

**REPORT OF COMMITTEE IN COMPLIANCE WITH THE ORDER OF HON'BLE
NATIONAL GREEN TRIBUNAL, WESTERN BENCH, PUNE IN THE MATTER
ORIGINAL APPLICATION NO.105/2021 (WZ) TITLED SHASHIKANT VITTHAL
KAMBLE VS. MOEF & CC & ORS) RELATED TO CONSTRUCTION OF
PROJECT "JUBILEE PARK', WARJE, PUNE**

1.0 BACKGROUND:

The issue raised in Original Application No. 105/2021 titled Shashikant Vitthal Kamble Vs. MoEF&CC & Ors is about illegal construction of project "Jubilee Park" situated at S. No. 84/2+4 & 83/1 (Plot No. 3), village Warje, Tal. Haveli, Dist. Pune beyond 20000 sq.m without Consent to Establish, Consent to Operate and without any Environment Clearance (EC) and illegal extraction of ground water through drilling borewell without any valid permission from the competent authority and no plan for sewage and waste management.

It is further alleged that the matter was considered in the SEIAA meeting held on 01.10.2021 wherein it was found that construction was going on without any valid consent and EC in violation of EIA Notification, 2006 and a detailed report was called regarding construction done on site along with architect certificate and chronology of the proposal and the matter was deferred.

Hon'ble NGT vide order dated 21.01.2022 directed to form a Joint Committee consisting representative of:-

- i. Central Pollution Control Board (CPCB)
- ii. Central Ground Water Authority (CGWA)
- iii. State Environment Impact Assessment Authority (SEIAA)
- iv. Maharashtra Pollution Control Board (MPCB)

MPCB will be the nodal agency for coordination and logistic support. The Committee is directed to visit the place and submit a factual and action taken report within four weeks. Copy of the Hon'ble NGT order dated 21.01.2022 is provided as **Annexure – I.**

2.0 SITE VISIT OF THE COMMITTEE-

In compliance with the aforesaid order of the Hon'ble NGT, a committee consisting of the following members carried out visit on 12.05.2022 at M/s. Jubilee Park located at S. No. 83/1,84/2, 84/4, Village Warje, Tal. Haveli, Dist. Pune.

Sr. No.	Name & Designation	Department/Authority
01	Shri. Pankaj Joshi Member	State Environment Impact Assessment Authority (SEIAA), Mumbai
02	Shri Pratik Bharne Scientist 'E', Regional Directorate, Pune	Central Pollution Control Board (CPCB)
03	Shri. Sandeep Waghmare Scientist 'B', CGWA, Pune	Central Ground Water Authority, CGWA
04	Shri Shankar Waghmare, Regional Officer, MPCB, Pune & Shri. Pratap Jagtap, Sub Regional Officer, MPCB, Pune-I	Maharashtra State Pollution Control Board

During visit, the officials of Pune Municipal Corporation (PMC), Shri. Devendra Patre, Deputy Engineer, and Shri Satish Shinde, Junior Engineer, Representative of Project Proponent Shri Rameshwar Kune and Shri Rajesh Wanjape were present during the visit.

3.0 OBSERVATIONS AND FINDINGS

Observations and findings are provided as below w.r.t issues/points raised in Original Application No. 105 of 2021 and site visit on 12.05.2022 -

- 3.1 ***The said project was proposed in the year 2021 and the construction in the said project is carried out by the PP (Resp. no. 14) over these years and till today the PP (Resp. no. 14) is into constructing tower after tower. PP (Resp. no. 14) right from the year 2021 and as on today is carrying out construction without Consent to Establish, Consent to Operate and***

Environment Clearance Permission. PP (Resp. no. 14) is violating the Environmental Laws and has acted in contravention of the Laws.

3.1.1 As per reply submitted by PMC to MPCB vide letter dated 24.05.2022 (Please refer Annexure-II), Details of Layout Sanctions/Building Permissions, Plinth check certificates, and current status of the project are tabulated in the Table 01 provided as below-

Table 01: Details of the Commencement Certificate, Plinth Check Certificate and Construction Status

Sl. No.	Particulars	Plot Area	Configuration	Total Built-up Area
1.	New DP Layout Dpo/5305/D/ 842 (16.09.2005)	17200 sq.m	A-1: P+7 A-2 : P+7 B-1 : P+7 B-2 : P+7 C : P+2 D : P+4 Comm.: Ground	Total FSI-11017.04 sq.m Total Non FSI- 2519.89 sq.m TBUA- 13536.93 sq.m
2.	Revise DP Layout Dpo/0995/D/1103 (28.03.2007)	17200 sq.m	A-1: P+9 A-2 : P+8 C: P+2	Total FSI- 11717.1 sq.m Total Non FSI- 2156.07 sq.m TBUA- 13875.17 sq.m
3.	New Building Permission CC/4860/06 (30.03.2007)	17200 sq.m	A-1: P+9 A-2 : P+8 C: P+2	Total FSI- 11717.95sq.m Total Non FSI- 6531.48sq.m TBUA- 18248.5 sq.m
4.	Revise DP Layout DPO/PLU/03/ 0544/08 (04.02.2009)	17200 sq.m	A: BP+P+P+II B: BP+P+P+II C: BP+P+P+II D: BP+P+P+II	Total FSI- 13715.64 sq.m Total Non FSI- 5300.00sq.m TBUA- 19015.64 sq.m
5.	Plinth Check Certificate dated 01.01.2013	For Building 'C' as per Sanction Plan dated 30.03.2007		
6.	Revalidation Building Permission CC/3915/11 (02.02.2012)	17200 sq.m	A-1: P+9 A-2 : P+8 C: P+2	Total FSI-11717.95sq.m Total Non FSI-6531.48 sq.m TBUA- 18248.5 sq.m
7.	Revise Building Permission CC/0912/12 (18.06.2012)	17200 sq.m	A: BP+P+P+II B: BP+P+P+II C: BP+P+P+II D: BP+P+P+II	Total FSI-13696.26 sq.m Total Non FSI-12414.18 sq.m TBUA- 26110.5 sq.m

8.	Plinth Check Certificate dated 01.01.2013	For Building 'B' as per Sanction Plan dated 18.06.2012		
9.	Revalidation Building Permission CC/3558/16 (10/03/2017)	17200 sq.m	A: BP+P+P+II B: BP+P+P+II C: BP+P+P+II D: BP+P+P+II	Total FSI-13696.26 sq.m Total Non FSI-12414.18 sq.m TBUA- 26110.5 sq.m
10.	Work in progress till date 12.10.2021 as reported by PMC vide letter dated 24.05.2022	-	A: NIL (Basement Column Casted) B: BP+P+P+II (Floors Completed) C: BP+P+P+II (Floors Completed) Utility & Services	B: TBUA- 4777.63 sq.m C: TBUA- 4332.30 sq.m Utility & Services: TBUA- 3347.44 sq.m Total TBUA: 12457.37 sq.m
11.	As per Architect certificate dtd. 15.01.2022 PP has completed construction on site (Annexure III)	-	-	Total Construction Area for B:4477.63 sq.m C:4352.3 sq.m Utility and services: 3347.44 sq.m Total: 12177.37 sq.m

3.1.2 PP applied for EC on 03.04.2014 for proposed total built up area of 30811.28 Sq.m. Environment Department, GoM issued Proposed Direction issued under section 5 of Environment (P) Act, 1986 read with Environment Impact Assessment (EIA) Notification 14.09.2006 for starting construction activity without obtaining EC on 10.09.2014. Further, PP submitted its reply to the Env. Dept, GoM on 06.10.2014. Personal hearing was extended to PP on 13.03.2015.

Further, Environment Department, GoM issued Direction issued by 25.03.2015 under section 5 of the Environment (Protection) Act read with EIA Notification 14.09.2006 for violation of the provisions of EIA Notification 2006 as PP carried out the construction of TBUA admeasuring 8142.66 m² at site without obtaining prior EC, even after the potential of the project of the project exceeded 20000 m² vide amendment of plan dtd. 18.06.2012. Copy of the Proposed Direction, PP reply & Directions are attached as **(Please refer Annexure -IV)**.

- 3.1.3 PP has obtained Plinth Check Certificate dated 01.01.2013 for Building 'B' which is as per sanction plan dated 18.06.2012 with a TBUA of 26110.05 sq.m. The said sanction plan attracts prior EC as per the provisions of EIA Notification, 2006. However, PP has not applied for the same and has violated provisions of the EIA Notification 2006.
- 3.1.4 PP has not yet obtained Completion Certificate, as per information submitted by PMC. Work in progress till date 12.10.2021 as reported by PMC vide letter dated 24.05.2022 with a TBUA of 12457.33 sq.m. PMC has requested to read the date 12.10.2021 as 24.05.2022 vide mail dtd. 03.08.2022, attached with Annexure -II. It is informed by PP in the meeting 230th meeting of SEIAA held on 01.10.2021 that no construction has been done at the site since 2015 (**Please refer Annexure V**).
- 3.1.6 During visit on 12.05.2022, two buildings (B & C) (BP+P+P+11 each), foundation and column of building-A found to be constructed. No construction work was found during the visit. Possessions of Some flats in Building B & C were handed over to flat owners. PP has not applied for Consent to Establish and Consent to operate till date. The photographs taken during the visit are given at **Annexure-VI**.
- 3.1.7 MPCB has filled complaint on 05.11.2015 under Section-15 r. w. Section-16 of the Environment (Protection) Act, 1986 and the EIA Notification, 2006 in the Court of Chief Judicial Magistrate (CJM) at Pune for carrying out construction by PP without obtaining Environment Clearance (EC), Consent to Establish (CTE) & Consent to Operate (CTO) from the Board i.e. Criminal Court Case vide no. 0404255 of 2015. Copy of Criminal Case application no. 0404255 of 2015 is attached in **Annexure-VII**. The case is still pending. The next date of hearing is 24.08.2022.
- 3.1.8 As per minutes of 230th meeting of SEIAA held on 01st October 2021 – PP applied to MoEF&CC during the window period vide Notification dated 14th March 2017 vide application SIAMH/NCP/64794/2017 dated 19.05.2017 under violation

category. The proposal was considered in 4th EAC Meeting (21.02.2018), however PP remained absent for the same. Further the proposal was transfer to SEIAA. The transferred proposal to SEIAA could not come to a logical end as the said proposal was withdrawn by PP. PP further made multiple applications to SEIAA vide applications dated 25.03.2021, 04.05.2021 and 15.06.2021. SEIAA asked PP to submit additional details regarding construction done on site along with Architect Certificate, details of chronology of the proposal and decided to defer the proposal for compliances of above. Copy of minutes of 230th (Part-A) meeting dtd. 01st October 2021 is attached in **Annexure –V**.

3.2 PP (Resp. no. 14) has extracted ground water through drilling bore in the ground. While doing so the PP (Resp. no. 14) has not taken any prior permission not as has applied for appropriate authority. PP (Resp. no. 14) has overlooked upon the norms laid down by the water authorities. PP (Resp. no. 14) has also violated the rules which are paid down by the authority for extraction of ground water.

During the visit of the committee, existence of one bore well was noticed in the premises of the project. It was informed that there is daily extraction of Groundwater from the Bore Well for various purposes. PP has not obtained permission from CGWA for extraction of ground water.

3.3 PP (Resp. no. 14) did not carry out plantation as per the guidelines by the appropriate government authority but the Respondent No. 11 has not planted trees and is misleading the appropriate government authorities. Thereafter the Respondent No. 14 was to submit the exact location of the plantation of trees.

As per reply submitted by Dy. Commissioner and Tree Officer, Warje, Karve Nagar Division Office, Pune Municipal Corporation. Only 11 trees are planted. Copy of the PMC letter dtd. 13.05.2022 is attached in **Annexure –VIII**.

3.4 PP (Resp. No. 14) has failed installing Rainwater Harvesting System. Respondent No. 14 is building towers after towers but is lacking with basic water facility. PP (Resp. No. 14) has utilized the said area for expansion of its parking area. The connected storage for the accumulation of water is the storm water drainages. No outlets have been designed or compartments have been made available for the drains. Instead the area and the compartments had been utilized in the development of internal roads and foot-paths in the premises in order to increase the reachability.

Rainwater Harvesting System not provided by PP. Water supply is through tanker and bore well, no other water connection is provided by PMC. PP has provided Underground tank for the storage of water. Parking was not observed at the location of Underground water tank. PP has provided 3 floors (BP+P+P) for covered parking to both buildings. Also, some open parking area is provided on one side of building. Storm water drainages were not observed on site during visit.

3.5 In the said project, the PP (Resp. No. 14) doesn't have the Sewage, Waste Water Management Systems and Pollution Monitoring Systems. Also not made any setup for the segregation. Similarly, the Solid Waste Management is also organized by the Respondent No. 14 The Solid waste is not segregated and is not bifurcated into Biodegradable waste, Non- Biodegradable, waste, E-waste, etc. All types of solid wastes are dumped together without segregation

PP has provided Sewage Treatment Plant (STP) having capacity 160 CMD. STP consist of Primary, Secondary & tertiary treatment plant. Aeration tank of STP is underground/ covered from top, which is ill-ventilated. During visit STP was not in operation. Segregating Biodegradable waste and Non-Biodegradable waste at source is carried out. Organic waste convertor or Composting pit was not provided for the treatment of Biodegradable waste. Presently, Non-Biodegradable waste (Dry waste) and Biodegradable waste (Wet waste) is sent Swacha Pune Seva Sahakari

Sanshta Ltd, for further disposal. Copy of Swacha Pune Seva Sahakari Sanshta Ltd dtd. 28.12.2016 is attached in **Annexure – IX**.

4.0 CONCLUSIONS -

- 4.1 Two buildings (B & C) with configuration-BP+P+P+11 each, foundation and column of building-A found to be constructed. The PP has made construction of TBUA: 12457.37 sq.m (i.e. Building- B: TBUA- 4777.63 sq.m, Building-C: TBUA- 4332.30 sq.m & Utility & Services: TBUA- 3347.44 sq.m). No construction work was found during the visit. Possessions of Some flats in Building B & C were handed over to flat owners. PP has not yet obtained Completion Certificate.
- 4.2 PP has started of construction without obtaining EC from Environment Department, Government of Maharashtra, violating the provisions of EIA Notification, 2006.
- 4.3 PP has started development/construction of the project without obtaining CTE from MPCB and violated provisions under section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981.
- 4.4 PP has started operations of the project without obtaining CTO from MPCB and violated provisions under section 26 of the Water (Prevention and Control of Pollution) Act, 1974 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981.
- 4.5 MPCB has filled complaint on 05.11.2015 under Section-15 r. w. Section-16 of the Environment (Protection) Act, 1986 and the EIA Notification, 2006 in the Court of Chief Judicial Magistrate (CJM) at Pune for carrying out construction by PP without obtaining Environment Clearance (EC), Consent to Establish (CTE) & Consent to Operate (CTO) from the Board i.e. Criminal Court Case vide no.


0404255 of 2015. The case is still pending. The next date of hearing is 24.08.2022.

- 4.6 PP has installed bore well and still extracting ground water from the borewell, without obtaining NOC from CGWA. STP is installed, however, not in operation and OWC for solid waste is not provided and handing over the dry and wet waste to Swacha Pune Seva Sahakari Sanshta Ltd, for further disposal.


5.0 RECOMMENDATIONS:

In view of the aforesaid violations as per para 3 and 4 above,

- a) Environment Department, Govt of Maharashtra, may take appropriate actions as per the Standard Operating Procedure (SoP) issued by the MoEF&CC vide Office Memorandum (OM) F. No. 22-21/2020-IA.III dated 07/07/2021 for dealing with EC violation cases as the PP has started construction without obtaining EC in consideration with already filed complaint by MPCB under Section-15 r.w. Section-16 of the Environment (Protection) Act, 1986 and the EIA Notification, 2006 in the Court of Chief Judicial Magistrate (CJM) at Pune (Criminal Court Case vide no. 0404255 of 2015).
- b) Central Ground Water Authority (CGWA) may take necessary action for extraction ground water from the bore well, without obtaining NOC.



(Pankaj Joshi),
Member
SEIAA, Mumbai



(Pratik Bharme)
Scientist 'E'
Regional Directorate,
CPCB, Pune



(Sandeep Waghmare)
Scientist 'B'
CGWA, Pune



(Shankar Waghmare)
Regional Officer,
MPCB, Pune

Item No. 01

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Original Application No.105/2021(WZ)

Shashikant Vitthal Kamble

Applicant(s)

Versus

MoEF & CC & Ors.

Respondent(s)

Date of hearing: 21.01.2022.

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

Applicant(s): Ms. Ranu Purohit, Advocate

ORDER

1. The issue raised in this application is illegal construction at the project located and situated at "Jubilee Park" Survey No.84/2+4 & 83/1 (Plot No.3) Village Wajre, Taluka Haveli, District Pune beyond 20,000 Sq. mts. without a valid Consent to Establish, without Consent to Operate, without any Environmental Clearance (EC) and also illegal extraction of ground water through drilling borewell without any valid permission from the competent authority and no plan for sewage and waste management.
2. It is further alleged that the matter was considered in the SEIAA meeting held on 01.10.2021 wherein it was found that construction was going on without any valid consent and EC in violation of EIA Notification, 2006 and a detailed report was called regarding construction done on site along with architect certificate and chronology of the proposal and the matter was deferred.
3. A substantial question relating to the environment has been raised.

4. Issue notices to the Respondents. Returnable within four weeks.
5. Applicant is directed to provide copy of the application and relevant documents to the respondents within a week.
6. Respondents are directed to submit their reply within six weeks.
7. Applicant is also directed to take necessary steps for service to the respondents by both ways and also on available email.
8. We deem it just and proper to call a report on the matter in issue in present application, from a Joint Committee consisting of:-
 - (i) Representative of Central Pollution Control Board (CPCB);
 - (ii) Representative of Central Ground Water Authority (CGWA);
 - (iii) Representative of State Environment Impact Assessment Authority (SEIAA);
 - (iv) Representative of Maharashtra Pollution Control Board (MPCB).
9. The Committee is directed to visit the place and submit a factual and action taken report within four weeks. The State Pollution Control Board will be the nodal agency for coordination and logistic support.
10. The report in the matter be filed by the Committee by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
11. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within a week.

Put up with the report on 21.03.2022.

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM

January 21, 2022
Original Application No.105/2021(WZ)JG



Office of the City Engineer
Building Permission Department
Pune Municipal Corporation
Outward No.: Zone3/1403
Date: 24/5/2022

To,
S. R. D
MPCB JG Centre
WakadeWadi
Pune - 411005

Original Application No. 105/2021 (WZ)

Shashikant Vithal Kamble

Vs.

MoEf & CC & Ors.

720525795-0)04

Site visit was conducted on 12/05/2022 by Maharashtra Pollution Control Board (MPCB), and Building Permission Department, PMC Officials for projects Jubilee Park, S. No. 84/2+4, 83/1, Warje, Pune 58. As discussed during the site visit following are the observations as per Building Permissions given by Building permission Department, PMC and Architect certificate submitted by Architect vide inward no.1360, Dt.20/05/2022

1. Detail chronology of the project with annexures. - Attached
2. Status of approval. - Attached.
3. Staus of construction. - Attached.
4. FSI, NFSI and Total Built up area of project completed as on date as per EIA Notification 2006. - Attached.
5. Stop work order copy and any other action taken against project. - No stop work issued regarding EC.
6. Tree plantation report and tree cutting report, please collect details from PMC garden department. - No NOC's available in file
7. All CC, OC & Plinth certificate copies. - Attached in hard copy.
8. Sanction plan. - Attached in hard copy.(CC/3558/2016, Dt.10/03/2017)


Vijaykumar B.
24/5/2022
Executive Engineer
Building Permission Department Zone 3
Pune Municipal Corporation


SADP-1
For n: 9
24/5/2022


24/5/2022
17.00
24/5/2022

ANNEXURE I (As per sanction plan and information given by Licence Architect)													
Sr.No	Plot Area	Dedu. of FSI	Net plot Area	Building	Floors	Heights	F.S.I	Total FSI	Non FSI	Parking	Total Non FSI	Total Build up	Tenement
1	New DP Layout Dpo/S305/D/842(16/09/05)	Open space Amenity 2.4 BCDX	12317.04	A-1	P+7	23.20	2678	11017.04F SI	-	2519.89	2519.89	13536.93	160
				A-2	P+7	23.20	2678						
				B-1	P+7	23.20	2081.94						
				B-2	P+7	23.20	2081.94						
				C	P+2	08.70	2081.94						
2	Revise DP Layout Dpo/0995/D/103(28/03/07)	Open space Amenity 2.4 WATER BCDX	12317.04	A-1	P+9	28.95	6245.24	11717.1	-	2158.07	2158.07	13875.17	130
				A-2	P+8	26.05	5187.83						
				C	P+2	06.40	139.35						
				D	P+4	14.45	867						
				comm	Ground	06.15	450						
3	New Building Permission CC/4860/06(30/03/07)	Open space Amenity 2.4 BCDX	12317.04	A-1	P+9	28.95	6245.24	11717.95	4373.41	2158.07	6531.48	18248.5	130
				A-2	P+8	26.05	5187.83						
				C	P+2	06.40	139.35						
				D	P+4	14.45	867						
				comm	Ground	06.15	450						
4	Revise DP Layout DPO/PLU/03/0544/08(04/02/2009)	Open space Amenity 2.4 WATER BCDX	12317.04	A	BP+P+P+II	35.95	2868.27	13715.64	-	5300.00	5300.00	19015.64	195
				B	BP+P+P+II	35.95	3216.29						
				C	BP+P+P+II	35.95	2868.27						
				D	BP+P+P+II	35.95	2868.27						
				comm	Ground	06.15	4762.81						
5	Revalidation Building Permission CC/3915/11(02/02/2012)	Open space Amenity 2.4 BCDX	12317.04	A-1	P+9	28.95	6245.24	11717.95	4373.41	2158.07	6531.48	18248.5	130
				A-2	P+8	26.05	5187.83						
				C	P+2	06.40	139.35						
				D	P+4	14.45	867						
				comm	Ground	06.15	450						


Sr.No	Plot Area	Dedu.of FSI	Net plot Area	Building	Floors	Heights	F.S.I	Total FSI	Non FSI	Parking	Total Non FSI	Total Build up	Tenement
6	Revise Building Permission CC/0912/12/18/06/12 17200	Open space Amenity 2.4 BCDX	12317.04	A	BP+P+P+II	35.90	3331.59	13696.26	6479.54	5939.64	12414.18	26110.5	181
				B	BP+P+P+II	35.90	3662.45						
				C	BP+P+P+II	35.90	2868.27						
				D	BP+P+P+II	30.20	3833.95						
7	Revalidation Building Permission CC/3558/16 (10/03/2017) 17200	Open space Amenity 2.4 BCDX	12317.04	A	BP+P+P+II	35.90	3331.59	13696.26	6479.54	5939.64	12414.18	26110.5	181
				B	BP+P+P+II	35.90	3662.45						
				C	BP+P+P+II	35.90	2868.27						
				D	BP+P+P+II	30.20	3833.95						



 Junior engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation



 Deputy Engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation


 Executive Engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation


ANNEXURE III (As per sanction plan and information given by Licence Architect)		
Completion till Date for		
BUILDING	COMPLETION CERTIFICATE DATE	AS PER SANCTION PLAN
NIL		



 Junior engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation



 Deputy Engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation


 Executive Engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation


ANNEXURE II (As per sanction plan and information given by Licence Architect)		
PLINTH CHECKING TILL DATE FOR		
BUILDING	PLINTH CHECKING	AS PER SANCTION PLAN
B	PCC/1232/12	CC/0912/12, Dt.18/06/2012
C	BPPD/ZONE 1/141	CC/4860/06, Dt.30/03/2007

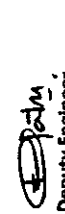

 Junior engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation



 Deputy Engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation


 Executive Engineer
 Building Permission Department
 Zone No. 3
 Pune Municipal Corporation

ANNEXURE IV			
WORK IN PROGRESS REPORT TILL DT.12/10/2021 AS PER SANCTION PLAN CC/3558/16, DT.10/03/2017 AND ACTUAL WORK DONE REPORT GIVEN BY LICENCE ARCHITECT			
BUILDING	FLOORS	TOTAL BUILT UP AREA	PRESENT STATUS
A		NILL	BASEMENT COLUMN CASTED
B	BP+P+P+II	4777.63 SQ.MTR.	BP+P+P+II FLOORS COMPLETED
C	BP+P+P+II	4332.30 SQ.MTR.	BP+P+P+II FLOORS COMPLETED
UTILITY & SERVICES		3347.44 SQ.MTR.	
TOTAL		12457.37 SQ.MTR.	


 Junior engineer
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 Pune Municipal Corporation


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 Executive Engineer
 Building Permission Department
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 Pune Municipal Corporation

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Original Application No.105/2021(WZ)

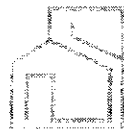
PC pmc corporation <pmczone03@gmail.com>
To: SRO Pune 1

...
Wed 03-08-2022 15:13

Report is being forwarded by mail dated 16/07/2022 in this report Annexure VI. Please consider the date 24/05/2022 instead of the date 12/10/2021.

Regards,
Devendra Patre.

Reply Forward



Dilip G. Kale & Associates

Architect's, Interior Designer & Govt. Regd Valuers

Ar. Chinmay Y. Kale (B.Arch)
REG. NO. CA/2003/30629

Ar. Dilip G. Kale (G.D.Arch, A.I.I.A)
REG. NO. CA/81/6201

Date: 15.01.2022

TO WHOMSOEVER IT MAY CONCERN

This is to certify that M/s. Aurangabad Holiday Resorts is proposing a Proposed Residential Project with convenient shops - "Jubilee Park" S. No.84, H. No. 2 & 4 & S. No. 83/1 (Plot No.3) at Mauje Warje Pune Pincode - 411052.

They have applied for Environmental clearance at SEIAA Maharashtra having file number SIA/MH/MIS/211317/2021. The original plan was sanction CC/No. 4860/06 on dated 30-03-2007 then we have revised the building Plan as per instructions of developer & sanctioned from Pune Municipal Corporation (PMC). Commencement Certificate no CC/0912/12 dated 18.06.2012, as per sanctioned plan, area details are given below,

Total FSI: 13,696.26 m²

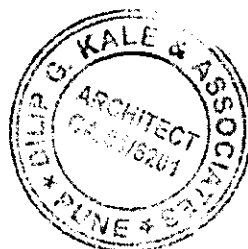
Total Non FSI: 18,788.86 m²

Total Construction area - 32,485.12 m²

Now they have started and partly completed construction as per sanctioned plan is about 12,177.37 m² which is below 20000 m². After that, they have stopped the construction activity. Status of construction till date as mentioned below and they are within the EIA Notification.

Details	FSI area	Non FSI area	Total construction area	Unit
Building B	3362.45	1115.18	4477.63	m ²
Building C	2888.27	1464.03	4352.3	m ²
Sub-total	6250.72	2579.21	8829.93	m ²
Utility and services			3347.44	m ²
Grand Total			12177.37	m ²

We certify that the construction carried on the ground by the PP till the date of SEIAA hearing is within the BUA & in accordance with the configuration of the sanctioned plan.



Dilip G. Kale
Ar. Dilip G. Kale
Reg. No. CA/81/6201

Tel: +91 20 2447 8869 / 24434606, Fax: +91 20 2446 1189 | Email: archdkg@gmail.com

1226-B, Shukrawar Peth, Subhash Nagar, Lane No 4, Pune - 411 002

GOVERNMENT OF MAHARASHTRA

Tel. No. : 2279 3132
Fax No. : 2281 3947

SEAC-III-2014/CR-110/TC-3
Environment Department,
217(Annex), Mantralaya, Mumbai - 400 032.

Date : 10/09/2014

By Fax/ RPAD/ Speed Post

To,

M/s. Aurangabad Holiday Resorts,
A 401, Silver Woods Society,
Koregaon Park, Annex,
Pune. 411036.

Sub. :- Proposed Directions u/s 5 of the Environment (P) Act, 1986
r.w. EIA Notification dtd. 14.9.2006

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

AND WHEREAS, you have applied for Environmental Clearance for proposed Project "Jubilee Park" at S.No.84, H.No.2+4 & S.No.83/1(Plot No 3), Village Warje Mauje, Tehsil-Haveli, Pune. During the 16th meeting of the State Expert Appraisal Committee - III held on 25th to 26th August, 2014 it was observed that you have started the construction activity without obtaining prior Environment Clearance from the Government of Maharashtra. This amounts to violation of the EIA Notification 2006.

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

- Why your building construction activity shall not be stopped forthwith for the violation of Environment Impact Assessment Notification dtd. 14.9.2006, issued by the Ministry of Environment & Forest, Government of India, for not obtaining prior Environmental Clearance from the Competent Authority / Government of Maharashtra?
- Why further legal action shall not be initiated against you under the provisions of the Environment (Protection) Act, 1986 and Rules made there under?

You are also directed to submit your reply within 15 days from the receipt of this Proposed Directions, failing which, this office has no option than to initiate stringent legal action against you including stoppage of your construction activity, which please be noted.

Medha Gadgil
(Medha Gadgil)
Addl. Chief Secretary,
Environment Department

o/c

GOVERNMENT OF MAHARASHTRA

Tel. No. : 2279 3132
Fax No. : 2281 3947

SEAC-III-2014/CR-110/TC-3
Environment Department
217, Annex Building, Mantralaya
Madam Cama Road, Mumbai - 400 032
Date : 25/03/2015

By Speed Post/ RPAD / Hand Delivery
To,

M/s. Aurangabad Holiday Resorts.
A 401, Silver Woods Society,
Koregaon Park, Annex,
Pune. 411 036.

Sub. :- Direction under section 5 of the Environment (Protection) Act, 1986
r.w. Environment Impact Assessment Notification dtd. 14.9.2006

Ref. :- 1. Proposed Directions issued vide letter dtd. 10.9.2014.
2. Your reply dtd. 6.10.2014.
3. Personal hearing extended to you on 13.3.2015.

WHEREAS, the State Level Expert Appraisal Committee (SEAC - III) in its 16th meeting held on 25th to 26th August, 2014 observed that you have violated the provisions of the Environment (Protection) Act, 1986 read with EIA Notification, 2006.

AND WHEREAS, this office had issued Proposed Directions to you vide letter at reference one above, for carrying out construction of proposed Project "Jubilee Park" at S.No.84, H.No.2+4 & S.No.83/1 (Plot No 3), Village Warje Mauje, Tehsil-Haveli, Pune, without obtaining prior EC.

AND WHEREAS, you have submitted your reply dtd.6.10.2014 and the additional information submitted during the course of personal hearing, stating that :-

- 1) The first plan was sanctioned by the PMC on 2.2.2012 for proposed total BUA of 16090.36 m2.
- 2) Subsequently, the plan was amended on 18.6.2012 for proposed total BUA of 20175.80 m2.
- 3) Thereafter, you have applied for EC on 3.4.2014 for proposed total BUA of 30811.28 m2.
- 4) Even after the potential of the project exceeded 20000 m2 vide amendment of plan dtd. 18.6.2012, you have continued the construction and carried out the construction of total BUA admeasuring 8142.66 m2 at site.

AND WHEREAS, a personal hearing was extended to you on 13.3.2015 at 3.20 p.m., before the Principal Secretary, Environment Department. During the course of personal hearing it has been observed that even after the potential of the project exceeded 20000 m2 vide amendment of plan dtd. 18.6.2012, you have continued the construction and carried out the construction of total BUA admeasuring 8142.66 m2 at site, without obtaining prior EC, which is violation of the provisions of the EIA Notification 2006.

NOW THEREFORE, in view of the above violations of the Environment (Protection) Act, 1986 r.w. EIA Notification dtd. 14.9.2006, you are hereby directed to stop the construction work till you obtain Environmental Clearance from the Competent Authority. You are also directed to submit a Board Resolution to comply with Para 5 (i) of the Office Memorandum, issued by the M.o.E.F., G.o.I. dtd. 12.12.2012.


(A. J. ...)

Principal Secretary,
Environment Department

Copy to :-

- (1) Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3rd-4th Floor, Opp. Cine Planet, Sion Circle, Mumbai - 400022 :- He is instructed to direct the concerned Regional Officer of the Maharashtra Pollution Control Board who has been authorized under section 19 (a) of the Environment (Protection) Act, 1986, to file the case for the offence committed by M/s Aurangabad Holiday Resorts under section 15 of the Environment (P) Act, 1986 r.w. EIA Notification dtd. 14.9.2006 before the appropriate court of law within 15 working days, so as to comply with the Office Memorandum issued by the M.o.E.F., G.o.I. No. J-1101313112006-1A. II(1) dtd. 12.12.2012
- (2) Deputy Engineer, Building Permission Department, Pune Municipal Corporation, PMC Main Building, Near Mangla Theatre, Shivajinagar, Pune - 411 005:- He is directed not to issue further permissions / approvals for said project till the Competent Authority grants Environment Clearance to M/s Aurangabad Holiday Resorts.
- (3) Member Secretary, SPAC - III:- for information and further follow up

AHR

BUILDERS & DEVELOPERS

To,

Additional Chief Secretary
Dept. of Environment,
Govt. of Maharashtra,
Room No. 217, Mantralaya Annexe,
Mantralaya, Mumbai - 400 032

Date: 6/10/2014

Kind Attn.: Mrs. Medha Gadgil, I.A.S.,
Additional Chief Secretary, Environment Department

Subject: Proposed Directions under section 5 of the Environment (P) Act, 1986 read with Environment Impact Assessment Notification dated 14.09.2006

Ref: 1) Your Notice No SEAC- III- 2014/CR-110/TC-3 dated 10/09/2014

Respected Madam,

With reference to your notice, you have stated that construction activities of our proposed project "Jubilee Park" at S.No. 84, H.No. 2+4 & S.No. 83/1 (Plot No 3), at Village Warje Mauje, Tehsil. Haveli, Distt. Pune. Had been initiated without prior Environment Clearance.

In this regard we would like to state the following

- 1) The application for the Environmental Clearance was submitted on 3 April 2014.
(Annexure I)
- 2) The project was on agenda in 16th SEAC III Meeting held on 25th-26th August 2014. The SEAC has referred our project to Department of Environment, Government of Maharashtra due to initiation of Construction work. (Minutes enclosed as Annexure II).

As far as initiation of construction work is concerned, we would like to draw your kind attention on that, we got first sanction of 11717 m² on dated 2-2-12 vide sanction plan no. 3915/11 and subsequent sanction of 14897 m² on dated 13-6-12 vide sanction plan no. 0912/12
(Copy enclosed as Annexure III).

As construction initiated as per the sanction plan & total B/Up area is less than 20,000 m²; we request your good selves to kindly do not consider our case as a violation and do not initiate any legal action against us.

Aurangabad Holiday Resorts
Builders & Developers

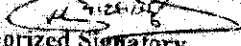
Plot - Sachedi Ekv. S.No. 84/2, 84/4, 83/1. Next to Aditya Garden City, Mumbai-Bengaluru Highway, Wane, Pune 402606.

AHR

BUILDERS & DEVELOPERS

Yours truly,

For M/s Aurangabad Holiday Resorts


Authorized Signatory

Encl.:

Annexure I - Acknowledgement Copy

Annexure II- Minutes of 16th SEAC III Meeting

Annexure III- Sanction Plan Copy

Annexure IV- Show cause Notice

Aurangabad Holiday Resorts
Builders & Developers

Pune : Scarlet Sky, S.No. 84/2, 84/4, 83/1, Next to Arjuna Garden City, Mumbai-Bengaluru Highway, Wanda, Pune 411006

Minutes of 230th (Part-A) meeting of SEIAA held on 01st October, 2021**Item no. 40****Proposal No.:-** SIA/MH/MIS/211317/2021**Type of Project:** Modi. ToR**Subject-** Environment Clearance for Proposed Residential Project with convenient shops Jubilee Park S. No. 84, H. No. 2 & 4 and S. No. 83/1 (Plot No 3) at Mauje Warje Pune by M/s. Aurangabad Holiday Resorts**Project Details-**

Representative of PP was present during the meeting along with environmental consultant M/s. Mahabal Enviro Engineers Pvt. Ltd. Thane

The proposal under consideration is construction of "Jubilee Park" on land bearing Survey No. 84, H. No. 2 + 4 & S. No. 83/1 (Plot No. 3) at Warje, Pune -411036.

The UID for the project is SIA/MH/MIS/211317/2021. It is noted that, different proposals on the same land with different UIDs are considered earlier by different committees, which is summarized as below-

Sr. No	Project UID No	Submission Date	Considered in	Decision/remarks
1	IA/MH/NCP/64 794/2017	19.05.2017	4th EAC meeting dated 19-21 February, 2018	PP was absent, hence project was deferred.
2	IA/MH/NCP/64 794/2017-MoEf & CC transfer to SEIAA SIA/MH/NCP/ 60016/2021	Received from MoEF & CC 20/1/2021	1) 145th SEAC2 meeting 08.04.2021 2) 117th SEAC3 meeting 12.05.2021	1) Withdrawal letter submitted to SEAC2 2) Withdrawal letter & consideration for UID- SIA/MH/MIS/6222 6/2021 submitted to SEAC3
3	SIA/MH/MIS/6 2226/2021	25.03.2021	ToR proposal- 121st SEAC3 meeting 29th July, 2021	absent letter submitted to SEAC3
4	SIA/MH/MIS/2 11317/2021	04.05.2021	Modification in ToR proposal- 121st SEAC3 meeting 29th July, 2021	
5	SIA/MH/MIS/2 15352/2021	15.06.2021	Proposal without violation and ref of Environment Department Circular dated 21.04.2015	

SEAC Deliberation -


Member Secretary


Chairman

Minutes of 230th (Part-A) meeting of SEIAA held on 01st October, 2021

The Environment Consultant of the project under consideration with UID SIA/MH/MIS/211317/2021 has informed that, work has initiated and around 12,177.37 Sq.mt construction has been done on site. It is a case of violation of EIA Notification, 2006.

It is also noted that, application of PP to MoEF & CC during the provided window period vide Notification dated 14th March, 2017 could not come to the logical end, as PP withdrawn the proposal which was forwarded to SEIAA by MoEF & CC regarding violation of EIA Notification. Considering this, SEAC-3 after detailed deliberation decided to refer the matter to SEIAA to address the issue of violation. Once the said issue decided, SEAC-3 will appraise the proposal subject to decision of SEIAA.

Recommendations of SEAC-

SEAC-3 will appraise the proposal subject to decision of SEIAA.

Deliberation in SEIAA-

SEAC-3 in its 121st meeting pointed out that, application of PP to MoEF & CC during the provided window period vide Notification dated 14th March, 2017 could not come to the logical end, as PP withdrawn the proposal which was forwarded to SEIAA by MoEF & CC regarding violation of EIA Notification. SEAC decided to refer the matter to SEIAA to address the issue of violation. Once the said issue decided, SEAC-3 will appraise the proposal subject to decision of SEIAA.

During the meeting, PP submitted that, they have started the construction on the site and constructed 12,117 m², on site and after that no construction was done on the site since 2015. PP further submitted that, they had applied for EC under the violation category as per MoEF&CC notification dt. 14.03.2017, vide application having proposal no. SIA/MH/NCP/64794/2017 dated 19.05.2017. The project was listed in the 4th EAC meeting (21.02.2018), however the PP couldn't attend the meeting and remained absent.

The MoEF& CC Notification S. O. 1030(E) dt 08.03.2018 and OM dated 15.03.2018, had decided to transfer the category B Projects to the State SEIAA's.

During the meeting, SEIAA asked PP to submit additional details regarding construction done on site along with architect certificate, details of chronology of the proposal.

SEIAA decided to defer the proposal for compliance of above.

SEIAA Decision-

SEIAA decided to defer the proposal.


Member Secretary


Chairman

Annexure VI – Site photographs



M/s Jubilee Park – Building B & C completed



M/s Jubilee Park – Building B & C completed



M/s Jubilee Park – Building A – Foundation and Column constructed



M/s Jubilee Park – STP 160 CMD



M/s Jubilee Park – Parking area



M/s Jubilee Park – Parking area



M/s Jubilee Park – Bore well



M/s Jubilee Park – Garden area



M/s Jubilee Park – Water storage tank

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE

AT PUNE

REGULAR CRIMINAL CASE NO. 0404255 OF 2015

Maharashtra Pollution Control Board)
 3rd and 4th Floor, Kalpataru Point Building,)
 Sion (East), Mumbai- 400 022)
 Represented by Shri. S. S. Doke,)
 Regional Officer- Pune)
 Maharashtra Pollution Control Board,)
 having his office at S. No.21/5 F. P. No. 28,)
 Jog Centre 3rd Floor, Wakdewadi,)
 Pune Mumbai Road, Pune- 411 003.) ---Complainant

Versus

1. M/s. Aurangabad Holiday Resorts,)
 A-401, Silver Woods Society,)
 Koregaon Park, Annex,)
 Pune-411 036.)...Accused

(Summons to be served upon Accused No. 2)

2. Shri. Rajesh Sambhaji Pawar)
 Villa No. 5, La- Sallette)
 Magarpatta Road, Mundhwa)
 Pune-411 036.)...Accused

Complaint under section 15 r.w.
 Section 16 of the Environment
 (Protection) Act, 1986 and the
 Environment Impact Assessment
 Notification, 2006.

MAY IT PLEASE YOUR HONOUR:

1. The Complainant above named is the Maharashtra Pollution Control Board, constituted under Section 4 of the Water (Prevention

& Control of Pollution) Act, 1974 and shall be deemed to be the State Board for the Prevention & Control of Air Pollution under the provisions of the Air (Prevention & Control of Pollution) Act, 1981. (Herein after referred to as "the said Board" for the sake of brevity). The Board is further entrusted with the implementation of the Environment (Protection) Act, 1986 and Rules made there under. (Herein after referred to as "the said Acts" for the sake of brevity). The Board is a Body Corporate constituted by the State Government under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, having perpetual succession and a common seal with the power to sue or be sued. Being statutory authority, the Board is represented by Shri. S. S. Doke, who is the Regional Officer at Pune for the Maharashtra Pollution Control Board, under whose jurisdiction the activities of the Accused Nos. 1 to 3 are situated. He is a Public Servant under Section 50 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 44 of the Air (Prevention & Control of Pollution) Act, 1981 and under Section 21 of the Environment (Protection) Act, 1986. He is overall responsible for the implementation of above Acts and Rules made there under in order to secure the compliances of the provisions of the said Acts.

It is submitted that the Complainant-Board has authorized the Regional Officers of the Board for the purposes of visit, inspection and sampling under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 respectively. The Ministry of Environment & Forests, Govt. of India by S.O. 394 (E) Notification dtd.16/4/1987, as amended from time to time, authorized the Regional Officers of the State Pollution Control

Boards, whom the powers have been delegated under Section 20, 21 and 23 of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 within the area laid down under their jurisdiction to take cognizance of the offences punishable under the provisions of the Environment (Protection) Act, 1986 and Rules made there under. A copy of the said Notification dtd. 16/4/1987 published in the Official Gazette of the Central Govt. is enclosed and marked as an **Annexure-A**.

2. The Accused No.1 is a Company constituted under the provisions of the Companies Act, 1956. The Accused No.1 Company is represented by the Shri Rajesh Sambhaji Pawar who is Accused No. 2 and nominated by the Accused No.1- Company for the execution of the construction of proposed projects "Jubilee Park" at S. No. 84, H.No. 2+4 & S.No. 83/1 (Plot No. 3), Village Warje Mauje, Tehsil, Haveli, Pune. They are directly incharge of and responsible to the Company for the conduct of business of the Company as well as the Company and responsible for the above project and compliance of various provisions of the above environmental laws including the EIA Notification, 2006.
3. The Complainant states that the Central Government in exercise of the powers conferred upon it by sub-section (1) and Clause (v) of the sub section (2) of Section (3) of the Environment (Protection) Act, 1986 r/w Clause (d) of Sub-Rule 3 of Rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the earlier EIA Notification dtd 27/01/1994 has issued the EIA, 2006 on 14/09/2006, amended from time to time. It is obligatory on the projects or activities mentioned in the Schedule there under, to obtain prior Environmental Clearance from the concerned Regulatory Authority for the matters falling under Category 'A' in the

Schedule from the Ministry of Environment & Forests, Govt. of India and for Category 'B' in the Schedule from the State Environment Impact Assessment Authority before starting any construction work or preparation of land by the Project Management except for securing the land. Similarly, for expansion and modernization of existing projects or activities listed in the Schedule under the Notification with addition of capacity beyond the limits specified for the concerned sector, which cross the threshold limits given in the Schedule after expansion, shall obtain prior Environmental Clearance from the competent authority.

The said activity of the Accused falls under category No.8 (a) under Schedule in the said Notification. A copy of the said Notification dtd. 14/09/2006 is enclosed and marked as an **Annexure-B.**

4. The then Principal Secretary, Environment Dept., Govt. of Maharashtra by letter dtd. 10/09/2014 issued Proposed Directions to the Accused No.1 for carrying out Proposed Project construction of proposed "Jubilee Park" at S. No. 84, H.No. 2+4 & S.No. 83/1 (Plot No. 3), Village Warje Mauje, Tehsil Haveli, Pune without obtaining prior Environmental Clearance from the Govt. of Maharashtra, thereby violated the provisions of EIA Notification, 2006. The Accused were directed to submit a reply within 15 days time from the date of receipt of the proposed directions.
5. The Accused had submitted their reply dtd. 06/10/2014, wherein it was informed that they have first plan was sanctioned by the Pune Municipal Corporation on 02/02/2012 for proposed total BUA of 16090.36 m² and they have subsequently the plan was amended on 18/06/2012 for proposed total BUA of 20175.80 m². Thereafter, they have applied for Environment Clearance on

03/04/2012 for proposed total BUA of 30811.28 m2, they have continued the construction and carried out the construction of total BUA admeasuring 8142.66 m2 at site. Copies of the proposed directions dated 10/09/2014 and reply thereto dated 06/10/2014 and are enclosed and marked as an Annexure 'C' & 'D' respectively.

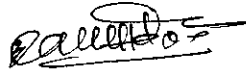
6. The Principal Secretary, Environment Department, Govt. Of Maharashtra therefore by his letter dated 25/03/2015 issued Directions under Section 5 of the Environment (Protection) Act, 1986 read with the Environment Impact Assessment Notification, 2006, to the Accused No.1 to stop the construction work till obtain the Environmental clearance from the competent Authority by extending personal hearing on 13/03/2015. A copy of the Directions issued by the Principal Secretary, Environment Department, Govt. of Maharashtra dated 25/03/2015 is enclosed and marked as an Annexure 'E'.
7. The Principal Secretary, Environment Dept, Govt. of Maharashtra by the directions dtd. 25/03/2015 also directed the Member Secretary, Maharashtra Pollution Control Board to file the case for the offences committed by the Accused No.1 under Section 15 of the Environment (Protection) Act, 1986 r/w EIA Notification, 2006 before the appropriate Court of Law, so as to comply with the Office Memorandum issued by the Ministry of Environment & Forests, Govt. of India for initiating credible action against the Accused No.1. An original direction issued to the Member Secretary, MPCB dtd. 25/03/2015 is enclosed as an Annexure-F
8. The Complainant therefore states that the Accused have committed offence punishable under Section 15 r.w. Section 16 of the

Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 for carrying out the construction activity at the aforesaid site without obtaining Environment Clearance as obligatory under the EIA Notification, 2006. Thus, the Accused have committed the offence in the jurisdiction of this Hon'ble Court and therefore, the present complaint has been filed by the Complainant for issuance of process against all the Accused. Since the punishment prescribed under the Section 15 of the Environment (Protection) Act, 1986 is imprisonment for a term which may extend to 5 years or with fine which may extend to Rs.1 Lakh or with both, this Hon'ble Court has jurisdiction to try this offence punishable under the provisions of the Environment (Protection) Act, 1986.

9. Therefore, it is prayed that the process may kindly be issued against all the Accused and they may be tried as per provision of the Law.

Dated this day of , 2015 at Pune.

For Maharashtra Pollution
Control Board



Shri S. S. Doke,
Regional Officer, Pune.

Advocate for the Complainant

List of Witnesses

1. Shri. S. S. Doke
Regional Officer- Pune.
Maharashtra Pollution Control Board,
Pune.
2. Member Secretary, SEIAA
Environment Dept,
Govt. of Maharashtra
Mantralaya, Mumbai-400 032
3. Principal Secretary,
Environment Dept,
Govt. of Maharashtra
Room No.217, 2nd Floor,
Annex Mantralaya, Mumbai-400 032
or its Representative who has issued Proposed directions and
Directions u/s 5 of the Environment (Protection) Act,1986 to file
prosecution.
4. Any other witnesses with the permission of this Hon'ble Court.



पुणे महानगरपालिका
वृक्ष प्राधिकरण विभाग
वारजे कर्वेनगर क्षेत्रीय कार्यालय
जा.क्र.वृप्राजा/८२७
दिनांक:- १३/०५/२०२२

प्रति,
सब रिजनल ऑफिसर,
महाराष्ट्र प्रदूषण नियंत्रण मंडळ, पुणे

यांचकडे.....

विषय :- स. नं. ८४, २ व ४, स. नं. ८३/१, प्लॉट नं. ३, वारजे, पुणे येथील
वृक्षांबाबत.

संदर्भ :- सब रिजनल ऑफिसर, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, पुणे। यांचा


दि. १२/०५/२०२२ रोजीचा इकडील कार्यालयाकडे प्राप्त ई मेल.

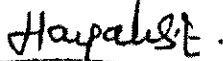
संदर्भाकित प्राप्त ई मेल द्वारे स. नं. ८४, २ व ४, स. नं. ८३/१, प्लॉट नं. ३, वारजे, पुणे येथे दि.
१३/०५/२०२२ रोजी समक्ष पाहणी केली असता सदर ठिकाणी सद्यस्थितीत एकूण ११ वृक्ष अस्तित्वात
असल्याचे आढळून आले आहे. वृक्षांचा तपशील खालीलप्रमाणे.


अ. क्र.	वृक्षाचे नाव व संख्या	मध्य घेडी मीटर अंदाजे	उंची मीटर अंदाजे	वय वर्षे अंदाजे
१	स्पॅथोरडीया - ०१	१.३०	८	२०
२	स्पॅथोरडीया - ०१	१.३०	८	२०
३	देवचाफा - ०१	०.४०	५	१०
४	स्पॅथोरडीया - ०१	०.२०	३	७
५	स्पॅथोरडीया - ०१	१.००	६	१५
६	स्पॅथोरडीया - ०१	१.००	६	१५
७	कडुलिंब - ०१	०.२०	४	८
८	सप्तपर्णी - ०१	०.३५	४	७
९	नारळ - ०१	१.००	४	८
१०	पेरू - ०१	०.२५	४	८
११	आवळा - ०१	०.९०	६	१०

तथापि बांधकाम नकाशा मान्य होणेपूर्वी उद्यान विभागाची प्रोव्हिजनल एनओसी, बांधकाम नकाशा
मान्य झालेनंतर बांधकामास अडथळा करणारे वृक्ष पुर्ण काढणे / पुनरोपण करणेबाबतची परवानगी व
बांधकाम पुर्ण झालेनंतर उद्यान विभागाची अंतिम एनओसी दिली आहे अगर कसे याबाबत उद्यान विभाग व
कार्यकारी अभियंता बांधकाम विकास विभाग झोन क्रं. ३ यांचेकडून लेखी पत्राद्वारे माहिती मागविणेत आली
आहे.

सबब सदर माहिती उद्यान व बांधकाम विभागाकडून प्राप्त झाले नंतर आपणास कळविणेत येईल.


(विलास आठोळ)
हॉटीकल्चर मिस्त्री
वारजे कर्वेनगर क्षेत्रीय कार्यालय
पुणे महानगरपालिका


93/05/2022
(अहेल हरपळे)
सहा उद्यान अधिक्षक
परिमंडळ क्रं. ३
पुणे महानगरपालिका


(राजेश गुर्रम)
महापालिका सहा. आयुक्त तथा
वृक्ष अधिकारी
वारजे कर्वेनगर क्षेत्रीय कार्यालय
पुणे महानगरपालिका



पुणे महानगरपालिका
 वृक्ष प्राधिकरण विभाग
 वारजे कर्वेनगर क्षेत्रीय कार्यालय
 आ.क्र.वृषाजा/ **CR**
 दिनांक **१३/७/२०२२**


प्रति,
 कार्यकारी अभियंता
 बांधकाम विकास विभाग झोन क्र. ३
 पुणे महानगरपालिका

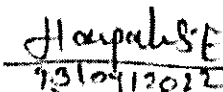
यांजकडे.....


विषय :- स. नं. ८४, २ व ४, स. नं. ८३/१, प्लॉट नं. ३, वारजे, पुणे येथील
 एनओसी बाबत माहिती मिळणेबाबत.

संदर्भ :- सब रिजनल ऑफिसर, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, पुणे। यांचा
 दि. १२/०५/२०२२ रोजीचा इकडील कार्यालयाकडे प्राप्त ई मेल.

संदर्भाकित प्राप्त ई मेल द्वारे राष्ट्रीय हरित लवाद न्यायालयाकडे स. नं. ८४, २ व ४, स. नं. ८३/१,
 प्लॉट नं. ३, वारजे, पुणे येथील वृक्षाबाबत माहिती देणेबाबत कळविले आहे. सदर ठिकाणी दि.
 १८/०६/२०१२ रोजी दुरुस्त बांधकाम नकाशा मान्य झाला आहे. त्यास अनुसरून सदर ठिकाणी आपले
 विभागामार्फत वृक्षाबाबतची प्रॉव्हिजनल एन ओ सी व अंतिम गार्डन एन ओ सी दिली आहे अगर कसे
 याबाबत आपले विभागाकडून लेखी स्वरुपात माहिती मिळावी हि विनंती.


 (विलास अरोटे)
 हॉर्टिकल्चर मिस्त्री
 वारजे कर्वेनगर क्षेत्रीय कार्यालय
 पुणे महानगरपालिका


 १३/०५/२०२२
 (जेहन हेरपळ)
 सहा उद्यान अधीक्षक
 परिमंडळ क्र. ३
 पुणे महानगरपालिका


 (राजेश मुरम)
 महापालिका सहा. आयुक्त तथा
 वृक्ष अधिकारी
 वारजे कर्वेनगर क्षेत्रीय कार्यालय
 पुणे महानगरपालिका



पुणे महानगरपालिका
 वृक्ष प्राधिकरण विभाग
 वारजे कर्वेनगर क्षेत्रीय कार्यालय
 जा.क्र.वृप्राजा/ ८३०
 दिनांक- १३/५/२०२२

प्रति,
 मा. मुख्य उद्यान अधीक्षक तथा
 सदस्य सचिव, उद्यान विभाग
 पुणे महानगरपालिका

यांजकडे.....

विषय :- स. नं. ८४, २ व ४, स. नं. ८३/१, प्लॉट नं. ३, वारजे, पुणे येथील
 वृक्षांबाबत माहिती मिळणेबाबत.

संदर्भ :- सव रिजनल ऑफिसर, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, पुणे। यांचा
 दि. १२/०५/२०२२ रोजीचा इकडील कार्यालयाकडे प्राप्त ई मेल.

संदर्भाकित प्राप्त ई मेल द्वारे राष्ट्रीय हरित लवाद न्यायालयाकडे स. नं. ८४, २ व ४, स. नं. ८३/१,
 प्लॉट नं. ३, वारजे, पुणे येथील वृक्षांबाबत माहिती देणेबाबत कळविले आहे. सदर ठिकाणी दि.
 १८/०६/२०१२ रोजी दुरुस्त बांधकाम नकाशा मान्य झाला आहे. त्यास अनुसरून सदर ठिकाणी उद्यान
 विभागाभार्फत प्रोव्हिजनल एन ओ सी, वृक्ष पुर्ण काढणेस / पुनरोपण करणेबाबतची परवानगी व अंतिम ना
 हरकत पत्र दिले आहे अगर कसे याबाबत आपले विभागाकडून लेखी स्वरूपात माहिती मिळावी हि विनंती.

Vide
 (विलास आटाळ)
 हॉर्टीकल्चर मिस्त्री
 वारजे कर्वेनगर क्षेत्रीय कार्यालय
 पुणे महानगरपालिका

Hapal E.
 (लेहल हरपळ)
 सहा उद्यान अधीक्षक
 परिमंडळ क्र. ३
 पुणे महानगरपालिका

Rajesh
 (राजेश गुरम)
 महापालिका सहा. आयुक्त तथा
 वृक्ष अधिकारी
 वारजे कर्वेनगर क्षेत्रीय कार्यालय
 पुणे महानगरपालिका

Date: 28th Dec 2016

To,
M/s. Aurangabad Holiday Resorts,
B-701, Llyod Chamber Building,
Mangalwar Peth,
Pune 411011.

Sub :- Providing Garbage Management system for your residential project "Jubilee Park" situated at S. No. 84, H. No. 2 + 4 & S. No. 83/1 (Plot No. 3) at Warje Mauje, Pune.

Dear Sir,

With reference to above subject we intend to do the garbage management system.

SWaCH Seva Sahakari Sanstha Maryadit, Pune (SWaCH) is India's first wholly-owned cooperative of self-employed waste pickers or waste collectors and other urban poor. It is an autonomous enterprise that provides front-end waste management services to the citizens of Pune.

We will arrange to collect segregated waste from your project "Jubilee Park" situated at S. No. 84, H. No. 2 + 4 & S. No. 83/1 (Plot No. 3) at Warje Mauje, Pune.

We will take away the dry garbage (recyclables and non-recyclables) (220 Kg/Day) and wet garbage will be processed at the decentralized composting unit for conversion in to organic manure.

Commercial terms will be discussed & negotiated at the time of commencement of project.

Assuring you the best of our services,

Thanking You.

For SWaCH Pune Seva Sahakari Sanstha Ltd

Shashank
Authorized Signatory
28-12-2016



SWaCH Pune Seva Sahakari Sanstha Ltd. is an autonomous Cooperative enterprise of waste collectors authorized by the Pune Municipal Corporation to provide door step waste collection service.
Kothrud Kachara Depot, Paud Road, Kothrud, Pune - 411 038

T: 020-65000817

SWaCH Helpline: 9765999560

Email: swachcoop@gmail.com

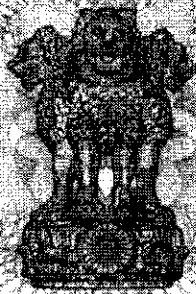
www.swachcoop.com

Reg. No. PNA/11/01/0132107-26

भारतीय गैर न्यायिक
भारत INDIA

₹. 500

FIVE HUNDRED
RUPEES



सत्यमेव जयते

पाँच सौ रुपये

Rs. 500

INDIA NON JUDICIAL

महाराष्ट्र MAHARASHTRA

2016

Y 124769

क्र. सं. १८२५२ 26 DEC 2016 ५००

दस्तावा प्रकार वक बंधिमे

दस्ता नोंदणी करणार आहेत का ? होय/नाही.

पिढकतीचे वर्णन

मुद्रांक दिवत घेणाऱ्याचे नाव
पत्ता Avrangabad Holiday Resort
701 Lloyd chamber Mangalwar Peth, Pune-11

दुसऱ्या पक्षकाराचे नाव
Swachh Pune

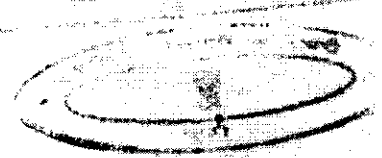
दस्तो घ्यावतीचे नांव व पत्ता सभाधाम काँस

रा. कंगल रा. वाघोले

परकमी क्र 2209088

महाराष्ट्र न्यायिक नोंदणी सही

क्र. २२/५, टॉप, काँग्रेस, पुणे ४१



9 DEC 2016

महाराष्ट्र न्यायिक नोंदणी सही

Shalund
REG. NO. PMA/1984/48
महाराष्ट्र न्यायिक नोंदणी सही, पुणे

M/S Aurangabad Holiday Resorts, a registered Partnership Firm having its registered office at B - 701, Llyod Chamber Building, Mangalwar Peth, Pune-011.

(herein after referred to as the "Developer") Party No.1

And

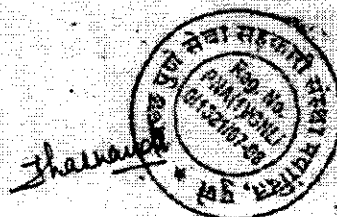
SWaCH Pune SevaSahakariSansthaMaryadit, Pune (SWaCH Cooperative), a fully owned cooperative of waste pickers in Pune which has its office at Old KothrudKacchra depot, Kothrud, Pune - 411038 (herein after referred to as the "Service Provider") Party No.2

WHEREAS, the Developer/Party No.1 is developing/has developed a project under the name and style of **" Jubilee Park "** situated at _ S. No.84, H. No. 2 +4 & S. No. 83/1 (Plot No.3) at Warje Mauje, Pune. (part) (herein after referred to as the "said Site").

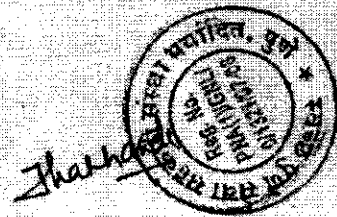
AND WHEREAS, the Developer requires professional services of a suitable agency to collect, recycle, and/or dispose of all the non-bio-degradable wastes. ("the said Wastes") resulting from the said Site on timely basis;

AND WHEREAS, the Service Provider/Party No.2 has assured the Developer that it can provide such services and that it is in the business of and has the expertise, experience, resources and capability to perform the collecting, packaging, recycling, and/or disposing of aforesaid wastes;

AND WHEREAS relying on the assurances and representations made by the Service Provider, the Developer has requested the Service Provider to provide the services required for treating, disposing etc of the wet. dry and non-recyclable waste for a period of 12 months from the date of execution hereof, which is accepted by the Service Provider subject to the terms and conditions mentioned herein after.



1. The Service Provider hereby agree to provide and give the service of collection, segregation and disposal Quantity(220 kg) of non-bio-degradable waste resulting from the said Site for a period of 12 (twelve) months from the date of execution hereof, for the charges mutually agreed more particularly mentioned herein below and accordingly agrees to take and obtain the same from the Service Provider.
2. This agreement is renewable or a subsequent term of 12 months or more upon written agreement of the Parties. At the time of renewal, the parties will determine and agree in writing any amendments to this agreement, if any.
3. In consideration of providing the said services by the Service Provider to the Developer, the Developer agrees to pay the service charges finalized upon actual commencement of services.
4. The Developer shall pay the amount due on or before 10th day of every month to the Service Provider herein.
5. The Bills shall be raised by the Service Provider in the name of "Aurangabad Holiday Resort(Jubilee Park)" the society/apartment association of tenement holders in the said Project, as the case maybe.
6. The Service Provider shall not, without the prior written consent of the Developer, delegate or subcontract the performance of the work, or any portion thereof, to a third party/agency.
7. Notices: Any notice required or permitted to be given under this Agreement shall be in writing. Shall be deemed duly given if delivered in person or if sent by registered Post, return receipt requested, on the address stated hereinabove.



8. It is agreed by and between the Parties that either party shall be entitled to terminate this agreement by giving 30 days written notice to the other party. However, the services provided for, before the cancellation of this contract, shall be settled in monetary terms forthwith.

9. This agreement is subject to Indian laws and any dispute arising out of the same shall be referred to the courts of appropriate jurisdiction within the city limits of Pune (Maharashtra, India) only.

IN WITNESS WHEREOF, the parties have signed this Agreement on the day and year first above written.

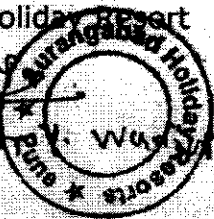
Co^r M/s. Aurangabad Holiday Resort

Through

B. Wajare

(Developer)

Rajesh V. Wadgaonkar

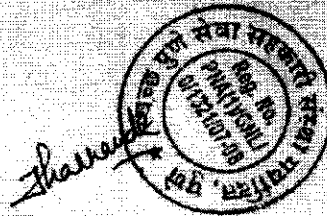


SWaCH Cooperative,

Through... *ms. Jaya Lokhande*

(Service Provider)

SWaCH



28/12/2016