollution Control Board (MPCB)

The committee held meeting through video conference on 20/10/2020 wherein official from Pune Municipal Corporation (PMC) also participated. Various information were sought from PMC and Central Ground Water Board (CGWB), Nagpur. The site of M/s. Nyati Ethos I, at Su. No. 21/1A+1B+3A/1+3A/2+3A/3+3A/4, Village- Undri, Tal. Haveli, Dist.-Pune and M/s. Nyati Ethos II, at Su. No. 19/5, Village- Undri, Tal. Haveli, Dist.-Pune, was also visited by the committee on 09/8/2021.

With regard to the aforesaid reported 02 bore wells, the Central Ground Water Board (CGWB), Nagpur, informed vide email dated 14/7/2021 that environmental compensation charges have been levied and paid by the project proponent w.e.f. 24/9/2020 in accordance with the guidelines to regulate and control groundwater extraction in the country notified by the Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal

Shakti, vide notification S.O. 3289(E) dated 24th September, 2020. The committee, therefore, proceeded to calculate environmental compensation for extraction of ground water for the period prior to the said 24/9/2020 from the two bore wells (for which CGWA permissions were not obtained).

About the aforesaid Paragraph 5 of report submitted by Executive Engineer, Pune Municipal Corporation regarding the total area of construction in Nyati Ethos I as mentioned in para 3 of the aforesaid order dated 30/7/2020 of the Hon'ble NGT, clarifications were sought from the PMC vide MPCB emails dated 12/8/2020, 06/11/2020, 19/11/2020, 03/2/2021 and 06/3/2021. Another meeting was also held with representatives of PMC on 18/12/2020. PMC clarified with complete details vide letter 21/1/2021 and 03/3/2021 and email dated 08/3/2021 and copies of the same are given at Annexure-II.

Subsequent paragraphs of this report outlines (i) calculation of environmental compensation for extraction of ground water, as applicable, from the reported two bore wells (for which CGWA permissions were not obtained), and; (ii) total built up area vis-à-vis compliance of Environmental Impact Assessment Notification 2006 and amendments thereof; and actions required.

2. Calculation of environmental compensation for extraction of ground water from the reported two bore wells for the period without obtaining CGWA permissions

2.1 Methodology

The guidelines to regulate and control groundwater extraction in the country notified by the Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti, vide notification S.O. 3289(E) dated 24th September, 2020, stipulate vide section 15 that extraction of ground water for commercial use by industries, infrastructure units and mining projects without a valid No Objection Certificate from appropriate authority shall be considered illegal and such entities shall be liable to pay Environmental Compensation for the quantum of ground water so extracted. The following formula has been prescribed for calculating the said Environmental compensation:

$$\begin{aligned} & \textit{Environmental compensation (ECGW)} \\ & = \textit{Ground water consumption per day} \times \textit{Environmental Compensation rate (ECR}_{GW}) \times \textit{No.} \\ & \quad \textit{of days} \times \textit{Deterrence factor} \end{aligned}$$

where ground water consumption is in m³/day and ECRGW in Rs. / cum.

The aforesaid notified guidelines and formula thereof have been used to calculate environmental compensation for extraction of ground water from the reported two bore wells and without obtaining CGWA permissions.

PMC vide letter (copy given at Annexure-II) dated 03/3/2021 has informed to MPCB that no water supply is being made to Nyati Ethos I and Nyati Ethos II through PMC. The Project Proponent (PP) vide email dated 17/11/2020 has informed to MPCB that their daily water requirement is met by supply of water from private water tankers for which they have submitted bills/receipts for the same for six months February 2020 – July 2020. Therefore, average daily water procured through tankers of such six months period have been considered as part of daily water demand of both the projects (viz. Nyati Ethos I and Nyati Ethos II) met through the tankers supply for these periods as well as rest of the previous periods also. The difference between estimated daily water demand for both the projects (based on the aforesaid notified

guidelines and information provided by PMC/Project Proponent) and the said average daily water procurement through tankers supply has been considered as ground water extracted/consumed from the said two bore wells.

Various factors in the aforesaid formula viz. Ground water consumption per day and No. of days, have been derived in subsequent paras using information and data obtained from the PMC and as per information/data provided in the aforesaid notified guidelines, as applicable.

2.2. Calculation of estimated Water Consumption, ground water consumption per day and no. of days of ground water consumption

2.2.1 Estimated Water Consumption

Table 1: Estimated Water Consumption in Nyati Ethos I

Sl. No.	Building No. →	A-2	B-1	B-2	A1
1	Dwelling Unit Category (Flat size) *	3 BHK	2 BHK	2 BHK	3 BHK
2	Total no of dwelling units *	47	47	47	24
3	Population in the dwelling unit [§]	6	5	5	6
4	Total estimated Population	282	235	235	144
5	Per capita per day water consumption (in liters) [§]	90	90	90	90
6	Water Requirements for drinking and domestic use (in cum/day)	25.380	21.150	21.150	12.960
7	Proportionate Water consumption for common Club House and Swimming Pool [@] (in cum/day)	2.058	1.715	1.715	1.051
8	Total estimated water consumption (in cum/day)	27.438	22.865	22.865	14.011

Table 2: Estimated Water Consumption in Nyati Ethos II

S. No.	Bldg No. →	C1		C-2		D
1	Dwelling Unit Category (Flat size)	3 BHK	2 BHK	3 BHK	2 BHK	1 BHK
2	Total no of dwelling units*	23	24	23	24	58
3	Population in the dwelling unit [§]	6	5	6	5	4
4	Total estimated Population	138	120	138	120	232
5	Per capita per day water consumption	90	90	90	90	90
6	Water Requirements for drinking and domestic use (in cum/day)	12.420	10.800	12.420	10.800	20.880
7	Proportionate Water consumption for common Club House and Swimming Pool [@] (in cum/day)	1.007	0.876	1.007	0.876	1.693
8	Total estimated water consumption (in cum/day)	13.427	11.676	13.427	11.676	22.573

* As per information provided by PMC vide letter dated 03/3/2021 to MPCB.

[§] Considering guidelines to regulate and control groundwater extraction in the country notified by the Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti, vide notification S.O. 3289(E) dated 24th September 2020. PMC has also informed that as per Pune Municipal Corporation DCPR 2017, daily usage of water for households is 135 liters per capita per day. Further, 45 liters per head per day has been deducted as water demand for gardening and flushing requirements since the Project Proponent (PP) reuses its STP treated effluent gardening purpose (as reported under Summary/Conclusion of the joint Committee, as given at Sl. No. 3 of the Table at para 2 of the order dated 30.07.2020 of the Hon'ble NGT in the matter under reference) and also that PP has declared that such STP treated effluent is also used for flushing vide letter dated 06/11/2020 to PMC.

[@] The PP vide letter dated 06/11/2020 to PMC has informed that water consumption of 12 cum is for common Club House and Swimming Pool as 1 cum and 11 cum respectively which are met through tanker supply. Such water demand has proportionately been derived using population in the corresponding building No. to that of total population.

2.2.2 Water demand being met in Nyati Ethos I and Nyati Ethos II

PMC vide letter dated 03/3/2021 has informed that no water supply is being made to Nyati Ethos I and Nyati Ethos II through PMC.

The Project Proponent (PP) vide email dated 17/11/2020 has informed to MPCB that their daily water requirement are met by supply of water from private water tankers. However, bills/receipts for February 2020 – July 2020 have been provided which reveal 788 tankers (capacity 9 cum per tanker as informed by the PP vide email dated 10/1/2021) are equivalent to 7092 cum (788 tankers x 9 cum per tanker). Therefore, average daily water demand met by the said water tanker supply is 39.4 cum per day.

As population of Nyati Ethos I and Nyati Ethos II, as given in Table 1 and Table 2, are 896 and 748 respectively, proportionate tanker water supply met out of the said 39.4 cum per day to the said two projects are 21.47 cum and 17.93 cum per day respectively.

The bills/receipts reveal that the said private water supply through tankers are supplied by M/s Shri Swami Samarth Water Suppliers, A/P Mohammadvadi, Near Vitthal Temple, Taluka Haveli, Dist. Pune and M/s Shivraj Water Suppliers, A/P Mohammadvadi, Near Vitthal Temple, Taluka Haveli, Dist. Pune. Copies of such bills/receipts are given at Annexure-III.

Table 3: Proportionate Water Demand met through Tankers supply (39.4 cum/day) in Nyati Ethos-I

Sl. No.	Bldg No. →	A-2	B-1	B-2	A1
1	Dwelling Unit Category (Flat size)	3 BHK	2 BHK	2 BHK	3 BHK
2	Total estimated Population	282	235	235	144
3.	Proportionate Water Supply through Tankers(in cum/day)	6.76	5.63	5.63	3.45

Table 4: Proportionate Water Demand met through Tankers supply (39.4 cum/day) in Nyati Ethos-II

S. No.	Bldg No. →	C1		C-2		D
1	Dwelling Unit Category (Flat size)	3 BHK	2 BHK	3 BHK	2 BHK	1 BHK
4	Total estimated Population	138	120	138	120	232

5	Proportionate Water Supply through Tankers(in cum/day)	3.31	2.88	3.31	2.88	5.56
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2.2.3 Estimated ground water consumption per day

The gap between the total estimated water consumption (in cum/day), as given in Table-1 above, and water demand met through Tankers supply, may be considered as water consumption through ground water extraction using the two bore wells installed in each of the two projects viz. Nyati Ethos- I & II. Accordingly, the estimated ground water consumption per day is as below:

Table 5: Estimated ground water consumption per day in Nyati Ethos-I

Sl. No.	Bldg No. →	A-2	B-1	B-2	A1
1	Dwelling Unit Category (Flat size)	3 BHK	2 BHK	2 BHK	3 BHK
2	Total estimated water consumption (in cum/day)	13.427	11.676	13.427	11.676
3	Proportionate Water Supply through Tankers (in cum/day)	6.76	5.63	5.63	3.45
4	Estimated ground water consumption per day (in cum/day)	6.67	6.05	7.80	8.23

Table 6: Estimated ground water consumption per day in Nyati Ethos-II

S. No.	Bldg No. →	C1		C-2		D
1	Dwelling Unit Category (Flat size)	3 BHK	2 BHK	3 BHK	2 BHK	1 BHK
2	Total estimated water consumption (in cum/day)	13.427	11.676	13.427	11.676	22.573

3	Proportionate Water Supply through Tankers(in cum/day)	3.31	2.88	3.31	2.88	5.56
4	Estimated ground water consumption per day (in cum/day)	10.12	8.80	10.12	8.80	17.01

2.2.4 Estimated number of Days for using Borewells

The number of days of using bore wells illegally has been considered from date of the dwelling unit possession till 23/9/2020 (since environmental compensation charges have been levied and paid by the project proponent w.e.f. 24/9/2020 as informed by CGWB, Nagpur, vide email dated 14/7/2021).

Table 7: Estimated number of Days for using Borewells in Nyati Ethos-I

Sl. No.	Bldg No. →	A-2	B-1	B-2	A1
1	Dwelling Unit Category (Flat size)	3 BHK	2 BHK	2 BHK	3 BHK
2	Date of Building Possession*	03-04-2014	05-04-2013	05-04-2013	31-08-2015
3	Date since when environmental compensation charges have been levied and paid by the project proponent	24-09-2020	24-09-2020	24-09-2020	24-09-2020
4	No. of days for using borewell illegally	2366	2729	2729	1851

*As per PMC letter dated 03/3/2021 to MPCB

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Table 8: Estimated number of Days for using Borewells in Nyati Ethos-II

S. No.	Bldg No. → Dwelling Unit Category (Flat size)	C1		C-2		D
		3 BHK	2 BHK	3 BHK	2 BHK	1 BHK
2	Date of Building Possession*	10-03-2015	10-03-2015	10-03-2015	10-03-2015	10-03-2015
3	Date since when environmental compensation charges have been levied and paid by the project proponent	24-09-2020	24-09-2020	24-09-2020	24-09-2020	24-09-2020
4	No. of days for using borewell	2025	2025	2025	2025	2025

*As per PMC letter dated 03/3/2021 to MPCB

2.3 Environmental Compensation

2.3.1 Environmental Compensation rate (ECR_{GW})

The site under reference viz. M/s. Nyati Ethos I & II, Village Undri, Tal. Haveli, Dist. Pune, lies in Haveli and as per the "Block wise Ground Water Resources Assessment 2017" available at Central Ground Water Board (CGWB) website (<http://cgwb.gov.in/GW-Assessment/Categorization%20of%20AU.pdf>), assessment unit Haveli falls under the Safe category. Further, as the water consumption is less than 200 cum/day, Environmental Compensation rate (ECR_{GW}), as given at Table 15.2 for Mining/ infrastructure dewatering projects in the aforesaid notification S.O. 3289(E) dated 24th September, 2020, may be considered as Rs. 15 per cum.

2.3.2 Environmental Compensation amount

Table 9: Environmental Compensation amount for Nyati Ethos-I

Sl. No.	Bldg No. → Dwelling Unit Category (Flat size)	A-2	B-1	B-2	A1
1	Dwelling Unit Category (Flat size)	3 BHK	2 BHK	2 BHK	3 BHK
2	Date of Building Possession	03-04-2014	05-04-2013	05-04-2013	31-08-2015

3	Ground water consumption per day (in cum)	6.67	6.05	7.80	8.23
4	Environmental Compensation rate (Rs. 15 per cum)	15	15	15	15
5	No. of days	2366	2729	2729	1851
6	Deterrent Factor	1.25	1.25	1.25	1.25
Total Environmental Compensation Amount (in Rupees)		Rs. 12,32,489/- (Rupees Twelve lakh thirty two thousand four hundred eighty nine only)			

Table 10: Environmental Compensation amount for Nyati Ethos-II

Sl. No.	Bldg No. →	C1		C-2		D
1	Dwelling Unit Category (Flat size)	3 BHK	2 BHK	3 BHK	2 BHK	1 BHK
2	Date of Building Possession	10-03-2015	10-03-2015	10-03-2015	10-03-2015	10-03-2015
3	Ground water consumption per day (in cum)	10.12	8.80	10.12	8.80	17.01
4	Environmental Compensation rate (Rs. 15 per cum)	15	15	15	15	15
5	No. of days	2025	2025	2025	2025	2025
6	Deterrent Factor	1.25	1.25	1.25	1.25	1.25
Total Environmental Compensation Amount (in Rupees)		Rs. 20,82,168/- (Rupees Twenty lakh eighty two thousand one hundred sixty eight only)				

The Environmental Compensation for extraction of ground water from the reported two bore wells without obtaining CGWA permissions works out to be Rs. 12,32,489/- (Rupees Twelve lakh thirty two thousand four hundred eighty nine only) and Rs. 20,82,168/- (Rupees Twenty lakh eighty two thousand one hundred sixty eight only) for Nyati Ethos-I and Nyati Ethos-II respectively.

PP has recently obtained NOC for ground water abstraction from Central Ground Water Authority which is valid from 30/03/2021 to 29/03/2026 for existing one bore well and proposed two bore wells. Copy of NOC is given at Annexure-IV.

3. Proposed actions for extracting ground water from bore wells without obtaining CGWA permissions

Section 10.0(b) of the guidelines to regulate and control groundwater extraction in the country notified by the Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti, vide notification S.O. 3289(E) dated 24th September, 2020, stipulate that District Collectors/Deputy Commissioners (DCs)/District Magistrates (DMs) are authorized to take enforcement measures like sealing of unauthorized ground water abstraction structures, disconnection of electricity, launching of prosecution against those violating the No Objection Certificate conditions and taking action for imposition of Environmental Compensation.

Accordingly, MPCB may forward this report on environmental compensation to the District Collector, Pune, for taking action for imposition of Environmental Compensation of Rs. 12,32,489/- (Rupees Twelve lakh thirty two thousand four hundred eighty nine only) and Rs. 20,82,168/- (Rupees Twenty lakh eighty two thousand one hundred sixty eight only) for Nyati Ethos-I and Nyati Ethos-II respectively. Further, the District Collector, Pune, may also take necessary enforcement measures against M/s Shri Swami Samarth Water Suppliers, A/P Mohammadvadi, Near Vitthal Temple, Taluka Haveli, Dist. Pune and M/s Shivraj Water Suppliers, A/P Mohammadvadi, Near Vitthal Temple, Taluka Haveli, Dist. Pune, and others, if any, in case they are engaged in supplying water from unauthorized ground water abstraction structures and sealing of such unauthorized structures, as the case may be.

4. Factual status on FSI and Non-FSI area w.r.t. Nyati Ethos-I as per paragraph 5 of the report submitted by Executive Engineer, Pune Municipal Corporation vis-à-vis requirement of prior Environmental Clearance under the Environmental Impact Assessment Notification 2006 and amendments thereof

Building and Construction projects with ≥ 20000 sq. mtrs. of built up area require prior environmental clearance as per the notification no. S.O 1555(E), dated 14th September, 2006 notified under the Environment (Protection) Act, 1986. Vide notification no. S.O. 695(E) dated 04th April 2011, the built up area has been defined as *"The built up area for the purpose of this Notification is defined as "The built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building construction projects."*

Subsequent notification no. S.O. 3252(E) dated 22nd December, 2014 also defines the built up area with similar definition (to that as defined vide the said notification no. S.O. 695(E) dated 04th April 2011) as *"The term "built up area" for the purpose of this notification the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects."* Copy of both the said notifications dated 04th April 2011 and dated 22nd December, 2014 are given at Annexure-V.

The clarifications from PMC, as given at Annexure-II, reveal that:

- (i) The building plan approval of Nyati Ethos-I project was first granted vide Order bearing number PMA/NA/SR/259/2010 dated 25/07/2010 followed by subsequent revision (hereinafter called as Revision-2) vide Order bearing number PMH/FSI/SR/61/2013 dated 15/10/2013 by the District Collector, Pune.
- (ii) Nyati Ethos I has been constructed as per the said Revision 2 order number PMH/FS/SR/61/2013 dated 15/10/2013 in which revised sanctioned plans FSI area of 12721.96 sqm and NON-FSI of 7065.49 sqm. working out to aggregate 19787.45 sqm were sanctioned. The project proponent, however, has constructed the total built up area (as per definition of the aforesaid notification dated 04th April 2011) of 22287.45 sqm against the sanction of 19787.45 sqm. The said total built up area of 22287.45 sqm has been observed by PMC in Nyati Ethos I after scrutinizing the building permission drawings, layout drawings and commencement certificates available with PMC.
- (iii) The structures added vide the said Revision-2 order dated 15/10/2013 in Nyati Ethos I with respect to previous sanction dated 25/7/2010 are as below:
 - (a) 06 Floors added in Building A-1 (Increase in Area)
 - (b) 01 Floor added in Building A-2 (Increase in Area)
 - (c) No alteration in Building B1, B2 and B3.

Net Increase in built up area (as per definition of the aforesaid notification dated 04th April 2011) is 3792.5 sqm.

Therefore, out of the total built up area of 22287.45 sqm, 3792.5 sqm has been added after 15/10/2013 i.e. the date on which Revision-2 approval was accorded. This implies that the total built up area were less than 20000 sqm prior to 15/10/2013 and the built up area has exceeded more than 20000 sqm after 15/10/2013 and also after the said notification dated 04th April 2011 wherein it was notified/clarified that *"The built up area for the purpose of this Notification is defined as "The built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building construction projects."* Hence, there is violation of provisions of prior environmental clearance requirement as per the notification no. S.O 1555(E), dated 14th September, 2006 read with the notification no. S.O. 695(E) dated 04th April 2011 and notification no. S.O. 3252(E) dated 22nd December, 2014, notified under the Environment (Protection) Act, 1986.

With regard to Paragraph 5 of report submitted by Executive Engineer, Pune Municipal Corporation regarding the 27095.01 sqm as total area of construction in Nyati Ethos I, as referred by the Hon'ble NGT under para 4 of its order dated 30/7/2020 under reference, PMC has clarified vide letter (copy given at Annexure-II) dated 21/1/2021 that the mentioned area of 27,095.01 sqm was a proposal submitted by M/s Nyati to the concerned authority for the proposed extension of the project subsequent to sanction of Revision 2 dated 15/10/2013. The same has been sanctioned as Revision-3 vide sanction order PMH/FSI/SR/713/14 dated 24/09/2014. The proposed area of 27,095.01 sqm being greater than 20000 sqm, Environment Clearance Certificate was made mandatory for carrying out development work as per the said approved plan Revision 3. However, the developer has not submitted any Environment Clearance Certificate with respect to Revision 3 to Pune Municipal Corporation till date and that no work is being carried out as observed during their site visit.

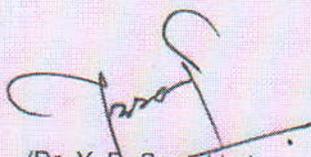



5. Actions required to be taken for violation of notification no. S.O 1555(E), dated 14th September, 2006 and amendments thereof notified under the Environment (Protection) Act, 1986

MPCB may bring the above noticed violations of provisions under the notification no. S.O 1555(E), dated 14th September, 2006 and amendments thereof notified under the Environment (Protection) Act, 1986, as given under para 4 above, to the notice of Ministry of Environment, Forest and Climate Change, Govt. of India, for examination and taking necessary actions against the said noticed violations.

6. Submission of factual and action taken report in compliance with order dated 30/07/2020 of the Hon'ble National Green Tribunal (NGT) in the matter under reference

Upon intimating the aforesaid – (i) environmental compensation report to the District Collector, Pune, for taking action for imposition of Environmental Compensation of Rs. 12,32,489/- (Rupees Twelve lakh thirty two thousand four hundred eighty nine only) and Rs. 20,82,168/- (Rupees Twenty lakh eighty two thousand one hundred sixty eight only) for Nyati Ethos-I and Nyati Ethos-II respectively and required actions, as given under para 3 above, and (ii) noticed violations of provisions under the notification no. S.O 1555(E), dated 14th September, 2006 and amendments thereof notified under the Environment (Protection) Act, 1986, as given under para 4 above, to the Ministry of Environment, Forest and Climate Change, Govt. of India, for examination and taking necessary actions against the said noticed violations, as given under para 5 above; a report in this regard may be submitted to the Hon'ble NGT by MPCB for kind consideration and passing orders/directions, as appropriate, by the Hon'ble NGT.



(Dr. Y. B. Sontakke)
Joint Director (Water)
Maharashtra Pollution Control Board



(Pankaj Joshi)
State Environment Impact Assessment
Authority, Maharashtra



(Bharat K Sharma)
Regional Director
Central Pollution Control Board
Regional Directorate, Pune

Dated: 05/10/2021

Item No. 05 (Pune Bench)

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

(Through Video Conferencing)

Original Application No. 74/2019 (WZ)
(I.A. No. 120/2019 & 58/2020)

Tanaji Balasaheb Gambhire

Applicant(s)

Versus

Principal Secretary-DoE & Ors.

Respondent(s)

Date of hearing: 30.07.2020

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Appellant (s) : Mr. Nitin Lonkar & Ms. Sonali Suryawanshi,
Advocates for Applicant Mr. Tanaji Gambhire,
Applicant in Person

For Respondent(s) : Mr. Saket Mone, Mr. Vishesh Kalra, Mr. Subit
Chakrabarti, Mr. Vishal Dushing & Mr. Abhishek
Salian I/b Vidhii Partners, Advocate for R.11
Mr. Srinivas Iyer, Advocate for R.11
Mr. Vijay Adhav representing Suryawanshi, Advocate
for PMC

ORDER

1. The matter was taken up on 29.06.2020 by this Tribunal and it was directed as follows:

"1. The issue raised in this application with regard to construction of building without obtaining prior Environmental Clearance was taken up by this Tribunal on 06.03.2020 and the Tribunal directed as follows:

"5. In the interregnum, we direct the SEIAA, Maharashtra, Maharashtra State Pollution Control Board (PCB) and the Pune Municipal Corporation, the Respondents no. 2, 4 and 9 respectively, to jointly inspect the project in question, verify on the factual aspects and submit a report.

The Maharashtra State PCB shall be the nodal agency for providing logistic support and coordination.

6. In the event, the allegations are found to be correct, appropriate action in accordance with law be instituted against the respondent no. 11. An action taken report on this aspect may also be filed at judicial-ngt@gov.in before the next date."

2. The compliance report has not been submitted till date. The SEIAA, Maharashtra, Maharashtra State Pollution Control Board (PCB) and the Pune Municipal Corporation, as mentioned in para 5 are directed to submit a report.

3. Let the report be submitted by the Committee by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. Report be submitted within three weeks.

4. List it on 30.07.2020."

2. Thereafter, the Joint Committee submitted its report dated 28.07.2020 which is as follows:

"The visit to the site is carried out by Shri. Y. B. Sontakke, Joint Director (WPC) MPCB Sion Mumbai. Ar. Dr. Mukund S. Athavale, Member of SEIAA Maharashtra has verified the submitted documents and joined through video conferencing. The other members who visited the site are Mr. Pratap Jagtap (SRO Pune, MPCB), and Mr. Deo Gambhire (Executive Engineer of Building Permission, Pune Municipal Corporation, Pune).

M/s. Nyati Builders Pvt. Ltd, Su. No. 130/129, Plot No. B+C, CTS No. 1995 (P) & 1996 B, Nyati Unitree, 7th Floor, East Wing, Pune-Nagar Road, Yerwada, Pune-411006, has developed two separate residential construction projects which are adjacent to each other by the name M/s. Nyati Ethos I at Su. No. 21/1A+1B+3A/1+3A/2+3A/3+3A/4, and M/s. Nyati Ethos II at Su. No. 19/5, Village-Undri, Tal. Haveli, Dist.-Pune. The total plot area of M/s. Nyati Ethos I is- 16150 SQM and M/s. Nyati Ethos II is — 10100 SQM. Nyati Ethos I and Nyati Ethos II are two separate and distinct projects constructed on different lands pieces situated opposite each other. The said land pieces have different 7/12 extracts and government demarcations. Both the projects have separate open space, and separate amenity space.

M/s. Nyati Ethos I, at Su. No. 21/1A+1B+3A/1+3A/2+3A/3+3A/4, Village- Undri, Tal. Haveli, Dist.-Pune, consist 5 residential buildings as per the following details:

Bldg. No. A1- Parking + 6 Floor,

Bldg. No. A-2- Parking + 12 Floor,

Bldg. No. B-1- Parking + 12 Floor

Bldg. No. B-2- Parking + 12 Floor

Bldg. No. B-3- Parking

Club House- Ground+ 1 Floor

M/s. Nyati Ethos II, at Su. No. 19/5, Village- Undri, Tal. Haveli, Dist.-Pune, consist 3 residential buildings as per the following details:

Bldg. No. C1- Lower / Upper Parking + 12 Floor,

Bldg. No. C-2- Lower / Upper Parking + 12 Floor

Bldg. No. D-Parking + 12 Floor

SUMMERY/CONCLUSION

Sr. No.	Point examined	Conclusion
1.	<p>The project proponent has not complied with environmental norms by non-obtaining of prior mandatory Environmental Clearance, Consent to Establish, Consent to Operate.</p>	<p>M/s. Nyati Ethos I & M/s. Nyati Ethos II are two separate and distinct projects constructed on different lands pieces situated opposite each other. The said land pieces have different 7/12 extracts and government demarcations. Both the projects have separate open space, separate amenity space.</p> <p>As per Architect certificate it's observed that for the project Nyati Ethos I, PP has carried out the construction for total built up area 19787.45 SQM. It is in accordance with the revised building plan sanctioned by District Collector (order No. PMH/FSI/SR/61/2013 dated 15/10/2013). As per this sanction, PP has completed construction activity and thereafter obtained the occupation certificate also.</p> <p>Although, PP has revised the proposal for more than 20,000 SQM total built-up area vide sanction plan no. PMH/NA/SR/713/14 dated 24/09/2014; he has not carried out any expansion.</p> <p>As per Architect certificate it is observed that for the project Nyati Ethos II, PP has carried out construction of 18340.26 SQM which is in accordance with the revised building plan sanctioned by District Collector vide order bearing No. PMH/NA/SR/714/14 dated 28/08/2014. The said project is completed and granted completion certificate.</p> <p>From the above discussion it is clear that M/s. Nyati Ethos I & M/s. Nyati Ethos II are two separate and distinct projects. The total construction carried out by each project is below</p>

		20,000 SQM, and therefore does not attract prior Environmental Clearance as per EIA Notification 2006, nor the consent to establish and operate under Water (P & CP) Act, 1974 and Air (P & CP) Act, 1981.
2.	PP has not obtained CGWA Permission for ground water extraction	There are two bore wells in the premises. PP has not obtained CGWA permissions for the extraction of ground water.
3.	PP has not installed STP and sewage is directly discharged to PMC sewer line.	PP has provided common STP of capacity 210 KLD of MBBR technology for both projects in the Nyati Ethos II premises. During visit STP is found in operation. Treated effluent is reused for gardening purpose and is not discharged to the PMC sewer line. Also there is no fresh water supply from PMC. Due to which water from tanker is obtained. Daily 6 no tanker is required for each project. PP has installed water treatment plant for the tanker water.
4.	PP has not provided Solid Waste treatment & OWC units	PP has provided vermicomposting pit for the treatment of organic waste and same is found in operations during the visit.
5.	PP has not obtained any permission for installation of DG sets.	PP has installed DG sets of 200KVA capacity for each project.
6.	PP has not preserved top layer of the fertile soil excavated during construction of foundation, no soil test, non-provision of solar energy. PP has not installed rainwater harvesting system.	All buildings are already constructed; as such the committee is unable to comment on the soil preservation for both the projects. Soil test report is not made available at the time of site inspection. PP has installed solar power generation system in all building. PP has installed rainwater harvesting system for all buildings.
7.	PP has not undertaken plantation of required trees.	PP has carried out tree plantation. In Ethos-I project there are 179 trees and in Ethos-II project there are 195 trees.

By perusing the Architect certificate and the report submitted by the Executive Engineer of Building Permission, Pune Municipal Corporation, it is concluded that the construction of both the projects might not have gone beyond 20.000 SQM."

3. Perusal of the report filed with regard to two bore wells is required to be considered and it is found to be in violation of extraction of Ground Water Act. Further, the attached report submitted by Executive Engineer, Pune Municipal Corporation which starts narrating 1 report Paragraph 5 says as follows:

"5. Nyati Ethos I Revision 3 was approved vide PMH/FSI/SR/713/14 dated 24/09/2014 and the details of layout are as follows-

Sr. No.	Building	Details	FSI (Sqm)	Observation at site
1	A1	P+11	4109.45	P + 6 completed
2	A2	P+12	4474.34	P+12 completed
3	B1	P+12	2983.42	P+12 completed
4	B2	P+12	2983.42	P+12 completed
5	B3	P+11	2683.85	Parking only completed
Total	5 Buildings		17234.48	

The Non FSI area is not mentioned in approved layout but the total area of construction (FSI + Non FSI) mentioned in Point No. 30 of the order of sanction vide PMH/FSI/SR/713/14 dated 24/09/2014 is given as 27095.01 Sqm. This area being greater than 20000 Sqm., Environment Clearance Certificate was made mandatory for carrying out development work as per approved plan Revision 3. Hence, the further construction activity was stopped and development work was limited to Revision 2 (i.e. 12721.96sqm of FSI) only. However, the developer has not submitted any EC in this regard to Pune Municipal Corporation as on date."

4. In light of above report, Central Pollution Control Board (CPCB) and the Maharashtra State Pollution Control Board (SPCB) and the SEIAA, Maharashtra are directed to submit a factual and action taken report on point no. 2 with regard to two bore wells and point as raised by the Executive Engineer, Pune Municipal Corporation in paragraph 5 of this report. The applicant may file objection, if any.

5. Respondents are directed to submit the reply, if any, if they wish to reply. In case the reply is submitted the applicant has right to file rejoinder.
6. Let the reply/objection/rejoinder be submitted by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
7. List it on 20.11.2020.

Sheo Kumar Singh, JM

Dr. Satyawan Singh Garbyal, EM

July 30, 2020
O.A. No. 74/2019 (WZ)
(I.A. No. 120/2019 & 58/2020) &
MN



Office of the City Engineer
Building Permission Department
Pune Municipal Corporation
Outward No. ZONE 1/2465
Date: 21/01/2021.

To,
Regional officer
Maharashtra Pollution Control Board,
Jog Center, third floor
Pune Mumbai Old Highway, Wakdewadi,
Pune - 03

Subject:- Regarding NGT Case No. 74/2019 and Discussion held on 18/12/2020.

- Reference :- 1) NGT Application No. 74/2019 (W.Z.) (I.A.No.120/2019).
2) NGT Order Dt. 30/7/2020.
3) Building Permission Dept. Zone I Outward Letter no Zone I/1565 Dt.29/07/2020
4) Video Conferencing held on 24/10/2020 in presence of CPCB, MPCB & CWGA officials.
5) Building Permission Dept. Zone I Outward Letter no Zone I/1565 Dt. 11/11/2020
6) Meeting Held at Office of CPCB along with MPCB and PMC Officials.Dt.18/12/2020.

With respect to reference no.2, Hon. NGT had directed CPCB, MPCB & SEIAA to present an action taken report, as Nyati Ethos I & Nayti Ethos II have not taken due permission from CWGA for extracting ground water using bore-well. A discussion was held in this regard with reference to s.no.3 & 6. Necessary information was sought from Pune Municipal Corporation. The necessary information was given vide reference to Sr. No. 3 & 5. However further clarification as required is mentioned below-

- 1) The details of Start of Project and its completion of Nyati Ethos I & Nayti Ethos II is mentioned below.

Layout	Building	Tenement Details	Commencement	Completion	Total
Nyati Ethos I	A2	3 BHK - 47 Flats	25/07/2010	03/04/2014	3 BHK - 117 Flats 2 BHK - 142 Flats
	B1	2 BHK - 47 Flats	25/07/2010	05/04/2013	
	B2	2 BHK - 47 Flats	25/07/2010	05/04/2013	
	A1	3 BHK - 24 Flats	25/07/2010	31/08/2015	

Nyati Ethos II	C1	3 BHK - 23 Flats 2 BHK - 24 Flats	12/07/2012	10/03/2015	1 BHK - 58 Flats
	C2	3 BHK - 23 Flats 2 BHK - 24 Flats	12/07/2012	10/03/2015	
	D	1 BHK - 58 Flats	12/07/2012	10/03/2015	

- 2) As per Pune Municipal Corporation DCPR 2017, daily usage of water for households is 135 litres per capita per day.
- 3) No water supply is being made to Nayti Ethos I & Nayti Ethos II through Pune Municipal Corporation.
- 4) As observed during the site visit, Nyati Ethos I has been constructed vide order number PMH/FSI/SR/61/2013 dated 15/10/2013 (Revision 2). The details of built up area as per Revision 2 mentioned in approved layout are as follows-

Sr. No.	Building	Details	FSI (Sqm)	Observation at site
1	A1	P + 6	2280.78	P + 6 completed
2	A2	P+12	4474.34	P+12completed
3	B1	P+12	2983.42	P+12completed
4	B2	P+12	2983.42	P+12completed
5	B3	Parking only	0	Parking onlycompleted
Total	5 Buildings		12721.96	
The total area of construction is 19787.45 Sqm				

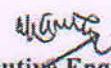
The total area of construction as mentioned in Point No. 27 of the order of sanction vide PMH/FSI/SR/61/2013 dated 15/10/2013 is given as 19787.45 Sqm. This area being less than 20000 Sqm, Environment Clearance Certificate was not made mandatory for carrying out development work as per approved plan.

- 5) The project is completed as per above mentioned Revision No. 2 and completion certificate has been awarded accordingly.
- 6) It is also to clarify about Paragraph '5' as referred in the Hon NGT Order dt. 30/07/2020, the mentioned area of 27,095.01 Sqm was a proposal submitted by M/s Nyati to concerned authority for the proposed extension of the project after completion of the project as per Revision 2 under which total area of construction is 19787.45Sqm. The authority approved Nyati Ethos I Revision 3 vide PMH/FSI/SR/713/14 dated 24/09/2014 and the details of layout are as follows-

Sr. No.	Building	Details	FSI (Sqm)	Observation at site
1	A1	P+11	4109.45	P + 6 completed
2	A2	P+12	4474.34	P+12 completed
3	B1	P+12	2983.42	P+12 completed
4	B2	P+12	2983.42	P+12 completed
5	B3	P+11	2683.85	Parking only completed
Total	5 Buildings		17234.48	
The total area of construction is 27095.01 Sqm				

The total area of construction mentioned in Point No. 30 of the order of sanction vide PMH/FSI/SR/713/14 dated 24/09/2014 is given as 27095.01 Sqm. This area being greater than 20000 Sqm, Environment Clearance Certificate was made mandatory for carrying out development work as per approved plan Revision 3.

- 7) It is also to inform that the total area of construction in Nyati Ethos I including BUA is as per Rev-2 i.e. 19787.45 Sqm. and hence is less than 20000Sqm.
It is also informed that proposed construction beyond 20000Sqm as per Rev-3 PMH/FSI/SR/713/14 dated 24/09/2014 will be allowed by PMC only after producing the requisite Environmental clearance and sanctioning of building plans. However, the developer has not submitted any EC with respect to Revision 3 to Pune Municipal Corporation till date and that no work is being carried out as observed during site visit.


 Executive Engineer
 Building Permission Department Zone 1
 Pune Municipal Corporation






Office of the City Engineer
 Building Permission Department
 Pune Municipal Corporation
 Outward No. Zme1/3261
 Date: 03/03/2021

To,
 Regional officer
 Maharashtra Pollution Control Board,
 Jog Center, third floor
 Pune Mumbai Old Highway, Wakdewadi,
 Pune - 03

Subject:- Regarding NGT Case No. 74/2019 and Discussion held on 18/12/2020.

Reference :- 1) NGT Application No. 74/2019 (W.Z.) (I.A.No.120/2019).

- 2) NGT Order Dt. 30/7/2020.
- 3) Building Permission Dept. Zone1 Outward Letter no Zone1/176 Dt.29/07/2020
- 4) Video Conferencing held on 24/10/2020 in presence of CPCB, MPCB & CWGA officials.
- 5) Building Permission Dept. Zone1 Outward Letter no Zone1/1565 Dt. 11/11/2020
- 6) Meeting Held at Office of CPCB along with MPCB and PMC Officials.Dt.18/12/2020.
- 7) Building Permission Dept. Zone1 letter to M/s Nyati Builders/ Lic Arch Mr. Shirish Dasnurkar vide outward no Zone1/2181 Dt. 30/12/2020
- 8) Various mails received from RO, MPCB and CPCB on Gmail dt.4 Feb 2021, 3 Feb 2021, 19 Nov. 2020, 12 Aug. 2020.
- 9) Building Permission Dept. Zone1 letter to RO, MPCB vide outward no Zone1/2465 Dt. 21/01/2021
- 10) Letter from M/s Nyati Builders/ Lic Arch Mr. Shirish Dasnurkar vide inward no Zone1/5412 Dt. 12/02/2021
- 11) Building Permission Dept. Zone1 letter to M/s Nyati Builders/ Lic Arch Mr. Shirish Dasnurkar vide outward no Zone1/3068 Dt. 24/02/2020

With respect to order dated 30/7/2020 passed by Hon.NGT, Hon NGT had directed CPCB, MPCB & SEIAA to present an action taken report in Nyati Ethos I & Nayti Ethos II with CPCB, MPCB and CWGA officials (Ref. Sr. No. 4 & 6) in regards to two bore wells. Necessary information was sought from Pune Municipal Corporation.

The necessary information was given vide reference to Sr. No. 3, 5 and 9 which is as follows-

- The details of Start of Project and its completion of Nyati Ethos I & Nayti Ethos II is mentioned below.

Layout	Building	Tenement Details	Commencement	Completion	Total
Nyati Ethos I	A2	3 BHK - 47 Flats	25/07/2010	03/04/2014	3 BHK - 117 Flats 2 BHK - 142 Flats 1 BHK - 58 Flats
	B1	2 BHK - 47 Flats	25/07/2010	05/04/2013	
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		2 BHK - 24 Flats			
	C2	3 BHK - 23 Flats 2 BHK - 24 Flats	12/07/2012	10/03/2015	
	D	1 BHK - 58 Flats	12/07/2012	10/03/2015	

- As per Pune Municipal Corporation DCPR 2017, daily usage of water for households is 135 litres per capita per day.
- No water supply is being made to Nayti Ethos I & Nayti Ethos II through Pune Municipal Corporation.

In regards to Built-up area, we wish to submit that the project was commenced in July 2010 and necessary permissions were obtained from Town Planning Department/ Collector Office and occupancy certificates were granted by Town Planning Department/ Collector Office in the year 2013 and Pune Metropolitan Regional Development Authority (PMRDA) in the year 2015. The said village Undri was included in PMC limits in the year 2017 therefore no permission/ certificate is obtained from PMC in the above matter till date.

However further clarification regarding with respect to Built-up area with respect to EIA Notification 2006 was sought from our office through various e-mails as mentioned in Sr. no 8. With reference to your mail, clarification was sought from M/s Nyati Builders/ Lic Arch Mr. Shirish Dasnurkar vide Sr. no. 7 and M/s Nyati Builders/ Lic Arch Mr. Shirish Dasnurkar replied vide letter to RO, MPCB and copy received by us vide Sr. no. 10. But the letter fails to furnish the details of Built-up area area with respect to EIA Notification 2006 as sought by us.

The total Built-up area in Sq. Metres as per definition of EIA Notification 2006 and amendments thereof for Project Nyati Ethos I & Nyati Ethos II according to which - "The term 'Built up area' for the purpose of this notification is the built up area covered on all floors put

together, including its basement and other service areas which are proposed in the building or construction projects. Hence, we scrutinised the building permission drawings, layout drawings & commencement certificates available with us and the observations made (mentioned below) were conveyed to M/s Nyati Builders/ Lic Arch Mr. Shirish Dasnurkar (Copy marked to RO, MPCB) vide letter no 11 seeking certification within 4 days but no satisfactory reply has been received till date. The observations made are as follows-

NYATI ETHOS I

- 1) The non-FSI area of 7046.9 sqm as furnished in the report vide letter no 10 does not include parking floor/ Basement parking for building A1, A2, B1, B2 & B3, Underground and Overhead Water Tanks, STP, Generator room, vermiculture Pits etc.
- 2) All above constructions must be included in Built up area calculations as per above mentioned EIA notification.
- 3) The built up area which needs to be added comes out to be around 2500Sqm.
- 4) Hence, total FSI area 12721.96Sqm and Non FSI area =7065.49 Sqm + 2500 Sqm= 9565.49 Sqm.
- 5) Hence, total Built up area is found to be $12721.96 + 9565.49 = 22287.45$ Sqm which exceeds 20,000Sqm.

NYATI ETHOS II

1. The non-FSI area of 6022.4 sqm does not include parking floor/ Basement parking for building C1, C2 & D Underground and Overhead Water Tanks, STP, Generator room, vermiculture Pits etc.
2. All above constructions must be included in Built up area calculations as per above mentioned EIA notification.
3. The built up area which needs to be added comes out to be around 3300Sqm.
4. Hence, total FSI area 9017.60 Sqm and Non FSI area =6022.4 Sqm + 3300 Sqm= 9322.4 Sqm.
5. Hence, total Built up area is found to be $9017.60 + 9322.40 = 18340$ Sqm which does not exceeds 20,000Sqm.

This is for your kind information and further necessary action.

Wanted
Executive Engineer

Building Permission Department Zone 1
Pune Municipal Corporation

SA *DC*

From: zone1 pmc <zone1pmc@gmail.com>

Sent: 08 March 2021 17:13

To: SRO Pune1 <sropune1@mpcb.gov.in>

Cc: deogambhire@gmail.com <deogambhire@gmail.com>; dattatrays09@gmail.com

<dattatrays09@gmail.com>; anoopgpmc@gmail.com <anoopgpmc@gmail.com>; BHARAT KUMAR SHARMA <bksharma.cpcb@nic.in>; RO Pune <ropune@mpcb.gov.in>

Subject: Re: Information w.r.t. layout sanction and built up area of Nyati Ethos- I project in the Hon'ble National Green Tribunal matter - Original Application No. 74/2019 (WZ) titled Tanaji Balasaheb Gambhire Vs. Principal Secretary-DoE & Ors. - reg.

Sir,

In continuation to our letters Outward Number Outward Number "Zone1/3261 dated: 03-03-2021", and your mail dated 6th March 2021, the information w.r.t. Nyati Ethos- I project at Su. No. 21/1A+1B+3A/1+3A/2+3A/3+3A/4, Village- Undri, Tal. Haveli, Dist.-Pune: as required is as follows-

Sr. No	Information Sought	Clarification
(i)	The sequence of layout sanctions or revisions granted to the Nyati Ethos - I project along with sanction letter number and date of such sanction letters.	<p>1. District Collector, Pune, vide Order bearing number PMA/NA/SR/259/2010 dated 25/07/2010 has granted non-agricultural permission and building plan approval. Such sanction has been granted for land admeasuring 16150 sqm and by this sanction buildings A1 (Parking), A2 (Parking + 11), B1 (Parking + 12), B2 (Parking +12), B3 (Parking) and Club House was sanctioned. The FSI area as per layout is 10024.7Sqm. (Non FSI area not mentioned.)</p> <p>2. District Collector, Pune, vide Order bearing number PMH/FSI/SR/61/2013 dated 15/10/2013 has granted revised building plan sanction. By this sanction buildings - A1 (Parking + 6), A2 (Parking +12), B1 (Parking + 12), B2 (Parking +12), B3 (parking) and Club House are sanctioned and as per such revised sanctioned plans FSI area of 12721.96 sqm and NON-FSI of 7065.49 sqm. working out to aggregate 19787.45 sqm is sanctioned. Such built up area is mentioned at Sr. No. 27 of the Terms and Conditions of the Order dated 15/10/2013.</p>
(ii)	Whether any structures have been added or altered in sanction vide PMH/FSI/SR/61/2013 (Revision-2) Dated: 15-10-2013 to the Nyati Ethos - I	<p>As Indicated above, the structures added vide Revision-2 with respect to previous sanction is as follows-</p> <ol style="list-style-type: none"> 1. 6 Floors added in Building A-1 (Increase in Area) 2. 1 Floor added in Building A-2 (Increase in Area) 3. No alteration in Building B1, B2 and B3.

	project as compared to the immediate previous revision or sanction, as applicable, to the said revision to Dated: 15-10-2013.																																									
(iii)	<p>What is the net increase in built up area due to the aforesaid addition or alteration, as at (ii) above. The said net increase in built up area be given considering the built up definition prescribed in the EIA Notification S.O. 695(E) Dated: 4-4-2011, viz. "The built up area for the purpose of this Notification is defined as "The built up or covered area on all the floors put together including basement(s) and other service areas, which are proposed in the building construction projects."</p>	<p>The increase in built up area due to the aforesaid addition or alteration, comparing sanctions District Collector, Pune, vide Order bearing number PMA/NA/SR/259/2010 dated 25/07/2010 and District Collector, Pune, vide Order bearing number PMH/FSI/SR/61/2013 dated 15/10/2013 (Point no ii) is as follows (all area in Square Metres)</p> <table border="1"> <thead> <tr> <th>Bld.</th> <th>Increase</th> <th>FSI</th> <th>Staircase</th> <th>Passage</th> <th>Terrace</th> <th>Bal</th> <th>Dry Bal</th> </tr> </thead> <tbody> <tr> <td>A1</td> <td>6 Floors</td> <td>2280</td> <td>73.5</td> <td>131.</td> <td>344</td> <td>339</td> <td>92</td> </tr> <tr> <td>A2</td> <td>1 Floor</td> <td>380</td> <td>-</td> <td>21</td> <td>60</td> <td>56</td> <td>16</td> </tr> <tr> <td></td> <td></td> <td>2660</td> <td>73.5</td> <td>152</td> <td>404</td> <td>395</td> <td>108</td> </tr> <tr> <td colspan="8" style="text-align: center;">Net Increase in Built-up area is 3792.5 Sqm.</td> </tr> </tbody> </table>	Bld.	Increase	FSI	Staircase	Passage	Terrace	Bal	Dry Bal	A1	6 Floors	2280	73.5	131.	344	339	92	A2	1 Floor	380	-	21	60	56	16			2660	73.5	152	404	395	108	Net Increase in Built-up area is 3792.5 Sqm.							
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Regards



bharatkosh.gov.in

Government of India Receipt Portal

RECEIPT

Transaction Ref.No. 0203210011637

Dated: Mar 2 2021 5:54PM

Received from M/S. NYATI ETHOS COOP HOUSING SOCIETY LTD with

Transaction Ref.No.0203210011637

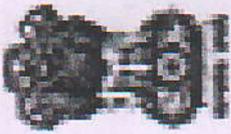
Dated Mar 2 2021 5:54PM the sum of INR 164250 (One Lakhs Sixty-Four Thousand Two Hundred Fifty Only) through Internet based Online payment in the account of

Ground Water Abstraction Charges, , APPLICATION NO 21-4/5960/MH/INF/2021.

Disclaimer:- This is a system generated electronic receipt, hence no physical signature is required for the purpose of authentication

Printed On: 03-03-2021 11:16:15

Courtesy - Controller General of Accounts



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Government of India Receipt Portal

RECEIPT

Transaction Ref.No. 1003210010653

Dated: Mar 10 2021 5:02PM

Received from M/S. NYATI EHTOS COOP HOUSING SOCIETY with

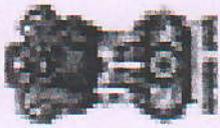
Transaction Ref.No. 1003210010653

Dated Mar 10 2021 5:02PM the sum of INR 225000 (Two Lakhs Twenty-Five Thousand Only) through Internet based Online payment in the account of

Environmental Compensation, , APPLICATION 21-4/5960/MH/INF/2021.

Disclaimer:- This is a system generated electronic receipt, hence no physical signature is required for the purpose of authentication

Printed On: 10-03-2021 06:31:36



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Government of India Receipt Portal

RECEIPT

Transaction Ref.No. 1003210010390

Date ~~Mar~~ 10 2021 4:51PM

Received from M/S. NYATI EHTOS COOP HOUSING SOCIETY With
Transaction Ref.No. 1003210010390

Dated Mar 10 2021 4:51PM the sum of INR 100000 (One Lakhs Only)
through Internet based Online payment in the account of

Penalty, APPLICATION NO 21-4/5960/MH/INF/2021

Disclaimer:- This is a system generated electronic receipt, hence no physical signature is required for the purpose of authentication

Printed On: 10-03-2021 05:6:0

Courtesy :- Controller General of Accounts

॥ श्री स्वामी समर्थ ॥



शिवराज वॉटर सप्लायर्स

मु.पो.महंमदवाडी, विठ्ठल मंदिराजवळ ता. हवेली, जि. पुणे.
शंतनु हिरामण घुले मो.: ९९२२०९४६९०/७०६६९४७९२९



मे.: Nyati Ehas Co-op Housing
Society Ltd, Undri, Pune-60

बिल नं. 403

दिनांक: 01/08/2020

अ.क्र.	तपशिल	चलन नं.	नाग/ट्रिप	दर	रक्कम रुपये पैसे
1	01/07/2020 To 31/07/2020 - TRIPS: 124 Nos 124 trips through Meter Reading = 1243. At the rate of Rs 50/- per 1000 litres = 1243 x 455/- = 68946/- (Sixty Eight Thousand Nine hundred & Eighty Six.) Paid by Chq. No. 001770 dated: 01/08/2020.		124		
				एकुण	68946/-

रक्कम रूपये

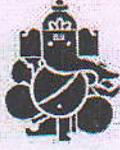
शिवराज वॉटर सप्लायर्स करिता

S. Chole

प्रोप्रायटर

(Customer City Name)

॥ श्री स्वामी समर्थ ॥



शिवराज वॉटर सप्लायर्स

मु.पो.महंमदवाडी, विठ्ठल मंदिराजवळ ता. हवेली, जि. पुणे.
शंतनु हिरामण घुले मो.: ९९२२०९४६९०/७०६६९४७९२९



मे.: Nyati Ethos Co-op Housing
Society Ltd., Undri, Pune-411060

बिल नं. 396

दिनांक : 01/07/2020

अ.क्र.	तपशिल	चलन नं.	नग/ट्रिप	दर	रक्कम रुपये पैसे
1	01/07/2020 To 30/06/2020 125 Trips thru meter reading At the rate of 61/- 1254 x 61 (Seventy six thousand four hundred + ninety four)	1254			76494/-
	Paid by Chq. No. 1679 Dated: 07/07/2020				
				एकुण	76494/-

रक्कम रुपये

(Captain Taty Yathwal)

शिवराज वॉटर सप्लायर्स करिता

S. CHUTUR

प्रोप्रायटर

॥ श्री स्वामी समर्थ ॥



शिवराज वॉटर सप्लायर्स

मु.पो.महंमदवाडी, विठ्ठल मंदिराजवळ ता. हवेली, जि. पुणे.
शंतनु हिरामण घुले मो.: ९९२२०९४६९०/७०६६९४७९२९



मे.: Nyati Ethas Co-OP Housing
Society Ltd, Undri, Pune-411000

बिल नं. 388

दिनांक : 01/05/2020

अ.क्र.	तपशिल	चलन नं.	नग/ट्रिप	दर	रक्कम रुपये पैसे
1	01/05/2020 To 31/05/2020	-	140	550	77,000/-
				एकुण	77,000/-

रक्कम रुपये सत्तयाहत्तर, हजार, केवळ.

शिवराज वॉटर सप्लायर्स करिता

3 June

प्रोप्रायटर

P.T.O for Calculations: + Amount Paid.

Total Trips: 1404

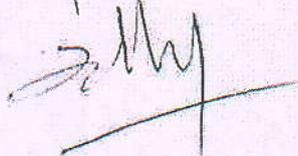
1404 Trips through meter Reading: 1404

At the Rate of Rs 550/- per 9000 litres = Rs 611

$$\cancel{1404} \times \cancel{61} = \underline{\underline{85644}}$$

Paid by Chq No: 001651 dated: 05/06/2020

Recd.



(Captain Tej Malhan)

W

॥ श्री स्वामी समर्थ ॥



श्री स्वामी समर्थ वॉटर सप्लायर्स

मु.पो.महंमदवाडी, विठ्ठल मंदिराजवळ ता. हवेली, जि. पुणे.
प्रोप्रा-माया शंतनु घुले मो.: ९९२२०९४६९०/७०६६९४७९२९



मे.: Nyati Ethos Co-op Housing
Society Ltd, Undri, Pune-411060

बिल नं. **351**

दिनांक : 01/10/2020

अ.क्र.	तपशिल	चलन नं.	नग/ट्रिप	दर	आकार रुपये पैसे
1]	01/10/2020 To 30/04/2020	-	134	550	73700/-
				एकुण	73700/-

रक्कम रुपये चालत्तर, हजार, सातशे फक्त.

श्री स्वामी समर्थ वॉटर सप्लायर्स करिता

(Signature)

प्रोप्रायटर

P.T.O for Calculations & Amount Paid

Total Trips: 134 Nos

134 Trips through Meter Reading = 1342

At the Rate of Rs 50/- for 9000 litres = Rs 61/-

$$1342 \times \text{Rs } 61/-$$

$$= \underline{\underline{81862}}$$

Paid by Chq No: 1629 dated: 04/05/20

Rec.

[Signature]

(Captain Jay Mathew)

॥ श्री स्वामी समर्थ ॥



शिवराज वॉटर सप्लायर्स

मु.पो.महंमदवाडी, विठ्ठल मंदिराजवळ ता. हवेली, जि. पुणे.
शंतनु हिरामण घुले मो.: ९९२२०९४६९०/७०६६९४७९२९



मे.: Nyati Ethos Co-OP Housing
Society Ltd., Undri, Pune-411060

बिल नं. 378

दिनांक : 01/04/2020

अ.क्र.	तपशिल	चलन नं.	नग/ट्रिप	दर	रक्कम रुपये पैसे
1]	0110312020 To 3110312020	-	149	550/-	81950/-
				एकुण	81950/-

रक्कम रुपये एकशान्दशति हजार नऊशे
पन्नास फक्त.

शिवराज वॉटर सप्लायर्स करिता

S. Ghule
प्रोप्रायटर

P.T.O. for Calculations & Amount Paid.

Total Trips: 149 Nos

149 Trips through Meter Reading = 1492.200

At the Rate of Rs 550/- per 1000 litres = 610/-

= 1492.200×0.61

= Rs 910.24

Paid by Chq. No. 1606 dated: 06/04/2020.

Rec ~~shy~~
21/4/20

shy

॥ श्री स्वामी समर्थ ॥



शिवराज वॉटर सप्लायर्स

मु.पो.महंमदवाडी, विठ्ठल मंदिराजवळ सा. हवेली, जि. पुणे.
शंतनु हिरामण घुले मो.: ९९२२०९४६९०/७०६६९४७९२९



मे.: Nyati Ethos Co-op Housing
Society Ltd, Undri, Pune - 411060

बिल नं. 372

दिनांक : 03/03/2020

अ.क्र.	तपशिल	चलन नं.	नग/ट्रिप	दर	रक्कम रुपये पैसे
1	01/02/2020 To 29/02/2020	-	116	500	58000/-
				एकूण	58000/-

रक्कम रूपये अड्डावन हजार मात्र.

शिवराज वॉटर सप्लायर्स करिता

S. Ghule
प्रोप्रायटर

P.T.O for Calculations + Amount Paid.

Total Tribs: 116 Nos

116 Tribs through meter Reading = 1162.300

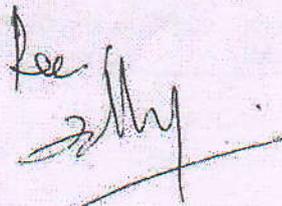
At the Rate of Rs 500/- per 9000 Litres

$$= \text{Rs } 55 \times 1162.30$$

$$= \text{Rs } 63926$$

Paid by Chq No: 1577

dated: 08/03/2020

for


(Captain Ty Mathew)





भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केन्द्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

(भूजल निकासी हेतु अनापत्ति प्रमाण पत्र)

NO OBJECTION CERTIFICATE (NOC) FOR GROUND WATER ABSTRACTION

Project Name:	Nyati Ethos Co-op Housing Society Ltd		
Project Address:	S. No. 21/1a, 21/1b(p), 21/3a/1, 21/3a/2,, 21/3a/3, 21/3a/4, And 19/5, Village - Undri,, Taluka - Haveli, Dist. - Pune.		
Village:	Undri	Block:	Haveli
District:	Pune	State:	Maharashtra
Pin Code:			
Communication Address:	Nyati Builders Pvt Ltd, Nyati Unitree, Pune Nagar Road, Gunjan Theater Chowk,, Yerwada, Pune, Pune City, Pune, Maharashtra - 411006		
Address of CGWB Regional Office :	Central Ground Water Board Central Region, N.s. Building, Civil Lines, Nagpur, Maharashtra - 440001		

1. NOC No.:	CGWA/NOC/INF/ORIG/2021/11508											
2. Application No.:	21-4/5960/MH/INF/2021	3. Category: (GWRE 2017)	Safe									
4. Project Status:	Existing Project	5. NOC Type:	New									
6. Valid from:	30/03/2021	7. Valid up to:	29/03/2026									
8. Ground Water Abstraction Permitted:												
	Fresh Water		Saline Water									
	Dewatering		Total									
	m ³ /day	m ³ /year	m ³ /day									
	m ³ /day	m ³ /year	m ³ /day									
	m ³ /day	m ³ /year	m ³ /day									
	90.00	32850.00										
9. Details of ground water abstraction /Dewatering structures												
	Total Existing No.:1						Total Proposed No.:2					
	DW	DCB	BW	TW	MP	MPu	DW	DCB	BW	TW	MP	MPu
Abstraction Structure*	0	0	1	0	0	0	0	0	2	0	0	0
*DW- Dug Well; DCB-Dug-cum-Bore Well; BW-Bore Well; TW-Tube Well; MP-Mine Pit;MPu-Mine Pumps												
10. Ground Water Abstraction/Restoration Charges paid (Rs.):	164250.00											
11. Number of Piezometers(Observation wells) to be constructed/ monitored & Monitoring mechanism.	No. of Piezometers						Monitoring Mechanism					
							Manual	DWLR**	DWLR With Telemetry			
**DWLR - Digital Water Level Recorder	1						0	1	0			

(Compliance Conditions given overleaf)

This is an auto generated document & need not to be signed.

18/11, जामनगर हाउस, मानसिंह रोड, नई दिल्ली - 110011 / 18/11, Jamnagar House, Mansingh Road, New Delhi-110011

Phone: (011) 23383561 Fax: 23382051, 23386743
Website: cgwa-noc.gov.inपानी बचाये - जीवन बचाये
SAVE WATER - SAVE LIFE

The NOC shall be subject to compliance of the following conditions:

Conditions:

- 1) Installation of tamper proof digital water flow meter with telemetry on all the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate and intimation regarding their installation shall be communicated to the CGWA within 30 days of grant of No Objection Certificate.
- 2) Proponents shall mandatorily get water flow meter calibrated from an authorized agency once in a year.
- 3) Construction of purpose-built observation wells (piezometers) for ground water level monitoring shall be mandatory as per Section 14 of Guidelines. Water level data shall be made available to CGWA through web portal. Detailed guidelines for construction of piezometers are given in Annexure-II of the guidelines.
- 4) Proponents shall monitor quality of ground water from the abstraction structure(s) once in a year. Water samples from bore wells/ tube wells / dug wells shall be collected during April/May every year and analysed in NABL accredited laboratories for basic parameters (cations and anions), heavy metals, pesticides/ organic compounds etc. Water quality data shall be made available to CGWA through web portal.
- 5) In case of mining projects, additional key wells shall be established in consultation with the Regional Director, CGWB for ground water level monitoring four (4) times a year (January, May, August and November) in core as well as buffer zones of the mine.
- 6) In case of mining project the firm shall submit water quality report of mine discharge/ seepage from Govt. approved/ NABL accredited lab.
- 7) The firm shall report compliance of the NOC conditions online in the website (www.cgwa-noc.gov.in) within one year from the date of issue of this NOC.
- 8) Industries abstracting ground water in excess of 100 m³/d shall undertake annual water audit through certified auditors and submit audit reports within three months of completion of the same to CGWA. All such industries shall be required to reduce their ground water use by at least 20% over the next three years through appropriate means.
- 9) Application for renewal can be submitted online from 90 days before the expiry of NOC. Ground water withdrawal, if any, after expiry of NOC shall be illegal & liable for legal action as per provisions of Environment (Protection) Act, 1986.
- 10) This NOC is subject to prevailing Central/State Government rules/laws/norms or Court orders related to construction of tube well/ground water abstraction structure / recharge or conservation structure/discharge of effluents or any such matter as applicable.

General conditions:

- 1) No additional ground water abstraction and/or de-watering structures shall be constructed for this purpose without prior approval of the Central Ground Water Authority (CGWA).
 - 2) The proponent shall seek prior permission from CGWA for any increase in quantum of groundwater abstraction (more than that permitted in NOC for specific period).
 - 3) Proponents shall install roof top rain water harvesting in the premise as per the existing building bye laws in the premise.
 - 4) The project proponent shall take all necessary measures to prevent contamination of ground water in the premises failing which the firm shall be responsible for any consequences arising thereupon.
 - 5) In case of industries that are likely to contaminate the ground water, no recharge measures shall be taken up by the firm inside the plant premises. The runoff generated from the rooftop shall be stored and put to beneficial use by the firm.
 - 6) Wherever feasible, requirement of water for greenbelt (horticulture) shall be met from recycled / treated waste water.
 - 7) Wherever the NOC is for abstraction of saline water and the existing wells (s) is /are yielding fresh water, the same shall be sealed and new tubewell(s) tapping saline water zone shall be constructed within 3 months of the issuance of NOC. The firm shall also ensure safe disposal of saline residue, if any.
 - 8) Unexpected variations in inflow of ground water into the mine pit, if any, shall be reported to the concerned Regional Director, Central Ground Water Board.
 - 9) In case of violation of any NOC conditions, the applicant shall be liable to pay the penalties as per Section 16 of Guidelines.
 - 10) This NOC does not absolve the proponents of their obligation / requirement to obtain other statutory and administrative clearances from appropriate authorities.
 - 11) The issue of this NOC does not imply that other statutory / administrative clearances shall be granted to the project by the concerned authorities. Such authorities would consider the project on merits and take decisions independently of the NOC.
 - 12) In case of change of ownership, new owner of the industry will have to apply for incorporation of necessary changes in the No Objection Certificate with documentary proof within 60 days of taking over possession of the premises.
 - 13) This NOC is being issued without any prejudice to the directions of the Hon'ble NGT/court orders in cases related to ground water or any other related matters.
 - 14) Proponents, who have installed/constructed artificial recharge structures in compliance of the NOC granted to them previously and have availed rebate of upto 50% (fifty percent) in the ground water abstraction charges/ground water restoration charges, shall continue to regularly maintain artificial recharge structures.
 - 15) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, pharmaceutical, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution as per Annexure III of the guidelines.
 - 16) In case of new infrastructure projects having ground water abstraction of more than 20 m³/day, the firm/entity shall ensure implementation of dual water supply system in the projects.
 - 17) In case of infrastructure projects, paved/parking area must be covered with interlocking/perforated tiles or other suitable measures to ensure groundwater infiltration/harvesting.
 - 18) In case of coal and other base metal mining projects, the project proponent shall use the advance dewatering technology (by construction of series of dewatering abstraction structures) to avoid contamination of surface water.
 - 19) The NOC issued is conditional subject to the conditions mentioned in the Public notice dated 27.01.2021 failing which penalty/EC/cancellation of NOC shall be imposed as the case may be.
- (Non-compliance of the conditions mentioned above is likely to result in the cancellation of NOC and legal action against the proponent.)

MINISTRY OF ENVIRONMENT AND FORESTS

Annexure-V

NOTIFICATION

New Delhi, the 4th April, 2011

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

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

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

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

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

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

In the said notification, -

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

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

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

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

(III) In the Schedule, -

(i) against item 1(a), -

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

"General conditions shall apply.

Note:

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

(ii) against item 7(f), -

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

"(i) All New State Highway Projects".

(iii) against item 8(a), -

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

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

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

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

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

Dr. NALINI BHAT, Scientist 'G'

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



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2615]

नई दिल्ली, सोमवार, दिसम्बर 22, 2014/पौष 1, 1936

No. 2615]

NEW DELHI, MONDAY, DECEMBER 22, 2014/PAUSA 1, 1936

पर्यावरण वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 दिसम्बर, 2014

का.आ. 3252(अ).—एक प्ररूप अधिसूचना, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) की अपेक्षानुसार अधिसूचना, सं. का.आ. 1533 (अ) तारीख 14 सितम्बर, 2006 (जिसे इसमें इसके पश्चात् मूल अधिसूचना कहा गया है) का और संशोधन करने के लिए, सं. का.आ. 2319 (अ) तारीख 11 सितम्बर, 2014 (जिसे इसमें इसके उक्त अधिसूचना कहा गया है) द्वारा, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में प्रकाशित की गई थी, उन सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है उक्त अधिसूचना के राजपत्र की प्रतियां जनता को उपलब्ध होने की तारीख से साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 11 सितम्बर, 2014 को उपलब्ध करा दी गई थीं ;

और साठ दिन की विनिर्दिष्ट अवधि के भीतर उक्त अधिसूचना के संबंध में कोई आक्षेप या सुझाव प्राप्त नहीं हुए हैं ;

अतः अब केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ पठित उक्त पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात् :—

मूल अधिसूचना में अनुसूची में स्तंभ (1) के अधीन भवन/संनिर्माण परियोजनाएं/नगरीय और क्षेत्र विकास परियोजनाओं से संबंधित मद 8 और उपमद 8(क) तथा उपमद 8(ख) तद्वीन विनिर्दिष्ट उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद, उपमदें और प्रविष्टियां रखी जाएंगी, अर्थात् :—

(1)	(2)	(3)	(4)	(5)
"8				भवन या संनिर्माण परियोजनाएं या नगरीय और क्षेत्र विकास परियोजनाएं
8(क)	भवन और संनिर्माण परियोजनाएं		>20000 वर्ग मीटर और < 1,50,000 वर्ग मीटर निर्मित क्षेत्र	<p>इस अधिसूचना के प्रयोजन के लिए "निर्मित क्षेत्र" को, सभी तलों पर इकट्ठे निर्मित या आच्छादित क्षेत्र के रूप में परिभाषित किया गया है जिसके अंतर्गत बेसमेंट और अन्य सेवा क्षेत्र भी हैं जिनका भवन/संनिर्माण परियोजनाओं के लिए प्रस्ताव किया गया है।</p> <p>टिप्पण 1 : परियोजना या कार्यकलापों में औद्योगिक शेड, विद्यालय, महाविद्यालय, शैक्षिक संस्थाओं के लिए छात्रावास शामिल नहीं होंगे किंतु ऐसे भवन भरणीय पर्यावरणीय प्रबंधन ठोस और द्रव अपशिष्ट प्रबंधन, वर्षा जल संरक्षण का सुनिश्चय करेंगे और वे पुनः चक्रित सामग्रियों जैसे भस्म ईंटों का उपयोग कर सकेंगे।</p> <p>टिप्पण 2 : "साधारण शर्तें" लागू नहीं होंगी।</p>
8(ख)	नगरीय और क्षेत्र विकास परियोजनाएं		जो >50 हेक्टेयर के क्षेत्र और या >1,50,000 वर्ग मीटर क्षेत्र को कवर कर रही हैं	<p>इस मद के अधीन आने वाली नगरीय और क्षेत्र विकास परियोजनाओं से पर्यावरण निर्धारण रिपोर्ट की अपेक्षा होगी और उनका निर्धारण श्रेणी "ख1" परियोजना के रूप में किया जाएगा।</p> <p>टिप्पण : "साधारण शर्तें" लागू नहीं होंगी।</p>

[फा. सं. 19-2-2013-आई. III]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण: मूल नियम भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और निम्नानुसार पश्चावर्ती संशोधन किए गए:—

1. का.आ. 1737(अ), तारीख 11 अक्तुबर, 2007;
2. का.आ. 3067(अ), तारीख 1 दिसंबर, 2009;
3. का.आ. 695(अ), तारीख 4 अप्रैल, 2011
4. का.आ. 2896(अ), तारीख 13 दिसंबर, 2012;
5. का.आ. 674(अ), तारीख 13 मार्च, 2013;
6. का.आ. 2559(अ), तारीख 22 अगस्त, 2013;
7. का.आ. 2731(अ), तारीख 9 सितंबर, 2013;
8. का.आ. 562(अ), तारीख 26 फरवरी, 2014; और
9. का.आ. 1599(अ), तारीख 25 जून, 2014

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd December, 2014

S.O. 3252(E).—Whereas, a draft notification further to amend the notification number S.O 1555(E), dated the 14th September, 2006 (hereinafter referred to as the principal notification), was published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 in the Gazette of India ,Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 2319, (E) dated the 11th September, 2014 (hereinafter referred to as the said notification), inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 11th September, 2014;

And whereas, no objections or suggestions have been received in response to the said notification within the specified period of sixty days;

Now, therefore, in exercise of the powers conferred by Sub-section (1) and clause (v) of Sub-section (2) of Section 3 of the said Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:—

In the principal notification, in the Schedule, under Column (1), for item 8 relating to Building/Construction Projects/Area Development Projects and Townships and sub-items 8 (a) and 8 (b) and the entries relating thereto, specified there under, the following item, sub-items and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
“8				Building or Construction projects or Area Development projects and Townships
8 (a)	Building and Construction projects		>20000 sq.mtrs and < 1,50,000 sq. mtrs. of built up area	<p>The term “built up area” for the purpose of this notification the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects.</p> <p>Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks.</p> <p>Note 2.- “General Conditions” shall not apply.</p>
8	Townships and Area Development Projects		Covering an area of > 50 ha and or built up area > 1,50,000 sq. mtrs	<p>A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ Project.</p> <p>Note.- “General Conditions” shall not apply.</p>

[F. No. 19-2/2013-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* Notification Number S.O. 1533(E), dated the 14th September, 2006 and was subsequently amended as follows:—

1. S.O. 1737 (E), dated the 11th October, 2007;
2. S.O. 3067 (E), dated the 1st December, 2009;
3. S.O. 695 (E), dated the 4th April, 2011;
4. S.O. 2896 (E), dated the 13th December, 2012;
5. S.O.674(E), dated the 13th March, 2013;
6. S.O. 2559 (E), dated the 22nd August, 2013 ;
7. S. O. 2731 (E), dated the 9th September, 2013;
8. S. O. 562(E), dated the 26th February 2014; and
9. S. O. 1599(E), dated the 25th June, 2014.