

BEFORE THE NATIONAL GREEN TRIBUNAL

REPORT OF THE JOINT COMMITTEE (SECOND COMMITTEE) CONSTITUTED FOR VERIFICATION OF COMPLIANCE STATUS AND VIOLATIONS IN COMPLIANCE WITH ORDER DATED 08.06.2021 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN THE MATTER OF ORIGINAL APPLICATION NO. 13 of 2021 (WZ) (SHASHIKANT VITHAL KAMBLE VS M/S. KEY STONE PROPERTIES & ORS.)

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Place: Pune
Date: 11.01.2022


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

REPORT OF THE JOINT COMMITTEE (SECOND COMMITTEE) CONSTITUTED FOR VERIFICATION OF COMPLIANCE STATUS AND VIOLATIONS IN COMPLIANCE WITH ORDER DATED 08.06.2021 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN THE MATTER OF ORIGINAL APPLICATION NO. 13 of 2021 (WZ) (SHASHIKANT VITHAL KAMBLE VS M/S. KEY STONE PROPERTIES & ORS.)

1.0 BACKGROUND

An Original Application has been filed before the National Green Tribunal (NGT) (titled Shashikant Vithal Kamble vs. M/s Key Stone Properties & Ors) against illegalities in construction of a housing project by Respondent No. 1 i.e. M/s Key Stone Properties, S. No. 16/3 part, at Punawale, Pune.

The applicant has alleged that the project was started in violation of environmental norms. Maharashtra State PCB issued show cause notice for the violations and thereafter refused the Consent to Establish and directed the Project Proponent (PP) to stop construction. The State PCB issued a closure order dated 04.09.2019 for non-compliances. MPCB in its closure directions dated 04.09.2019, further directed disconnection of water and electricity connections of the building. Ignoring these developments, the State Level Environment Impact Assessment Authority (SEIAA), Maharashtra issued Environmental Clearance (EC) on 24.01.2020 in violation of mandate of prior EC in terms of EIA Notification dated 14.09.2006.

Copy of Hon'ble NGT order vide dated 08.06.2021 is given at **Annexure- I**.

The Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi passed following orders in the aforesaid matter-

“ 4. Since the allegations of this nature are frequently being made before this Tribunal and prima facie there appears to be fundamental flaw in working of the SEIAA in question, resulting in defeating the statutory mandate of prior EC and directions of the Hon'ble Supreme Court, we direct constitution of a two-member Committee comprising Additional Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC), nominated by the Secretary MoEF&CC and the Chairman, Central Pollution Control Board (CPCB) to conduct functional audit of SEIAA, Maharashtra to find out how such frequent blatant violations are taking place and how the situation can be remedied.....”

It was also directed vide para 5 of the said order that-

“5. Accordingly, apart from a Committee for the conduct of functional audit of functioning of SEIAA in the matter of grant of ECs, there is need to conduct audit of compliance of environmental requirements in the project in question by an independent Expert Committee. For this purpose, we constitute a four-member Expert Committee comprising nominees of MoEF&CC, CPCB, IIT Bombay and Member Secretary, State PCB. The Committee will be at liberty to take assistance from any other

expert/institution. The CPCB and State PCB will be nodal agency for coordination and compliance...”

As per para 5 of the said order, Hon'ble NGT directed for the constitution of the expert committee comprising members of MoEF& CC, CPCB, IIT Bombay and MPCB. CPCB as Nodal agency communicated to MoEF&CC, IIT Bombay and MPCB for the nominations. IIT Bombay informed vide email dated 16.08.2021 that *“In view of the fact that IIT Bombay does not have expertise in this area, the Hon'ble NGT may be requested to allow CPCB to consult any one of the institutes like IIT Kanpur /Delhi/Kharagpur and IISc”*. An Interlocutory Application I.A.No.89 of 2021 was filed by Central Pollution Control Board (CPCB) in this regard submitting that being time bound in compliance of direction from the Hon'ble NGT, the said committee has, for the time being, proceeded for compliance of order passed to the said committee, without a nominee from IIT Bombay along with prayer that the order dated 08.06.2021 may kindly be modified or any other directions that the Hon'ble Tribunal may deem fit may be issued. The Hon'ble NGT in subsequent hearing on 10/11/2021 ordered I.A.No.89 of 2021 accordingly. Copy of Hon'ble NGT order vide dated 10/11/2021 is given at **Annexure-I A**.

In compliance with aforesaid order dated 08.06.2021 of the Hon'ble NGT, the committee comprising of the following members;

- I. Shri. Bharat Kumar Sharma, Regional Director, Regional Directorate (RD) CPCB, Pune;
- II. Shri. Suresh Kumar Adapa, Scientist 'E', Integrated Regional Office (IRO), MoEF&CC, Nagpur, and;
- III. Shri. Kiran Hasabnis, Sub Regional Officer, MPCB Regional Office, Pune;

held meeting on 02.08.2021 and decided to seek relevant information in a questionnaire from various organizations viz. Integrated Regional Office of MoEF&CC, Nagpur, Maharashtra Pollution Control Board (MPCB), Pimpri-Chichwad Municipal Corporation (PCMC) and State Environment Impact Assessment Authority (SEIAA), Maharashtra. These organizations were requested to send relevant information vide email dated 07.08.2021. Follow-up emails/meeting were also held thereafter.

Upon receipt of desired information as per the aforesaid questionnaire, the committee, carried-out inspection of the construction project- My Home Punawale-“IRA” at S. No. 16/3, Punawale, Pune, on **06.10.2021**. Shri Pratik Bharne, Scientist E, & Shri Nikhilesh Gandhre, JRF from CPCB RD Pune and Shri Motegaonkar FO & Smt Jyoti Sutar from FO, MPCB were present during the visit. Shri. Sunil Bhagwani,

Executive Engineer, Pimpri-Chichwad Municipal Corporation and Shri. Mohit Goyal (Project Proponent) along with his representative from M/s. Key Stone Properties., were also present during the site visit.

2.0 OBSERVATIONS & FINDINGS:

(a) About Project-

The project under reference- My Home Punawale (Formerly IRA) is residential & commercial complex construction located at S. No. 16/3, Punawale, Tal- Mulshi Dist Pune, in plot area of 16,955 sq. m. which comes under Pimpri-Chinchawad Municipal Corporation (PCMC). The project is developed by M/s. Key Stone Properties (formerly M/s Royal Developers) and is called Project Proponent (PP) herein after.

(b) Observations w.r.t Environmental Clearance (EC) and violations thereto

- (i) Details of the Layout and Building Sanction Plan, IOD Plan Approval, Plinth Check Certificate, EC granted and current construction status are given at **Table-1.**

Table 1-Details of the Layout and Building Sanction Plan, IOD Plan Approval, Plinth Check Certificate, EC granted and current construction status

Sl. No.	Particulars (J)	Building Configuration	Total built-up area
1	Layout and Building Sanction Plan No. BP/Punawale/03/2012 dated 25/4/2012 granted by PCMC	<ul style="list-style-type: none"> • Building C-P+12 • Building D-P+12 • Building E-P+12 	FSI- 14397.05 Sq.m Non FSI-13099.47 Sq.m TBUA-27496.78 Sq.m
2	Layout and Building Sanction Plan No. BP/Punawale/08/2013 dated 22/7/2013 granted by PCMC	<ul style="list-style-type: none"> • Building A-P+1 • Building B-P+8 • Building C-P+12 • Building D-P+12 	FSI- 14860.21 Sq.m Non FSI-15591.07 Sq.m TBUA-30264.83 Sq.m
3	Plinth check certificate for building 'C' and building 'D' dated 26.06.2014 which is	As per Layout and Building Sanction Plan No. BP/Punawale/08/2013 dated 22/7/2013 as mentioned at Sl. No. 2	
4	Plinth check certificate for Building 'B' dated 20.09.2014	As per Layout and Building Sanction Plan No. BP/Punawale/08/2013 dated 22/7/2013 as mentioned at Sl. No. 2	
5	IOD Plan Approval No. BP/EC/Punawale/05/2015 dated 07/07/2015	<ul style="list-style-type: none"> • Building A-P+12 • Building B-P+12 • Building C-P+12 • Building D-P+12 	FSI- 21227.47 Sq.m Non FSI-20113.59 Sq.m TBUA-41341.48 Sq.m
6	IOD Plan Approval No.	• Building A-P+12	FSI- 21227.47 Sq.m

	BP/EC/Punawale/12/2019 dated 18/12/2019	<ul style="list-style-type: none"> • Building B-P+12 • Building C-P+12 • Building D-P+12 	Non FSI-20113.59 Sq.m TBUA-41341.48 Sq.m
7	EC dated 24.01.2020 granted by SEIAA, Maharashtra	As per Specific Conditions No. V of the EC, the EC granted for - FSI: 21227.44 m2, Non-FSI: 20114.04 m2 and Total BUA:41341.48 m2 (Plan Approval no- BP/EC/Punawale/12/2019, dated-18.12.2019)	
8	Status of construction as on 14.10.2021	<ul style="list-style-type: none"> • Building B-P+8 (only RCC structure) • Building C-P+12 – Completed and having occupancy of tenants • Building D-P+12 – completed and having occupancy of tenants 	Total Built up Area Constructed = 30417.55 sq.m

- (ii) As per PCMC letter No. BP/PR25/Punawale/1542021 dated 14.10.2021 (Copy given at **Annexure-II**) PP has obtained first plinth check certificate from PCMC on 26.06.2014 as per Layout and Building Sanction Plan No. BP/Punawale/08/2013 dated 22/7/2013 which has been granted for total built-up area of 30264.83 sq.m. (Please, refer **Table 1** above).

However, as per MoEF&CC vide letter No. F. No. 23.57/2018-IA-III dated 26.06.2018 (copy given at Annexure-III) the construction was initiated on 5th June, 2013 and 60% of the total built-up area was completed by January, 2015 without obtaining prior EC.

- (iii) PP made online proposal no IA/MH/NCP/70514/2017 dated 24.10.2017 (earlier proposal no IA/MH/NCP/64670/2017 dated 13.05.2017) for consideration of grant of EC under the provisions of notification no. S.O.804 (E) dated 14.03.2017 notified under Environment (Protection) Act, 1986, applicable for projects or activities undertaken without obtaining prior EC considering a case of violation of Environment Impact Assessment, 2006 Notification.

MoEF&CC letter no. F. No. 23.57/2018-IA-III dated 26.06.2018 (copy given at **Annexure-III**) reveals that Environment Department, Govt. of Maharashtra issued directions u/s 5 of the Environment (Protection) Act, 1986, on 01st January 2015, with the directions to stop the construction work till EC is obtained from the component authority.

Vide said letter dated 26.06.2018, MoEF&CC requested the Environment Department, Govt. of Maharashtra, to take action against the Project Proponent under the provisions of Section 19 of the Environment (Protection) Act, 1986 for

violation of Environment Impact Assessment Notification, 2006, referring 4th minutes of meeting of Expert Appraisal Committee held on 19th -21st February, 2018 at MoEF&CC, New Delhi.

- (iv) As per the consolidated statement no 0000001522 provided by SEIAA vide email dated 17.12.2021 (copy given at **Annexure-IV**) and records available with MPCB, a Criminal Case No. 1221/2015 was filed dated 19/3/2015 in the Court of Hon'ble Chief Judicial Magistrate, Pune by Regional Office of MPCB, Pune, alleging that M/s. Royal Developers (now Keystone Properties) and Mr. Mohit Rajendra Goyal Partner of M/s. Royal Developers (now Key Stone Properties) have committed the offence under the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006).

In the said criminal case, M/s. Royal Developers (Now Keystone Properties) and Mr. Mohit Rajendra Goyal Partner of M/s. Royal Developers (Now Key Stone Properties) were convicted vide section 246(3) of the Code of the Criminal Procedure by the Hon'ble Chief Judicial Magistrate on 05.06.2018 for the offence under Section-16 punishable under Section-15 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) and sentenced to pay fine of Rs. 60,000/- (Rs. Sixty Thousand Only) each in default simple imprisonment for 40 days each (copy of the order date 05.06.2018 given at **Annexure-V**). M/s. Royal Developers (Now Keystone Properties) and Mr. Mohit Rajendra Goyal Partner of M/s. Royal Developers (Now Key Stone Properties) have deposited Rs60,000/- (Rupees Sixty thousands) each vide Receipts dated 05/6/2018 and copies of the same are given at **Annexure- VI**.

- (v) Thereafter, EC was granted by SEIAA Maharashtra vide letter vide letter SEIAA-EC-0000002343 dated 24.01.2020 as per notification no. S.O.804 (E) dated 14.03.2017 and its amendment vide S.O. No. 1030 (E) dated 08.03.2018 related to projects or activities undertaken without obtaining prior EC and Office Memorandum dated 16.03.2018 issued by MoEF&CC. (Copy of the said EC dated 24.01.2021 is given at **Annexure-VII**).

As per the consolidate statement no. 0000001522 of SEIAA, the said EC was granted taking into account cost of remediation plan and natural & community resource augmentation plan as per revised approach paper¹ (copy given at

¹Approach paper for Assessment of Environmental Damage And Estimation of Remediation Costs For Building Construction Projects initiated without obtaining mandatory Environmental clearance (Violation Cases)" decided to be followed by the DoE

Annexure-VIII) which was estimated as Rs. 1.76 Cr as appraised by SEAC, Maharashtra. Two of the specific conditions laid down in the said EC are as below:

- “1) PP to submit a bank guarantee of Rs. 176.00 lakhs to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan.*
- 2)PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.”*

(vi) As informed by MPCB vide email dated 11.11.2021, PP has submitted the aforesaid bank guarantee (BG) of Rs. 1.76 Cr to Regional Office Pune, MPCB on 28.10.2021 (copy of receipts of submission of BG is given at **Annexure-IX**). PP has submitted EMP comprising of remediation plan and natural & community resource augmentation plan, as referred in aforesaid EC dated 24.01.2020 granted by SEIAA, to District Collector (Pune) office; Municipal Commissioner (PCMC) office and MPCB on 08.11.2021. (copy of receipt of submission of EMP plan is given at **Annexure-X**).

However, as per the approach paper of SEIAA, Maharashtra, the PP is also required to deposit apportionated funds as per the aforesaid EMP with concerned authorities and the confirmation of deposit of such funds will be the compliance of such EMP efforts at the project proponents end. Still, however, PP needs to get engaged with concerned departments to ensure that the amount is effectively spent in time bound manner (please refer page 29 of the aforesaid approach paper given at **Annexure-VIII**). The committee observes that PP has not submitted the said apportionated funds with concerned authorities or confirmation of deposit of such funds.

(vii) As informed by PCMC vide letter dated 14.10.2021 (copy given at **Annexure-II**), PCMC has issued stop work notice to the PP vide letter dated 14.03.2015 for violation of environmental laws and further not to start work until certificate is obtained from Environment Department, Govt. of Maharashtra. (Please, refer copy of the notice dated 14.03.2015 attached along with PCMC letter 14.10.2021 given at **Annexure-II**).

and SEIAA Maharashtra vide SEIAA letter no. SEIAA-2018/CR-150/SEIAA dated 30/1/2019 is available at https://www.ecmpcb.in/login/download_ec_document/QjAwN0E4NkZDM0I2NDY4Mzk3QzUxOEVCQURGNzIGOTcucGRm . The said approach paper takes into account of ecological damage and economic benefit derived due to violation and remediation plan and natural and community resource augmentation plan preparation & implementation thereto for building construction projects violation cases.

- (viii) Status of construction has been reported by PCMC vide letter (copy given at Annexure-II) No. BP/PR25/Punawale/1542021 dated 14.10.2021, and brief of the same is also given at **Table 1** above.
- (ix) EC dated 24/1/2020 has been granted as per PCMC's IOD Plan Approval No. BP/EC/Punawale/12/2019 dated 18/12/2019. PCMC vide letter (copy given at **Annexure-XI**) no. BP/PR25/Punawale/202/2021 dated 24.12.2021 has informed that the construction as on 14/10/2021 is as per IOD Plan approval vide letter No. BP/EC/Punawale/12/2019 dated 18.12.2019 and there is no deviation in terms of configuration or built-up area w.r.t the said IOD Plan approval. Building sanction plan has not been obtained by M/s Key Stone Properties (formerly M/S Royal Developers) for the aforesaid plan approval dated 18.12.2019. M/s Key Stone Properties (formerly M/S Royal Developers) have provisionally obtained Layout and Building Sanction plan vide letter no. BP/EC/Punawale/08/2013 dated 22/7/2013 of total built-up area 30,264.83 sq.m and the observed construction is of 30,417.55 sq.m. The increase in area is not in any building configuration but only for extended structures such as sub-station area, decorative entrance, security cabin and OWC shed. It is also informed by PCMC that only RCC structure has been constructed for building B and there is no occupancy of tenants in the said building. Construction of building A has not yet started and occupancy was observed in Building C and D.
- (x) The construction activity was not observed during the visit on 06.10.2021. Possessions are given to the tenants and first possession letter was issued on 18.03.2016, as informed by PP vide email dated 27/10/2021.
- (xi) With regard to other conditions stipulated in the said EC dated 24/1/2020, STP (capacity 235 CMD) for treatment of domestic wastewater (sewage) is provided and found in operation. STP consist of primary, secondary & tertiary treatment system and treated sewage was used for gardening, flushing, and excess treated sewage was discharged to PCMC sewerage system. The permission for construction of drainage connection – manhole, super trap, pipeline etc for sewage generated from Building C & D is obtained from PCMC vide letter dated 02.03.2017 and requisite fee (drainage connection fee and road repair fee have been deposited. DG set of capacity 200 KVA is provided with acoustic enclosure. Solar System for Hot water is provided. Organic Waste Converter (OWC) (capacity 548 kg/day) is provided for disposal of wet solid waste which is generated from the C & D Buildings.

(xii) However, the following non-compliance were observed w.r.t. conditions stipulated under the said EC dated 24/1/2020:

- (a) OWC was not in operation during the visit and it seems that it was non-operational since long. (Please refer general condition no. XLIII of the EC dated 24/1/2020 given at **Annexure-VII**). It is informed that waste (dry waste and wet waste) is being handed over to Swachh Organization for the further segregation/recycling and disposal.
- (b) Further, energy conservation measures (i.e. provision of LED, solar PV of 3KW for common area lighting) are not yet provided and only one recharge pit and two recharge pits with bores are provided against nine recharge pits and five recharge pits with bores which were informed by PP during grant of EC (Please refer brief information at Sl. No. 35 and 25 of the EC dated 24/1/2020 given at **Annexure-VII**)

(xiii) PCMC vide letter BP/PR25/Punawale/02/2022 dated 05.01.2022 (copy given at **Annexure-XII**) informed that there is one old borewell which is presently used for rain water harvesting pit i.e. used as recharge pit and there is no water extraction found from the bore well. However, CGWA vide e-mail dated 16.08.2021 informed that as per records available in online portal, the firm/project by the name of M/s Key Stone Properties & Ors. located in Punawale, Pune District has neither applied for CGWA NOC, nor had they been granted NOC

(xiv) The photographs taken during the visit are given at **Annexure-XIII**.

(C) Observations w.r.t Consent required under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981

- (i) MPCB officials visited the site on 27.08.2019 and MPCB issued closure direction dated 04.09.2019 under Section-33 A of the Water (P & CP) Act, 1974, Section-31 A of the Air (P & CP) Act, 1981 and HOW (M & TM) Rules 2016 due to non-compliances observed during the visits such as construction and handing over the possession of the flat without obtaining Consent to Establish (CTE) and Consent to Operate (CTO) from the MPCB, without obtaining Environmental Clearance from Environment Department, GoM, non-operation of sewage treatment plant, direct discharge of sewage/domestic effluent without any treatment and non-operation of OWC to treat organic waste.

The aforesaid closure directions dated 04.09.2019 issued by MPCB along with Joint Visit Report dated 27.08.2019 are given at **Annexure- XIV (A)** and **Annexure- XIV (B)** respectively.

- (ii) PP applied for CTE vide application dated 21.01.2020 to MPCB. MPCB issued CTE to PP on 17.08.2020. Copy of CTE dated 17.08.2020 is given at **Annexure- XV**.
- (iii) MPCB further issued restart directions dated 08.12.2020 to PP with the following conditions:

“1. You shall obtain consent to operate from the Board till them shall not start any construction activity.

2. You shall operate sewage treatment plant continuously so as to achieve consented standards and treated effluent shall be dispose as per consent conditions.

3. You shall regularly treat organic waste in provided OWC.

4. You shall strictly complied with the conditions mentioned in environmental clearance within prescribed limits.

5. You shall submit Bank Guarantee of Rs.1.0 Lakh (One Lakh only) in favor of Regional Officer, Pune within 15 days period towards compliance of above directions.”

Copy of restart direction dated 08.12.2020 is given at **Annexure-XVI**.

- (iv) PP applied for part CTO vide application dated 20.08.2020 to MPCB. MPCB issued Show Cause Notice (SCN) dated 13.01.2021 to PP for application of part CTO, as PP has completed construction of BUA-21355.02 sq.m out of total construction BUA-41451.48 sq.m as per EC dated 24.1.2020.
- (v) MPCB refused the consent vide letter dated 16.02.2021 for non-submission of BG of Rs. 1.76 Cr and unsatisfactory reply to the Show Cause Notice (SCN) dated 13.01.2021 issued by MPCB. Copy of letter of refusal of consent dated 16.02.2021 is attached as **Annexure-XVII**. Whereas possessions have been given to the tenants and first possession letter was issued on 18.03.2016, as stated under para 2 (b) (X) above.

3.0 CONCLUSIONS

- (i) PP started construction without the obtaining prior EC from Environment Department, Govt. of Maharashtra and Consent to Establish (CTE) from MPCB.
- (ii) As per a MoEF&CC vide letter No. F. No. 23.57/2018-IA-III dated 26.06.2018 (copy given at **Annexure-III**) the construction was initiated on 5th June, 2013 and 60% of the total built-up area was completed by January, 2015 without obtaining prior EC.
- (iii) As per the consolidated statement no 0000001522 provided by SEIAA vide email dated 17.12.2021 (copy given at **Annexure-IV**) and records available with MPCB, a Criminal Case No. 1221/2015 was filed dated 19/3/2015 in the Court of Hon'ble Chief Judicial Magistrate, Pune by Regional Office of MPCB, Pune, alleging that M/s. Royal Developers (now Keystone Properties) and Mr. Mohit Rajendra Goyal Partner of M/s. Royal Developers (now Key Stone Properties) have committed the offence under the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006).

In the said criminal case, M/s. Royal Developers (Now Keystone Properties) and Mr. Mohit Rajendra Goyal Partner of M/s. Royal Developers (Now Key Stone Properties) were convicted vide section 246(3) of the Code of the Criminal Procedure by the Hon'ble Chief Judicial Magistrate on 05.06.2018 for the offence under Section-16 punishable under Section-15 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) and sentenced to pay fine of Rs. 60,000/- (Rs. Sixty Thousand Only) each in default simple imprisonment for 40 days each (copy of the order date 05.06.2018 given at **Annexure-V**). M/s. Royal Developers (Now Keystone Properties) and Mr. Mohit Rajendra Goyal Partner of M/s. Royal Developers (Now Key Stone Properties) have deposited Rs 60,000/- (Rupess Sixty thousands) each vide Receipts dated 05/6/2018 and copies of the same are given at **Annexure-VI**.

- (iv) Thereafter, EC was granted by SEIAA Maharashtra vide letter vide letter SEIAA-EC-0000002343 dated 24.01.2020 as per notification no. S.O.804 (E) dated 14.03.2017 and its amendment vide S.O. No. 1030 (E) dated 08.03.2018 related to projects or activities undertaken without obtaining prior EC and Office Memorandum dated 16.03.2018 issued by MoEF&CC. (Copy of the said EC dated 24.01.2021 is given at **Annexure-VII**).

(v) As per the S.O.804 (E) dated 14.03.2017 –“*the project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.*”

(vi) However, as per the consolidate statement no. 0000001522 of SEIAA, the said EC was granted taking into account cost of remediation plan and natural & community resource augmentation plan as per revised approach paper¹ (copy given at **Annexure-VIII**) which was estimated as Rs. 1.76 Cr as appraised by SEAC, Maharashtra. Two of the specific conditions laid down in the said EC are as below:

- “1) PP to submit a bank guarantee of Rs. 176.00 lakhs to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan.
- 2) PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.”

PP has submitted the aforesaid bank guarantee (BG) of Rs. 1.76 Cr to Regional Office Pune, MPCB on 28.10.2021 (which is almost 21 months after the grant of EC) (copy of receipts of submission of BG is given at **Annexure-IX**) .EMP comprising of remediation plan and natural & community resource augmentation plan, as referred in aforesaid EC dated 24.01.2020 granted by SEIAA, has been submitted by PP to District Collector (Pune) office; Municipal Commissioner (PCMC) office and MPCB on 08.11.2021.

However, as per the approach paper of SEIAA, Maharashtra, the PP is also required to deposit proportionated funds as per the aforesaid EMP with concerned authorities and the confirmation of deposit of such funds will be the compliance of such EMP efforts at the project proponent’s end. Still, however, PP needs to get engaged with concerned departments to ensure that the amount is effectively spent in time bound manner (please refer page 29 of the aforesaid approach paper given at **Annexure-VIII**). The committee observes that PP has

not submitted the said apportionated funds with concerned authorities or confirmation of deposit of such funds.

- (vii) PCMC vide letter (copy given at **Annexure-XI**) no. BP/PR25/Punawale/202/2021 dated 24.12.2021 has informed that the construction as on 14/10/2021 is as per IOD Plan approval issued by PCMC vide letter No. BP/EC/Punawale/12/2019 dated 18.12.20219 based on which EC dated 24/1/2020 has been granted. However, PP has not obtained building sanction plans for the same from PCMC.
- (viii) The construction activity was not observed during the visit on 06.10.2021. Possessions are given to the tenants and first possession letter was issued on 18.03.2016, as informed by PP vide email dated 27/10/2021.
- (ix) With regard to other conditions stipulated in the said EC dated 24/1/2020, the following non-compliance were observed w.r.t. conditions stipulated under the said EC dated 24/1/2020:
- (a) OWC was not in operation during the visit and it seems that it was non-operational since long as is evident from MPCB visit dated 27/8/2019 also. (Please refer general condition no. XLIII of the EC dated 24/1/2020 given at **Annexure-VII**)
 - (b) Further, energy conservation measures (i.e. provision of LED, solar PV of 3KW for common area lighting) are not yet provided and only one recharge pit and two recharge pits with bores are provided against nine recharge pits and five recharge pits with bores which were informed by PP during grant of EC (Please refer brief information at Sl. No. 35 and 25 of the EC dated 24/1/2020 given at **Annexure-VII**)
- (x) PP applied for CTE vide application dated 21.01.2020 to MPCB. MPCB issued CTE to PP on 17.08.2020. Copy of CTE dated 17.08.2020 is given at **Annexure-XV**.
- (xi) PP applied for part CTO vide application dated 20.08.2020 to MPCB. MPCB refused the consent vide letter dated 16.02.2021 for non-submission of BG of Rs. 1.76 Cr and unsatisfactory reply to the Show Cause Notice (SCN) dated 13.01.2021 issued by MPCB whereas possession to tenants is being given since 18/3/2016. Copy of letter of refusal of consent dated 16.02.2021 is given at **Annexure-XVII**.

- (xii) PCMC vide letter BP/PR25/Punawale/02/2022 dated 05.01.2021 (copy given at **Annexure-XII**) informed that there is one old borewell which is presently used for rain water harvesting pit i.e. used as recharge pit and there is no water extraction found from the bore well. However, CGWA vide e-mail dated 16.08.2021 informed that as per records available in online portal, the firm/project by the name of M/s Key Stone Properties & Ors. located in Punawale, Pune District has neither applied for CGWA NOC, nor had they been granted NOC.

4.0 APPROACH FOR ENVIRONMENTAL COMPENSATION AND REMEDIAL MEASURES FOR PRIOR ENVIRONMENTAL CLEARANCE (EC) VIOLATION

Notification no. SO 804(E) dated 14.3.2017 on procedure to be adopted for dealing with the prior Environmental Clearance (EC) violation cases were issued by Ministry of Environment, Forest and Climate Change (MoEF&CC) under the Environment (Protection) Act, 1986 giving 06-month amnesty window for such proponents who have violated the EC regulations. These violations were primarily related to initiating the project work or carrying out the project activities without obtaining the mandatory EC. The cases of such proponents were to be assessed and the project constructed at a site were affirmative which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards. In case, where the finding of the Expert Appraisal Committee is negative, closure of the project were recommended along with other actions under the law. Such affirmative projects were also to be appraised with implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

The project proponent were required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification were to be recommended by State Expert Appraisal Committee (SEAC) and finalised by State Environmental Impact Assessment Authority (SEIAA) as per the aforesaid notification dated 14/3/2017 and subsequent notification dated 08/3/2018 issued by MoEF&CC. The bank guarantee were to be deposited prior to the grant of environmental clearance and to be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the MoEF&CC, SEAC and approval of the SEIAA.

In view of the above notifications, a committee was constituted (constituting Ex. Expert Member, NGT; members of SEIAA and SEAC for Maharashtra and advocate) in Maharashtra for evaluation process to evolve uniform guidelines to deal with the cases of violations under the chairmanship of Chairman, SEIAA, Maharashtra and submitted its report to the Department of Environment, Govt. of Maharashtra. After due consultation with stakeholders in a round table workshop, the Department of Environment (DoE) and SEIAA Maharashtra decided to follow the provisions of MoEF&CC notification dated 14.03.2017 as per the report submitted by the committee. Copy of the "Approach for the said Assessment for Environmental Damage And Estimation of Remediation Costs For Building Construction Projects initiated without obtaining mandatory Environmental clearance (Violation Cases)" decided to be followed by the DoE and SEIAA Maharashtra vide SEIAA letter no. SEIAA-2018/CR-150/SEIAA dated 30/1/2019 is given at **Annexure-VIII** and also available at https://www.ecmpcb.in/login/download_ec_document/QjAwNOE4NkZDM0I2NDY4Mzk3QzUxOEVCQURGNzIGOTcucGRm

The aforesaid Notification of MoEF&CC was, however, applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on Hon'ble court direction from 14.03.2018 to 13.04.2018.

Salient features of the said Department of Environment (DoE) and SEIAA Maharashtra adopted approach paper are as below:

- (i) It is in line with MoEF&CC Notification dated 14/03/2017 applicable for 06-month amnesty window for such proponents who violated prior Environmental Clearance (EC) requirement and takes into account of ecological damage and economic benefit derived due to violation and remediation plan and natural and community resource augmentation plan preparation & implementation thereto for building construction projects violation cases.
- (ii) Environmental damage cost assessment considering various project related attributes (air pollution, water pollution, soil environment, noise & vibration, green belt and Occupational Health & Safety) and their recurring & non-recurring cost.
- (iii) Assessment of economic benefits derived due to violation inclusive of the following:
 - (a) costs saved or/and not taking appropriate environmental protection measures and also, the benefits derived by going ahead with project to gain commercial gains. The same have been considered as 10% of Ready reckoner cost of the construction under violation if it is already

occupied (fully or partially) or reasonably in advance stage of completion (more than 50%). In case, the construction is still not in advance stage of completion (less than 50%) and no occupation is given, then the benefits can be taken as 5% of the Ready reckoner cost for the construction in violation;

(b) environmental track record of the project proponent of Rs. 10,00,000/- (Rs. Ten lakhs) for each of earlier or similar other environment clearance violation in other projects being developed by project proponent and/or any one of its directors.

(iv) Preparation of remediation plan and natural and community resource augmentation plan as Environmental management plan (EMP) equivalent to the above-mentioned environmental damage cost and economic benefits, as at (i) and (ii) above, or the amount equivalent to the CER amount as per the MOEF&CC's office Memorandum No: F NO 22-65/2017-IA-III dated 01/05/2018, whichever is higher. Areas identified for resource allocation through such EMP cost are as below:

Sr No	Description Activity	% Allocation	Implementing Agency	Remarks
1	Afforestation (can include plantation garden development)	25	Social Forestry & Local Body	The afforestation can be either through social forestry or the Local body. Preferably within 50 km from project site
2	Water conservation program (Jalyuktshivar, etc.)	25		Preferably within 50 km radius of project site
3	Urban environment and sanitation (can include swatccha Bharat, playground development, urban ground-water recharge schemes etc)	20	Local body	
4	Sewerage lines and STP, solid waste Management	20	Local Body	
5	Urban air/noise pollution control initiatives	10	Local Body	

As per the consolidate statement no. 0000001522 of SEIAA, the said EC dated 24/1/2020 was granted taking into account cost of remediation plan and natural & community resource augmentation plan as per revised approach paper¹ (copy given at **Annexure-VIII**) which was estimated as Rs. 1.76 Cr as appraised by SEAC, Maharashtra. PP has submitted the aforesaid bank guarantee (BG) of Rs. 1.76 Cr to Regional Office Pune, MPCB on 28.10.2021 (copy of receipts of submission of BG is given at **Annexure-IX**) which were to be deposited prior to the grant of environmental clearance.

EMP comprising of remediation plan and natural & community resource augmentation plan, as referred in aforesaid EC dated 24.01.2020 granted by SEIAA, has been submitted by PP to District Collector (Pune) office; Municipal Commissioner (PCMC) office and MPCB on 08.11.2021. However, as per the approach paper of SEIAA, Maharashtra, the PP is also required to deposit apportionated funds as per the aforesaid EMP with concerned authorities and the confirmation of deposit of such funds will be the compliance of such EMP efforts at the project proponents end. Still, however, PP needs to get engaged with concerned departments to ensure that the amount is effectively spent in time bound manner (please refer page 29 of the aforesaid approach paper given at **Annexure-VIII**). The committee observes that PP has not submitted the said apportionated funds with concerned authorities or confirmation of deposit of such funds.

5.0 APPROACH FOR DAMAGES (in addition to the environmental compensation as given at para 4) FOR CONTRAVENING MANDATORY PROVISIONS OF ENVIRONMENTAL LAWS

In the matter of Civil Appeal NO. 10854 OF 2016; M/s Goel Ganga Developers India Pvt. Ltd. Versus Union of India & nOrs. the Hon'ble Supreme Court vide order dated 10/8/2018 upheld Rs. 05 crores on project proponent as levied by the Hon'ble NGT for contravening mandatory provision of Environment Laws and for not obtaining the consent from the Board. Vide para 57 of the said Hon'ble Supreme Court order, it has been directed that *"(..)The project proponent shall also pay a sum of Rs. 5 crores as damages, in addition to the above for contravening mandatory provisions of environmental laws."*

"Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" outlines a formula for imposing environmental compensation on industrial units for violation of directions issued by regulatory bodies listing the instances for taking cognizance of cases fit for violation and levy environmental compensation. The same has also been referred by the Hon'ble

NGT in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors. The instances considered for levying Environmental Compensation (EC) in the said report are:

- a) Discharges in violation of consent conditions, mainly prescribed standards / consent limits.
- b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
- c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.
- d) Accidental discharges lasting for short durations resulting into damage to the environment.
- e) Intentional discharges to the environment -- land, water and air resulting into acute injury or damage to the environment.
- f) Injection of treated/partially treated/ untreated effluents to ground water.

Though such listed instances may not be directly applicable in the current matter for arriving at the damages amount (in addition to the environmental compensation as given at para 4) for contravening mandatory provisions of environmental laws (w.r.t. starting construction and operation of the project without CTE/CTO as given at paras 2 (C) (i) above, late deposition of bank guarantee of Rs. 1.71 Crores as given, not depositing apportionated funds as per the aforesaid EMP with concerned authorities as given at para 2 (b) (vi) above and not complying with conditions of EC/details of the project as given at para 2 (b) (xii)above), an attempt is being made by this committee to assess the environmental compensation using the formula prescribed in the said CPCB report which may be taken as damages amount for contravening mandatory provisions of environmental laws. The formula takes into account of number of days violation took place, pollution index of unit, scale of operation, location factor based on population and an amount factor in Rupees.

Environmental Compensation (EC) in Rupees as mentioned in the aforesaid CPCB report for Construction on Plot A = $PI \times N \times R \times S \times LF$

Where,

PI = Pollution index of the project. Considering the project under Orange category as per modified directions no. B-29012/ESS/(CPA)/2015-16 dated 07/3/2016, PI = 50

N = Number of days violation took place.

R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests to consider R as 250, as the Environmental Compensation in cases of violation. Hence, R = 250.

S = Factor for the scale of operation. As per CTE issued by MPCB, it is large scale industry (LSI). The unit being LSI, S=1.5

LF = Location factor, since the population is more than 1 Million but less than 5 Million, LF=1.25

M/s. Royal Developers (Now Keystone Properties) and Mr. Mohit Rajendra Goyal Partner of M/s. Royal Developers (Now Key Stone Properties) have been convicted vide section 246(3) of the Code of the Criminal Procedure by the Hon'ble Chief Judicial Magistrate on 05.06.2018 for the offence under Section-16 punishable under Section-15 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification,2006) and sentenced to pay fine of Rs. 60,000/- (Rs. Sixty Thousand Only) each in default simple imprisonment for 40 days each (copy of the order date 05.06.2018 given at **Annexure-V**). They have have deposited Rs 60,000/- (Rupees Sixty thousands) each. Therefore, number of days violation took place may be considered from the day possessions were given to the tenants without taking CTO and first possession letter was issued on 18/03/2016 (please refer para 2(b) (x)above). The end date may be considered till order dated 08/6/2021 of the Hon'ble NGT wherein other violations such as late deposition of bank guarantee of Rs. 1.71 Crores as given, not depositing appropportionated funds as per the aforesaid EMP with concerned authorities as given at para 2 (b) (vi)above and violating conditions of EC as given at para 2 (b) (xii) above also took place. Accordingly, N - the number of days violation took place comes out to be 1909 days.

Therefore, Environmental Compensation (EC) in Rupees

$$EC = 50 \times 1909 \times 250 \times 1.5 \times 1.25$$

$$EC = \text{Rs.4,47,42,188/- (Rupees Four Crores Forty-seven Lakhs Forty-two Thousands One Hundred Eighty eight Only)}$$

Per day Environmental Compensation (EC) comes out to be Rs.23,437.50/- (Rupees Twenty Three Thousand Four Hundred Thirty Seven and Fifty Paise)

6.0 RECOMMENDATIONS

(a) Construction of project started without obtaining prior EC from Environment Department, Govt. of Maharashtra and Consent to Establish (CTE) from MPCB followed by filing of Criminal Case No. 1221/2015 dated 19/3/2015 in the Court of Hon'ble Chief Judicial Magistrate, Pune by MPCB, Pune, alleging offence under the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006); conviction vide section 246(3) of the Code of the Criminal Procedure by the Hon'ble Chief Judicial Magistrate on 05.06.2018 for the offence and sentenced to pay fine of Rs. 60,000/- (Rs. Sixty Thousand Only) each in default simple imprisonment for 40 days each (copy of the order date 05.06.2018 given at **Annexure-V**) and deposition of the same by them. Thereafter; EC was granted by SEIAA Maharashtra vide letter vide letter SEIAA-EC-0000002343 dated 24.01.2020 as per notification no. S.O.804 (E) dated 14.03.2017 and its amendment vide S.O. No. 1030 (E) dated 08.03.2018 related to projects or activities undertaken without obtaining prior EC and Office Memorandum dated 16.03.2018 issued by MoEF&CC. The said EC was granted taking into account cost of remediation plan and natural & community resource augmentation plan as per revised approach paper (copy given at **Annexure-VIII**) which was estimated as Rs. 1.76 Cr as appraised by SEAC, Maharashtra. Bank guarantee of the said amount has been deposited with MPCB on 28/10/2021.

In view of the other violations:

- (i) Operating project without CTO whereas possession to tenants is given since 18/3/2016, as given at para 2 (b) (x) above;
- (ii) late deposition of bank guarantee of Rs. 1.71 Crores as given at para 2 (b) (vi) above;
- (iii) not depositing apportionated funds as per the aforesaid EMP with concerned authorities as given at para 2 (b) (vi) above, and;
- (iv) Not complying with conditions of EC dated 24/1/2020 w.r.t. Organic Waste Converter and installing energy conservation measures and rain water harvesting as per information submitted by PP during grant of the said EC, as given at para 2 (b) xii above.

It is recommended that PP may immediately:

- (i) apply for CTO to MPCB
- (ii) deposit apportionated funds as per the aforesaid EMP with concerned authorities as given at para 2 (b) (vi) above, and;

- (iii) implement conditions/details of EC dated 24/1/2020 w.r.t. Organic Waste Converter, Energy Conservation measures and rain water harvesting, as given at para 2 (b) (xii) above
- (a) In addition to the above, Rs. 05 Crores or Rs. 4,47,42,188/- (Rupees Four Crores Forty-seven Lakhs Forty-two Thousands One Hundred Eighty eight Only), as derived under para 5 of this report, as deemed fit by the Hon'ble NGT, may also be added in the said environmental compensation or EMP cost as damages for the aforesaid contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, late deposition of bank guarantee of Rs. 1.71 Crores, not depositing appropriated funds as per the aforesaid EMP with concerned authorities and violations of conditions of EC dated 24/1/2020.
- (b) PCMC may take necessary action for construction of increased total built-up area of 30,417.55 sq.m against area of 30264.83 sq.m. under Layout and Building Sanction plan vide letter no. BP/EC/Punawale/08/2013 dated 22/7/2013 though such increase in area is not in any building configuration but only for extended structures such as sub-station area, decorative entrance, security cabin and OWC shed. Further, the construction is as per PCMC's IOD Plan approval vide letter No. BP/EC/Punawale/12/2019 dated 18.12.20219 on which EC dated 24/1/2020 has been granted and there is no deviation in terms of configuration or built-up area w.r.t the said IOD Plan approval. (Please refer para 2(b) (ix) above and Annexure XI).
- (c) With regard to old bore well being used for rain water harvesting pit i.e. used as recharge pit and there is no water extraction found from the bore well as reported by PCMC, Central Ground Water Authority (CGWA) may examine the same and take necessary action.



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



(Suresh Kumar Adapa)
Scientist 'E'
Integrated Regional Office,
MoEF&CC Nagpur



(Kiran Hasabnis)
Sub Regional Officer,
MPCB, Pune Regional
Office

Dated: 06.01.2022

Item No. 02

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 13/2021 (WZ)

Shashikant Vithal Kamble

Applicant

Versus

M/s. Key Stone Properties & Ors.

Respondent(s)

Date of hearing: 08.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Anish Kumar Gupta, Advocate

ORDER

1. Grievance in this application is against illegalities in construction of a housing project by Respondent No. 1, M/s Key Stone Properties, S. No. 16/3 part, At. Punawale, Pune (the project proponent). According to the applicant, Respondent No. 1 has developed a residential building project called "IRA" at S. No. 16/3, Punawale, Pune. The project was started in violation of environmental norms. Maharashtra State PCB issued show cause notice for the violations and thereafter refused the Consent to Establish and directed the Project Proponent (PP) to stop constructions. The State PCB issued a closure order dated 04.09.2019 mentioning following non-compliances:

- "1. You have constructed and handed over the possession of the flat without obtaining Consent to Establish and Operate from the Board & also not obtain Environmental Clearance from Environment Department, GoM.*
- 2. You are not operating sewage treatment plant & directly discharging sewage/domestic effluents without any treatment.*

3. *You are not operating OWC to treat organic waste.”*

2. The said order further directed disconnection of water and electricity connections of the building. Ignoring these developments, the State Level Environment Impact Assessment Authority (SEIAA), Maharashtra issued Environmental Clearance (EC) on 24.01.2020 in violation of mandate of prior EC in terms of EIA Notification dated 14.09.2006 and judgments of the Hon’ble Supreme Court inter alia in *Alembic Chemicals v Rohit Prajapati*¹, *Keystone developers v. Anil Tharthare*², *Goel Ganga Developers India Pvt. Ltd. v UOI*³ and *Bengaluru Development Authority v. Sudhakar Hegde & Ors.*⁴

3. From the above, prima facie it appears that EC has been granted in violation of law and without any application of mind. This is not for the first time we have come across this situation. Such allegations are frequent. In Appeal No. 34/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.* which was taken up for hearing on 24.05.2021, we directed SEIAA to review its working of mechanically granting *Ex-post facto* EC, in violation of law. The Tribunal also constituted an expert committee to look into the violations of that particular project and recommend remedial action. The observations therein are:

“ xxx.....xxx.....xxx
 3. *It is submitted that the construction project is illegal being without the mandatory prior EC. Ex-post facto EC is not substitute for prior EC as evaluation of impact on environment cannot be fully gone into as held by the Hon’ble Supreme Court in the case of the same PP viz. Goel Ganga Developers India Pvt. Ltd. v UOI*⁵. There are further judgements of the Hon’ble Supreme Court to the same effect in

¹ 2020 SCC OnLine SC 347

² (2020) 2 SCC 666

³ (2018) 18 SCC 257

⁴ (2020 SCC OnLine SC 328

⁵ (2018) 18 SCC 257

*Alembic Chemicals v Rohit Prajapati*⁶ and *Keystone developers v. Anil Tharthare*⁷. **If the construction project is without prior EC, the project has either to be demolished or if it is found that environmental damage can be restored, the project can be permitted on payment of assessed compensation on polluter pays principle which needs to be spent for restoration of the environment. The authorities have thus failed to follow the binding law.**

4. **Since we are coming across the grievance of continuous violation of environment norms in construction projects being completed without prior EC and the SEIAA, Maharashtra is neither requiring demolition nor payment of assessed compensation to comply with the rule of law and protection of environment, it will be appropriate to require the SEIAA, Maharashtra to review its working in the light of the judgments of the Hon'ble Supreme Court and violations frequently being alleged, including the present case. A proper SOP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SOP to all SEIAAs in the country.** In this regard, we may refer to the directions in the earlier order of this Tribunal dated 1.2.2021 in OA 837/2018, *Sandeep Mittal vs. MoEF*, wherein it was inter-alia, directed:

“MoEF&CC may give due attention for proper constitution of SEIAAs in the States to ensure the projects of category ‘B’ and ‘B-1’ are properly scrutinized.”

The MoEF&CC may file its action taken report in the matter before the next date.

5. **We also constitute a joint Committee of MoEF&CC, CPCB, and Maharashtra State PCB to look into the present matter and suggest a remedial action plan for the present case, including the quantum of compensation to be recovered, as far as possible within three months.** The CPCB and State PCB will be nodal agency for coordination and compliance. Another connected matter between same parties for a different project being Appeal No. 32/2020(WZ) is also being dealt with by a separate order today and this direction will also apply to the said case. Infact, to avoid duplication if the SEIAA, Maharashtra itself reviews all such cases, to avoid unnecessary and repeated litigation. The Committee may conduct proceedings online but if possible, visit the site. The Committee may also interact with the concerned parties. The report of the joint Committee may be filed 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 before the next date. While submitting the report to this Tribunal, a copy of the report thereof be also forwarded to the PP and the applicant who may file their comments, if any, before the next date by e-mail.”

⁶ 2020 SCC OnLine SC 347

⁷ (2020) 2 SCC 666

4. Since the allegations of this nature are frequently being made before this Tribunal and prima facie there appears to be fundamental flaw in working of the SEIAA in question, resulting in defeating the statutory mandate of prior EC and directions of the Hon'ble Supreme Court, we direct constitution of a two-member Committee comprising Additional Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC), nominated by the Secretary MoEF&CC and the Chairman, Central Pollution Control Board (CPCB) to conduct functional audit of SEIAA, Maharashtra to find out how such frequent blatant violations are taking place and how the situation can be remedied. The Committee will be free to take assistance from any other expert/institution and interact with the stake-holders. This is necessary for protection of environment. If mechanically ex post facto ECs are granted by SEIAA, the purpose of requiring prior EC will be defeated. The 'Precautionary' and 'Sustainable Development' principles considered in the above judgments of the Hon'ble Supreme Court will be rendered nugatory. Precautions during the course of construction and compliance of conditions after constructions will be rendered difficult. EC is not a mechanical exercise. It may be after application of any mind and granted only after evaluation of impact and efficacy of mitigation measures proposed. Conditions imposed must be faithfully observed and monitored. If there is any violation, steps must be taken for restoration of damage at the cost of the project proponent. The persons manning SEIAA who have acted illegally need to be made accountable in civil and criminal law. It is further surprising in the present case that inspite of order of State PCB to disconnect water and electricity, it is not clear how the project is functioning. Present status of compliance of environment norms in the project and remedial action against non-compliances also needs to be ascertained.

5. Accordingly, apart from a Committee for the conduct of functional audit of functioning of SEIAA in the matter of grant of ECs, there is need to conduct audit of compliance of environmental requirements in the project in question by an independent Expert Committee. For this purpose, we constitute a four-member Expert Committee comprising nominees of MoEF&CC, CPCB, IIT Bombay and Member Secretary, State PCB. The Committee will be at liberty to take assistance from any other expert/institution. The CPCB and State PCB will be nodal agency for coordination and compliance. The Committee may visit the site and conduct the proceedings online, wherever necessary and also interact with the stakeholders. The functional audit report as well as the Expert Committee report about status of compliance in the project may be furnished within three months 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 before the next date with an advance copy to the PP for its response, if any, before the next date. Copy of second report about status of compliance of the project may be furnished to the PP in advance for its comments, if any, before the next date. Copy of the first report about functional audit may be furnished to the MoEF&CC also for its response in terms of action taken before the next date.

6. The first Committee may also consider the orders of this Tribunal dated 24.05.2021 in Appeal No. 32/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.* and Appeal No. 34/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.* inter alia requiring SEIAA, Maharashtra to review its working in the light of Supreme Court judgements and frequent violations alleged in the grant of EC and also in the gaps in compliance of EC

conditions. The second Committee may also coordinate and work in tandem with the joint Committee constituted in Appeal No. 32/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.* and Appeal No. 34/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.*

7. The applicant may serve set of papers on the MoEF&CC, CPCB, SEIAA, Maharashtra, IIT Bombay and Maharashtra State PCB to facilitate the compliance of the above order.

A copy of this order be forwarded to the Secretary MoEF&CC, CPCB, SEIAA, Maharashtra, IIT Bombay and Maharashtra State PCB by email for compliance.

List for further consideration on 10.11.2021.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 08, 2021
Original Application No. 13/2021 (WZ)
DV

Item No. 07 & 08

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 13/2021(WZ)
I.A.No.89/2021(WZ)
With
Original Application No14/2021(WZ)
I.A.No.90/2021(WZ)

Shashikant Vithal Kamble

Applicant(s)

Versus

M/s Key Stone Properties & Ors

Respondent(s)

With

Satish Sanjay Magade

Applicant(s)

Versus

M/s Rhythm Country & Ors

Respondent(s)

Date of hearing: 10.11.2021.

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

Applicant: Mr. Ashish Kumar Gupta, Advocate for Applicant.

Respondent Mr.Sachin Gore, Advocate- for R-1.

Mr.Rahul Garg, Advocate- for R-2.

Ms.Mansi Joshi, Advocate-for R-4,5.

Mr.Aniruddha Kulkarni, Advocate for R-11.

Mr.Deepak M.Gupte, Advocate for R-

Mr. .

ORDER**I.A.No.89/2021 (WZ)**

1. The Tribunal in continuation of the earlier order dated 08/06/2021 is passing the following order:-

2. The Tribunal vide above cited order, constituted two (2) Committees and directed the learned Counsel for the Applicant to serve papers on the

Ministry of Environment, Forest & Climate Change (MoEF&CC) 7th – Respondent, the Central Pollution Control Board (CPCB -6th Respondent, the Maharashtra Pollution Control Board (MPCB)- 5th Respondent and IIT, Bombay. The learned standing Counsel appearing for the CPCB would submit that he has drawn the attention of the Tribunal to I.A.No.89 of 2021(WZ) and would submit, after receipt of the orders repeated communication have been addressed to the IIT, Bombay, requesting them to send their nominee details and vide reply dated 16/08/2021, the IIT, Bombay informed that they do not have expertise in the said area and that the National Green Tribunal may discuss it with CPCB to consult any of the suitable IITs of Kanpur, Delhi, Kharagpur, and any other Engineering Institutes also. It is submission of the learned Counsel appearing for the CPCB that in order to comply with the order without any further loss of time, the Committee with the assistance of the other officials of the entity that caused inspection, and the report is under preparation and it will be submitted on the next date and therefore, prays for modification of the order to that effect.

3. Heard the submissions of the learned Counsel appearing for the Applicant and the respective learned Counsels appearing for the Respondents. This Tribunal on going through the contents of the affidavit filed in support of I.A.No.89 of 2021 and upon hearing the submissions is satisfied with the reasons and therefore, the Application is ordered.

I.A.No.89 of 2021 ordered accordingly.

4. The learned Counsel appearing for the Applicants, would submit that though the Original Application with supporting documents have been forwarded to the Respondent Nos. 5,6 and 7 as well as to CPCB,

once again undertakes to send the same through the respective e-mails of the concerned Respondents.

Call on 13/01/2022 for filing the report.

M. Sathyanarayanan, JM

Dr. Arun Kumar Verma, EM

November 10, 2021
Original Application No. 13 & 14 of 2021(WZ)
I.A.No.89 and 90 of 2021(WZ) hk



Pimpri Chinchwad Municipal Corporation
Pimpri – 18.
Building Permission Department
Outward No. BP/PR25/Punawale/154/2021
Date- 14/10/2021

To,

✓ Regional Directorate
Central Pollution control Board
Sr.no. 110, Dhankude Multipurpose hall
Baner, Road, Baner, Pune – 411045.

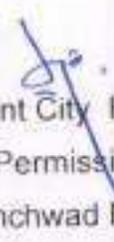
Sub:- Information required for compliance of Hon'ble National Green
Tribunal (NGT) in the Matter OA on. 13 of 2021 (WZ) – reg
Ref:- Your Letter Dated – 8/8/2021

Respected Sir,

With reference to you letter dated - 08/08/2021 and as per the joint site visit done on 6/10/2021 for the Project named "Keystone" at village Punawale, Sr.no. 16/3, regarding E.C. issues the necessary details & relevant documents required for the same are attached here with for you kind information & necessary further action.

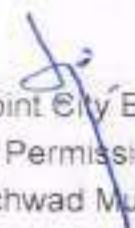
Thanking you,

Your's Sincerely


Joint City Engineer
Building Permission Department
Pimpri Chinchwad Municipal Corporation
Pimpri – 18.

Sr.no. 16/3, Punawale

अ.क्र.	बाब	या विभागाकडील खुलासा
१	Various sanctioned plans/IOD issued along with details of configuration of buildings, FSI area & Non FSI area and total built up area exclusively as per the definition of built up area defined under notification no S.O. 695(E) dated 04.04.2011 issued by Ministry of Environment, Forest and Climate Change (MoEF&CC). Further, please also attach copy of such sanctioned plans/IOD.	Attached
२	Date of start of site/land preparation activities at the site by the project proponent.	Commencement Certificate Date - 22/07/2013
३	Date of start of construction at the site by the project proponent.	No information available with this office
४	Copy of all commencement certificates.	Attached
५	Copy of all Plinth Checking Certificates issued to the project. For each of the plinth certificates issued, please also specify that if such constructed plinth conforms or deviates to the applicable sanctioned plan (also specifying date of issuance of such sanction plan).	Constructed Plinth Conforms to the applicable sanctioned plan (BP/Punawale/8/2013 Date - 22/7/2013)
६	Current status of construction including details of constructed building configuration and corresponding total built area (as per the aforesaid MoEF&CC definition) constructed as on 06.10.2021. Please also specify deviation details, if any, in terms of the said current building configuration and the total built up area as on 06/10/2021 with the applicable sanctioned plan.	Details Attached


 Joint City Engineer
 Building Permission Department
 Pimpri Chinchwad Municipal Corporation
 Pimpri - 18.

Sr.no. 16/3, Punawale

Building no.	Building floor	Details of Summery								Actual Position As on File day	
		BP/Punawale/03/2012 Date - 25/4/2012	Building floor	BP/Punawale/08/2013 Date - 22/7/2013	Building floor	BP/EC/Punawale/05/2015 Date - 07/07/2015	Building floor	BP/EC/Punawale/12/2019 Date - 18/12/2019	Building floor		
		Area in Sq.m.		Area in Sq.m.		Comm. Area in Sq.m.		Comm. Area in Sq.m.		Area in Sq.m.	
A		-	P+1	604.84	P+12	233.16	5477.65	P+12	233.16	5477.65	-
B		-	P+8	3575.72	P+12		5236.48	P+12		5236.48	P+8
C	P+12	3154.27	P+12	5221.81	P+12		5221.81	P+12		5221.81	P+12
D	P+12	5296.69	P+12	5270.18	P+12		5270.18	P+12		5270.18	P+12
E	P+12	5946.08		-			-			-	
Excess Balcony		-		21.33			21.33			21.33	
Total -	FSI	14397.04		14860.21			21227.44			21227.44	

Balcony		2018.13		2202.04		3202.25		3202.25		3147.19
Terrace		3051.44		3676.7		5351.03		5351.03		5250.23
Passage		1803.47		2547.2		3695.16		3695.16		3572.96
Lift		24.02		37.24		37.24		37.24		27.93
Lift M/c		79.19		116.8		116.8		116.8		87.6
Staircase		966.56		1135.55		1601.94		1601.94		1055.25
Parking		4734.09		4734.1		2021.71		2021.71		1915.71
Club House				186.45		186.45		186.45		186.45
Top Terrace area						1645.41		1645.41		
Basment area						664.51		664.51		
Refuge area	A	-	A	-	A	192.16	A	192.16	A	-
	B	-	B	169.23	B	169.23	B	169.23	B	169.23
	C	162.68	C	169.23	C	169.23	C	169.23	C	169.23
	D	84.39	D	171.27	D	171.27	D	171.27	D	171.27
	E	175.77	E	-	E	-	E	-	E	-
OHWT		-		103.16		214.33		214.33		25.79
UGWT		-		229.6		448.44		448.44		229.6
Substration Area		-		-		108.16		108.16		108.16
Scurity cabin		-		-		6.17		6.17		6.17
STP				112.5		112.50		112.50		112.5
Decorative Entrances	Appro area									50
OWC										55
	Non FSI	13099.74		15591.07		20113.99		20113.99		16340.27
FSI + Non FSI		27496.78		30264.83		41341.48		41341.48		30417.55


 Joint City Engineer
 Building Permission Department
 Pimpri Chinchwad Municipal Corporation
 Pimpri - 18.



पिंपरी पुणे - ४११०१८

बांधकाम परवानगी विभाग

क्र. बीपी/पुनावळे/९७/२०१५

दिनांक-१०/०३/२०१५

प्रति,

१. म. रॉयल डेव्हलपर्स करीता,
श्री. शशोक चोरडीया व राहुल कलाटे
अमित क्रिस्टल, चौथा मजला,
वेक अफ बहोदाच्या वर, शिवाजीनगर,
पुणे - ०५.
२. श्री. अविनाश नवाये (ना.आर्कि.)
११३२, विष्णुदर्शन, एफ.सी.रोड,
पुणे - १६.

विषय:- पर्यावरण नियमांच्या उल्लंघनाबाबत...

संदर्भ:- १) सुधारीत बांधकाम परवानगी क्र. बीपी/पुनावळे/०८/२०१३,
दि.२२/०७/२०१३.२) उपशहर अभियंता.यांचेकडील पत्र क्र. पुनावळे/७७/२०१४
दि.७/६/२०१४३) पर्यावरण विभागाकडील मा. अति. मुख्य सचिव यांचेकडील पत्र
क्र.एसईएसी-२२१२/सीआर-३१९/टी.सी.-२, दि.११/२०१५

संदर्भ पत्र क्र. १ अन्वये आपणास मीजे पुनावळे, स.नं.१६/३ पै, येथे सुधारीत बांधकाम परवानगी देण्यात आलेली आहे. तथापि, पर्यावरण विभागाच्या मंजूरीच्या दृष्ट्यात आपणाकडून पर्यावरण विभागाच्या नियमांचे उल्लंघन झाल्याचे निदर्शनास आलेले आहे. याबाबत आपणास संदर्भ क्र. २ अन्वये उपशहर अभियंता यांनी कळवुनही याबाबत आपण कार्यवाही केल्याचे दिसुन येत नाही.

संदर्भ क्र. ३ अन्वये पर्यावरण विभागाने आपणास काम बंद करणेबाबत कळविलेले आहे. तरी या पत्रान्वये आपणास कळविण्यात येत की, सदरचे काम आपण त्वरीत बंद करुन पर्यावरण विभागाला ना हरकत दाखला प्राप्त करुन घेईपर्यंत काम स्थगित ठेवावे. अन्यथा: आपणावर नियमानुसार कारवाई करण्यात येईल, याची नोंद घ्यावी.

शहर अभियंता

पिंपरी विचवड महानगरपालिका

पिंपरी, पुणे - ४११०१८



पिंपरी चिंचवड महानगरपालिका
बांधकाम परवानगी विभाग
क्र. वीपी/कावि/पुनावळे/६९/२०१४
दिनांक २६/०६/२०१४

परिशिष्ट - एच
(नियम क्र. ७.४)

विषय- जोते पातळीपर्यंत कामाला मान्यता देण्याबाबत.
(सी विंग व डी विंग)

प्रति,
मे. रॉयल डेव्हलपर्स तर्फे भागीदार
श्री. बशोक चरोडिया व इतर तर्फे
श्री. अविनाश नवाये ला.आर्कि.
११३२/३ विष्णु दर्शन, एफ.सी.रोड,
शिवाजीनगर, पुणे-१६.

महोदय,

नगरमुनापन क्र. _____, रस्ता/मार्ग - टिकराज पुनावळे येथे असलेल्या गट क्र./ स.नं.
१६/३ पै, प्लॉट नं. — सी विंग व 'डी' वर मध्ये इकडील मुळ बांधकाम परवानगी क्र.
वीपी/पुनावळे/३/२०१२, दि. २५/४/२०१२, मुधारीत बांधकाम परवानगी क्र.
वीपी/पुनावळे/८/२०१३ दि. २२/७/२०१३ च्या अन्वये घेतलेल्या इमारतीचे जोत्यापर्यंतचे
बांधकाम/जोते पातळीपर्यंतच्या स्तंभाचे पूर्ण जाल्याविषयी आपणारा पाठविलेले पत्र
क्र. वीपी/पुनावळे/६९/२०१४ दि. ३१/५/२०१४, च्या संदर्भात, मी आपणास असे कळविले की, मंजूर

नकाशानुसार पुढील बांधकाम सुरु करण्यात यावे.
श.क्र. ३०३३९२५०००५८१८ दि. २०/६/२०१४
₹ ३, ५०, ०००/-

स्वच्छ प्रतीकर भा. शहर अधिसूक्त
पांघी स्वच्छते असे.

आपला,

शहर अधिपती (सहकारी)
पिंपरी चिंचवड महानगरपालिका
पिंपरी-१८.

प्रत -
मंडळाधिकारी
पुनावळे (थेरगांव) विभाग
पिंपरी चिंचवड महानगरपालिका, पिंपरी.

शे.क्र. २०३३९२५०००९८८३ दि. २५/६/१४



पिंपरी चिंचवड महानगरपालिका
बांधकाम परवानगी विभाग
क.बीपी/कावि/पुनावळे/३/२०१२
दिनांक-२०/०९/२०१४

परिशिष्ट-एम्
(निवम क्र.७.४)

विषय- जोतेपातळीपर्यंत कामाचा मान्यता देण्याबाबत...

प्रति,
मे. रवीचंद्र डेवनाथर्ण तर्फे
भावीदार श्री असोक चोरडीया व
श्री. राहुल कऱ्हाटे तर्फे
श्री. अभिनाश तवाधे (वा.आ.कि.)
११३०/३, विष्णुदर्शन एफ.सी. रोड,
शिवाजीनगर, पुणे-४५.

महोदय,

नगरभूतनाम क्र. _____ रस्ता/भाग - डिवायन पुनावळे येथे असलेल्या घट क्र./स.नं.
१६/३६, वर माझे हस्ताक्षरित मूळ बांधकाम परवानगी क्र.बीपी/पुनावळे/३/२०१२ दि. -२५/०४/२०१२
मुधारीत बांधकाम परवानगी क्र.बीपी/पुनावळे/१/२०१३ दि. -२२/०७/२०१३ च्या अन्वये
पेतलेल्या इमारत 'बी' इमारतीचे जोत्यापर्यंतचे बांधकाम/जोथे पातळीपर्यंतच्या स्तराचे पूर्ण शाल्याधिकारी
आपघात घटकविलेने एच क्र.बीपी/पुनावळे/१५५/२०१४, दि. २२/०९/२०१४, च्या सद्वर्तन, मी आपघात
असे घटकविलो की मजूर नकाशानुसार पूर्वीत बांधकाम सुरू करण्यात यावे.

आपला,


शहर-अभियंता (करीता)
पिंपरी चिंचवड महानगरपालिका
पिंपरी-१८.

इच्छा प्रतीक वा. रस्ता अधिकार
श्री.बी. श्यामजी तर्फे

घत -
मंडळाधिकारी
वेरगांव (पुनावळे) विभाग
पिंपरी चिंचवड महानगरपालिका, पिंपरी.

पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११०१८.

(नियोजित विकसन दाखला)



पिंपरी चिंचवड महानगरपालिका
पिंपरी पुणे - ४११०१८
वांधकाम परवानगी विभाग
जा.क.-बीपी/पर्यावरण/पुनावळे/१२/२०१९
दिनांक - १८/१२/२०१९

प्रति,

मे. रॉयल डेव्हलपर्स तर्फे भागीदार श्री. अशोक चोरडीया व राहुल तानाजी कलाटे यांचे तर्फे कुलमुखापारधारक मे. केम्प्लोन प्रॉपर्टीज तर्फे श्री. मोहित गोखल व इतर वाकड, ता.मुळशी, जि.पुणे.

द्वारा - ला.आर्कि. श्री. अचिनाज नवाबे

मंथी स्टर्लिंग विल्डींग, ७ वा मजला,
माणिकचंद गॅलरीच्या मागे, एस.बी.रोड समोर,
शिवाजीनगर, पुणे-१६.

विषय - मीजे पुनावळे, वैधील स.नं. १६/३५, मधील भुखंडावर सुधारीत पर्यावरण मंजूरीसाठी वांधकाम व्याधीबाबत दाखला देणेबाबत.

- संदर्भ - १. मा. प्रधान सचिव पर्यावरण विभाग महाराष्ट्र शासन मुंबई यांचेकडील परिपत्रक क्र. एसईआयए-२०१४/सीआर-०२/टीसी-३, दि.३०/१/२०१४
२. मा.आयुक्त यांचे कडील दि. १८/०९/२०१४ चा मान्य प्रस्ताव
३. वांधकाम परवानगी क्र.बीपी/पुनावळे/८/२०१३, दि.२२/०७/२०१३
४. इकडील विकसन दाखला क्र. बीपी/पुनावळे/५/२०१५, दि.७/७/२०१५
५. अर्जदार मे. रॉयल डेव्हलपर्स तर्फे भागीदार श्री. अशोक चोरडीया व श्री.राहुल तानाजी कलाटे यांचे तर्फे कुलमुखापारधारक मे. केम्प्लोन प्रॉपर्टीज तर्फे श्री. मोहित गोखल व इतर यांचे ला.आर्कि. श्री. अचिनाज नवाबे यांचा दि.२७/११/२०१९ चा अर्थ.

महाराज,

मा. शहर अभियंता, पिंपरी चिंचवड महानगरपालिका यांचकडून - पिंपरी चिंचवड महानगरपालिका हद्दीतील मीजे पुनावळे, वैधील स.नं. १६/३५, मधील प्लॉटवर नियोजित विक्रमासाठी आपण संदर्भ क्र. ५ अन्वये अर्थ केलेला आहे. त्यास अनुसरून खालील जटीम अडिन राहून आपल्या वरील प्रस्तावास सुधारीत नियोजित विकसन दाखला देणेत येत आहे.

१. सध्या दाखल्याचा वापर फक्त पर्यावरण विभागाची मंजूरी (मा. SEACS व SEIAA पर्यावरण व पनविभाग, भारत सरकार) प्राप्त करण्यासाठी करावयाचा आहे.
२. सदरचा दाखला हा अर्जदारास कुठल्याही प्रकारने वांधकाम सुरु करण्याची परवानगी नसून अर्जदाराने त्यासाठी स्वतःच परवानगी देणे बंधनकारक राहिल.
३. अर्जदाराने सि.टी.सर्व्हे मोजणीनुसार भुखंडाच्या हद्दी कायम करणे आवश्यक राहिल.
४. सौवतेचा नकाशा व त्यावरील क्षेत्रफळाचा तक्ता हा या दाखल्याचा भाग आहे.
५. सदरचा दाखला १६९५५.०० चौ.मी. मुळत घेवावर एकूण वांधकाम क्षेत्र (एफ.एस.आय. व नॉन एफ.एस.आय. मिळून) ४१३४१.४८ चौ.मी. करिता प्रस्तावित आहे.

सोबत - नकाशा.

स्वतः प्रतीवर मा. सह शहर
अभियंता यांची स्वाक्षरी असे

सहशहर अभियंता कडून
वांधकाम परवानगी विभाग
पिंपरी चिंचवड महानगरपालिका
पिंपरी, पुणे - ४११०१८

प्रति,

१. उपसंचालक नगररचना विभाग, पि.चि.म.न.पा.
२. जिल्हा अधीक्षक, सुभी अभियंता, पुणे.

पिंपरी चिंचवड महानगरपालिका पिंपरी - ४११ ०१८.

(यापुढील पत्र व्यवहारात खालील प्रमाणे दिनांक यांचा उल्लेख करावा.)

(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्काचे पत्र नसत नसेल अर्जादारास हे संमतीपत्र देण्यात येईल.

(कमेन्समेंट सर्टिफिकेट)

- बांधकाम चालू करणेकरिता दाखला -

सु.ब. बी.पी./पु.म.व.के./के.आ.ए./३/२०१३ दि. २५/४/२०१३

सदर बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे संमतीपत्र महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, सन १९६६ या ४५ मधील तरतुदीप्रमाणे अटीवर देण्यात येत आहे आणि मुंबई महानगरपालिका अधिनियम १९४९ ची कलमे (सेव्हान्स) २५३ मधील तरतुदीप्रमाणे खालील अटीवर देण्यात येत आहे.

पिंपरी चिंचवड महानगरपालिका,

पिंपरी - ४११ ०१८.

क्रमांक - बी.पी./पु.म.व.के./के.आ.ए./ ०८ /२०१३

दिनांक : २२ / ०८ /२०१३

श्री. श्रीमती/म. रॉयल डेव्हलपर्स तर्फे भागिदार
श्री. सशोक चौरशिया व नाडुर लामाजी
कलठे

द्वारा ला.आ./ला.स. श्री. सविताश ठावणे

पत्ता ७७२२३३ पिळ्ळू दर्नि एम.सी. रोड

श्रीवांगीभंगूर - पुणे.

यांना

मा. शहर अभियंता,

पिंपरी चिंचवड महानगरपालिका यांचकडून -

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम ४५ आणि मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलमे २५३ व २५४ अन्वये पिंपरी चिंचवड महानगरपालिकेच्या सीमेतील पु.म.व.के. येथील सर्व्हे नं. ३६/३ पै. प्लॉट नं. मधील बांधकाम करण्यासाठी महानगरपालिकेला तुम्ही नोटीस दिली. ती दिनांक १०/०४/२०१३ या दिवशी पोहोचली. त्याबसून काम करण्यासाठी खालील लिहिलेल्या अटीवर व जादा अट क्र. ते नुसार तुम्हास संमतीपत्र देण्यात येत आहे.

- सोबतच्या नवीन दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.
- संकल्पित बांधकाम रस्त्याच्या प्रमाण देवत येत असल्यास महानगरपालिकेचे अधिकारी सांगतील त्या वेळी सदर काम स्वखर्चाने आणि विनतक्रम करून टाकले पाहिजे.
- जोल्यापर्यंत काम आल्यानंतर सेट-बॅक नगर नियोजन कार्यालयाकडून तपासून घ्यावेत. त्याशिवाय जोल्यावरील काम सुरु करू नवे.
- सोबतच्या नकाशावर भागे लिहिलेल्या /अटीवर हे संमती पत्र देण्यात येत आहे.
- ज्या प्लॉटवर नवीन इमारत बांधकाम करण्यात आले आहे. त्या इमारतीचे कंप्लीशन सर्टिफिकेट मागण्यापूर्वी प्रत्येक मालकाने इमारतीसमोर कंपाऊंड वॉलच्या आत व बाहेर झाडे लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था, खबरदारी घ्यावी त्याशिवाय कंप्लीशन सर्टिफिकेट मिळणार नाही. रस्त्यावरील झाडांना जाऊन ते संरक्षण कुंपण अर्जादाराचे कराव्याचे आहे. तसेच महानगरपालिकेच्या प्रचलित नियमानुसार योग्य ही अनामत रक्कम कोषागारात भरणे बंधनकारक आहे.
- इमारतीचे कंप्लीशन सर्टिफिकेट देताना रस्त्यावरील व अडतील बाजूस टाकण्यात आलेले इमारतीचा राडाबोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही.
- नवीन बांधकाम सुरु करताना संबंधित जागेमध्ये झाडे असल्यास ती ट्री अर्थोरिटीची पूर्वपरवानगी घेतल्याशिवाय तोडू नयेत अन्यथा कायदेशीर कारवाई करण्यात येते, याची नोंद घ्यावी.
- आपण संबंधित बांधकाम हे मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ व महाराष्ट्र प्रादेशिक नगररचना अधिनियम १९६६ मधील तरतुदीचा भंग करून सक्षम अधिकार्याची पूर्व परवानगी न घेता सुरु केल्याबद्दल/तसेच इकडील मंजूर नकाशाप्रमाणे बांधकाम न करता त्यात बदल व फेरफार करून या बांधकामाचे सुधारित नकाशात पूर्व परवानगी न घेता बांधकाम केल्याबद्दल इमारतीचे भोगवटा पत्रक न घेता बांधकाम केल्याबद्दल आपणाविरुद्ध वरील नियमानुसार दंडात्मक कार्यवाही करण्याचा वि. वि. म.न.पा. चा हक्क सरळून ठेवला आहे.
- बांधकाम साहित्य अथवा पुन्या बांधकामाचा निघालेला राडाबोडा सार्वजनिक रस्त्यावर अथवा कोणताही अडथळा येणार नाही अशा ठिकाणी ठेवता जर हे साहित्य अशा ठिकाणी ठेवल्याचे आढळल्यास त्यासाठी सुधारित विकास नियंत्रण नियमावलीनुसार निवासी बांधकामासाठी रु. २५/- व वाणिज्य बांधकामासाठी रु. ५०/- प्रति चौ. मी. प्रमाणे प्रति सप्ताहासाठी दंड आकारण्यात येईल.

- 2 -

तीचे सांख्यिकी नशिका म.न.पा. ड्रेनेज नशिकेला मालमगने स्वखर्चाने जोडावयास हवी.

ने, प्रमोटर / विल्डरने अथवा प्रकल्प बांधकाम करणाऱ्या ठेकेदाराने पूर्णत्वाचा दाखला घेणेपूर्वी नियोजित निवासी / ठेकेदारकांच्या मापुळे येणाऱ्या कोणत्याही तक्रारीस म.न.पा. जबाबदार राहणार नाही. असे प्रतिज्ञापत्र (स्पेशल एक्झिक्युटिव्ह यांचे स्वाक्षरीचे) म.न.पा. कडे सादर करावे. पाणी पुरवठा, जलनिःसारण, उद्यान, अग्निसामक व आरोग्य विभागाचा अंत दाखला इकडे सादर करावा.

लीच्या तक्रमजलधारण गाळेधारकाच्या नांवे दर्शविलेली टपालपेटी (Letter Box) सुयोग्य ठिकाणी दसविणे बंधनकारक नसून त्याखेरीज इमारतीचा भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.

विकास आराखड्यातील रस्ता रुंदीने बाधित क्षेत्र नियमानुसार महानगरपालिकेच्या ताब्यात देणे बंधनकारक आहे.

इमारतीच्या सलोक कॅन्क्रीट (आर.सी.सी.) कामाच्या सर्व बाजूकरिता आधार व आकारासाठी लाकडाचा वापर करू नये. त्यासाठी नोखडी आधारचा वापर करणे बंधनकारक राहिल.

इंजिनर सी. ऑफ स्ट्रक्चरल इंजिनियर्स पुणे - ३०. या संस्थेकडील मान्यताप्राप्त दर्जाच्या स्ट्रक्चरल इंजिनियर्सची इमारतीच्या कामासाठी नेमणूक करण्यात यावी, तसेच सदरचे काम स्वीकारल्या बाबतचे स्ट्रक्चरल इंजिनियर्स यांचे पत्र या विभागाकडे सादर करणे आवश्यक आहे. सदरचे पत्र सादर केल्याशिवाय इमारतीच्या बांधकामास सुरुवात करू नये.

६) भूखंडाच्या संबंधित सहामाही अखेरचा कर भरल्याचा करसंकलन विभाग म.न.पा. यांचेकडील दाखला / पावती सादर केल्याशिवाय बांधकाम चालू करू नये.

१७) मंजूर रेखांकनातील खुली जागा विकास नियंत्रण नियमावलीप्रमाणे नियम क्र. ११.३.१.५. नुसार तरतूदीचे अधिन विकसीत करणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.

१८) विकास आराखड्यातील रस्ता रुंदीने बाधित क्षेत्र नियमानुसार महापालिकेच्या ताब्यात देणे बंधनकारक आहे. रस्ता रुंदीने बाधित क्षेत्र म.न.पा. चे नावे जावून तसा ७/१२ उताऱ्या/सुधारित मालमतापत्रक व मोजणी नकाशा, भाग अथवा पूर्ण भोगवटापत्रक घेणेपूर्वी या कार्यालयाकडे सादर करणे आवश्यक आहे. याबाबत मन्याचे भूमी-जिदमी विभागाचा ना हरकत दाखला सादर करणे बंधनकारक आहे. तसेच सदर रस्ता रुंदीने बाधित क्षेत्राचे खडीमुसुकीकरण महापालिकेच्या विनिर्देशाप्रमाणे अर्जदार यांनी स्वतः करणे आवश्यक आहे अथवा महानगरपालिकेच्या त्यावेळेच्या प्रचलित दराने खडीमुसुकीकरण खर्च भरणे आवश्यक आहे.

१९) प्रस्तुत प्रकरणातील जागेचा मोजणी नकाशा व्हिगटोनुसार असून जागेच्या हद्दीबाबत वाद निर्माण झालेस म.न.पा. जबाबदार राहणार नाही. नगरभूमापन कार्यालयाकडील सुधारित मोजणी नकाशा / व मालमता पत्रक सादर केल्याशिवाय बांधकामास भाग अथवा पूर्णत्वाचा दाखला देण्यात येणार नाही.

२०) प्रस्तुत प्रकरणातील भूखंडाचे एकत्रिकरण नगर भूमापन कार्यालयाकडून घेऊन, त्याप्रमाणे सुधारीत मालमतापत्रक व मोजणी नकाशा भोगवटापत्रक घेण्यापूर्वी या विभागाला सादर करणे आवश्यक आहे.

२१) ३०० चौ. मी. व वरील क्षेत्राचे भूखंडावरील इमारतीसाठी (दाटवस्ती क्षेत्र वगळून) रेन वॉटर हार्बेस्टिंग व्यवस्था करणे बंधनकारक आहे.

२२) भूखंडालगतचे पोहोच रस्ता व आसपासचे क्षेत्रातील पाण्याचा निचरा होणे सार्वजनिक आरोग्याचे दृष्टीने आवश्यक आहे. त्यासाठी विकास नियंत्रण नियमावलीतील नियम क्र. १.१ नुसार योग्य ती उपाय योजना करण्याची सर्वस्वी जबाबदारी विकसक/अर्जदार यांचेवर राहिल. अशाप्रकारे पावसाळी पाण्याचा नैसर्गिकरित्या निचरा होण्यास कोणत्याही प्रकारे बाधा येणार नाही. याबाबतची योग्य ती खबरदारी घेणे विकसक / अर्जदार यांचेवर बंधनकारक राहिल. याबाबत संबंधित गाळेधारक रहिवासी यांची कोणत्याही प्रकारे तक्रार / हरकत निर्माण झाल्यास त्यांचे संपुर्णतः निराकरण करण्याची जबाबदारी विकसक / अर्जदार यांचेवर राहिल. त्याची म.न.पा. स कोणत्याही प्रकारे तोषीस लागू देणार नाही. या अटीवर सदर बांधकाम चालू करण्याचे संमती पत्र मंजूर करण्यात येत आहे.

२३) साईटवर राहणाऱ्या सर्व बांधकाम मजूरसाठी स्वच्छ पिण्याचे पाणी व स्वच्छतागृहांची सोय उपलब्ध करणे विकसकांवर बंधनकारक आहे.

२४) विकास नियंत्रण नियमावलीनुसार इमारतीमध्ये पुरविल्यात आलेल्या पाकिंगचे क्षेत्र गाळे धारकांसाठी विना मोबदला उपलब्ध करून देणे विकसकांवर बंधनकारक राहिल.

स्थळ प्रतीवर मा. राहण अश्विंता
यांची स्वाक्षरी असे.

मह. अभियंता, कनिष्ठा
विपरी विचवड महानगरपालिका,
विपरी - ४११ ०१८.

- प्रत माहितीसाठी :-
- १) मा. जिल्हाधिकारी, पुणे जिल्हा आर. भी. (पुणे) माहितीसाठी
 - २) राहा. मंडळाधिकारी, विपरी विचवड महानगरपालिका, म.न.पा./विपरी बाधरे/विपरीनगर/विचवड/धोसरी कासारवाडी/आकुडी/निगडी/प्राधिकरण/सांगवी/विपळे गुरव/विपळे निलख/विपळे सोदागर/वाकड धावेत / व्हाटणी / धेरगांव यांना माहिती व पुढील कार्यवाहीसाठी
 - ३) करसंकलन विभाग, मुख्य कार्यालय

- काही महत्वाच्या सूचना -

बांधकामात आरंभ करण्याच्या १० दिवस आगोदर महानगरपालिकेला कळवावे, तसे न केल्यास त्याची जबाबदारी अर्जदारावर राहिल.

जागा वापरण्यास सुरुवात करण्यासंबंधी

- १) मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ मधील कलम २६३ अन्वये मालकाने बांधकाम पूर्ण होताच महानगरपालिकेच्या कार्यालयामध्ये बांधकाम भोगवटा पत्रक मिळवण्याबद्दल अर्ज करणे आवश्यक आहे म्हणजे मा. शहर अभियंतास अगर त्यांनी नेमलेल्या अधिकाऱ्यास जागेची तपासणी करता येईल व जागा वापरण्यास संमती देता येईल. साविकरुध्द वर्तन करणारा संबंधित अर्जदार, महानगरपालिकेच्या दंडात्मक धोरणानुसार दंडास पात्र होईल.
 - २) नवीन घराचा पुरोगामी राज्या विजेच्या किंवा इतर यांत्रिक तारा हलविणे झाल्यास त्याची जबाबदारी महानगरपालिकेवर नाही. यासंबंधी अर्जदाराने परस्पर संबंधित अधिकाऱ्याची आगाऊ संमती घेण्याची व्यवस्था करावी.
 - ३) एकच गाळा असलेल्या घराच्या पागोळ्या भिंतीच्या बाहेर एका फुटापेक्षा अधिक पुढे नेऊ नयेत. अधिक माळे असल्यास पागोळ्या दीड फुटापेक्षा अधिक पुढे आणू नयेत. पागोळ्याचे पाणी सडके लगतच्या गटारात उंचावरून पडणार नाही, असे आठवे पन्हाळ व उभे नळ लादून इमारती नजिकच्या गटारात अगर भागात पाणी सोडावे.
- प्लॉटमधून जाणाऱ्या पाण्याच्या (विशेषतः चाबूतऱ्याच्या पाण्याचा) नैसर्गिक प्रवाहाचा मार्ग कोणत्याही परिस्थितीत बंद वा कमी करण्याची संमती ह्या या दाखल्याने दिलेली नाही. उंचीप्रमाणे इमारतीस टाक्यापर्यंत पाणी उध्विध्यासाठी योग्य पंपाची व हौदाची सोय आवश्यक आहे.
- ४) घर बांधणीकरिता लागणाऱ्या फाळ अथवा पहळ महानगरपालिकेला फी देऊन संमती घेतल्याशिवाय महानगरपालिकेच्या हद्दीत ठेवू नये. संमती वाचून अशा पहळ ठेवल्यास तो अपराध होतो.
 - ५) ज्या रथाकारित्यर्थ सरकारास शेतसावा खावा लागतो. अशा स्थळाचा वापर घरबांधणीकडे करणे झाल्यास मा. जिल्हाधिकारी, जिल्हा पुणे यांचेकडून विंगरशेत परवानगी घेऊन नंतरच काम करावे. प्रस्तुतपणे मात्यला घेतल्यादिना अशा ठिकाणी बांधकाम करू नये.
 - ६) सार्वजनिक मोकळे स्थळ अनाधिकाराने समाविष्ट केले आहे, असे महानगरपालिकेच्या निदर्शनास आल्यास बांधकाम पाडून स्थळ मोकळे करून घेईल. असे करण्यास या संमतीपत्राने बाधा येत नाही आणि अशा वेळी काही हानी झाल्यास महानगरपालिका त्यास जबाबदार राहणार नाही.
 - ७) शेजारच्या लोकांना अथवा इतरांना कामापासून उपसर्ग किंवा कोणत्याही प्रकारचा त्रास अगर हानी पोहोचू नये, त्याविषयी जबाबदारी तुमच्यावर आहे या संमतीपत्राने तुमच्या कोणत्या अधिकारास बाधा येत नाही आणि तुम्ही आपल्या अधिकाराबाहेर कोणतेही काम केल्यास त्याची जबाबदारी तुमच्यावर राहिल.
 - ८) हा दाखला महानगरपालिकेच्या सेवकांनी अथवा संरक्षकाने (पोलिसाने) पाहण्यास मागितला असता दाखविला पाहिजे. तसा तो न दाखविल्यास संमतीपत्रादिना बांधकाम चालू आहे, असे समजण्यात येईल.
 - ९) इच्छता एका वर्षाकरिता अस्तित्वात राहिल. पुढे ती आपोआम रद्द झाला जसे समजण्यात येईल. सदर संमती पत्राप्रमाणे काम एक वर्षानंतर करणे असल्यास नवीन शुपरव्हीजन मेमोसाह अर्ज करून संमतीपत्राची मुदत वाढवून घेतली पाहिजे व असे संमतीपत्र निष्कल्यांतर बांधकाम सुरू करावे.
 - १०) विशेष प्रसंगी महानगरपालिकेने लेखी आज्ञा दिली तर ती पुन्हा मान्य केली पाहिजे, त्यात या संमतीवरून बाधा येत नाही.
 - ११) बांधकाम चालू करण्यापूर्वी महानगरपालिकेकडून नळास पाण्याचा मीटर बसवून घेतला पाहिजे.
 - १२) पाण्याच्या दाबाविषयी महानगरपालिका जबाबदार नाही. महानगरपालिकेच्या नळाच्या पाण्याचे प्रेशर कमी असल्यामुळे इमारतीच्या वरील मजल्यावर पाणी चडू शकणार नसल्यास संपूर्ण इमारतीस योग्य व पुरेशा प्रमाणात पाणीपुरवठा होण्याच्या दृष्टीने पाण्याचा साठा करण्यासाठी इमारती भोंवतालच्या मोकळ्या जागेत घरमालकास मा. शहर अभियंता अथवा संबंधित अधिकारी सांगतील त्या मापाचा डिझाईनचा व स्पेसिफिकेशन्सचा जमिनीपासून किमान ०.५० मी. उंचीवर पाण्याकरिता होट बांधाचा सांगेल व त्या हौदात म्युनिसिपल मेन वॉटर लाईनपासून पाणी आणून हौदात सोडावे लागेल. त्याचप्रमाणे सदर हौदातील पाणी इलेक्ट्रीक मॅप बसवून सदर टाऊन टेक पाईपाच्या सहाय्याने इमारतीच्या प्रत्येक मजल्यावर पुरेसा पाणीपुरवठा होईल, अशी जबर ती तजवीज घरमालकास करावी लागेल. सदरच्या टाकीचा आकार मा. शहर अभियंता अथवा संबंधित अधिकारी ठरवतील याप्रमाणे असला

पाहिजे. विजेचा पुरवठा घरमालक तयार असताना ही वीज कंपनीकडून मिळत नसल्यास डिझेल अ‍ॅडिशन अग्न पेट्रोलच्या सहाय्याने चालणारे इंजिन बसवून पाणी वरच्या मजल्यावर पंप करण्याची व्यवस्था घरमालकास करावी लागेल. या शर्तीप्रमाणे पंप बसवून पाणी पुरवठ्याची तजवीज घरमालकाने केल्याशिवाय बांधकामाचा पूर्णत्वाचा दाखला (कंप्लीशन सर्टिफिकेट) दिला जाणार नाही व इमारतीचा वापर घरमालकास स्वतःसाठी करता येणार नाही, अगर दुसऱ्यास वापर करून देता येणार नाही.

- १३) महानगरपालिकेच्या लेखी संमतीपत्राशिवाय नवीन विहीर, तलाव किंवा डबके हौद अगर कारंजे खोदण्याचे अगर बांधण्याचे काम करू नये. गलीट्रॅन्स उभारी गटारे वांगी मच्छर प्रतिबंधक व्यवस्था घेवली पाहिजे. हौदात केरकवरा न जाईल अशी शाकणे व्यवस्थितपणे बसवावीत. त्यास सुलभपणे काढता येईल असे मजबूत कुलूप व किल्ली तसेच ओव्हरफ्लो (वर्कींग) पाईपला चांगल्यापैकी वायर नेजचे संरक्षण असावे. हद्दीवरील भिंतीवर फुटण्या बाटल्यांचे तुकडे बसवू नयेत. फ्लशिंग संडाराचे अगर इतर संडाराचे जोते नजिकच्या रस्त्याच्या मध्यबिंदूपासून अगर मालकाच्या इमारती भोवतालच्या जागेपासून ०.५ मी. उंचीचे असावे.
- १४) संबंधित प्लॉटबाबतचा रस्ता, वीज, ड्रेनेज इ. डेव्हलपमेंटस् म्युनिसिपल स्पेसिफिकेशनप्रमाणेच तयार केल्या पाहिजे, अन्यथा सादर डेव्हलपमेंटच्या बाबतच्या तक्रारी ऐकल्या जाणार नाहीत व रस्ते ताब्यात घेतले जाणार नाहीत.
- १५) नियोजित बांधकाम रेल्वेच्या हद्दीपासून ३० मीटरच्या जात घेत असल्यास रेल्वे खात्याकडील ना हरकत दाखला सादर करावा.
- १६) इमारतीच्या पूर्णत्वाच्या दाखल्यास अर्ज करते समयी प्रथमतः उर्वरित विकास शुल्क म.न.पा. कोषागारात भरून पावती इकडे सादर करावी. उर्वरित विकास शुल्कावर द. सा. द. श. १८% दराने कमेन्समेंट सर्टीफिकेटवरील दिनांकापासून, व्याज म.न.पा. कोषागारात भरणे बंधनकारक राहिल.
- १७) इमारतीमधील उद्वाहकाबाबत सक्षम अधिकारी यांचेकडील घालविण्याची अनुज्ञाती, संपूर्ण भोगवटापत्रक घेणेपूर्वी सादर करणे आवश्यक राहिल, त्याखेरीज लिफ्टचा वापर करू नये.
- १८) मॉल्स थिएटर, मल्टीप्लेक्स, हॉटेल्स, करमगूक केंद्र अशा इमारतींना सुरक्षिततेच्या दृष्टीने एक्स-रे-स्कॅनर, डोअर प्रेम मेटल डिटेक्टर, हॅण्ड हेल्ड मेटल डिटेक्टर, सी. सी. टि. व्ही. कॅमेरे व प्रशिक्षित स्टाफ, स्प्रिंकर डॉंग व पुरेशी निकासद्वारे ठेवणे अर्जदार / विकसक यांचेवर बंधनकारक राहिल.
- १९) १ टोकरट व त्यापेक्षा जास्त क्षेत्र असणाऱ्या निवासी प्रकल्पांमध्ये व मल्टीप्लेक्स, मॉल्स इमारतींमध्ये दर्शनी ठिकाणी मनपाच्या KIOSK/ATM केंद्रासाठी २.४०मी. X २.४० मी. मोजमापाची खोली बांधून मनपाचे ताब्यात दिनामूल्य देणे अर्जदार यांचेवर बंधनकारक राहिल.
- २०) विकास नियंत्रण नियमावलीतील सुधारित नियम क्र. २३.३ नुसार गेस्ट हाऊस, हॉटेल्स, पोलिस मैन/जामी बॉक्स, कॅन्टीन्स, प्रयोगशाळा व संशोधन संस्था, हॉस्टेल्स, शाळा, कॉलेजेस व इतर संस्थांना नियमात नमूद केलेल्या अमतेची सौर उर्जेवर चालणारी उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- २१) १५० चौमी बांधकाम क्षेत्र असणाऱ्या निवासी इमारती व ४०००.० चौमी व त्यापेक्षा जास्त भूखंडक्षेत्र असणाऱ्या गृहप्रकल्पांसाठी कमीत कमी २५.० लि./बायस्म व जास्तीत जास्त Roof Area च्या ५०% एवढ्या अमतेची सौर उर्जेवर चालणारी उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.

विकसकाचा / मालकाचा पत्ता :-

श्री. अश्विनी विल्हळ कोमापती
वापर रोड, बँक भौक, कोडवल्या
कर्ना. विवाज नगर - पुणे.

बांधकामाच्या साईटचा पत्ता :-

पुणेकरे स. मं. १२/३५.

T.No 817/108

पिंपरी चिंचवड महानगरपालिका, पिंपरी - ४११ ०१८. २८।

(यापुढील पत्र व्यवहारत खालील मुद्द्यांवर दिनांक यांचा उल्लेख करावा.)
(जागेच्या वा इमारतीच्या कायदेशीर मालकी हक्काचे संदर्भ लक्षात घेता अर्जादारास हे समतीपत्र देण्यात येत आहे.)
(कमेन्समेंट सर्टिफिकेट)

- बांधकाम चालू करणेकरिता दाखला -

सदर बांधकाम चालू करण्याचा दाखला आणि बांधकामाचे समतीपत्र महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, सन १९६६ ची कलमे ४५ यातील तरतुदीप्रमाणे खालील अटीवर देण्यात येत आहे आणि मुंबई महानगरपालिका अधिनियम १९४९ ची कलमे (संशोधन) २५३ व २५४ यातील तरतुदीप्रमाणे खालील अटीवर देण्यात येत आहे.

पिंपरी चिंचवड महानगरपालिका,

पिंपरी - ४११ ०१८.

क्रमांक - सी.पी. तुम्हाचे / १ / ३ / २०१२

दिनांक २८/१/२०१२

म. शैलेश डेवळपती वर्फे भागीदार
मि. अशोक चमरान चोरड्या व
श्री. श्रीमती/ राहुल तामाजी खलारे

द्वारा ल. स. श्री. अर्जुनराज वनाथ
पत्ता ११३२/३ विष्णू वसि रश्मि
रोड, सिव्हाजीनगर, पुणे

मा. शहर अभियंता,

पिंपरी चिंचवड महानगरपालिका यांचकडून -

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम ४५ आणि मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ कलमे २५३ व २५४ अन्वये पिंपरी चिंचवड महानगरपालिकेच्या सीमेंटील मुलावले येथील सर्व्हे नं. १६/३ सी. स. नं. प्लॉट नं. मधील बांधकाम करण्यासाठी महानगरपालिकेला तुम्ही नोंदीस दिली ती दिनांक २८/१/२०११ या दिवशी पोहोचली. त्यावरील काम करण्यास खाली लिहिलेल्या अटीवर व जादा अट क्र. ते नुसार तुम्हास समतीपत्र देण्यात देण्यात येत आहे.

- १) सोबतच्या नवीन दुरुस्त नकाशात दाखविल्याप्रमाणे काम केले पाहिजे.
- २) संकलित बांधकाम रस्त्याच्या प्रमाण रेषेत येत असल्यास महानगरपालिकेचे अधिकार सांगातील त्या देवी सदर काम स्विकारणे आणि विनयाकर काढून टाकले पाहिजे.
- ३) जोलापर्यंत काम आल्यानंतर सेट-बॅक नगर नियोजन कार्यालयाकडून तपासून घ्यावेत. त्याशिवाय जोलावरील काम सुरू करू नये.
- ४) सोबतच्या नकाशावर मागे लिहिलेल्या/अटीवर हे समती पत्र देण्यात येत आहे.
- ५) ज्या प्लॉटवर नवीन इमारत बांधकाम करण्यात आले आहे त्या इमारतीचे कंप्लेशन सर्टिफिकेट मागण्यापूर्वी प्रत्येक मालकाने इमारती समोर कंपाऊन्ड वॉलच्या आत व बाहेर जाई लावून ती व्यवस्थित वाढविण्याच्या दृष्टीने योग्य ती व्यवस्था, खबरदारी घ्यावी त्याशिवाय कंप्लेशन सर्टिफिकेट मिळणार नाही. रस्त्यावरील झाडांना जरूर ते संरक्षण कुंपन अर्जद्वारे करावयाचे आहे. तसेच महानगर पालिकेच्या प्रचलित नियमानुसार योग्य ती अनामत रक्कम लोकागारात परीक्षे बंधनकारक आहे.
- ६) इमारतीचे कंप्लेशन सर्टिफिकेट देण्यास रस्त्यावरील व आतील बाजूस टाकण्यात आलेले इमारतीचा राडारोडा उचलून जागा साफ केल्याशिवाय अर्जाचा विचार केला जाणार नाही.
- ७) नवीन बांधकाम सुरू करताना संबंधित जगामध्ये जाई असल्यास ती ट्री अथॉरिटीची पूर्व परवानगी घेतल्याशिवाय तोडू नयेत अन्यथा कायदेशीर कारवाई करण्यात येते, याची नोंद घ्यावी.
- ८) आपण संबंधित बांधकाम हे मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९ व महाराष्ट्र प्रादेशिक नगररचना अधिनियम १९६६ मधील तरतुदीचा भंग करून सख्त अधिकाऱ्याची पूर्व परवानगी न घेता सुरू केल्याबद्दल/तसेच इकडील मंजूर नकाशाप्रमाणे बांधकाम न करता त्यात बदल व फेरफार करून या बांधकामाचे सुधारित नकाशात पूर्व परवानगी न घेता बांधकाम केल्याबद्दल इमारतीचे पांगलटा पत्रक न घेता बांधकाम केल्याबद्दल आपणाविलेच्छ वरील नियमानुसार दंडात्मक कार्यवाही करण्याचा वि.धि.न.न.पा. चा हक्क राहून ठेवला आहे.
- ९) बांधकाम साहित्य अथवा जुन्या बांधकामाचा निघालेला राडारोडा सार्वजनिक रस्त्यावर अथवा कोणताही अडथळा येणार नाही अशा ठिकाणी ठेवता जर हे साहित्य अशा ठिकाणी ठेवल्यास त्यासाठी सुधारित विचार नियंत्रण नियमावलीनुसार निवारी वापरसाठी रु. २५/- व वार्षिक वापरसाठी रु. ५०/- प्रति चौ. मी. प्रमाणे प्रति सप्ताहासाठी दंड आकारण्यात येईल.

- आपल्या इमारतीचे सांडपाणी नलिका म.न.पा. ड्रेनेज नलिकेला मालकाने स्वखर्चाने जोडवयास हवी.
- ११) भूखंडधारकाने, प्रमोटर/विल्डरने अथवा प्रकल्प बांधकाम करणाऱ्या ठेकेदाराने पूर्णत्वाचा दाखला घेणे पूर्वी नियोजित निवासी/व्यापारी गाळे घारकांच्या वायुदे येणाऱ्या कोणत्याही तक्रारीस म.न.पा. जबाबदार राहणार नाही. असे प्रतिज्ञापत्र (स्पेशल एंजिनियरिंग मॅजिस्ट्रेट यांचे स्वाक्षरीचे) म.न.पा. कडे सादर करावे. पाणी पुरवठा, जलनिःसारण, उद्यान, अग्निशामक विभागाकडील ना हरकत दाखला इकडे सादर करावा.
- १२) इमारतीच्या तळमजल्यावर गाळेधारकाच्या नावे दर्शविलेली टपालपेटी (Letter Box) सुयोग्य ठिकाणी बसविणे बंधनकारक राहिल त्या खेरीज इमारतीचा भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- १३) विकास आराखड्यातील रस्ता रुंदीने बांधित क्षेत्र नियमानुसार महापालिकेच्या ताब्यात देणे बंधनकारक आहे.
- १४) इमारतीच्या सलोक कॉन्क्रीट (अर.सी.सी.) कामाच्या सर्व बाजूकरिता आधार व आकारासाठी लाकडाचा पापर करू नये. त्यासाठी लोखंडी आधाराचा वापर करणे बंधनकारक.
- १५) इडियन सॉ. ऑफ स्ट्रक्चरल इंजिनियर्स पुणे - ३०. या संस्थेकडील गान्यताप्राप्त दर्जाच्या स्ट्रक्चरल इंजिनियर्सची इमारतीच्या कामासाठी नेमवूक करण्यात यावी, तसेच सदरचे काम स्वीकारल्या बाबतचे स्ट्रक्चरल इंजिनियर्स यांचे पत्र या विभागाकडे सादर करणे आवश्यक आहे. सदरचे पत्र सादर केल्याशिवाय इमारतीच्या बांधकामास सुरुवात करू नये.
- १६) भूखंडाच्या संबंधित सहागाही अखेरचा कर भरल्याचा फरसंकलन विभाग म.न.पा. यांचेकडील दाखला/पावती सादर केल्याशिवाय बांधकाम घालू करू नये.
- १७) मंजूर रेखांकनातील खुली जागा विकास नियंत्रण नियमावलीप्रमाणे नियम क्र. १९.३.१.५. नुसार तरतुदी अधिन विकसित करणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- १८) विकास आराखड्यातील रस्ता रुंदीने बांधित क्षेत्र नियमानुसार महापालिकेच्या ताब्यात देणे बंधनकारक आहे. रस्ता रुंदीने बांधित क्षेत्र म.न.पा. चे नावे लावून तसा सुधारित मालमत्तापत्रक व मोजणी नकाशा, प्लान अथवा पूर्ण भोगवटापत्रक घेणे पूर्वी या कायद्याकडे सादर करणे आवश्यक आहे. याबाबत मनभावे भूमी-जिद्दी विभागाचा ना हरकत दाखला सादर करणे बंधनकारक आहे. तसेच सदर रस्ता रुंदीने बांधित क्षेत्राचे खडीमुर्गीकरण महापालिकेच्या विनिर्देशाप्रमाणे अर्जदार स्वतःचे खर्चाने करणार अथवा महानगरपालिकेच्या त्यावेळेच्या प्रचलित दराने खडी मुर्गीकरण खर्च मरणे आवश्यक आहे.
- १९) प्रस्तुत प्रकरणातील जागेचा मोजणी नकाशा पहिल्यांनुसार असून जागेच्या हद्दीबाबत वाद निर्माण झालेस म.न.पा. जबाबदार राहणार नाही नगरभुमापन कार्यालयाकडील सुधारित मोजणी नकाशा/व.मालमत्ता पत्रक सादर केल्याशिवाय बांधकामास भाग अथवा पूर्णत्वाचा दाखला देण्यात येणार नाही.
- २०) प्रस्तुत प्रकरणातील भूखंडाचे एकत्रिकरण नगर भुमापन कार्यालयाकडून घेऊन, त्याप्रमाणे सुधारित मालमत्तापत्रक व मोजणी नकाशा भोगवटापत्रक घेण्यापूर्वी या विभागाला सादर करणे आवश्यक आहे.
- २१) ३०० चौ.मी. व वरील क्षेत्राचे भूखंडावरील इमारतीसाठी (दाटवस्ती क्षेत्र वगळून) रेन वॉटर हार्वेस्टिंग व्यवस्था करणे बंधनकारक आहे.
- २२) भूखंडालगतचे पोहोच रस्ता व आसपासचे क्षेत्रातील पाण्याचा निचरा होणे सार्वजनिक आरोग्याचे दृष्टीने आवश्यक आहे. त्यासाठी विकास नियंत्रण नियमावलीतील नियम क्र. १.१ नुसार योग्य ती उपाय योजना करण्याची सार्व्वरी जबाबदारी विकसक/अर्जदार यांचेवर राहिल. अशा प्रकारे पावसाळी पाण्याचा नैसर्गिकरित्या निचरा होण्यास कोणत्याही प्रकारे बाधा येणार नाही. याबाबतची योग्य ती खबरदारी घेणे विकसक/अर्जदार यांचेवर बंधनकारक राहिल. याबाबत संबंधित गाळेधारक, रहिवासी यांची कोणत्याही प्रकारे तक्रार/हरकत निर्माण झाल्यास त्यांचे संपूर्ण निराकरण करण्याची जबाबदारी विकसक/अर्जदार यांचेवर राहिल. त्याची म.न.पा. स कोणत्याही प्रकारे तोषीस लागू देणार नाही. या अटीवर सदर बांधकाम चालू करण्याचेसमती पत्र मंजूर करण्यात येत आहे.
- २३) साईटवर सहागाऱ्या सर्व बांधकाम मजुरांसाठी स्वच्छ पिण्याचे पाणी व स्वच्छतागृहाची सोय उपलब्ध करणे विकसकांवर बंधनकारक आहे.
- २४) विकास नियंत्रण नियमावलीनुसार इमारतीमध्ये पुरविण्यात आलेल्या पार्किंगचे क्षेत्र गाळे घारकांसाठी विना मोबदला उपलब्ध करून देणे विकसकांवर बंधनकारक राहिल.



स्थळ प्रतीवर मा. शहर अभियंता
यांची स्वाक्षरी असे.

शहर अभियंता
पिंपरी चिंचवड महानगरपालिका,
पिंपरी - ४११०१६

- प्रत माहितीसाठी :- १) मा. जिल्हाधिकारी, पुणे जिल्हा अर. बी. (पुणे) माहितीसाठी
२) सहा. मंडलाधिकारी, पिंपरी चिंचवड महानगरपालिका म.न.पा. /पिंपरी वाघेरे/ पिंपरीनगर/
चिंचवड/भोसरी/कासारवाडी /आकूडी/ निगडी/प्राधिकरण/सांगवी/पिंपळे नुरव/ पिंपळे निलख/
पिंपळे सोदागर/ चाकड रश्मि/रहणी/ धरमंन याना माहिती व मुद्रील कार्यवाहीसाठी
३) करसंकलन विभाग, मुख्य कार्यालय

-३-

- काही महत्वाच्या सूचना -

बांधकामास आरंभ करण्याच्या १० दिवस अगोदर महानगरपालिकेला कळवावे, तसे न केल्यास त्याची जबाबदारी अर्जदारावर राहिल.

जागा वापरण्यास सुरुवात करण्यासंबंधी

- १) मुंबई प्रांतिक महानगरपालिका अधिनियम १९४९मधील कलम २६३ अन्वये मातकाने बांधकाम पूर्ण होताच महानगरपालिकेच्या कार्यालयीमध्ये बांधकाम योग्यता पत्रक मिळव्याबद्दल अर्ज करणे आवश्यक आहे म्हणजे मा. शहर अभियंतास अगोर त्यांनी नेमलेल्या अधिकार्यास जागेची तपासणी करता येईल व जागा वापरण्यास संमती देता येईल. याविरुद्ध वीतन करण्यास संबंधित अर्जदार, महानगरपालिकेच्या दंडात्मक परिणामानुसार दंडास पात्र होईल.
- २) नवीन घराचा पुरोगामी सज्जा विजेच्या किंवा इतर यांत्रिक तास हलकिले झाल्यास त्याची जबाबदारी महानगरपालिकेवर नाही. यासंबंधी अर्जदाराने परस्पर संबंधित अधिकार्याची आगाऊ संमती घेण्याची व्यवस्था करावी.
- ३) एकच गाळा असलेल्या घराच्या पावोळ्या भिंतीच्या बाहेर एका फुटापेक्षा अधिक पुढे नेऊ नयेत. अधिक पाऊले असल्यास पावोळ्या दीड फुटापेक्षा अधिक पुढे आणू येत. पावोळ्याचे पाणी सडके तगतेच्या गटारात उधावसून पडणार नाही, असे आटवे पन्हाळे व लगेच नळ लावून इमारती नजिकच्या गटारात अगोर भागात पाणी सोडावे.

प्लॉटमधून जाणाऱ्या पाण्याच्या (विशेषतः पावसाच्या पाण्याचा) नैसर्गिक प्रवाहाचा मार्ग कोणत्याही परिस्थितीत बंद वा कमी करण्याची संमती या दाखल्याने दिलेली नाही. उंचीप्रमाणे इमारतीस टावचापर्वत पाणी बंदविण्यासाठी योग्य मवाची व हीदाची सोय आवश्यक आहे.

- ४) घर बांधणीकरिता लागणारा फाळ अथवा पहाड महानगरपालिकेला फी देऊन संमती घेतल्याशिवाय महानगरपालिकेच्या हद्दीत ठेवू नये. संमती वाचून अशा पहाड ठेकल्यास तो अपराध होतो.
- ५) ज्या स्थळाप्रित्यर्थ सरकारास शेतसारा थाबा लागतो. अशा स्थळांना वापर घरबांधणीकडे करणे झाल्यास मा. जिल्हाधिकारी, जिल्हा पुणे यांचेकडून विनयसौत परवानगी घेऊन नंतरच काम करावे. प्रस्तुतपणे मान्यता घेतल्याविना अशा ठिकाणी बांधकाम करू नये.
- ६) सार्वजनिक मोकळे स्थळ अनाधिकाराने समाप्तिष्ट केले आहे, असे महानगरपालिकेच्या निदर्शनास आल्यास बांधकाम पाहून स्थळ मोकळे करून घेईल. असे करण्यास या संमतीपत्राने बाधा येत नाही आणि अशा वेळी काही हानी झाल्यास महानगरपालिका त्यास जबाबदार राहणार नाही.
- ७) शेताच्या लोकांना अथवा इतरांना कामापासून उपसर्ग किंवा कोणत्याही प्रकारचा त्रास अगोर हानी पोहोचू नये. त्याविषयी जबाबदारी तुमच्यावर आहे या संमतीपत्राने दुसऱ्या कोणत्या अधिकार्यास बाधा येत नाही आणि तुम्ही आपल्या अधिकार्याबाहेर कोणतेही काम केल्यास त्याची जबाबदारी तुमच्यावर राहिल.
- ८) हा दाखला महानगरपालिकेच्या सोपकांनी अथवा संरक्षकाने (पोलिसाने) पाहण्यास मागितला असला दाखविला पाहिजे. तसा तो न दाखविल्यास संमतीपत्राविना बांधकाम चालू आहे, असे समजण्यात येईल.
- ९) दाखला एक वर्षाकरिता अस्तित्वात राहिल. पुढे तो आपोआप रद्द झाला असे समजण्यास येईल. सदर संमती पत्राप्रमाणे काम एक वर्षानंतर करणे असल्यास नवीन सुधारव्हीजन मेमोसह अर्ज कल्ल संमतीपत्राची मुदत वाढवून घेतली पाहिजे व असे संमतीपत्र मिळाल्यानंतर बांधकाम सुरू करावे.

१०) विवेक प्रसंगी महानगरपालिकेने लेखी आज्ञा दिली तर ती पुन्हा मातय केली पाहिजे, त्याह या संमतीवरून बाधा येत नाही.

११) बांधकाम चालू करण्यापूर्वी महानगरपालिकेकडून नळास पाण्याचा मीटर बसवून घेतला पाहिजे.

१२) पाण्याच्या दाबाविषयी महानगरपालिका जबाबदार नाही. महानगरपालिकेच्या नळाच्या पाण्याचे प्रेशर कमी असल्यामुळे इमारतीच्या वरील मजल्यावर पाणी चढू शकणार नसल्यास संपूर्ण इमारतीस योग्य व पुरेशा प्रमाणात पाणीपुरवठा होण्याच्या दृष्टीने पाण्याचा साठा करण्यासाठी इमारती भोवतालच्या मोकळ्या जागेत घरमालकास मा. शहर अभियंता अथवा संबंधित अधिकारी सांघतील त्या माघाचा डिझाईनचा व स्पेसिफिकेशन्सचा जमिनीपासून किमान ०.५० मी. उंचीवर पाण्याकरिता हीद बांधवाव लागेल व त्या हीदात म्युनिसिपल मेन बॉटर लाईनपासून पाणी आणून हीदात सोडावे लागेल. त्याप्रमाणे सदर हीदातील पाणी इलेक्ट्रीक पंप बसवून सदर इमारती सहाय्याने इमारतीच्या प्रत्येक मजल्यावर पुरेशा पाणीपुरवठा होईल, अशी जकर ती तजवीज

घरमालकांस करावी लागेल. सदरच्या टाकीच्या आकार मा. शहर अभियंता अथवा संबंधित अधिकारी तसेचतील याप्रमाणे असला पाहिजे. विजेचा पुरवठा घरमालक तयार असताना ही वीज कंपनीकडून मिळत नसल्यास डिझेल ऑईलच्या अगर पेट्रोलच्या सहाय्याने वातणारे इंजिन बसवून पाणी वरच्या मजल्यावर पंप करण्याची व्यवस्था घरमालकांस करावी लागेल. या शर्ती प्रमाणे पंप बसवून घाली पुरवठ्याची तांत्रिक घट्याल्लेकाने केल्याशिवाय बांधकामाचा पूर्णत्वाचा दाखला (कंप्लीशन सर्टिफिकेट) दिला जाणार नाही व इमारतीच्या बाहेर घरमालकांस स्वतःसाठी करता येणार नाही, अगर दुसऱ्यात वापर करून देता येणार नाही.

- १३) महानगरपालिकेच्या लेखी समतीपत्राशिवाय नवीन विहीर, तलाव किंवा इको हेमिड अगर कोरजे खोदण्याचे अगर बांधण्याचे काम करू नये. मलिट्रीस उघडी गटारे यांना मच्छर प्रतिबंधक व्यवस्था केली पाहिजे. हीदत करकचरा न जाईल अशी झाकणे व्यवस्थापणे करावयात त्यास सुलभपणे काढता येईल असे मजबूत कुटुप व किल्ली तसेच ओव्हल्लो (वर्किंग) पाईपला बांधल्यापैकी बायर मजबूत संरक्षण असावे. हद्दीवरील भिंतीवर फुटक्या वाटल्याचे तुकडे बसवू नयेत. फ्लॉरिंग संडासचे अगर इतर संडासाचे जोते नजिरेच्या रस्त्याच्या मध्यबिंदूपासून अगर मालकाच्या इमारती मोबतालच्या जागेपासून ०.५ मी. उंचीचे असावे.
- १४) संबंधित फ्लॉटबाबतचा रस्ता, वीज, ड्रेनेज इ. डेव्हलपमेंटस् प्युनिसिपल स्पेसिफिकेशन प्रमाणेच तयार केल्या पाहिजे अन्यथा सदर डेव्हलपमेंटच्या बाबतच्या तक्रारी ऐकल्या जाणार नाहीत व रस्ते तयार होताना घेतले जाणार नाहीत.
- १५) नियोजित बांधकाम रेल्वेच्या हद्दीपासून ३० मीटरच्या आत येत असल्यास रेल्वे खात्याकडील ना हरकत दाखला सादर करावा.
- १६) इमारतीच्या पूर्णत्वाच्या दाखल्याचा अर्ज करते समयी प्रथमतः उर्वरीत विकास शुल्क म.न.पा. कोषागारात भरून घ्यावी इकडे सादर करावी. उर्वरीत विकास शुल्कावर द.सा.द.शे. १८% दराने कमेन्समेंट सर्टिफिकेटवरील दिनांका पासून व्याज म.न.पा. कोषागारात भरणे बंधनकारक राहिल.
- १७) इमारतीमधील उद्वाहकाबात सशम अधिकारी यांचेकडील चालविण्याची अनुज्ञप्ती, संपूर्ण भोगवटापत्रक घेणेपूर्वी, सादर करणे आवश्यक राहिल. त्यानंतरून लिफ्टचा वापर करू नये.
- १८) मॉल्स डिपार्ट, मल्टीप्लेक्स, हॉटेल्स, करमणूक केंद्र अशा इमारतींना सुरक्षिततेच्या दृष्टीने एकसरे-नॉकनर, डोअर फ्रेम मेटल डिटेक्टर, हॅण्ड हेल्ड मेटल डिटेक्टर, सी.सी.टिव्ही, कॅमेरे व प्रतिशित स्टाफ, स्मिफर ड्रॉग व पुणेगी विकासपट्टे ठेवणे अर्जदार/विकासक यांचेवर बंधनकारक राहिल.
- १९) १ हेक्टर व त्यापेक्षा जास्त क्षेत्र असणाऱ्या निवासी इमारती प्रकल्पांमध्ये व मल्टीप्लेक्स, मॉल्स इमारतीमध्ये दर्शनी ठिकाणी मन्याच्या KIOSK/ATM केंद्रासाठी २.४०मी x २.४०मी. मोजमापाची खोली बांधून मनपाचे ताब्यात विनामुल्य देणे अर्जदार यांचेवर बंधनकारक राहिल.
- २०) विकास नियंत्रण नियमावलीतील सुधारित नियम क्र. २३.३ नुसार गेस्टहाऊस, हॉटेल्स, पोलिस मेन/आर्मी बरॅक्स, कॅन्टीन्स, प्रयोगशाळा व संशोधन संस्था होस्टेल्स, शाळा, कॉलेजेस व इतर संस्थांना नियमात नमूद केलेल्या इमारती सौर उर्जेवर चालणारा उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.
- २१) १५० चौमी बांधकाम क्षेत्र असणाऱ्या निवासी इमारती व ४०००.० चौ.मी. त्यापेक्षा जास्त भूखंडक्षेत्र असणाऱ्या गृहप्रकल्पासाठी कमीत कमी २५.० लि/ बाधरुम व जास्त जास्त जास्त Roof Area च्या ५०% एवढ्या इमारती सौर उर्जेवर चालणारा उष्णजल संयंत्रे (Solar Water Heating System) बसविणे बंधनकारक आहे. त्याशिवाय भाग अथवा पूर्णत्वाचा दाखला दिला जाणार नाही.

विकासकाचा/मालकाचा पत्ता :-

म.न. ८०/३, जय नगर
बाजार १६, मांघ, पुणे-४०

बांधकामाच्या सॉर्टचा पत्ता :-

म.न. १५/३, पुनावक

F. No. 23-57/2018-IA-III
Government of India
Ministry of Environment, Forest & Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi - 3

Date: 26th June, 2018

To,
The Additional Chief Secretary,
Environment Department, Government of Maharashtra,
15th Floor, New Administrative Building,
Mantralaya, Mumbai - 400 032 (Maharashtra)

Sub: Construction of 'My Home, Punawale' at S.No. 16/3, Punawale, District Pune (Maharashtra) by M/s Keystone Properties (formerly M/s Royal Developers) - reg.

Sir,

This has reference to the online proposal No. IA/MH/NCP/70514/2017 dated 24th October, 2017 (earlier proposal No. IA/MH/NCP/64670/2017 dated 13th May, 2017) from M/s Keystone Properties (formerly M/s Royal Developers), along with the application in prescribed format (Form-I), for consideration under the provisions of S.O. 804 (E) dated 14th March, 2017 for Terms of Reference (ToR)/Environmental Clearance (EC) to the proposed Construction of 'My Home, Punawale' at S.No. 16/3, Punawale, District Pune (Maharashtra).

2. The project involves construction of residential cum commercial complex, 'My Home Punawale' by M/s Keystone Properties (formerly M/s Royal Developers) with total built up area of 40,295.89 sqm and total plot area 16,955 sqm at S. No. 16/3, Punawale, Pune (Maharashtra). The project site is permitted for Residential cum Commercial use as per approved master plan of the area. Planning/Building permission for built up area of 22,400.45 sqm was obtained from Pimpri-Chinchwad Municipal Corporation, Pune vide letter dated 25th April, 2012 followed by non-agricultural use order by the District Collector, Pune on 26th September, 2012 which is further revised vide approval letter dated 22nd July, 2013. The said project/activity is covered under category B of item 8(a) of the schedule to the EIA Notification 2006, and requires prior EC from SEIAA of Maharashtra based on the appraisal by SEAC.

3. The application for seeking EC was submitted to SEAC-III/SEIAA in Maharashtra on 9th July, 2012, which was appraised by SEAC-III in its 9th meeting held on 13th May, 2014. During the meeting, the SEAC observed that the project proponent has initiated construction work without obtaining the prior EC and thus violated provisions of the EIA Notification, 2006. The committee referred the matter to the Environment Department/SEIAA for ascertaining the alleged violation and action under the Environmental (Protection) Act, 1986. The Environment Department of the State Government vide letter dated 11th June, 2014 issued proposed directions u/s 5 of the Environmental (Protection) Act, 1986 for the alleged violation of the EIA notification,

2006, which were replied by the project proponent on 11th July, 2014. The State Government, after taking note of the submission of the Project Proponent confirmed the directions u/s 5 of the EP Act, 1986 on 01st January, 2015, with the directions to stop the construction work till EC is obtained from the competent authority. SEIAA asked the project proponent to furnish a board resolution expressing apology on the violation already committed. Complaint case No. 0401221/2015 dated 3rd September, 2015 was filed by the Maharashtra Pollution Control Board in the court of Chief Judicial Magistrate, Pune, which is still pending for disposal. SEAC-III in its 43rd meeting held on 27th February, 2016 recommended the project for grant of Environment Clearance. The project proponent remained absent for 101st SEIAA meeting held on 11th May, 2016.

4. The construction was reported to be started in 5th June 2013 and 60% of built up area was completed by January, 2015 without obtaining prior EC.

5. The Ministry has issued a Notification vide S.O. 804 (E) dated 14th March, 2017 for appraisal of projects for grant of Terms of Reference / Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance, or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006.

6. As per the above said notification, in cases of violation, action is to be taken against the project proponent by the respective State Government or the State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

7. The proposal was considered by the Expert Appraisal Committee constituted in the Ministry for appraisal of the proposals for ToR/EC in pursuance of the Ministry's Notification dated 14th March, 2017, in its meeting held on 19-21 February, 2018. Minutes of the said meeting is enclosed.

8. In view of the above, it is requested to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986 for violation of the EIA Notification, 2006.

9. This issues with approval of Competent Authority


(Kushal Vashist)
Director

Encls: As above

Copy to:

1. The Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th Floor, Opp. Cine Planet, Sion Circle, Mumbai - 400 022 (Maharashtra).
2. M/s Keystone Properties, Business Embassy, 1205/3/3, J M Raod, Shivajinagar, Pune - 410 005 (Maharashtra).

Minutes of 4th meeting of Expert Appraisal Committee for the proposal involving violation of EIA Notification, 2006 held on 19-21 February, 2018 at Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, New Delhi

Day 1: Monday, 19th February, 2018

Time: 10:30 AM

4.1. Opening remarks of the Chairman

4.2. Confirmation of the minutes of the 3rd meeting held on 30-31 January, 2018 at Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi

The EAC, having taken note that no comments were offered on the minutes of its 3rd meeting held on 30-31 January, 2018 at New Delhi, confirmed the same.

4.3. Consideration of proposals

S. No.	Proposals										
4.3.1	<p>Modification and Expansion of Group Housing Project 'Atharva' at Sec-109, Village Pawala Khurupur, Gurugram (Haryana) by M/s Raheja Developers Ltd</p> <p>[IA/HR/NCP/64537/2017] [F. No. 23-30/2018-IA.III]</p>										
4.3.1.1	<p>The project involves expansion and modification of the project 'Atharva Group Housing' with total built up area of 199616.3 sqm in total plot area of 59941.9 sqm by M/s Raheja Developers Ltd at Sector 109, Village Pawala Khusrupur, Gurugram (Haryana).</p> <p>The project site is permitted for residential cum commercial use as per approved Master Plan of the area. Planning/building permission for an area of 104117.292 sqm was obtained from the Directorate of Town & Country Planning, Haryana on 14th December, 2009, which was later revised to 110559.082 sqm on 16th November, 2012.</p> <p>The said project/activity is covered under category B of item 8(b) of Schedule to the EIA Notification, 2006, and requires prior EC from the SEIAA in Haryana based on the appraisal by SEAC.</p> <p>The chronology of events for seeking EC, deliberations by the respective authorities and the actions taken are reported to be as under:-</p> <table border="1" data-bbox="336 1720 1418 2063"> <tbody> <tr> <td data-bbox="336 1720 970 1823">Environmental clearance granted by SEIAA for built up area of 157917.34 sqm (Dwelling units-528, EWS units-116)</td> <td data-bbox="970 1720 1418 1823">1st April, 2009</td> </tr> <tr> <td data-bbox="336 1823 970 1890">Application for revised EC was submitted to SEAC/SEIAA in Haryana</td> <td data-bbox="970 1823 1418 1890">26th October, 2015</td> </tr> <tr> <td data-bbox="336 1890 970 1957">Appraisal by SEAC in its meetings</td> <td data-bbox="970 1890 1418 1957">Not yet done</td> </tr> <tr> <td data-bbox="336 1957 970 2002">Site visits conducted by the sub-committee</td> <td data-bbox="970 1957 1418 2002">15/07/2017</td> </tr> <tr> <td data-bbox="336 2002 970 2063">Findings of the sub-committee</td> <td data-bbox="970 2002 1418 2063">Construction undertaken on additional area of 0.8 acre. Also,</td> </tr> </tbody> </table>	Environmental clearance granted by SEIAA for built up area of 157917.34 sqm (Dwelling units-528, EWS units-116)	1 st April, 2009	Application for revised EC was submitted to SEAC/SEIAA in Haryana	26 th October, 2015	Appraisal by SEAC in its meetings	Not yet done	Site visits conducted by the sub-committee	15/07/2017	Findings of the sub-committee	Construction undertaken on additional area of 0.8 acre. Also,
Environmental clearance granted by SEIAA for built up area of 157917.34 sqm (Dwelling units-528, EWS units-116)	1 st April, 2009										
Application for revised EC was submitted to SEAC/SEIAA in Haryana	26 th October, 2015										
Appraisal by SEAC in its meetings	Not yet done										
Site visits conducted by the sub-committee	15/07/2017										
Findings of the sub-committee	Construction undertaken on additional area of 0.8 acre. Also,										

		<p><i>enable the Central Government to pass appropriate orders in accordance with such Notification.”</i> <i>“List these matters after six weeks.”</i></p> <p>The construction was reported to be started in 1996 and 75% of the built-up area was completed by July, 2013 without obtaining the prior EC. It was informed that no proposal for EC was submitted to the SEAC/SEIAA. Now the proposal has been submitted to the Ministry for consideration in pursuance of the Ministry's Notification dated 14th March, 2017 due to violation of the EIA Notification, 2006.</p>
4.4.12.2	<p><i>The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for the following:-</i></p> <p><i>(i) The State Government/SPCB to take action against the project proponent under the provisions of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC.</i></p> <p><i>(ii) Grant of Terms of Reference for undertaking EIA and preparation of Environment Management Plan (EMP) as enumerated in Annexure-I, along with public hearing.</i></p> <p><i>(iii) Recommendations of State Coastal Zone Management Authority, Kerala shall be submitted.</i></p> <p><i>(iv) The project will be appraised as integrated for Environmental and CRZ Clearance under the EIA Notification, 2006.</i></p> <p><i>(v) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.</i></p>	
4.4.13	<p>Construction of 'My Home, Punawale' at S.No. 16/3, Punawale, District Pune (Maharashtra) by M/s Keystone Properties (formerly M/s Royal Developers)</p> <p>[IA/MH/NCP/70514/2017] [F. No. 23-57/2018-IA.III]</p>	
4.4.13.1	<p>The project involves construction of residential cum commercial complex, 'My Home Punawale' by M/s Keystone Properties (formerly M/s Royal Developers) with total built up area of 40295.89 sqm and total plot area 16955 sqm at S. No. 16/3, Punawale, Pune (Maharashtra).</p> <p>The project site is permitted for Residential cum Commercial use as per approved master plan of the area. Planning/Building permission for built up area of 22400.45 sqm was obtained from Pimpri-Chinchwad Municipal Corporation, Pune vide letter dated 25th April, 2012 followed by non-agricultural use order by the District Collector, Pune on 26th September, 2012 which is further revised vide approval letter dated 22nd July, 2013.</p> <p>The said project/activity is covered under category B of item 8(a) of the schedule to the</p>	

<p>EIA Notification 2006, and requires prior EC from SEIAA of Maharashtra based on the appraisal by SEAC.</p> <p>The chronology of events for seeking EC, deliberations by the respective authorities and the actions taken are reported to be as under:-</p>	
Application for EC was submitted to SEAC-III/SEIAA in Maharashtra	09 th July, 2012.
Appraisal by SEAC in its meetings	9 th meeting of SEAC-III – 13/5/2014
Final observations/recommendations of the SEAC to the SEIAA/State Government)	In 9 th meeting held on 13 th May, 2014 the SEAC-III observed that the project proponent has initiated construction work without obtaining the prior EC and thus violated provisions of the EIA Notification, 2006. The committee referred the matter to the Environment Department/SEIAA for ascertaining the alleged violation and action under the Environmental (Protection) Act, 1986.
Action taken by State Government/SEIAA	The Environment Department of the State Government vide letter dated 11 th June, 2014 issued proposed directions u/s 5 of the Environmental (Protection) Act, 1986 for the alleged violation of the EIA notification, 2006, which were replied by the project proponent on 11 th July, 2014. The State Government, after taking note of the submission of the Project Proponent confirmed the directions u/s 5 of the EP Act, 1986 on 01 st January, 2015, with the directions to stop the construction work till EC is obtained from the competent authority. SEIAA asked the project proponent to furnish a board resolution expressing apology on the violation already committed.
Complaint case filed by the State Government/State Pollution Control Board.	Complaint case No. 0401221/2015 dated 3 rd September, 2015 was filed by the Maharashtra Pollution Control Board in the court of Chief Judicial Magistrate, Pune, which is still pending for disposal.
Further Consideration of the Project by SEAC & recommendations	37 th meeting - 17 th November, 2015 41 st meeting - 27 th January, 2016 43 rd meeting - 27 th February, 2016. SEAC-III in its 43 rd meeting recommended for grant of Environment Clearance.
Final recommendations of SEIAA	The project proponent remained absent for 101 st SEIAA meeting held on 11 th May,

	2016.
	The construction was reported to be started in 5 th June 2013 and 60% of built up area was completed by January, 2015 without obtaining prior EC. Now proposal has been submitted to the Ministry for consideration in pursuance of the Ministry's Notification dated 14 th March 2017 due to violation of the EIA Notification, 2006.
4.4.13.2	<p><i>The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14th March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for the following:-</i></p> <p><i>(i) The State Government/SPCB to take action against the project proponent under the provisions of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC.</i></p> <p><i>(ii) Grant of Terms of Reference for undertaking EIA and preparation of Environment Management Plan (EMP) as enumerated in Annexure, along with public hearing.</i></p> <p><i>(iii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.</i></p>
4.4.14	<p>Proposed Residential cum commercial complex 'Godrej Prakriti' in West Bengal by M/s Godrej Properties Ltd</p> <p>[IA/WB/NCP/64706/2017] [F. No. 23-58/2018-IA.III]</p>
4.4.14.1	<i>The project proponent did not attend the meeting. The project was, therefore, deferred.</i>
Day 3: Wednesday, 21st February, 2018	
4.5.1	<p>Construction of Residential Project by M/s Green Vistas Infrastructure Projects at Survey Nos. 359/3, Kakkanad Village, Thrikakkara Municipality, Taluk Kanayannur, District Ernakulam (Kerala)</p> <p>[IA/KL/NCP/70206/2017] [F. No. 23-59/2018-IA.III]</p>
4.5.1.1	<p>The project involves construction of residential project by M/s Green Vistas Infrastructure Projects with built-up area of 75,886 sqm in a total plot area of 1.503 ha at Sy. No. 359/3, Village Kakkanad, Thrikakkara Municipality, Kanayannur Taluk, District Ernakulam (Kerala).</p> <p>The project site is permitted for residential use as per approved land use of the area. Planning/Building permission for built-up area of 75,886 sqm was obtained from Thrikakkara Municipality, the Local Self Government (the concerned Authority) vide NOC & building permit dated 4/2/2006 & 22/12/2014 respectively.</p> <p>The said project/activity is covered under Category 'B' of item 8(a) of Schedule of the EIA Notification, 2006, and requires prior EC from SEIAA of Kerala based on the appraisal by</p>

Members of the EAC for the proposal involving violation of EIA Notification, 2006 present during 4th meeting held on 19-21 February, 2018 at MoEF&CC, New Delhi

1.	Dr. S.R. Wate	Chairman
2.	Dr. P.A. Joshi	Member
3.	Dr. G.V. Subrahmanyam	Member
4.	Shri K Gowarappan	Member
5.	Dr. Dilip S. Ramteke	Member
6.	Dr. Poonam Kumria	Member
7.	Dr.Subrata Maity	Member
8.	Shri S.K. Srivastava	Member Secretary

CONSOLIDATED STATEMENT: SEIAA-STATEMENT-0000001522**Subject:** Environment Clearance for for project by M/s Keystone Properties**Is a Violation Case:** Yes

1.Name of Project	My Home Punawale (Formerly IRA)
2.Type of institution	Private
3.Name of Project Proponent	Mr. Mohit Goyal
4.Name of Consultant	Sneha Hi-Tech Products, Bangalore
5.Type of project	Residential & Commercial
6.New project/expansion in existing project/modernization/diversification in existing project	New Project
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Not applicable
8.Location of the project	S. no. 16/3,
9.Taluka	Mulshi,
10.Village	Punawale
Correspondence Name:	Mr. Mohit Goyal
Room Number:	-
Floor:	2nd Floor,
Building Name:	1, Business Embassy
Road/Street Name:	1205/3/3, J.M. Road,
Locality:	Shivajinagar,
City:	Pune
11.Whether in Corporation / Municipal / other area	Pimpri Chinchwad Municipal Corporation (PCMC)
12.IOD/IOA/Concession/Plan Approval Number	Received IOD/IOA/Concession/Plan Approval Number: B.P./ENV/Punawale/05/2015 dated 07/07/2015 Approved Built-up Area: 41341.48
13.Note on the initiated work (If applicable)	27699.10 m2
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	Not Applicable
15.Total Plot Area (sq. m.)	16955.00 m2
16.Deductions	2165.72 m2
17.Net Plot area	14789.28 m2
18 (a).Proposed Built-up Area (FSI & Non-FSI)	a) FSI area (sq. m.): 21227.44 b) Non FSI area (sq. m.): 20224.04 c) Total BUA area (sq. m.): 41451.48
18 (b).Approved Built up area as per DCR	Approved FSI area (sq. m.): 21227.44 Approved Non FSI area (sq. m.): 20114.04 Date of Approval: 07-07-2015
19.Total ground coverage (m2)	2709.85 m2
20.Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	15.98 % of Total plot Area (16955.00 m2) & 18.32 % of Net plot Area (14789.28 m2)
21.Estimated cost of the project	760000000

22.Number of buildings & its configuration

Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)
1	Building -A	P +12	39.85
2	Building -B	P+12	39.85
3	Building -C	P+12	39.85

4	Building -D	2P+12	39.85
23.Number of tenants and shops	Total Tenements= 360 Nos. Shops:6 Nos		
24.Number of expected residents / users	Residential Users: 1800 Nos. Commercial Users: 75 Nos. Total : 1875 Nos.		
25.Tenant density per hectare	244		
26.Height of the building(s)			
27.Right of way (Width of the road from the nearest fire station to the proposed building(s))	30 m wide road		
28.Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9 m		
29.Existing structure (s) if any	Not Applicable		
30.Details of the demolition with disposal (If applicable)	Not Applicable		

31.Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable

32.Total Water Requirement

Dry season:	Source of water	PCMC
	Fresh water (CMD):	266.88 m3/day (One Time)
	Recycled water - Flushing (CMD):	83.25 m3/day
	Recycled water - Gardening (CMD):	10.50 m3/day
	Swimming pool make up (Cum):	NA
	Total Water Requirement (CMD) :	173.13m3/day
	Fire fighting - Underground water tank(CMD):	300 m3
	Fire fighting - Overhead water tank(CMD):	80 m3
	Excess treated water	136.99m3/day

Wet season:	Source of water	PCMC
	Fresh water (CMD):	256.38 m3/day (One Time)
	Recycled water - Flushing (CMD):	83.25 m3/day
	Recycled water - Gardening (CMD):	NA
	Swimming pool make up (Cum):	NA
	Total Water Requirement (CMD) :	173.13m3/day
	Fire fighting - Underground water tank(CMD):	300 m3
	Fire fighting - Overhead water tank(CMD):	80 m3
	Excess treated water	147.49m3/day
Details of Swimming pool (If any)	<p>Dimension of Swimming Pool: 13.16m X 5.3m X 1.2m Total water Requirement in KLD:90,000 Ltrs Water requirement For Make Up in KLD:8520 Ltrs. Details of Plant & Machinery used for treatment of Swimming pool water: Details of quality to be achieved for swimming pool water and parameters to be monitored:</p> <ul style="list-style-type: none"> Budgetary allocation (Capital cost and O & M cost): Capital Cost:Rs. 20.0 Lakh O&M Cost:Rs.1.20 Lakh /Year 	

33.Details of Total water consumed									
Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
34.Rain Water Harvesting (RWH)	Level of the Ground water table:		4 to 6 m below Ground Level						
	Size and no of RWH tank(s) and Quantity:		NA						
	Location of the RWH tank(s):		NA						
	Quantity of recharge pits:		recharge pits- 9 nos. & recharge pits with bores- 5 nos.						
	Size of recharge pits :		2m x 2m x 0.9m						
	Budgetary allocation (Capital cost) :		Rs.14.00 Lakh						
	Budgetary allocation (O & M cost) :		Rs. 1.40 Lakh/Year						
Details of UGT tanks if any :		Residential + Commercial: Domestic UG tank Capacity:2,44,000Lit Flushing UG tank Capacity:1,35,500 Lit Fire UG tank Capacity : 3,00,000 Lit							
35.Storm water drainage	Natural water drainage pattern:		-						
	Quantity of storm water:		18.19 m3/min						
	Size of SWD:		200 mm- 450 mm						
Sewage and Waste water	Sewage generation in KLD:		230.74m3 /day						
	STP technology:		MBBR						
	Capacity of STP (CMD):		235 m3 /day						
	Location & area of the STP:		136 m2						
	Budgetary allocation (Capital cost):		Rs. 42.00 Lakh						
	Budgetary allocation (O & M cost):		Rs. 4.20 Lakh/Year						

36.Solid waste Management

Waste generation in the Pre Construction and Construction phase:	Waste generation:	25.0 kg/day
	Disposal of the construction waste debris:	Use for Leveling
Waste generation in the operation Phase:	Dry waste:	371.0 kg/day
	Wet waste:	548.0 kg/day
	Hazardous waste:	NA
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	20.76 kg/day (100% Dry)
	Others if any:	NA
Mode of Disposal of waste:	Dry waste:	SWaCH
	Wet waste:	Organic Waste Convertor
	Hazardous waste:	NA
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	Used as Manure after Treatment in OWC
	Others if any:	NA
Area requirement:	Location(s):	-
	Area for the storage of waste & other material:	67.5m2 including machinery area
	Area for machinery:	-
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Rs.21.75 Lakh
	O & M cost:	Rs.5.37 Lakh/Year

37.Effluent Charecterestics

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

38.Hazardous Waste Details							
Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
39.Stacks emission Details							
Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases	
1	200 KVA - 1 No	37 Liters / Hr for 100 % Load	S-1	Standard	-	-	
40.Details of Fuel to be used							
Serial Number	Type of Fuel	Existing	Proposed	Total			
1	HSD	37 Liters / Hr for 100 % Load	NA	37 Liters / Hr for 100 % Load			
41.Source of Fuel		Bharat Petroleum Corporation Ltd/ Hindustan Petroleum					
42.Mode of Transportation of fuel to site		By Roadway					
43.Green Belt Development							
		Total RG area :	1713.43 m2				
		No of trees to be cut :	NA				
		Number of trees to be planted :	256 Nos				
		List of proposed native trees :	-				
		Timeline for completion of plantation :	Before completion				
44.Number and list of trees species to be planted in the ground							
Serial Number	Name of the plant	Common Name	Quantity	Characteristics & ecological importance			
1	Albizia lebek	Shirish	20	Medicinal for Skin,Fragrant flowers, To control soil erosion, Bird attracting species (Para kids eat seeds)			
2	Bauhinia blackiana	Kanchanraj	24	Every part of the plant is medicinal, Drought tolerant species.			
3	Anthocephalus kadamba	Kadamb	30	Medicinalvalue,Tocontrolsoil erosion,Birds, squirrels, monkey eats fruits.			
4	Azardirachta indica	Neem	20	Medicinal value,To control soil erosion.To improve soil erosion			
5	Dalbergia sissoo	Shisav	10	Medicinal value, Bird attracting species			
6	Pongamia pinnata	Karanj	10	Medicinal value, Drought tolerant species, To control soil erosion, Hardy plant.			
7	Michelia champaca	Sonchafa	22	Medicinal value, Fragrant flowers, Butterfly larvae host plant, Bird attracting species, Fast growing.			

8	Cassia fistula	Bahawa	01	Medicinal value, Drought tolerant species, Veryornamental, Well flowering plant, Honey bee attracting species, Host plant for Butterfly.
9	Roystonea regia	Bottle palm	29	Ornamental plant, Medicinal value, Birds & bats eat fruits.
10	Gmelina arborea	Shivan	10	Medicinal value, Drought tolerant species, Bird attracting species.
11	Mimosops elengii	Bakul	20	Fragrant flowers, Medicinal value, To control soil erosion.
12	Terminalia arjuna	Arjuna	18	Medicinal value, native species .
13	Vetchia merrelii	Manila palm	20	Ornamental tree, edible fruits
14	Wodyetia bifurcata	Foxtail palm	22	Ornamental tree, drought tolerant

45.Total quantity of plants on ground

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

Serial Number	Name	C/C Distance	Area m2
1	.	-	-

47. Energy

Power requirement:	Source of power supply :	MSEDCL
	During Construction Phase: (Demand Load)	45 KW
	DG set as Power back-up during construction phase	62.5 KVA-1 No.
	During Operation phase (Connected load):	838 KW
	During Operation phase (Demand load):	1048 KVA
	Transformer:	630 KVA x 1no. & 315 KVA x 1no.
	DG set as Power back-up during operation phase:	200KVA x 1no.
	Fuel used:	For 200 KVA - 37 Liters / Hr for 100 % Load
	Details of high tension line passing through the plot if any:	NA

48. Energy saving by non-conventional method:

- Energy Saving measures - LED, Solar, etc
- Solar PV of 3KW for common area lighting.

49. Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	External Lighting	14 KWH/Day
2	Lift Load	118 KWH/Day
3	Pump Load	65 KWH/Day
4	Common Areas	21 KWH/Day
5	Ventilation Load	1748 KWH/Day
6	Solar	1080 KWH/Day

50. Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Air	Partly green belt is provided.	-
Water	STP is installed & excess treated water used for flushing & gardening	-
Noise	Acoustically enclosed DG set is installed.	Noise monitoring will be done in once a fortnight. Traffic management plan to be prepared.
Solid Waste	Wet Waste is treated in OWC. STP sludge is Used as Manure after treatment in OWC. Dry Waste is given to SWaCH	-

Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Rs.16.82 Lakh
	O & M cost:	Rs.0.36 Lakh/Year

51. Environmental Management plan Budgetary Allocation

a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Air Environment	Water for Dust Suppression, Air & Noise Monitoring	0.50 Lakh/Year
2	Water Environment	Tanker Water for Construction, Water Monitoring	0.50 Lakh/Year
3	Land Environment	Site Sanitation -Mobile toilets	0.50 Lakh/Year
4	Socio-economic	Disinfection- Pest Control, First Aid Facilities, Health Check Up, Creches For Children, Food for children, Personal Protective Equipment	1.00 Lakh/Year

b) Operation Phase (with Break-up):				
Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	STP	Sewage Treatment Plant	Rs. 42.00 Lakh	Rs.4.20Lakh/Year
2	RWH	Rain Water Harvesting	Rs.14.00 Lakh	Rs. 1.40 Lakh/Year
3	OWC	Organic Waste Converter	Rs.21.75 Lakh	Rs.5.37 Lakh/Year
4	Solar System	-	Rs.16.82 Lakh	Rs.0.36Lakh/Year
5	Landscaping	-	Rs.57.99 Lakh	Rs.9.27 Lakh/Year
6	Swimming pool	-	Rs. 20.00 Lakh	Rs.1.20Lakh /Year
7	Pumping + piping	-	Rs. 15.00 Lakh	Rs. 1.20Lakh/Year
8	Storm Water Network	-	Rs. 4.00 Lakh	Rs. 0.25 Lakh/Year
9	Safety Equipments	-	Rs. 10.00 Lakh	Rs 2.00 Lakh/Year
10	Post EC Monitoring	-	-	Rs 2.50 Lakh/Year
11	Dry Waste Management	-	-	Rs 2.16 Lakh/Year
12	Alternate Water Supply	-	-	Rs 4.80 Lakh/Year

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

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

52.Any Other Information

No Information Available

53.Traffic Management

	Nos. of the junction to the main road & design of confluence:	-
--	--	---

Parking details:	Number and area of basement:	NA
	Number and area of podia:	NA
	Total Parking area:	9241.00 m2
	Area per car:	49.68m2
	Area per car:	49.68m2
	Number of 2-Wheelers as approved by competent authority:	738
	Number of 4-Wheelers as approved by competent authority:	186
	Public Transport:	NA
	Width of all Internal roads (m):	6M

	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	8(a)
	Court cases pending if any	No
	Other Relevant Informations	-
	Have you previously submitted Application online on MOEF Website.	No
	Date of online submission	-

DISCUSSION HISTORY

Minutes Number: SEIAA-MINUTES-0000002382 (**Meeting Title:** Agenda of 172 nd Meeting of SEIAA Meeting Number: 172 dated 25-07-2019)

Brief Information of the project by SEAC

SEAC DECISION

Specific Conditions by SEAC:

SEIAA DECISION

As PP was absent, **SEIAA decided to defer** the proposal.

Specific Conditions by SEIAA:

FINAL REMARKS

SEIAA have decided to defer the proposal till PP submits the additional information as per above conditions within 30 days

Minutes Number: SEIAA-MINUTES-0000002485 (**Meeting Title:** 174 th Agenda of SEIAA (Day-2) **Meeting Number:** 174 dated 29-08-2019)

Brief Information of the project by SEAC

SEAC DECISION

Specific Conditions by SEAC:

SEIAA DECISION

PP informed that the total constructed area on site is: 24184.78 m². PP applied as per the MoEF&CC Notification within validity of amnesty window period. Authority noted the same. constructed area on site is amounts to violation of EIA Notification, 2006. Authority decided to refer back the proposal to SEAC-3 for further necessary action as per Notification dt. 14.03.2017 (amended on 08.03.2018) and Office Memorandum dt. 16.03.2018 issued by MoEF&CC.

Specific Conditions by SEIAA:

FINAL REMARKS

SEIAA have decided to refer back the proposal to SEAC due to the above conditions

Minutes Number: SEAC-MINUTES-0000004769 (**Meeting Title:** 94th SEAC-3 Day 02 **Meeting Number:** 94 dated 24-09-2019)

Brief Information of the project by SEAC

PP had submitted application for Environmental Clearance to Department of Environment, Government of Maharashtra, Mumbai on 09/07/2012.

Then SEAC Committee has considered the proposal in its 9th SEAC III meeting held on 13/05/2014. After detail deliberation SEAC III noted that the PP had initiated the construction work without obtaining the Prior environmental clearance and decided to refer our proposal to Environment Department, GoM to verify the issue of violation and to take necessary action as per MoEF OM dated 12th December,2012.

PP had received Show Cause Notice dated 11/06/2014 from Department of Environment, Government of Maharashtra. The personal hearing was extended on 04/12/2014 and as per Directions of Department of Environment, Government of Maharashtra, dated 01/01/2015. Maharashtra Pollution Control Board, Mumbai has filled Criminal Case against PP in Chief Judicial Magistrate Court, Pune Vide Case No. 0401221/2015

During discussion, PP informed that Planning/Building permission was initially obtained to our project from Pimpri-Chinchwad Municipal Corporation vide letter dated 25th April, 2012 got proposed total Built up of 22400.45 m² (FSI 14397.04 m² + NON FSI 8003.41 m²).

The same was later revised on 22nd July 2013 got proposed total Built up of 24388.10 m²(FSI 14449.39 m² + NON FSI 9715.55 m²). Then the last amended plans on 7th July, 2015 for proposed total built up area of 41341.48 m² (FSI 21227.44 m² + NON FSI 20114.04 m²) was issued.

PP had carried out construction of total built up 27699.10 m² (FSI area 14076.10 m² + NON FSI area 13623.00 m²) on site.

The proposal was appraised in 37th & 41st SEAC III meeting held on 17/11/2015 & 27/01/2016 respectively. Further, the proposal was appraised in 43rd SEAC III meeting held on 27/02/2016. During meeting SEAC decided to recommend the proposal for prior Environmental Clearance.

The proposal was further considered in 101st SEIAA meeting held on 11/05/2016. However, Due to court case, PP had requested to postponed our case in next SEIAA meeting.

Then As per MoEF & CC notification dated 14/03/2017 PP had applied for grant of ToR to MoEF & CC on 24/10/2017.

Then the proposal was considered in 4th EAC, MoEF & CC, New Delhi meeting held on 20/02/2018. During meeting committee decided to grant ToR.

With reference to the Judgment of the Court of Chief Judicial Magistrate, Pune , PP informs that the case filed against us is closed on 05/06/2018.

PP had received ToR letter on 26/06/2018 prescribing the EIA & EMP.

PP had submitted EIA report accordingly.

The proposal was further considered in 172nd SEIAA meeting dated 25/07/2019, wherein PP remained absent.

The proposal was further considered in 174th SEIAA meeting where authority has decided to refer back the proposal to SEAC III for further necessary action as per Notification dt. 14.03.2017 (amended on 08.03.2018) and Office Memorandum dt.16.03.2018 issued by MoEF&CC.

Now, PP had submitted revised application for prior Environmental clearance for total plot area of 16955.00 m², FSI area of 21206.18 m², Non FSI area of 19089.71 m² and total BUA of 40295.89 m².

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

SEAC DECISION

During discussion following points emerged:

1. Parking plan for commercial shops be revised such that they do not interfere with residential parking.
2. The dimensions of drive ways in parking layout plan be clearly indicated.
3. PP to submit 4-5 cross sections (across and longitudinal) showing width of drive way and drainage channels etc.
4. PP to submit parking statement showing total number of parking required and proposed as per DCR.
5. PP to submit Traffic Management Plan for the development - Internal circulation indicating road width and turning radius. Cross section of roads at four places showing clear road width, distance left from building line, spaces left for plantation, footpath, service lines etc.
6. PP to submit Traffic Volume Counts and Turning Movement Counts on all the external surrounding roads of the proposed project showing the time period taken.
7. PP to submit Topographic details of roads and intersection of the surrounding roads where counts are taken, actual geometry on ground to be shown with dimensions..
8. PP to submit Traffic generation values of similar development to be given by actual count by actual count as support data for assumption made to the particular project.
9. PP to submit Parking statement mentioning parking as per DCR & parking provided actually.
10. PP to submit Basement ventilation plan: Fire Tender Movement Plan showing clear road and turning radius. Cross section of roads at four places including UGT, OWC and DG set location showing clear road width and distance left from building line & spaces left for plantation, parking, service lines, foot paths, etc.
11. Identify sources of air pollution, indicate mitigation measures to reduce Air pollution/Noise pollution.
12. PP to submit details of Management of solid waste and the construction & demolition waste for the project vis-a-vis the Solid Waste Management Rules 2016 amended till date and the Construction & Demolition Rules, 2016 amended till date. Transport, collection, storage and disposal for all types of wastes like hazardous waste, non-hazardous waste, solid waste, E- waste, and debris/excess earth etc. PP to provide the detailed solid waste management plan along with marked locations on the master plan. Design details of waste processing equipment such as OWC/biogas plants confirming to the technical requirements to meet the quality products.
13. PP to submit details of Waste water management (treatment, reuse and disposal) for the project and also the study area. Design of all STP's along with BOD load, oxygen requirement calculations and sizing of the tanks with respect to the design criteria. PP to submit detailed calculation for the disinfection of the treated STP water; PP to submit cross sectional drawing of STP's showing dimensions and ground level; PP to provide ozonation for tertiary treatment. PP to mark the area required for all STP's on master layout with dimensions
14. PP to show internal storm water drain and sewer line arrangements up to final disposal point.
15. PP to submit details of Provision of mandatory RG area on virgin land and submit the drawing with calculations, ensuring entire mandatory RG is provided on the plot where residential buildings are proposed.
16. PP to submit a detailed phase wise development plan with safety planning where occupancy has been given.
17. Environmental status report including analysis reports of all environmental pollution reduction facilities if any commissioned.
18. PP to submit details of Fugitive dust modelling by using local meteorological data.
19. PP to submit details of Ecological footprint calculation using LCA approach.
20. PP to submit details of Estimation of Carbon footprint of the project.
21. PP to submit details of Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection of data and sample analysis shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986 or Environmental Laboratory accredited by NABL, or a laboratory of council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
22. PP to submit details of Gate mass balance analysis for environmental parameters related to solid/liquid waste material coming to site, waste generated and its treatment and disposal from site.
23. PP to prepare remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
24. PP to refer "approach paper for assessment for environmental damage and estimation of remediation costs for building construction projects initiated with obtaining mandatory environmental clearance" available on the portal : "ecmpcb.in".
25. PP to obtain and submit following NOC's: (a) Water supply with quantity, (b) Drainage NOC. (c) Garden NOC.
26. PP to submit survival report of existing trees. PP to submit plantation plan incorporating local native fruit bearing trees.

PP requested for time to submit the information sought; after deliberations committee asked PP to **comply** with the observations and submit information to the committee for further discussion and consideration of SEAC.

Specific Conditions by SEAC:

FINAL REMARKS

SEAC- decided to defer the proposal till PP submits the additional information as per above conditions within 30 days

Minutes Number: SEAC-MINUTES-0000005049 (**Meeting Title:** Agenda for 97th SEAC-3 meeting Day 03 **Meeting Number:** 97 dated 07-11-2019)

Brief Information of the project by SEAC

PP had submitted application for Environmental Clearance to Department of Environment, Government of Maharashtra, Mumbai on 09/07/2012.

Then SEAC Committee has considered the proposal in its 9th SEAC III meeting held on 13/05/2014. After detail deliberation SEAC III noted that the PP had initiated the construction work without obtaining the Prior environmental clearance and decided to refer our proposal to Environment Department, GoM to verify the issue of violation and to take necessary action as per MoEF OM dated 12th December,2012.

PP had received Show Cause Notice dated 11/06/2014 from Department of Environment, Government of Maharashtra. The personal hearing was extended on 04/12/2014 and as per Directions of Department of Environment, Government of Maharashtra, dated 01/01/2015. Maharashtra Pollution Control Board, Mumbai has filed Criminal Case against PP in Chief Judicial Magistrate Court, Pune Vide Case No. 0401221/2015

Planning/Building permission was initially obtained to our project from Pimpri-Chinchwad Municipal Corporation vide letter dated 25th April, 2012 got proposed total Built up of 22400.45 m² (FSI 14397.04 m² + NON FSI 8003.41 m²). The same was later revised on 22nd July 2013 got proposed total Built up of 24388.10 m²(FSI 14449.39 m² + NON FSI 9715.55 m²). Then the last amended plans on 7th July, 2015 for proposed total built up area of 41341.48 m² (FSI 21227.44 m² + NON FSI 20114.04 m²) was issued.

PP had carried out construction of total built up 27699.10 m² (FSI area 14076.10 m² + NON FSI area 13623.00 m²) on site.

The proposal was appraised in 37th & 41st SEAC III meeting held on 17/11/2015 & 27/01/2016 respectively. Further, the proposal was appraised in 43rd SEAC III meeting held on 27/02/2016. During meeting SEAC decided to recommend the proposal for prior Environmental Clearance.

The proposal was further considered in 101st SEIAA meeting held on 11/05/2016. However, Due to court case, PP had requested to postponed our case in next SEIAA meeting.

Then As per MoEF & CC notification dated 14/03/2017 PP had applied for grant of ToR to MoEF & CC on 24/10/2017.

Then the proposal was considered in 4th EAC, MoEF & CC, New Delhi meeting held on 20/02/2018. During meeting committee decided to grant ToR.

With reference to the Judgment of the Court of Chief Judicial Magistrate, Pune , PP informs that the case filed against us is closed on 05/06/2018.

PP had received ToR letter on 26/06/2018 prescribing the EIA & EMP. PP had submitted EIA report accordingly.

The proposal was further considered in 172nd SEIAA meeting dated 25/07/2019, wherein PP remained absent.

The proposal was further considered in 174th SEIAA meeting where authority has decided to refer back the proposal to SEAC III for further necessary action as per Notification dt. 14.03.2017 (amended on 08.03.2018) and Office Memorandum dt.16.03.2018 issued by MoEF&CC.

Now, PP had submitted application for prior Environmental clearance for total plot area of 16955 m², FSI area of 21227.44 m², Non FSI area of 20224.04 m² and total BUA of 41451.48 m².

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

The building configuration of the proposal is as below:

Building A, B & C : P +12 (Height 39.85 m)

Building D : 2P +12 (Height 39.85 m)

SEAC DECISION

During discussion following points emerged:

1. The committee noted that Cost of remediation plan and natural & community resource augmentation plan as per revised approach paper is estimated as Rs. 1.76 Cr. The Committee also noted that the amount of CER as per MoEF & CC circular dated 1/05/2018 is Rs. 1.52 Cr which is less than the remediation / augmentation plan. Therefore committee decided to obtain Bank Guarantee of Rs 1.76 Cr for the project completion period.

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

Specific Conditions by SEAC:

1) The committee noted that Cost of remediation plan and natural & community resource augmentation plan as per revised approach paper is estimated as Rs. 1.76 Cr. The Committee also noted that the amount of CER as per MoEF & CC circular dated 1/05/2018 is Rs. 1.52 Cr which is less than the remediation / augmentation plan. Therefore committee decided to obtain Bank Guarantee of Rs 1.76 Cr for the project completion period.

FINAL REMARKS

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

Minutes Number: SEIAA-MINUTES-0000002949 (**Meeting Title:** 185 th Meeting of SEIAA **Meeting Number:** 185 dated 10-01-2020)

Brief Information of the project by SEAC

SEAC DECISION

Specific Conditions by SEAC:

- 1) PP to submit a bank guarantee of Rs. 176.00 lakhs to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan
- 2) PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.
- 3) PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA.III dt.04.01.2019.
- 4) SEIAA decided to grant EC for - FSI: 21227.44 m2, Non-FSI:20114.04 m2 and Total BUA:41341.48 m2 (Plan Approval no-BP/EC/Punawale/12/2019, Date-18.12.2019)

SEIAA DECISION

Proposal was recommended in 97th meeting of SEAC-3. PP submitted their application for prior Environmental clearance as per the MoEF&CC Notification dated 14/03/2017 and 8/03/2018.

Committee noted that Cost of remediation plan and natural & community resource augmentation plan as per revised approach paper is estimated as Rs.176.00 lakhs.

SEIAA decided to grant EC for - FSI: 21227.44 m², Non-FSI:20114.04 m² and Total BUA:41341.48 m² (Plan Approval no-BP/EC/Punawale/12/2019, Date-18.12.2019)

The Authority accepted the revised calculations submitted by PP and decided to grant EC for subject to following conditions

1. 1.PP to submit a bank guarantee of Rs. 176.00 lakhs to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan
2. 2.PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.
3. 3.PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA.III dt.04.01.2019.

Specific Conditions by SEIAA:

- 1) PP to submit a bank guarantee of Rs. 176.00 lakhs to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan
- 2) PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.
- 3) PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA.III dt.04.01.2019.
- 4) SEIAA decided to grant EC for - FSI: 21227.44 m², Non-FSI:20114.04 m² and Total BUA:41341.48 m² (Plan Approval no-BP/EC/Punawale/12/2019, Date-18.12.2019)

FINAL REMARKS

SEIAA have decided to grant the proposal for Prior Environmental Clearance subject to above conditions

1

R.C.C No. 1221/2015 Judgment.
CNR NO. MHPU04-008617-2015

Presented on : 19/03/2015
Registered on : 19/03/2015
Decided on : 05/06/2018
Duration : Y. M. D.
03 02 17

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, PUNE

(Presided Over by Satyasheela T. Katare)

REG.CRIMINAL CASE NO. 1221/2015

Exh. No.32

Maharashtra Pollution Control Board
3rd and 4th Floor, Kalpataru Point Building,
Sion (East), Mumbai- 400022.

(Represented by Mr. A.D. Mohekar
Regional Officer-Pune
Maharashtra Pollution Control Board
3rd Floor, Jog Centre Building,
Wakadewadi, Mumbai-Pune Highway,
Pune- 411 003

.....**COMPLAINANT**

-VERSUS-

1) M/s. Royal Developers, (Now Keystone Properties)
Business Embassy, 1205/3/3,
J. M. Road, Shivajinagar, Pune – 05

2) Mr. Mohit Rajendra Goyal
Partner of M/s. Royal Developers,
(Now Keystone Properties)
R/at : Flat No. 2, Vrukshali Apartment ,
Next to Kamla Nehru Park, Bhandarker Road,
Pune .

...**ACCUSED**

Offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006).

Appearances

Ld. Adv. Sayali Daware for the Complainant.

Ld. Adv. Musale for the accused.

JUDGMENT

(Delivered on 5th day of June, 2018)

01. The complainant Mr. A.D. Mohekar, Regional Officer of the Maharashtra Pollution Control Board, at Pune [For short "MPCB"] alleging that accused have committed the offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) [For short "MPCB Board"]. He is authorized to file complaint under the Provisions of the Environment (Protection) Act, 1986.

Following are the facts in nutshell:-

02. It is contended that accused no. 1 is a Partnership firm constituted under the provision of the Partnership Act, 1932. The accused No.1 company is represented by accused No. 2 who are the persons incharge of accused No.1-Company. Accused are engaged in the development of construction of residential and commercial project namely " My Home Punwale", (Formerly Ira) at S. No. 16/3, Punawale, Tal. Haveli, Dist. Pune.

Accused No. 2 directly in-charge 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. It is contention of the complainant that accused have carried out excess construction of total built up area admeasuring 32948.60 M2 at the site without prior permission of the complainant board.

03. It is further contended that the complainant board has filed the complaint against accused persons for the offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006). Hence, the complainant filed this complaint against accused.

04. Accused No. 2 appeared before the Court. Today he remained present before the Court. The charge has been framed against accused No. 1 and 2 , to which he pleaded guilty and submitted that this is his first offence and he want to voluntarily plead guilty for the offence leveled against him on behalf of the company as well as himself. He submitted separate application in respect of plead guilty before the Court at Exh.29. Consequences of plead guilty were narrated to accused. However, the said accused remained firm on his decision to confess the guilt with prayer for minimum punishment.

05. The learned advocate for the complainant board submitted that accused be punished with maximum fine. Accused submitted that this is the first case filed against them. They do not have antecedents. So also, he submitted that leniency be shown while passing the sentence and prayed for minimum fine. As accused voluntarily pleaded guilty, it appears to be first offence of accused. Therefore, in my opinion it is just and proper to direct accused to pay maximum fine amount. Hence, I pass the following order:

ORDER

1.	Accused Nos. 1 and 2 are hereby convicted vide section 246(3) of the Code of the Criminal Procedure for the offence under section 16 punishable under section 15 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) and sentence to pay fine of Rs. 60,000/- (Rs. Sixty Thousand Only) each in default simple imprisonment for 40 days each.
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The copy of judgment be supplied to the accused free of cost.

(Pronounced in open Court.)

(Satyasheela T. Katare)

Chief Judicial Magistrate, Pune.

Date : 05/06/2018

I affirm that the contents of this P.D.F file judgment are same word for word as per original Judgment.

Name of Stenographer : Smt. S.R.Shaikh

Court Name : Chief Judicial Magistrate, Pune.

Date of judgment :05/06/2018

Judgment Signed by P.O. on :05/06/2018.

Judgment uploaded on :06/06/2018

(16)

द. सं. २०४ म.
M. M. 204 m.

पावती क्र. _____
 दि. ५/११/२००८
 श्री म. डेव्हलपर्स

क्र. REC 1221/15 मध्ये यांच्याकडून फौजदारी खटला यांजवर
 बसविलेल्या दंडाबद्दलची रु. १०,०००/- इतकी रक्कम मिळाली.

कायद्याच्या ज्या कलमान्वये आरोपीस दंड झाला ते कलम } 246(b) CrP C
 } 15(1) PUS 15 of
 Environment
 Act 1986

पैसे घेणाऱ्याची सही. _____

दंडाधिकारी
 वरिष्ठ कारकून
 Chief Judicial Magistrate
 Court. Pune

(17)

द. सं. २०४ म.
M. M. 204 m.

पावती क्र. _____
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पैसे घेणाऱ्याची सही. _____

दंडाधिकारी
 वरिष्ठ कारकून
 Chief Judicial Magistrate
 Court. Pune



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

Environment department,
Room No. 217, 2nd floor,
Mantralaya, Annexe,
Mumbai- 400 032.
Date: January 24, 2020

To,
Mr. Mohit Goyal
at S. no. 16/3,

Subject: Environment Clearance for project by M/s Keystone Properties
Sir,

This has reference to your communication on the above mentioned subject. The proposal was considered as per the EIA Notification - 2006, by the State Level Expert Appraisal Committee-III, Maharashtra in its 97th meeting and recommend the project for prior environmental clearance to SEIAA. Information submitted by you has been considered by State Level Environment Impact Assessment Authority in its 185th meetings.

2. It is noted that the proposal is considered by SEAC-III under screening category 8(a) as per EIA Notification 2006.

Brief Information of the project submitted by you is as below :-

1.Name of Project	My Home Punawale (Formerly IRA)
2.Type of institution	Private
3.Name of Project Proponent	Mr. Mohit Goyal
4.Name of Consultant	Sneha Hi-Tech Products, Bangalore
5.Type of project	Residential & Commercial
6.New project/expansion in existing project/modernization/diversification in existing project	New Project
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Not applicable
8.Location of the project	S. no. 16/3,
9.Taluka	Mulshi,
10.Village	Punawale
Correspondence Name:	Mr. Mohit Goyal
Room Number:	-
Floor:	2nd Floor,
Building Name:	1, Business Embassy
Road/Street Name:	1205/3/3, J.M. Road,
Locality:	Shivajinagar,
City:	Pune
11.Whether in Corporation / Municipal / other area	Pimpri Chinchwad Municipal Corporation (PCMC)
12.IOD/IOA/Concession/Plan Approval Number	Received IOD/IOA/Concession/Plan Approval Number: B.P./ENV/Punawale/05/2015 dated 07/07/2015 Approved Built-up Area: 41341.48
13.Note on the initiated work (If applicable)	27699.10 m2
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	Not Applicable
15.Total Plot Area (sq. m.)	16955.00 m2
16.Deductions	2165.72 m2
17.Net Plot area	14789.28 m2

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18 (a).Proposed Built-up Area (FSI & Non-FSI)	FSI area (sq. m.): 21227.44
	Non FSI area (sq. m.): 20224.04
	Total BUA area (sq. m.): 41451.48
18 (b).Approved Built up area as per DCR	Approved FSI area (sq. m.): 21227.44
	Approved Non FSI area (sq. m.): 20114.04
	Date of Approval: 07-07-2015
19.Total ground coverage (m2)	2709.85 m2
20.Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	15.98 % of Total plot Area (16955.00 m2) & 18.32 % of Net plot Area (14789.28 m2)
21.Estimated cost of the project	760000000



Government of Maharashtra

22. Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable

23. Total Water Requirement

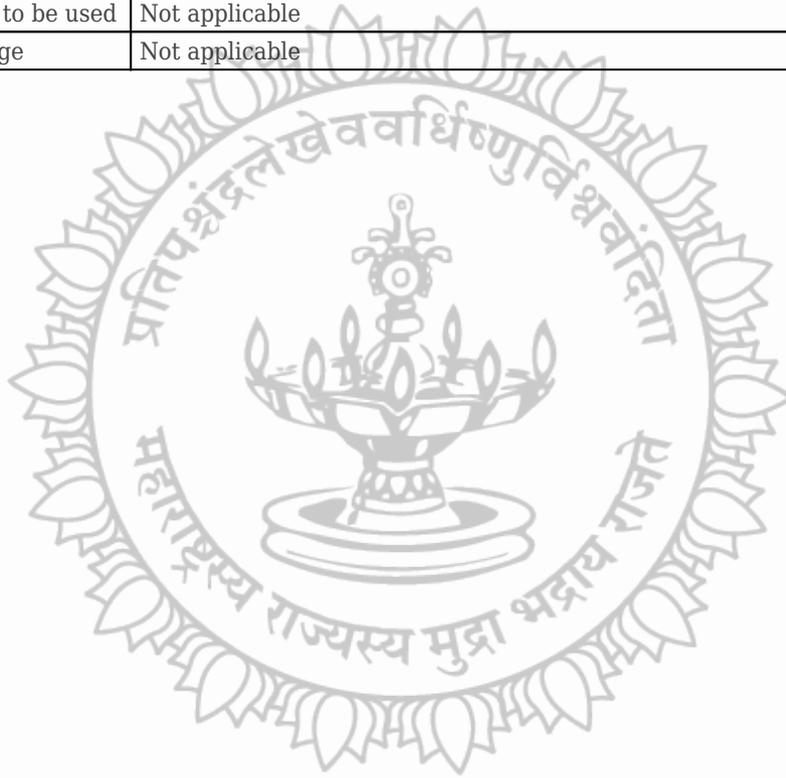
Dry season:	Source of water	PCMC
	Fresh water (CMD):	266.88 m3/day (One Time)
	Recycled water - Flushing (CMD):	83.25 m3/day
	Recycled water - Gardening (CMD):	10.50 m3/day
	Swimming pool make up (Cum):	NA
	Total Water Requirement (CMD) :	173.13m3/day
	Fire fighting - Underground water tank(CMD):	300 m3
	Fire fighting - Overhead water tank(CMD):	80 m3
	Excess treated water	136.99m3/day
Wet season:	Source of water	PCMC
	Fresh water (CMD):	256.38 m3/day (One Time)
	Recycled water - Flushing (CMD):	83.25 m3/day
	Recycled water - Gardening (CMD):	NA
	Swimming pool make up (Cum):	NA
	Total Water Requirement (CMD) :	173.13m3/day
	Fire fighting - Underground water tank(CMD):	300 m3
	Fire fighting - Overhead water tank(CMD):	80 m3
	Excess treated water	147.49m3/day
Details of Swimming pool (If any)	Dimension of Swimming Pool: 13.16m X 5.3m X 1.2m Total water Requirement in KLD:90,000 Ltrs Water requirement For Make Up in KLD:8520 Ltrs. Details of Plant & Machinery used for treatment of Swimming pool water: Details of quality to be achieved for swimming pool water and parameters to be monitored: • Budgetary allocation (Capital cost and O & M cost): Capital Cost:Rs. 20.0 Lakh O&M Cost:Rs.1.20 Lakh /Year	

24.Details of Total water consumed									
Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
25.Rain Water Harvesting (RWH)	Level of the Ground water table:		4 to 6 m below Ground Level						
	Size and no of RWH tank(s) and Quantity:		NA						
	Location of the RWH tank(s):		NA						
	Quantity of recharge pits:		recharge pits- 9 nos. & recharge pits with bores- 5 nos.						
	Size of recharge pits :		2m x 2m x 0.9m						
	Budgetary allocation (Capital cost) :		Rs.14.00 Lakh						
	Budgetary allocation (O & M cost) :		Rs. 1.40 Lakh/Year						
	Details of UGT tanks if any :		Residential + Commercial: Domestic UG tank Capacity:2,44,000Lit Flushing UG tank Capacity:1,35,500 Lit Fire UG tank Capacity : 3,00,000 Lit						
26.Storm water drainage	Natural water drainage pattern:		-						
	Quantity of storm water:		18.19 m3/min						
	Size of SWD:		200 mm- 450 mm						
27.Sewage and Waste water	Sewage generation in KLD:		230.74m3 /day						
	STP technology:		MBBR						
	Capacity of STP (CMD):		235 m3 /day						
	Location & area of the STP:		136 m2						
	Budgetary allocation (Capital cost):		Rs. 42.00 Lakh						
	Budgetary allocation (O & M cost):		Rs. 4.20 Lakh/Year						

28.Solid waste Management		
Waste generation in the Pre Construction and Construction phase:	Waste generation:	25.0 kg/day
	Disposal of the construction waste debris:	Use for Leveling
Waste generation in the operation Phase:	Dry waste:	371.0 kg/day
	Wet waste:	548.0 kg/day
	Hazardous waste:	NA
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	20.76 kg/day (100% Dry)
	Others if any:	NA
Mode of Disposal of waste:	Dry waste:	SWaCH
	Wet waste:	Organic Waste Converter
	Hazardous waste:	NA
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	Used as Manure after Treatment in OWC
	Others if any:	NA
Area requirement:	Location(s):	-
	Area for the storage of waste & other material:	67.5m ² including machinery area
	Area for machinery:	-
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Rs.21.75 Lakh
	O & M cost:	Rs.5.37 Lakh/Year

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



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30.Hazardous Waste Details							
Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
31.Stacks emission Details							
Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases	
1	200 KVA - 1 No	37 Liters / Hr for 100 % Load	S-1	Standard	-	-	
32.Details of Fuel to be used							
Serial Number	Type of Fuel	Existing	Proposed	Total			
1	HSD	37 Liters / Hr for 100 % Load	NA	37 Liters / Hr for 100 % Load			
Source of Fuel		Bharat Petroleum Corporation Ltd/ Hindustan Petroleum					
Mode of Transportation of fuel to site		By Roadway					
33.Energy							
Power requirement:	Source of power supply :	MSEDCL					
	During Construction Phase: (Demand Load)	45 KW					
	DG set as Power back-up during construction phase	62.5 KVA-1 No.					
	During Operation phase (Connected load):	838 KW					
	During Operation phase (Demand load):	1048 KVA					
	Transformer:	630 KVA x 1no. & 315 KVA x 1no.					
	DG set as Power back-up during operation phase:	200KVA x 1no.					
	Fuel used:	For 200 KVA - 37 Liters / Hr for 100 % Load					
Details of high tension line passing through the plot if any:	NA						
34.Energy saving by non-conventional method:							
<ul style="list-style-type: none"> • Energy Saving measures - LED, Solar, etc • Solar PV of 3KW for common area lighting. 							
36.Detail calculations & % of saving:							
Serial Number	Energy Conservation Measures					Saving %	
1	External Lighting					14 KWH/Day	
2	Lift Load					118 KWH/Day	
3	Pump Load					65 KWH/Day	
4	Common Areas					21 KWH/Day	
5	Ventilation Load					1748 KWH/Day	
6	Solar					1080 KWH/Day	
37.Details of pollution control Systems							
Source	Existing pollution control system			Proposed to be installed			

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Air	Partly green belt is provided.	-
Water	STP is installed & excess treated water used for flushing & gardening	-
Noise	Acoustically enclosed DG set is installed.	Noise monitoring will be done in once a fortnight. Traffic management plan to be prepared.
Solid Waste	Wet Waste is treated in OWC. STP sludge is Used as Manure after treatment in OWC. Dry Waste is given to SWaCH	-
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Rs.16.82 Lakh
	O & M cost:	Rs.0.36 Lakh/Year

38.Environmental Management plan Budgetary Allocation

a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Air Environment	Water for Dust Suppression, Air & Noise Monitoring	0.50 Lakh/Year
2	Water Environment	Tanker Water for Construction, Water Monitoring	0.50 Lakh/Year
3	Land Environment	Site Sanitation -Mobile toilets	0.50 Lakh/Year
4	Socio-economic	Disinfection- Pest Control, First Aid Facilities, Health Check Up, Creches For Children, Food for children, Personal Protective Equipment	1.00 Lakh/Year

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	STP	Sewage Treatment Plant	Rs. 42.00 Lakh	Rs.4.20Lakh/Year
2	RWH	Rain Water Harvesting	Rs.14.00 Lakh	Rs. 1.40 Lakh/Year
3	OWC	Organic Waste Converter	Rs.21.75 Lakh	Rs.5.37 Lakh/Year
4	Solar System	-	Rs.16.82 Lakh	Rs.0.36Lakh/Year
5	Landscaping	-	Rs.57.99 Lakh	Rs.9.27 Lakh/Year
6	Swimming pool	-	Rs. 20.00 Lakh	Rs.1.20Lakh /Year
7	Pumping + piping	-	Rs. 15.00 Lakh	Rs. 1.20Lakh/Year
8	Storm Water Network	-	Rs. 4.00 Lakh	Rs. 0.25 Lakh/Year
9	Safety Equipments	-	Rs. 10.00 Lakh	Rs 2.00 Lakh/Year
10	Post EC Monitoring	-	-	Rs 2.50 Lakh/Year
11	Dry Waste Management	-	-	Rs 2.16 Lakh/Year
12	Alternate Water Supply	-	-	Rs 4.80 Lakh/Year

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

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

40.Any Other Information

No Information Available



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	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	8(a)
	Court cases pending if any	No
	Other Relevant Informations	-
	Have you previously submitted Application online on MOEF Website.	No
	Date of online submission	-

3. The proposal has been considered by SEIAA in its 185th meeting & decided to accord environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implementation of the following terms and conditions:

Specific Conditions:

I	The committee noted that Cost of remediation plan and natural & community resource augmentation plan as per revised approach paper is estimated as Rs. 1.76 Cr. The Committee also noted that the amount of CER as per MoEF & CC circular dated 1/05/2018 is Rs. 1.52 Cr which is less than the remediation / augmentation plan. Therefore committee decided to obtain Bank Guarantee of Rs 1.76 Cr for the project completion period.
II	PP to submit a bank guarantee of Rs. 176.00 lakhs to Maharashtra Pollution Control Board towards effective implementation of the EMP comprising remediation plan and Natural and Community Resource augmentation Plan
III	PP to ensure that CER plan gets approved from Municipal Commissioner/District Collector.
IV	PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF& CC vide F.No.22-34/2018-IA.III dt.04.01.2019.
V	SEIAA decided to grant EC for - FSI: 21227.44 m2, Non-FSI:20114.04 m2 and Total BUA:41341.48 m2 (Plan Approval no-BP/EC/Punawale/12/2019, Date-18.12.2019)

General Conditions:

I	E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
II	The Occupancy Certificate shall be issued by the Local Planning Authority to the project only after ensuring sustained availability of drinking water, connectivity of sewer line to the project site and proper disposal of treated water as per environmental norms.
III	This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.
IV	PP has to abide by the conditions stipulated by SEAC& SEIAA.
V	The height, Construction built up area of proposed construction shall be in accordance with the existing FSI/FAR norms of the urban local body & it should ensure the same along with survey number before approving layout plan & before according commencement certificate to proposed work. Plan approving authority should also ensure the zoning permissibility for the proposed project as per the approved development plan of the area.
VI	If applicable Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
VII	All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
VIII	Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
IX	The solid waste generated should be properly collected and segregated. dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
X	Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
XI	Arrangement shall be made that waste water and storm water do not get mixed.

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XII	All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
XIII	Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
XIV	Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
XV	Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
XVI	Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dumpsites for such material must be secured so that they should not leach into the ground water.
XVII	Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
XVIII	The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
XIX	The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.
XX	Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
XXI	Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
XXII	Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and amended as on 27th August, 2003. (The above condition is applicable only if the project site is located within the 100Km of Thermal Power Stations).
XXIII	Ready mixed concrete must be used in building construction.
XXIV	Storm water control and its re-use as per CGWB and BIS standards for various applications.
XXV	Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
XXVI	The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
XXVII	The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the MPCB and Environment department before the project is commissioned for operation. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treated effluent emanating from STP shall be recycled/refused to the maximum extent possible. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treatment of 100% gray water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP.
XXVIII	Permission to draw ground water and construction of basement if any shall be obtained from the competent Authority prior to construction/operation of the project.
XXIX	Separation of gray and black water should be done by the use of dual plumbing line for separation of gray and black water.
XXX	Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
XXXI	Use of glass may be reduced up to 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows.
XXXII	Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
XXXIII	Energy conservation measures like installation of CFLs /TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible like installing solar street lights, common solar water heaters system. Project proponent should install, after checking feasibility, solar plus hybrid non-conventional energy source as source of energy.
XXXIV	Diesel power generating sets proposed as source of backup power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
XXXV	Noise should be controlled to ensure that it does not exceed the prescribed standards. During nighttime the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
XXXVI	Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
XXXVII	Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code, which is proposed to be mandatory for all air-conditioned spaces while it is aspiration for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.

XXXVIII	The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.
XXXIX	Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.
XL	Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
XLI	Six monthly monitoring reports should be submitted to the Regional office MoEF, Bhopal with copy to this department and MPCB.
XLII	Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement in Para 2. Prior certification from appropriate authority shall be obtained.
XLIII	Wet garbage should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. Local authority should ensure this.
XLIV	Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
XLV	A complete set of all the documents submitted to Department should be forwarded to the Local authority and MPCB.
XLVI	In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
XLVII	A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
XLVIII	Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.
XLIX	The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at http://ec.maharashtra.gov.in .
L	Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
LI	A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
LII	The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO ₂ , NO _x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
LIII	The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
LIV	The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

Maharashtra

4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.

5. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environment clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.

6. The Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter, for any other administrative reason.

7. Validity of Environment Clearance: The environmental clearance accorded shall be valid as per EIA Notification, 2006, and amendments by MoEF&CC Notification dated 29th April, 2015.

8. In case of any deviation or alteration in the project proposed from those submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.

9. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.

10. Any appeal against this Environment clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1st Floor, D-, Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.



Shri. Anil Diggikar (Member Secretary SEIAA)

Copy to:

1. SHRI JOHNY JOSEPH, CHAIRMAN-SEIAA
2. SHRI UMAKANT DANGAT, CHAIRMAN-SEAC-I
3. SHRI M.M.ADTANI, CHAIRMAN-SEAC-II
4. SHRI ANIL .D. KALE. CHAIRMAN SEAC-III
5. SECRETARY MOEF & CC
6. IA- DIVISION MOEF & CC
7. MEMBER SECRETARY MAHARASHTRA POLLUTION CONTROL BOARD MUMBAI
8. REGIONAL OFFICE MOEF & CC NAGPUR
9. MUNICIPAL COMMISSIONER PUNE
10. MUNICIPAL COMMISSIONER SATARA
11. REGIONAL OFFICE MPCB PUNE
12. REGIONAL OFFICE MIDC PUNE
13. MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD
14. COLLECTOR OFFICE PUNE
15. COLLECTOR OFFICE SATARA
16. COLLECTOR OFFICE SOLAPUR

SEIAA-2018/CR-150/SEIAA
Environment Department
Room No. 217, 2nd Floor,
Mantralaya,
Mumbai- 400032.
Date: 30.01.2019

To
The Chairman, SEAC-1
The Chairman, SEAC-2
The Chairman, SEAC-3

Sub : Consideration of proposals involving violation of EIA notification,
2006 amended till date.

Dear Sir,

In pursuance of the notification dt. 14.03.2017 and O.M. dt. 15.03.2018 & 16.03.2018 issued by Ministry of Environment and Forest (MoEFCC) on procedure to be adopted for dealing with the EC violation cases, the development of a protocol for Assessment for Environmental Damage and Estimation of Remediation Costs for Building Construction Projects was under consideration.

Accordingly committee was constituted for evaluation process to evolve uniform guidelines to deal with the cases of violations under the chairmanship of chairman, SEIAA as below-

1. Shri. Ajay Deshpande, (Ex. Expert Member, NGT)
2. Shri Mukund Athavale, Member, SEIAA
3. Dr.B.N.Patil (Director, Env.), M.S., SEAC-II
4. Shri. Abhay Pimparkar (Sci-I), M.S., SEAC-I
5. Shri Joy Thakur, SCI-II, M.S., SEAC-III
6. Shri Raghunath Mahabal, Advocate

Above committee has submitted its report to Environment Department. Further, after due consultation with stakeholders and NABET accredited consultants in a round table workshop held at Pune on 21st December, 2018, it is decided to follow the provisions of MoEF&CC notification dated 14.03.2017 and refer the report submitted by committee for Assessment of Environmental Damage And Estimation of Remediation Costs For Building Construction Projects initiated without obtaining mandatory Environmental clearance. Copy of the same is enclosed herewith for kind perusal.

In this regard, I have been directed to inform you to start appraising the proposals under violation as per the provisions of MoEFCC notification dtd.14.03.2017 and O.M. dtd. 15.03.2018 & 16.03.2018 and refer the report of committee on Assessment for Environmental Damage and Estimation of Remediation Costs.

Thanking you.



(D.S.Bhalerao)

Scientist -2, Environment
Govt. of Maharashtra

D.A.: as above

- Copy to 1. Chairman, SEIAA.
2. P.S., Environment and M.S., SEIAA.
3. Member Secretary, SEAC-1/2/3

An Approach for Assessment for Environmental Damage And Estimation of Remediation Costs For Building Construction Projects initiated without obtaining mandatory Environmental clearance (Violation Cases)

1. Ministry of Environment and Forest (MoEFCC) has issued a notification on procedure to be adopted for dealing with the EC violation cases on 14.3.2017¹ and also, give 6-month amnesty window for such proponents who have violated the EC regulations. These violations are primarily related to initiating the project work or carrying out the project activities without obtaining the mandatory EC. Special EAC was also notified to deal with violations cases at the central level. Subsequently, on 8.3.2018², MoEFCC issued another notification which delegated the powers to deal with such 'violation cases' to the concerned SEIAA and further provided an additional amnesty window of one month for such project proponents to apply for grant of EC.

2. The notification dated 14.3.2017 stipulated the procedure for consideration of such cases where construction of projects was carried out without obtaining EC, treating such cases as violation cases. The important provisions for considerations of such proposal in the said notification are as under;
 - (2) *In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level. (3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the*

¹ MoEF notification SO 804 (E) Dated 14.3.2017

² MoEFCC notification SO 1030 (E) dated 8.3.2018

Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance. (4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under subsection (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law. (5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project an assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment. (6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal

Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

Subsequently, vide notification dated 8.3.2018, such powers have also been delegated to concerned SEIAA.

3. Maharashtra Scenario: In Maharashtra, there are about 104 cases which have been submitted for grant of EC under this 'violation' notification. As per the information given by DoE, there are 91 cases related to building construction projects and 14 cases related to industry. However, this number is likely to increase substantially, as during evaluation of new EC cases, the SEAC generally finds non-compliance in the appraisal process.
4. Department of Environment (DoE) and SEIAA Maharashtra wanted to streamline the process of evaluation of the 'environmental damage assessment' for such violation cases to bring reasonable consistency and uniformity in approach and assessment while dealing with such cases. The assessment of environmental damage is no doubt a very specialised study and the parameters, approach, weightages, techniques are likely to vary significantly from project to project and also, from area to area. Still however, it would be necessary and prudent to develop some broad structure and framework for such environmental damage assessment which can be used by concerned SEAC for consistent and uniform methodology. The SEACs can obviously incorporate any new specific aspect of evaluation, based on project type, damages anticipated and sensitivity of project area by making special reference to such compelling factors to incorporate additional evaluation aspects. This report is outcome of such requirement of DoE and SEIAA Maharashtra.
5. The present approach paper deals only with Building construction project. However, the broad principles can be adopted with suitable modifications for the industrial projects. The subject of environmental damage

assessment and also, restitution and restoration of environment is a very complex and multidisciplinary subject and the present approach paper is based on desktop studies to prepare some basic framework for assessment of the proposal received in order to ensure a broader consistency in appraisal for various SEAC. The framework is generic in nature and obviously, open for further updating with gain of knowledge and experience while dealing with subject, based on field level data and information.

- 6. Assessment of environmental damages and preparation of remediation plan are highly specialised subject and very much case specific. The methods and techniques to assess the damage would vary from project to project and also, has significant correlation with project site. Considering this, the scope of this approach paper has been limited to preparation of broad guidelines and framework to assess the damage, rather than detailing actual procedure and methodology. Considering the types of projects, the environmental damage assessment methodology can be conveniently grouped in three types of activities/process namely; a. building and construction activities b. infrastructure and mining and c. industries. The broader contours of environmental damage assessment of these three sectors would vary significantly in its content, scope of investigation and analytical processes to assess the damages. Considering the present scope of this report, the report only deals with damage assessment aspects of violation cases. In fact, most of the literature on environmental damage assessment is related to unauthorised effluent discharges, ecological damages, chemical accidents, ground water contamination, hazardous waste disposal etc. Though, there is also a serious and urgent need of developing India specific protocols for such environmental damage assessment as a part of enforcement strategy and interventions, the report does not deal with these aspects and the scope strictly remains limited to damage assessment for violation cases as per MoEFCC notification dated 14.3.2018, with main focus on Building and construction projects as per the requirement of DoE and SEIAA.

7. Legal background: The "Polluter Pays" principle as interpreted by Supreme Court^{3,4} means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental of the damaged environment is part of the process of "Sustainable Development" and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of the reversing the damaged ecology. The precautionary principle and the polluter pays principle have been accepted as part of the law of the land. It is thus settled by Supreme Court that one who pollutes the environmental must pay to reverse the damage caused by his acts. In *Vellore Citizens' Welfare Forum v. Union of India and Ors.*: AIR1996SC2715, the precautionary principles and polluter pays principle were held to be part of the environmental law of the country. It was held that the polluter pays principle means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of sustainable development.
8. The use of liability assessment following instances of physical damage or pollution of environmental resources has long been a feature of national legislations. The restitution and restoration aspects have been part of Water (P&CP) Act, 1974, but unfortunately no specific guidelines or protocol have been established so far. There are also not much of established success stories of restitution which can provide some guidance. The National Green Tribunal Act, 2010 specifically provides provisions for restitution, restoration and compensation in case of environmental damages or incidences of environmental degradation, on strict liability basis. However, no technical guidelines or procedures are available for such environmental damage assessment or restoration or compensation etc except one prepared for CPCB for liability assessment

³ Enviro-Legal Action vs. Union of India 1996 (2) JT 196

⁴ (1997)1SCC388B . W.P.(C) No996: M.C. Mehta Vs Kamal Nath and ors.

for HW disposal.⁵ Still however, there are no published case studies regarding application of these guidelines.

- 9. For example, the US Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) has provided for the clean-up of hazardous waste sites since 1980 and requires resource damage assessment for this and similar instances of environmental injury. In Europe, the Environmental Liability Directive (ELD 2004/35/EC) now applies a common approach to assessment which aims to prevent and remedy environmental damage by holding those responsible liable for remediation. However, while there are prescribed procedures for remediation, there remain the difficulty of how to achieve an equivalent level of habitat quality to that, which existed before an incident and how to account for interim losses, including losses to social wellbeing.

- 10. Damage as defined by the ELD presupposes that liability can be identified. Where this is possible, the ELD allows for three types of remediation:
 - a. Primary remediation to restore a damaged resource or impaired service to its baseline condition;
 - b. Complementary remediation when a site cannot be fully restored using primary remediation and which involves intervention or improvements to habitat at another site which is physically or geographically linked in terms of species/ habitats or human interactions;
 - c. Compensatory remediation in cases where there are interim losses before ecological functions can be fully restored or replaced.

- 11. Liability to the government for clean-up costs and natural resource damages under CERCLA is generally joint and several, unless the defendant can show that the harm is divisible or another reasonable basis for apportionment. However, in the present case, as there is only single project, there is no occasion to consider proportioning the liability. The entire liability (absolute) on the complementary basis stands against the

⁵ Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty, published by CPCB 2016.

project proponent, as the remediation and restoration of construction site is not envisaged.

12. A number of US courts have applied the "Gore factors," so named because they were part of a 1980 proposed amendment to CERCLA sponsored by then-Senator (now Vice President) Albert Gore (which was not ultimately enacted):
 - a. the ability of the parties to show that their contribution to a discharge, release or disposal of a hazardous waste can be distinguished;
 - b. the amount of the amount of hazardous waste involved; - the degree of toxicity of the hazardous waste involved;
 - c. the degree of involvement by the parties in the generation, transportation, treatment, storage, or disposal of the hazardous waste;
 - d. the degree of care exercised by the parties with respect to the hazardous waste; and
 - e. the degree of party cooperation with government officials.

13. Federal courts have also applied the following other equitable factors:
 - a. the relative fault of the parties in causing the release of the hazardous materials;
 - b. the knowledge and/or acquiescence of the parties in the contaminating activities;
 - c. the benefits received by the parties from the contaminating activities;
 - d. the relative clean-up costs incurred as a result of the released hazardous wastes;
 - e. the financial resources of the parties involved;
 - f. contracts between the parties bearing on the subject;
 - g. circumstances and conditions of property conveyance in cases involving successive owners; and
 - h. any traditional equitable defences as mitigating factors.

14. Role of Consultants: The PP and industries generally take advise of the NABET approved consultants for preparation of EIA report and also, for

completing EC procedure. These consultants are 'accredited' consultants duly recognised by NABET after careful evaluation of their capabilities and understanding of environmental law and regulations besides technical competence. In other words, these consultants have been given special recognition and also, the MoEFCC notification has especially mandated that all the EIAs and EC procedures needs to be done only through NABET approved consultants, carving out a niche business for these consultants. Such a recognition and special business opportunity will obviously entail with 'responsibility' cast upon these consultants to advise the project proponents on compliance, identify the non-compliance and also, bring it to notice of project proponents/regulators at the first instance while advising the project proponents to ensure timely compliance. It is therefore necessary that the role of such consultants, if they are associated with the project proponents during the occurrence of such violation or immediately thereafter, needs to be critically examined in order to ensure that these consultants perform their duty to ensure compliance in a more effective way. The proposed damage and liability assessment exercise needs to cover these aspects which will ensure that the non-compliances in future are brought to the notice of project proponents and regulator in time, for timely enforcement and compliance actions.

15. Considering the above discussions, it is proposed that in this phase of report, methodologies for damage assessment and liability evaluation are proposed for building and construction projects, with following considerations;
 - a. These methodologies are for the projects (construction and industries) which are in 'permissible' in the area where project is located and are included in 'regulated' activity as per EC regulations and associated notifications. The methodology cannot be and should not be applied for the projects in non-conforming zone.
 - b. These methodologies are evolved only to consider limited violation in terms for initiating the project activities without EC. They cannot and should not be applied in case of any case pollution or degradation incident for which separate methodologies need to be developed and adopted.

16. Damage Assessment and Remediation cost:

The notification of 14.3 2017 describes the rationale for assessment of environmental damage costs and remediation costs as under;

"6. The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

7. The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority. "

16. Three aspects emerge from the above as under;

- a. The project proponent needs to develop remediation action plan commensurate with the environmental damage assessed and also, the economic benefit derived due to violation of EC.
- b. The PP also needs to develop natural and community Resource Augmentation plan (NCRAP) along with the cost. This is not linked with the environmental damage or economic benefits accrued from violation.
- c. Both the remediation and NCRAP needs to be implemented by PP independently which needs to be verified by regulatory authority. There is no time limit or verification methodology defined for such implementation. Still however, the time limit can always be

considered by authority as a part of EMP while approving the EMP and EC.

17. The literature and references available on environmental damages are mainly related to environmental degradation resulting from waste disposal or degradation of forest. The important aspects in the design of remediation program can be as under;

- a. Damage assessment and significance;
 - i. Definition of the status of the resource prior to the incident causing damage; (Baseline)
 - ii. Assessment of the scale of damage; (Services and beneficial use of site)
 - iii. Impact assessment; (modeling) and;
 - iv. Determining whether damage is 'significant'. (Significance threshold and integrity of site)
- b. Primary restoration options,
 - i. With an aim to restore the damaged resource and, if possible, return the resource to baseline (pre-incident) conditions
 - ii. Setting restoration targets;
 - iii. Identifying primary restoration options;
 - iv. Selecting primary restoration options; and
 - v. Estimating interim losses
- c. Compensatory restoration options.
 - i. Setting the objectives for compensatory restoration options;
 - ii. Monetary compensation and/or resource compensation;
 - iii. Identifying the compensatory options; and
 - iv. Selecting the compensatory options.

18. Generally, the remediation and restoration need to be designed based on either of the three following approaches in order to design, select and determine the scale of the compensatory restitution and restoration options

- a. **Service-to-service approach:** Accept a one-to-one trade-off between the services that are lost due to damage and the services that are created through compensatory restoration. Reasonable to make this

assumption if the replacement resources are of the same type, quality and of comparable value.

- b. **Value-to-value approach:** Used for scaling of Class II and II options, i.e. when the assumption of a one-to-one match between lost services and compensatory services is not necessarily valid. The approach estimates the economic value of interim losses and the economic value of the services generated by the compensatory restoration option.
- c. **Value-to-cost approach:** Within this approach, restoration is scaled by equating the cost of the restoration plan to the value (in monetary terms) of losses due to the injury. This approach is only suitable when damage is relatively minor.

The remediation plan also needs to be proactive on futuristic issues and need to consider following;

- should be the result of an evaluation process based on, but not limited to the following :
 - The cost to carry out the option;
 - Time it will take for the restoration to be effective;
 - Extent to which each option is expected to return the damaged resource to its baseline;
- Likelihood of success of each option;
- The extent to which each option will prevent future damage (flowing from the initial incident), and avoid collateral damage as a result of implementing the option;
- The extent to which each option generates benefits for the damaged and/or other natural resources beyond returning the damaged resource to its baseline; and
- The effect of each alternative on public health and safety

19. The total environmental damage needs to be assessed based on the environmental restoration cost required considering the above-mentioned project related attributes and as per the settled legal principles, such assessment need to be based on 'absolute' liability principle.

The notification refers to covering mainly three aspects in overall damage assessment studies prior to consideration of such violation cases, namely;

- **Opportunity cost:** benefits accrued due to early implementation of project without obtaining the mandatory EC and shall also include Cost for deterrence (penalty) for violation of EC regulation which needs to consider factors like project proponents track record, factors contributing to environmental damage etc.
- **Environmental damage cost** to be assessed based on the available data
- **Cost of remediation and restoration.**

20. While working on these themes, it would be necessary to keep in mind that the entire exercise is being under the provisions of the EC regulation 2006, as amended and the Environmental protection Act. It is also necessary to note that there are hardly any scientific studies to assess the environmental damages in holistic manner and also, there are very few cases where environmental restoration and restitution has fully been achieved. However, they are related to remediated of contaminated sites and/or contaminated ground water. There are several cases where the SC, HCs and NGT have ordered remediation and restoration, but there are hardly any studies where both restitution/restoration and damage assessment has been carried out simultaneously. It would therefore be necessary to adopt an approach which may be advoc in nature but based on scientific approach. There could be uncertainty in damage assessment but as already held by judicial pronouncements, the uncertainty in environmental damage and restoration on a positive side, towards preserving environment (precautionary principle) is acceptable, while demonstrating the good efforts in assessing the same.

21. **Economic Benefit Assessment:** One of the important aspects of this notification is inclusion of concept of economic benefits accrued due to violation of EC regulations. Traditionally, this concept has always been integrated in effective enforcement of standards and regulations all over the world because any violation or relaxation in environmental regulations, would result into economic advantage, rather in many cases, environmental norms are violated to derive economic advantages and benefits. In order to ensure that the compliance is encouraged, it would

be in the best interest to develop some tools to incorporate financial disadvantage for the non-compliance.

22. Violators obtain an economic benefit from violating the law by delaying compliance, avoiding compliance or achieving an illegal competitive advantage. In delaying compliance, the violators eventually comply, but they use the money that should have been spent on compliance. The violators then use that money for profit-making investments. In a very simple sense, the violators "gain" the interest on the amount of money that should have been invested in pollution prevention and control measures. When an offender avoids compliance, it essentially does not incur the costs that would have been necessary to come into compliance. The third type of economic benefit is derived from an illegal competitive advantage. It is necessary to have reliable methods to calculate any significant economic benefit of non-compliance. The existence of a well-defined and substantiated methodology strengthens the enforcement agency's position in case of eventual appeal of the assessment.

Though there are several references available for such assessment particularly by USEPA and also, several state environmental agencies besides OECD, One of the good case studies is prepared by OECD and is available at <http://www.oecd.org/env/outreach/46959936.pdf>.⁶ The study illustrates a key principle that in order to deter future non-compliance, a fine should at a minimum eliminate any financial gain or benefit the operator has obtained as a result of his non-compliance. The "benefit component" of a fine corresponds to the delayed or avoided compliance costs or the illegal competitive advantage and puts the violator in a less favourable situation compared to those who comply with the requirements in a timely manner. The additional penalty amount, or the "gravity component", should reflect the seriousness of the offence and the operator's behaviour. USEPA has also elaborate case studies on such efforts and has also developed the penalty and financial models that can be used to analyze the financial aspects of enforcement actions. <https://www.epa.gov/enforcement/penalty-and-financial-models>. BEN (S.8.0) - Calculates a violator's economic benefit of noncompliance from delaying or avoiding pollution control expenditures. The model requires the date the violation occurred, the date of compliance, the costs of

⁶ REMOVING ECONOMIC BENEFITS OF ENVIRONMENTAL VIOLATIONS IN AZERBAIJAN: Case Study Report, By OECD

compliance and the year the costs were estimated, and the date the penalty will be paid. Still however, no much work has been done in Indian context on this principle of effective environmental governance, particularly enforcement.

All such economic benefit assessment needs to be carefully designed in case of construction projects as scope and extent of construction in such building cases are rather governed by local municipal rules particularly for built up area, FSI, requirement of open area, parking etc. In many cases, the municipal laws are amended and some modifications are made in available permissible limits for the above criteria. The general trend in building industry is to initiate the construction in anticipation of such amendments and modification. And therefore, in order to assess the economic benefits, it is proposed to consider the applicable laws on the date of violation, rather than while assessment of the damages and benefits accrued. The allowable built up, FSI, open space etc only shall be considered and any violation of these ground should also be assessed as economic benefits. Based on the actual data, three scenarios can be envisaged for violation of EC regulations by Building construction Industry;

- A. The construction work is fully/partly completed without EC and the flats/commercial area is already sold to third parties.
- B. The construction work is started and some amount has been received from third party, but now the work is stopped.
- C. The construction work is started but no amount has been received from any third party.

23. One such approach adopted by Indiana government ⁷ elaborately discuss the matrix of calculations for the penalties for environmental violations. Though, presently, this approach paper does not deal with penalties, but the process and structured approach adopted therein, can suitably be adopted in the present study.

Violators Track record: As referred in above references, the violators track record and also, action subsequent to noticing the violations play an important role in formulation of environmental restoration and

⁷ INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT NONRULE POLICY DOCUMENT,
https://www.in.gov/idem/ctap/files/nrpd_enf-002.pdf

restitution program. Hon'ble Supreme Court in CIVIL APPEAL NO. 10854 OF 2016 decided on 10th August 2018 has elaborately considered such aspects and it is necessary to adopt the same approach while dealing with the EC violators.⁸

- 24. Proposed Framework:** Considering the discussions above, following broad approach and framework is suggested to derive the environmental damage cost which needs to be considered while appraising the remediation plan and the costs associated with such proposed remediation costs. Moreover, such cost needs to be appropriately accounted for the opportunity costs which *inter alia* should include the factors related to environmental track record of the project proponents. The proposed framework is suggestive in nature and is an attempt to develop a framework for such assessment in future, based on scientific evidence. Moreover, this framework is essentially for cases of violation of EC regulations in terms on obtaining the EC by construction projects and is not aimed to be used as enforcement tool in case of violation of EC conditions and/or incidences of pollution of environmental degradation. Still however, the SEAC can expand the scope of such assessment and costing with reference to any specific incidence on case to case basis, particularly where construction is carried out at industrial sites and/or there are complaints of pollution due to construction which will further strengthen such appraisal process. It is necessary to collect some specific information from the project proponents to assess such cost of remediation and also, opportunity cost. Therefore, a set of information is proposed to be called from PP as under. Some of the information could be repetitive but it would be worth to have all such relevant information at a place to understand the process.

⁸ https://www.sci.gov.in/supremecourt/2016/37233/37233_2016_Judgement_10-Aug-2018.pdf

25. Information Required:

A. Project details;

1	Name and address of Project	
2	Name of Directors	
3	Total construction completed (built-up area as per EC notification):	
4	Total construction proposed, built-up area as per EC notification	
5	Whether the project has any EC; if yes, give details including approved built up area	
6	Total cost of the project and total cost of the project already executed? Also, give total cost of the project constructed without EC.	
7	Date of commencement of project	
8	Date of violation of EC regulation (please justify with documentary evidence)	
9	Date of first submission of information of such violation to the SEIAA or SEAC, if self-notified, along with stoppage of construction work	
	1. No. of days of violation (9-8)	
10	Name and address of Environmental consultant, with date of engagement of such consultant	
11	Any other case of EC violation is reported or pending or decided earlier for projects where any of	

	the directors are involved? If yes, give details	
12	Any court case related to EC violation pending or decided against any of the directors including High Court, NGT and sessions court?	

- B. What can be the attributes for environmental damages: The PP and consultant needs to describe the details of each attributes in qualitative and quantitative manner; for example;
1. Air pollution: construction dust, noise, demolition dust
 2. Water: incremental sewage increase, extra water pumped from foundations
 3. Soil: excess foundation excavation, excess ground foot print
 4. Noise: extra time required for construction,
 5. Loss of vegetation: additional trees cut (type, age and number of trees with its significance)
 6. Transport and material handling
- C. Description of activities contributing to the environmental damage and degradation;

A.	Demolition, site preparation	
1	Whether any demolition work was carried out prior to EC? If yes what is date of commencement of demolition and also date of completion of demolition?	
2	Whether such demolition or site had some asbestos, industrial waste or contaminated soil or hazardous waste etc and if yes, how these types of waste have been segregated and disposed?	
3	If the project is located on any industrial site, whether any due diligence or environmental	

	status of site was assessed? If yes, give details	
4	State the quantity of demolition waste disposed from the site, including quantity and disposal location along with location map and photographs	
5	Any air quality (including noise) monitoring done during demolition work? If yes, results	
6	Whether building plan and layout approved and permission from local authorities is taken to commence the work prior to demolition work	
7		
B.	Construction stage	
1	Date of commencement of construction and completion of construction, if any	
2	Whether the construction carried out is strictly as per the sanction plan given by concerned local authority? If yes, please provide such certification	
3	In the additional construction, how much construction material including, sand, bricks, cement etc was required to be transported? No. of trucks and its average haulage?	
4	How many labours were engaged in construction, average per day?	
5	Whether, the additional construction work, over and above valid EC, if so available, has any additional ground foot print? If yes please state, ground foot print in sqm as per EC approved	

	layout and current proposed layout?	
6	Whether the expansion was carried out simultaneously with EC approved work? If not give details of time frame? If yes, please give incremental additional time required for construction of additional area	
7	Is there any change in foundation design, i.e. depth of foundation, basement etc. that were done due to additional area? If yes, what is the additional soil quantity excavated for such incremental foundation depth? Where it is disposed?	
8	What is the quantity of top soil removed and how it is managed?	
9	Also, if water is encountered at such foundation depth, what is the volume of water pumped for such additional depth of excavation?	
10	How much additional water was required for curing and construction purpose? Source of water?	
11	Rain Water harvesting details	
12	Solar light, water heating details	
13	Use of fly ash bricks ensured? Details thereof	
14	Whether any noise or air pollution control measures taken, if so what are they?	
15	Whether any air quality and noise level monitoring done	

	during construction stage, if yes attach results	
16	Whether any third-party rights are created on the construction without EC?	
17	Whether any of the construction without EC has already been occupied? If yes, number of families given such occupation. Also give total commercial area being used presently. Also state type of commercial activity i.e. offices, shops, hotels, restaurants etc.	
18	How many flats sold which are in the area of EC violation and total sale value of such flats	
19	How much commercial area sold which is in area of EC violation and total sale value of such commercial area.	
C	Commissioning of project	
1	Date of when the project was made operational either by giving possession of residential or commercial areas of the project?	
2	How many families are staying in project?	
3	What is total water supply to project, source and quality	
4	Total sewage generation m ³ /day	
5	STP details,	
6	Treated wastewater disposal	
7	Any DG sets, are they complying the norms	

26. The notification provides for *"The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance."* It can be seen from the provision that EMP is required to have two components i.e. 1. Remediation plan and 2. Natural and community resource augmentation plan. They are required to be corresponding to the ecological damage assessed and economical profit derived due to the violation.

Considering the broad conspectus and the need to evaluate the ecological assessment which will vary from project to project, site to site and also, will be subject of very detailed relative assessment. In absence of standard protocol and guidelines, it is proposed to adopt an advoc approach only for construction projects within the parameters specified by the notification. It is proposed to have broadly two components i.e. environmental damages and secondly economic benefits derived. The economic benefits derived can suitably take into account the construction stage besides the role and environmental performance record of the project proponent.

And therefore, the EMP and natural resource augmentation plan shall not only cover the ecological damages but also, the track record of project proponents and the economic benefits derived. As regards the ecological damages, a protocol which is rather based on basic environmental impacts like soil disposal, noise, air pollution, water pollution etc has been prepared by Gujarat SEAC, which is further modified to incorporate additional factors. The protocol format presented below is required to be prepared and certified by approved environmental consultants who are required to submit an undertaking certifying correctness of the data presented.

Format of Assessment of Environmental Damages

Attributes	Scope of saving on account of environmental measures	EMP cost	
		Recurring cost, per day (Rs.)	Non-recurring cost (Rs.)
Air Pollution	Water requirement for sprinkling (KL/day): Cost of 1 KL water (Rs):		
Water Pollution	A. Cost of water requirement: a). Construction phase: b). Operation phase: B. Cost of sewage treatment, reuse & disposal: a). Construction phase: b). Operation phase: C. Quantity of water pumped out during excavation and a lumpsum cost of Rs. 50 per cum for such unauthorized water extraction and disposal D. cost of construction & maintenance of recharge well:		
Soil environment	In case of demolition has carried out, the cost of demolition waste management plan needs to be discussed and finalized as non-recurring cost.		
	In case there is some hazardous waste like asbestos or the site is located on industrial area where hazardous chemical or waste was handled, the cost based on due diligence of the project site, as given by consultants. (the report must include soil analysis, water analysis, MPCB consent copies, manifest of HW if any). This requires critical examination from SPCB.		
	Cost of preservation of top soil & excavated earth to be considered. [Area (m ²)xdepth (m)x sp. Gravity (kg/m ³)x cost per ton (Rs.)]		

Noise and Vibration	For damage due to noise pollution & vibration, the cost of barricades around the project site should be considered. [perimeter (m) x height of the barricade(m) x cost of the sheet)		
Green Belt	In case of any tree cutting without EC cost of Rs. 10000/- per tree apart from any statutory action for such tree cutting if any, Cost of planting & maintaining trees (Number of trees as per the by-laws) Cost of compensatory tree plantation (5 trees for each tree cut)		
RH/OHS	Cost of workers benefit to be considered in view of Building and Other Construction Workers' Welfare Cess Act, 1996		
	A. cost of health checkup of workers: B. cost of safety measures including PPEs:		
Total			

27. The economic benefits derived can be either on both costs saved on not taking appropriate environmental protection measures and also, the benefits derived by going ahead with project to gain commercial gains. This aspect has also been considered by Gujarat SEAC, by apportioning only 10% amount of profit which is considered to be 20% construction costs including the land value. All the standard literature including regulatory guidelines referred above incorporate such commercial economic benefits accrued from early going ahead by starting and commissioning project without obtaining EC. It is therefore necessary to incorporate such consideration in assessing the economic benefits which can be deterrent factor in future cases. At the same time, it is necessary that there should be a consideration for such cases where the project

proponent has applied for EC but for some reason or other the EC is not considered and granted without assigning any reason beyond a reasonable time frame. It is proposed to incorporate following scenarios for such economic benefit assessment;

- The construction (residential/commercial) under violation, where the construction is stopped after some time:
- The construction (residential/commercial) under violation and where the full construction area is occupied by the third party:
- The construction area (residential/commercial) under violation where the partial construction is occupied by the third party

Economic benefit derived can be broadly considered as 10% of Ready reckoner cost⁹ of the construction under violation if it is already occupied (fully or partially) or reasonably in advance stage of completion¹⁰ (more than 50%). In case, the construction is still not in advance stage of completion (less than 50%) and no occupation is given, then the benefits can be taken as 5% of ready reckoner cost for the construction in violation. The notification does not refer to any proportioning of the economic benefits and hence, deemed profit is taken for arriving at economic benefits in the present approach. This aspect could be seriously challenged by the proponents, however, in the absence of any leverage given in notification, such approach seems to be reasonable and consistent considering the spirit of notification. These figures are taken at random basis considering bare minimum 10% profit on the ready reckoner rate and does not truly reflect the economic benefits accrued due to sale. However, such amount can be taken up as starting point which can further evolve in future. However, it is imperative and necessary to ensure that these additional costs are required to be borne by Project proponent and cannot be and shall not be passed on to the consumers. In fact, the customers are entitled to seek any other legal remedy for any compensation etc as per prevailing laws.

⁹ The ready reckoner cost is taken as most rational and documented cost available. Other cost that were also considered, were construction cost, sale price etc., but assessing those cost could itself be a complicated and arbitrary process and can lead to inconsistency which can be avoided by taking ready reckoner cost for such consideration. This ready reckoner cost is to be calculated using relevant ready reckoner rate for the year of appraisal of violation by SEIAA and total built area of construction under violation.

¹⁰ The stage of construction needs to be certified by concerned local body (municipal corporation and councils etc.) along with undertaking by the PP.

28. In addition to above environmental damage costs, it is necessary to incorporate certain consideration for the environmental track record of the project proponent as a part of economic benefits accrued by the proponents and it is proposed that for each of earlier or similar other EC violation in other projects being developed by project proponents and/or any one of its directors shall be accounted for Rs. 10,00,000/- (Rs. Ten lakhs) in the community action plan. This consideration directly stems from Gore's correction referred earlier. This will surely bring the frequent and habitual defaulters on a common platform which is a significant step for future compliance enforcement. The regular defaulters will find such a criteria as a 'reputation risk' which itself will trigger the compliance in future. The final amount towards remediation, and natural and community resource augmentation action plan can be summation of these three aspects or the amount equivalent to the CER amount as per the MOEF&CC's office Memorandum No: F NO 22-65/2017-IA-III dated 01/05/2018, whichever is higher.

29. **Calculation of Cost of remediation plan and natural & community resource augmentation plan**

Sr	Description	Details	Amount
1.	Total of recurring cost	Cost arrived from above table per day X number of days in violation	
2	Non-recurring cost	Cost as arrived from above table	
3.	Economic benefits accrued due to violation	10% of ready reckoner cost of the construction under violation if it is already occupied (fully or partially) or in reasonably advance stage of construction (more than 50%).	
		5% of ready reckoner cost of the construction under violation, if no occupation is given in violation construction and the construction under violation is still not in advance stage of construction (less than 50%) and	
		Incremental cost of Rs. 10 lakhs for each EC violation by PP or its directors observed at any other projects in last 3 years	
4	Cost of remediation plan and natural & community resource augmentation plan	Sum of 1, 2 and 3 above or amount equivalent to the CER amount as per the MOEF&CC's office Memorandum No: F NO 22-65/2017-IA-III dated 01/05/2018, whichever is higher.	

30. It is manifest from the language of the notification that the spirit of notification is twofold; firstly, there needs to a deterrent action against EC violation and secondly, there needs to be sufficient environmental restoration and restitution of the presumed environmental damages which generally occur in the surrounding due to construction projects. In the present case, most of the construction projects are located in urban areas of Mumbai and Pune and hence, in order to ensure that the local community really gets benefitted by such planned environmental restoration program, it is proposed that majority of such environmental restoration/restitution shall be carried out within 5 km of the project location. However, this aspect will be deliberated further.
31. Another important aspect of the notification is that the PP needs to give a bank guarantee of equivalent amount and such bank guarantee will be returned on verification of implementation of such EMP by regional office of Ministry, and further recommended by SEAC and only thereafter, SEIAA can take a decision on return of BG. The notification contemplates inclusion of such action plan as part of EMP. However, it is required to note that the proposed remediation and community restoration program will have to be carried out ex-situ i.e. not at construction site and therefore, the project proponent will not have mechanism to carry out such complementary remedial actions in the areas which are not under his control. One of the options is conducting such activities similar to CSR. Be that as it may, it is an admitted fact that there is a significant gap in such verification of compliance through environmental regulatory authority and therefore it would be difficult for SEAC and SEIAA to take a decision in this regard.
32. In order to simplify the entire process, it is proposed that the proposed EMP cost can be attributed to overall environmental development works in a fixed appropriate percentage which will avoid ambiguity and inconsistency. Though such a scheme of restoration may not be ideal scenario for any environmental restoration program, but as in the present case, we are strictly dealing with ex-situ restoration or rather environmental improvement program, such a practice can be most appropriate and effective. However, such practice cannot be adopted for

any future on-site restoration/restitution and is not a substitute 'pay and pollute' formulae for well established legal principle of 'polluter pays'.

33. The actual cost of remediation proposed at site can be given separately, duly certified by the environmental consultant which can be considered by SEAC and SEIAA before considering the amount which can be reduced from the cost arrived at above. However, such remediation is not expected to cover mandatory requirements of compliance or EMP, and needs to cover only exclusive efforts of environmental damage remediation.
34. Based on discussions with DoE, following areas have been identified for resource allocation through such EMP cost, which are subject to final decision, for both activities and allocation, by SEIAA and Govt of Maharashtra;

Sr. No	Description of Activity	% allocation	Implementing agency	Remarks
1	Afforestation (can include plantation, garden development)	25	Social forestry and Local body	The afforestation can be either through social forestry or the Local body. Preferably within 50 km from project site
2	Water conservation program (Jalyukt shivar, etc)	25		Preferably within 50 km radius of project site
3	Urban environment and sanitation (can include swatccha Bharat, playground development, urban ground-water recharge schemes etc)	20	Local body	
4	Sewerage lines and STP, solid waste management,	20	Local body	

5	Urban pollution initiatives	air/noise control	10	Local body	
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35. Implementation strategy: DoE on recommendation of SEIAA can lay down the implementation strategy and protocol to ensure timely execution of project which is the essence of such restoration program. The project proponent will be required to deposit such apportionated funds of the proposed EMP with concerned authorities and the confirmation of deposit of such funds will be the compliance of such EMP efforts at the project proponents end. Still however, he needs to get engaged with concerned departments to ensure that the amount is effectively spent in time bound manner. A committee under Secretary, DoE can take a review at least once in two months of the progress of such works. The concerned authorities can be asked to maintain separate account for the funds received under this scheme. The outer limit for execution of the projects could be maximum 2 years, and if any amount still remains unspent then the same will be reverted back to DoE by concerned department which can conduct specific state level programs form such funds.

अधिसूचित प्रयोगशाला या राष्ट्रीय जांच और अशांकन प्रत्यायन बोर्ड द्वारा प्रत्यायित प्रयोगशाला या वैज्ञानिक और औद्योगिक अनुसंधान परिषद् की पर्यावरण के क्षेत्र में कार्य कर रही प्रयोगशाला द्वारा किया जाएगा।";

(घ) उपपैरा (6) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(6) विशेषज्ञ मूल्यांकन समिति, यथास्थिति, राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति पर्यावरणीय प्रबंधन योजना, सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना से मिलकर बनने वाली पर्यावरणीय प्रबंधन योजना को उपदर्शित करेगी, जो कि मूल्यांकन किए गए पर्यावरणीय नुकसान और पर्यावरणीय अनापत्ति की शर्त के उल्लंघन के कारण उदभूत आर्थिक फायदे की तत्स्थानी होगी।";

(ङ) उपपैरा (7) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात्:-

"(7) परियोजना प्रस्तावक से सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना की रकम के समतुल्य बैंक प्रत्याभूति को राज्य प्रदूषण नियंत्रण बोर्ड के पास प्रस्तुत करने की अपेक्षा होगी और राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति द्वारा या प्रवर्ग 'क' परियोजना के लिए मात्रा की सिफारिश विशेषज्ञ मूल्यांकन समिति द्वारा की जाएगी और इसको विनियामक प्राधिकरण द्वारा अंतिम रूप दिया जाएगा तथा बैंक प्रत्याभूति को पर्यावरणीय अनापत्ति अनुदत्त करने से पूर्व जमा किया जाएगा और उसे मंत्रालय के प्रादेशिक कार्यालय, विशेषज्ञ मूल्यांकन समिति, यथास्थिति, राज्य या संघ राज्यक्षेत्र विशेषज्ञ मूल्यांकन समिति तथा विनियामक प्राधिकरण के अनुमोदन के पश्चात् सुधारकारी योजना और प्राकृतिक तथा सामुदायिक संसाधन आवर्धन योजना के सफलतापूर्वक कार्यान्वयन के पश्चात् निर्मुक्त किया जाएगा।";

[फा. सं. जेड-11013/22/2017-आईए-II(एम)]

ज्ञानेश भारती, संयुक्त सचिव

टिप्पण: मूल अधिसूचना का.आ. 804(अ), तारीख 14 मार्च, 2017 द्वारा प्रकाशित की गई थी।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 8th March, 2018

S.O. 1030(E). —Whereas, the Ministry of Environment, Forest and Climate Change *vide* notification number S.O.804(E), dated the 14th March, 2017 (hereinafter referred to as the said notification) has notified the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance as mandated under the Environment Impact Assessment Notification, 2006 [S.O.1533 (E), dated the 14th September, 2006];

And whereas, the Ministry of Environment, Forest and Climate Change (hereinafter referred to as the Ministry) in the said notification *inter alia*, directed *vide* sub-paragraph (2) of paragraph 13, that in case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority, are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level;

And whereas, the Ministry has received a number of proposals relating to all sectors covered under category A and category B, for consideration in pursuance of the said notification;

And whereas, the Ministry is in receipt of representations from the public representatives and Industrial Associations, requesting delegation of powers to the respective States to deal with the violation cases for operational reasons and expediting the proposals;

And whereas, the National Green Tribunal, Principal Bench at New Delhi *vide* their order dated the 27th November, 2017 in similar matters in OA No.570/2016 titled *M/s Anjli Infra Housing LLP Vs Union of India & others*, OA No.576/2016 in the matter of *M/s Ankur Khusal Construction LLP Vs Union of India & others* and OA No.579/2016 in the matter of *Anjli Infra Housing LLP Vs Union of India & others*, has passed directions for consideration of the projects at the State level and pass appropriate orders in regard to grant/refusal of the environmental clearance in accordance with law;

And whereas, in view of the above, the Central Government finds it necessary to amend the said notification number S.O.804(E), dated the 14th March, 2017 by dispensing with the requirement of notice referred to in clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 regarding inviting objections and suggestions from persons likely to be affected thereby, in public interest;

Now, therefore, in exercise of the powers conferred by sub-section (1), sub-clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification by dispensing with the requirement of notice referred to in clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, namely:-

In the said notification, in paragraph 13, -

(a) for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:-

“(2) In case the projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 from the concerned regulatory authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernisation, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations and the projects or activities covered under category A of the Schedule to the Environment Impact Assessment Notification, 2006, including expansion and modernisation of existing projects or activities and change in product mix, shall be appraised for grant of environmental clearance by the Expert Appraisal Committee in the Ministry and the environmental clearance shall be granted at Central level, and for category B projects, the appraisal and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.”;

(b) for sub-paragraph (4), the following sub-paragraph shall be substituted, namely:-

“(4) The cases of violations will be appraised by the Expert Appraisal Committee at the Central level or State or Union territory level Expert Appraisal Committee constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.”;

(c) for sub-paragraph (5), the following sub-paragraph shall be substituted, namely:-

“(5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants, and the collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or a environmental laboratory accredited by the National Accreditation Board

for Testing and Calibration Laboratories, or a laboratory of the Council of Scientific and Industrial Research institution working in the field of environment.”;

(d) for sub-paragraph (6), the following sub-paragraph shall be substituted, namely:-

“(6) The Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, as the case may be, shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.”;

(e) for sub-paragraph (7), the following sub-paragraph shall be substituted, namely:-

“(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by the Expert Appraisal Committee for category A projects or by the State or Union territory level Expert Appraisal Committee for category B projects, as the case may be, and finalised by the concerned Regulatory Authority, and the bank guarantee shall be deposited prior to the grant of environmental clearance and released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after recommendation by regional office of the Ministry, Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee and approval of the Regulatory Authority.”.

[F.No.Z-11013/22/2017-IA-II (M)]

GYANESH BHARTI, Jt. Secy.

Note: The principal notification was published vide number S.O.804(E), dated the 14th March, 2017.

आदेश

नई दिल्ली, 8 मार्च, 2018

का.आ. 1031(अ).—केन्द्रीय सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1), उपधारा (2) के खंड (i) के उपखंड (क) और खंड (v) के अधीन जारी भारत सरकार की, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में अधिसूचना संख्या का.आ.804(अ) तारीख 14 मार्च, 2017 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) द्वारा उन परियोजनाओं का जिन्होंने पूर्व पर्यावरण अनापत्ति प्राप्त किए बिना कार्य आरंभ कर दिया है और ऐसे मामलों को उल्लंघन माना गया है, का मूल्यांकन करने के लिए प्रबंध किया है।

और उपर्युक्त अधिसूचना के पैरा 13 के उपपैरा (1) द्वारा निर्देश दिया गया है कि यथास्थिति केन्द्रीय सरकार से अथवा उपर्युक्त अधिनियम के अधीन केन्द्रीय सरकार द्वारा विधिवत रूप से गठित राज्य पर्यावरण समाघात निर्धारण प्राधिकरण से, पूर्व पर्यावरणीय स्वीकृति प्राप्त किए बिना भारत के किसी भी भाग में प्रक्रिया या प्रौद्योगिकी अथवा दोनों में परिवर्तन सहित अतिरिक्त क्षमता के लिए शुरू की गई पर्यावरण समाघात निर्धारण अधिसूचना, 2006 [का.आ.1533(अ) तारीख 14 सितंबर, 2006] के अधीन पूर्व पर्यावरणीय स्वीकृति की अपेक्षा वाली परियोजनाओं अथवा क्रियाकलापों या मौजूदा परियोजनाओं अथवा क्रियाकलापों के विस्तार या आधुनिकीकरण को पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उल्लंघन का मामला माना जाएगा;

और उपर्युक्त अधिसूचना में यह और उपबंध है कि ऊपर उल्लिखित परियोजनाओं और क्रियाकलापों से उपर्युक्त अधिसूचना के पैरा 13 के उपपैरा (2) से (7) में विनिर्दिष्ट प्रक्रिया के अनुसार सख्ती से निपटा जाएगा;

और पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उपर्युक्त अधिसूचना के पैरा 13 के उप पैरा (4) के अनुसरण में सभी क्षेत्रों में उल्लंघन के मामलों का मूल्यांकन करने और केन्द्रीय सरकार को सिफोरिशें करने के लिए विभिन्न क्षेत्रों के विशेषज्ञों से मिलकर बनने वाली भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, संख्यांक का.आ.1805(अ), तारीख 6 जून, 2017 की अधिसूचना द्वारा एक विशेषज्ञ मूल्यांकन समिति (ईएसी) का गठन किया गया था ;

और इस प्रकार गठित की गई विशेषज्ञ मूल्यांकन समिति में, श्री एस.के.श्रीवास्तव, वैज्ञानिक ई को उक्त समिति के सदस्य सचिव के रूप में पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के प्रतिनिधि रूप में नामनिर्देशित किया गया था।

और प्रशासनिक तथा प्रचालन संबंधी कारणों से, अतिक्रमण मामलों में कार्यवाई करने के लिए गठित की गई विशेषज्ञ मूल्यांकन समिति के सदस्य सचिव के रूप में यथास्थिति श्री एस.के.श्रीवास्तव, वैज्ञानिक ई के साथ वैज्ञानिक ई या वैज्ञानिक एफ या वैज्ञानिक जी का नामांकन प्रतिस्थापित करना समीचीन हुआ है;

और अतः अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उक्त अधिसूचना सं० का.आ.804(अ) तारीख 14 मार्च, 2017 के पैरा 13 के उपपैरा (4) के अनुसरण में भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii), तारीख 6 जून, 2017 में प्रकाशित भारत सरकार की पर्यावरण वन और जलवायु परिवर्तन मंत्रालय संख्या का.आ.1805(अ), तारीख 6 जून, 2017 के आदेश में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त आदेश की सारणी में, क्रम सं० 11 के सामने, स्तंभ (2) में प्रविष्टियों के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"वैज्ञानिक ई या वैज्ञानिक एफ या वैज्ञानिक जी, यथास्थिति, पर्यावरण, वन और जलवायु परिवर्तन, मंत्रालय, जोरबाग रोड, नई दिल्ली-3।

[फा.सं.जेड-11013/22/2017-आईए-11(एम)]

ज्ञानेश भारती, संयुक्त सचिव

टिप्पण: मूल आदेश सं. का.आ.1805(अ) तारीख 6 जून, 2017 द्वारा प्रकाशित किया गया था।

ORDER

New Delhi, the 8th March, 2018

S.O. 1031(E).—Whereas, by the notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 804(E), dated the 14th March, 2017, issued under sub-section (1), sub-clause (a) of clause (i) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as the said notification), the Central Government has established an arrangement to appraise the projects, which have started the work without obtaining prior environmental clearance and such cases have been termed as cases of violation;

And whereas, vide sub-paragraph (1) of paragraph 13 of the said notification, it has been directed that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 [S.O.1533(E), dated the 14th September, 2006] entailing capacity addition with change in process or technology or both, undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006;

And whereas, the said notification further provides that the projects and activities referred above, shall be dealt strictly as per the procedure specified in sub-paragraph (2) to (7) of paragraph 13 of the said notification;

And whereas, in exercise of the power conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 and in pursuance of sub-paragraph (4) of paragraph 13 of the said notification, an Expert Appraisal Committee (EAC) was constituted by notification of the Government of India in the Ministry of Environment, Forest and Climate Change vide number S.O.1805(E), dated the 6th June, 2017 comprising members with expertise in different sectors to appraise and make recommendations to the Central Government as cases of violation in all the sectors;

And whereas, in this Expert Appraisal Committee so constituted, Shri S K Srivastava, Scientist E was nominated as representative of the Ministry of Environment, Forest and Climate Change as Member Secretary of the said Committee;

And whereas, due to administrative and operating reasons, it has become expedient to replace the nomination of Shri S. K. Srivastava, Scientist E with the Scientist E or Scientist F or Scientist G, as the case may be, as Member Secretary of the Expert Appraisal Committee constituted to deal with violation cases;

And now, therefore, in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of sub-paragraph (4) of paragraph 13 of the said notification number S.O.804(E), dated the 14th March, 2017, the Central Government hereby makes the following amendments in the order of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O.1805(E), dated the 6th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 6th June, 2017, namely:-

In the said order, in the Table, against serial number 11, for the entries in column (2), the following entries shall be substituted, namely:-

"Scientist E or Scientist F or Scientist G, as the case may be, Ministry of Environment, Forest and Climate Change, Jorbagh Road, New Delhi-3".

[F. No. Z-11013/22/2017-IA-II (M)]

GYANESH BHARTI, Jt. Secy.

Note: The principal order was published vide number S.O.1805(E), dated the 6th June, 2017.

F. No.Z-11013/22/2017-IA.II (M)
Government of India
 Ministry of Environment, Forest and Climate Change
 (Impact Assessment Division)

Indira Paryavaran Bhawan,
 Jor Bagh Road, New Delhi-110003

Dated: 15th March, 2018

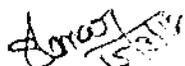
OFFICE MEMORANDUM

Sub: Implementation of Notification S.O.1030 (E) dated 8th March, 2018 - reg.

The Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior environmental clearance to the projects/activities listed in the schedule to the said Notification. These projects/activities have been categorized under category 'A' or 'B' and require appraisal and approval by the respective regulatory authorities at the Central/State level.

2. The Ministry has issued a Notification number S.O.804(E) dated 14th March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects, already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one-time opportunity to submit the request in this regard within 6 months.
3. In order to streamline and expedite consideration of proposals, it has now been decided that the projects/activities covered under category 'B', shall be considered by the SEAC/SEIAAs in the respective States/UTs. The Ministry has issued another Notification number S.O.1030 (E) dated 8th March, 2018, amending the Notification dated 14th March, 2017 to that extent.
4. In order to operationalize the Notification number S.O.1030 (E) dated 8th March, 2018, following directions are being issued for compliance with immediate effect: -
 - i. The proposals received up to 13th September, 2017 on the Ministry's portal, shall be considered by the EAC or the SEAC/SEIAA in the respective States/UTs, as the case may be, in order of their submission.
 - ii. All the proposals of category 'B' projects/activities pertaining to different sectors, received within six months only i.e. up to 13th September, 2017 on the Ministry's portal, but yet not considered by the EAC in the Ministry, shall be transferred online to the SEAC/SEIAAs in the respective States/UTs.
 - iii. The proposals submitted directly for consideration of EC (in place of ToR), shall also be considered on the same lines, in order of their submission on the Ministry's portal.
 - iv. All the projects of category 'B' pertaining to different sectors, although considered by the EAC in the Ministry and accorded ToR, shall be appraised for grant of EC by the SEAC/SEIAAs in the respective States/UTs.

- v. All projects/activities of all sectors, shall be required to adhere to the directions of Hon'ble Madras High Court vide order dated 13th October, 2017 while upholding the Ministry's Notification dated 14th March, 2017.


(Sharath Kumar Palleria)
Scientist "F" / Director

To,

1. The Chairman of all the SEAC/SEIAA of States/UTs
2. The Member Secretary of all the SEAC/SEIAA of States/UTs

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS for Environment, Forest and Climate Change
3. PPS to Secretary (EF&CC)
4. PPS to AS (AKJ)/AS (AKM)
5. PS to JS (GB)/JS (JT)
6. All officers in IA Division
7. Website, MoEF&CC
8. Guard File

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi-3

Dated: 16th March, 2018

OFFICE MEMORANDUM

Sub: Compliance of the order dated 14th March, 2018 of Hon'ble High Court of Judicature at Madras in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017 - reg.

The Ministry has issued a Notification number S.O.804(E) dated 14th March, 2017 under the Environment (Protection) Act, 1986 to appraise and regularize the projects, already taken up or under implementation without obtaining the prior environmental clearance in terms of the provisions of the EIA Notification, 2006 and thus identified to be in violation of the same. The Notification enables consideration of such proposals at Central level by providing one-time opportunity to submit the request in this regard within 6 months.

2. Pursuant to the Ministry's Notification number S.O.1030(E) dated 8th March, 2018 regarding consideration of proposals by the Expert Appraisal Committee or the SEAC/SEIAA depending upon the categorization of projects/activities (A or B) listed in the schedule to the Environment Impact Assessment Notification, 2006, the Ministry has issued Office Memorandum on 15th March, 2018 (copy enclosed) to operationalize the same.

3. Hon'ble High Court of Judicature at Madras vide Order dated 14th March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017, has directed as under:

"24. In this view of the matter, considering that sub-clause (i)(d) of Stage III of paragraph 7(i) of parent notification as contained in item No. 8(a) of the Schedule being housing projects, we deem it necessary to clarify that projects and project proponents falling under category alone shall be governed by the 'public consultation' clause in the parent notification.

25. With regard to the prayer of MOEF for extension of time for submission of proposals by project proponents, we are of the view that it will serve the ends of justice if time is extended by 30 (thirty) days from the date of delivery of this order in open court."

4. In view of the above orders of Hon'ble High Court, following directions are being issued for compliance with immediate effect: -

- i. The project proponent, who have not submitted the proposals within six months window i.e. up to 13th September, 2017 in pursuance of this Ministry's Notification S.O.804 (E) dated 14th March, 2017, are required to submit the proposals within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.

- ii. (The project proponent, who have submitted the proposals on the Ministry's portal after 13th September, 2017, are also required to submit the proposals afresh within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.
 - iii. The projects/activities pertaining to all sectors, shall be considered as per the directions of Hon'ble High of Judicature at Madras vide Order dated 14th March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017.
 - iv. The directions issued vide this Ministry's OM dated 15th March, 2018 shall continue to apply.
5. This issues with approval of the competent authority.


 (Sharath Kumar Pallerla)
 Scientist F/Director

To,

1. The Chairman of all the SEAC/SEIAA of States/UTs
2. The Member Secretary of all the SEAC/SEIAA of States/UTs

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS for Environment, Forest and Climate Change
3. PPS to Secretary (EF&CC)
4. PPS to AS (AKJ)/AS (AKM)
5. PS to JS (GB)/JS (JT)
6. All officers in IA Division
7. Website, MoEF&CC
8. Guard File



Maharashtra Pollution Control Board

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

Annexure 272

Bank Guarantee

Industry Name:	Keystone Properties	Industry Address:	S. no. 16/3, Punawale, Pune				
RO Region:	RO-Pune	SRO Region:	SRO-Pimpri Chinchwad	BG Obtained for:	DIRECTION	BG for:	Conditional Direction
Direction No:	EC Letter No. SEIAA- EC-0000002342	Direction:	24-01-2020				
Conditions:	Towards Effective Implementation of EMP comprising remediation plan and Natural and Community Resource augmentation Plan	Compliance period:	23-01-2027	BG No:	0039NDDG00023322	Amount:	4400000
Bank:	ICICI Bank	BG submission Date:	28-10-2021	BG expiry Date:	28-10-2023		

Note: You have been directed to submit original bank guarantee along with this acknowledge letter to concerned regional office.



Bank Guarantee

Industry Name:	Keystone Properties	Industry Address:	S. no. 16/3, Punawale, Pune				
RO Region:	RO-Pune	SRO Region:	SRO-Pimpri Chinchwad	BG Obtained for:	DIRECTION	BG for:	Conditional Direction
Direction No:	EC Letter No. SEIAA- EC-0000002342	Direction:	24-01-2020				
Conditions:	Towards Effective Implementation of EMP comprising remediation plan and Natural and Community Resource augmentation Plan	Compliance period:	23-01-2027	BG No:	0039NDDG00023422	Amount:	4400000
Bank:	ICICI Bank	BG submission Date:	28-10-2021	BG expiry Date:	28-10-2023		

Note: You have been directed to submit original bank guarantee along with this acknowledge letter to concerned regional office.



Bank Guarantee

Industry Name:	Keystone Properties	Industry Address:	S. no. 16/3, Punawale, Pune				
RO Region:	RO-Pune	SRO Region:	SRO-Pimpri Chinchwad	BG Obtained for:	DIRECTION	BG for:	Conditional Direction
Direction No:	EC Letter No. SEIAA- EC-0000002342	Direction:	24-01-2020				
Conditions:	Towards Effective Implementation of EMP comprising remediation plan and Natural and Community Resource augmentation Plan	Compliance period:	23-01-2027	BG No:	0039NDDG00023122	Amount:	4400000
Bank:	ICICI Bank	BG submission Date:	28-10-2021	BG expiry Date:	28-10-2023		

Note: You have been directed to submit original bank guarantee along with this acknowledge letter to concerned regional office.



Bank Guarantee

Industry Name:	Keystone Properties	Industry Address:	S. no. 16/3, Punawale, Pune				
RO Region:	RO-Pune	SRO Region:	SRO-Pimpri Chinchwad	BG Obtained for:	DIRECTION	BG for:	Conditional Direction
Direction No:	EC Letter No. SEIAA- EC-0000002342	Direction:	24-01-2020				
Conditions:	Towards Effective Implementation of EMP comprising remediation plan and Natural and Community Resource augmentation Plan	Compliance period:	23-01-2027	BG No:	0039NDDG00023222	Amount:	4400000
Bank:	ICICI Bank	BG submission Date:	28-10-2021	BG expiry Date:	28-10-2023		

Note: You have been directed to submit original bank guarantee along with this acknowledge letter to concerned regional office.

Date: 08/11/2021

To,
Hon. District Collector,
New Collector Office Building,
Pune - 411001

Subject: Regarding Activity details against implementation of EMP ...

Ref: 1. Environment Clearance Letter no. SEIAA-EC-0000002342 dated 24/01/2020 granted to project named My Home @ Punawale (formerly IRA) located at Sr No 16/3, Punawale
2. Bank Guarantee submitted to MPCB against Effective Implementation of EMP comprising remediation plan and Natural and Community Resource augmentation Plan.
3. Approach paper dated 31.01.2019.

Respected Sir,

As per damage assessment report submitted to DoE, GoM we have made detail implementation plan against cost given in Bank guarantee submitted by us with reference to approach paper made by DOE, GoM.

We have given detail of activity & place of implementation in attached copy.

We request your good selves to refer the above details & acknowledge the receipt of the same.

Thanking you in anticipation,

Yours faithfully,

For M/s Keystone Properties



Encl: - A/a

CC: Hon. Municipal Commissioner, PCMC

Rebaya
21/9/21
आयल/आयल सिटीक
मिह्यापिकास कार्यालय, पुणे.

Total Project Cost: Rs. 76,00,00,000/-
Damage EMP Cost i.e. Rs. 1,76,00,000/-

No	Activity	Details of activity and Place of implementation	Total Duration of the project			
			2021-2022	2022-2023	2023-2024	Total Amount Rs.
1	Afforestation	It is proposed to plant trees on land of Dehuroad Cantonment, Aundh Military Station Dighi army Campus & Nare Social forest area. This area is of 25km radius. As proposed M/S Keystone Properties will plant 2000 trees with minimum 3 meter distance between two plants with the guidance of ecology expert and it will be done with the permission from concerned authorities.	-	22,00,000	22,00,000	44,00,000
2	Water conservation program	It is proposed to conduct impactful water conservation projects & program, increasing ground water table, creating rain watershed projects by scientifically creating manmade waterbodies with ground water table rise of the region, reduce the rain water dependency, charging borwells, creating aquatic ecosystems on land of Dehuroad Cantonment, Aundh Military Station Dighi army Campus & Nare Social forest area which comes under radius 50 km from proposed project (Punawale). The objective is to increase awareness in the citizens regarding water conservation. Purpose of Water Conservation Programme- <input type="checkbox"/> To minimize loss on account of run off water. <input type="checkbox"/> Runoff water management and its use for useful works. <input type="checkbox"/> To minimize soil erosion and silling. <input type="checkbox"/> To minimize the intensity of flood on down slopes. <input type="checkbox"/> To improve groundwater recharge. <input type="checkbox"/> To make proper use of natural land resources in the watershed areas. <input type="checkbox"/> To develop forest and fodder growing areas. <input type="checkbox"/> To adopt proper land use pattern. <input type="checkbox"/> To manage irrigation and water sanitation. <input type="checkbox"/> Design and implementation of the awareness program will be done on the basis of interaction with experts from Groundwater Surveys & Development Agency and / or related organizations. Water conservation Program will be done with the permission from concerned authorities.	-	20,00,000	24,00,000	44,00,000
3	Urban environment and sanitation	It is proposed to provide approximately 25 Rain Water Harvesting pits of 1.5 X 1.5 meter pit, 60-70 meter bore hole with Oil and grease trap in storm water line in 5 km radius area of the project including hydrogeological study. This will help in recharging ground water. Details of the activity - Hydrogeological study for the nearby area will be done and then the rain water harvesting for the locality will be designed. It is observed that during the last decade the groundwater table is steadily falling due to an imbalance in groundwater abstraction and recharge. A hydrogeological survey will be done to determine the underground potential. Hydrogeological survey will be conducted to ascertain the quality and quantity of water available at a particular location. The main objectives are as under. <input type="checkbox"/> To visit site and study hydro-geological & topographical condition of the area. <input type="checkbox"/> To study soil characteristic of the area. <input type="checkbox"/> To provide specific design for construction of bore well structures in the given area along with its plan & reports. <input type="checkbox"/> To study the aquifer parameters and ground water behaviour in the study area. <input type="checkbox"/> To study aquifer chemistry of the area. <input type="checkbox"/> To assess the ground water resource availability for planning its further development within the safe limits of its exploration. Design of rain water harvesting will be done on the basis of this study for the project impacted area i.e. 5 kms radius of the site. Also Storm water management will be done as per design requirements. It will be done with the permission from concerned authorities.	-	12,00,000	13,00,000	25,00,000
		It is proposed to provide 1 Mobile toilet van to Pimpri Chinchwad Municipal Corporation, Pune. The Mobile toilet van will be helpful for citizens with permission from PCMC.	10,00,000	-	-	10,00,000
4	Sewerage lines and STP, solid waste management	It is proposed to setup Sewage Treatment Plant or Organic Waste Convertor machine in PCMC area. While taking up this activity, we will submit a request letter to PCMC for the same, once PCMC identifies the location for set up, with their permission we will install STP or OWC or provide fund for the same.	-	-	35,00,000	35,00,000
5	Urban Air/Noise pollution control initiatives	It is Proposed to conduct awareness sessions regarding Air and Noise pollution control for students of colleges from Pune university and PCMC / PMC schools. Design and implementation of the awareness sessions will be done on the basis of interaction with experts from concerned organisations.	-	9,00,000	9,00,000	18,00,000
Total Amount Rs.			10,00,000	63,00,000	1,03,00,000	1,76,00,000



Date: 08/11/2021

To,
Hon. Municipal Commissioner,
Pimpri Chinchwad Municipal Corporation Main building,
4th floor Pimpri 411018.

Subject: Regarding Activity details against implementation of EMP ...

Ref: 1. Environment Clearance Letter no. SEIAA-EC-0000002342 dated 24/01/2020 granted to project named My Home @ Punawale (formerly IRA) located at Sr No 16/3, Punawale
2. Bank Guarantee submitted to MPCB against Effective Implementation of EMP comprising remediation plan and Natural and Community Resource augmentation Plan.
3. Approach paper dated 31.01.2019.

Respected Sir,

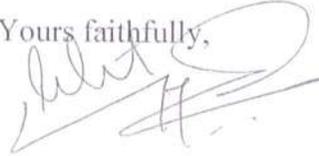
As per damage assessment report submitted to DoE, GoM we have made detail implementation plan against cost given in Bank guarantee submitted by us with reference to approach paper made by DOE, GoM.

We have given detail of activity & place of implementation in attached copy.

We request your good selves to refer the above details & acknowledge the receipt of the same.

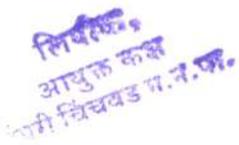
Thanking you in anticipation,

Yours faithfully,


For M/s Keystone Properties 

Encl: - A/a

CC: Hon. District Collector, Pune


08/11/2021

लिपिकर
आयुक्त कक्ष
पिंपरी चिंचवड न.न.प.

Total Project Cost: Rs. 76,00,00,000/-
Damage EMP Cost i.e. Rs. 1,76,00,000/-

No	Activity	Details of activity and Place of implementation	Total Duration of the project			
			2021-2022	2022-2023	2023-2024	Total Amount Rs.
1	Afforestation	It is proposed to plant trees on land of Dehuroad Cantonment, Aundh Military Station Dighi army Campus & Nare Social forest area. This area is of 25km radius. As proposed M/S Keystone Properties will plant 2000 trees with minimum 3 meter distance between two plants with the guidance of ecology expert and it will be done with the permission from concerned authorities.	-	22,00,000	22,00,000	44,00,000
2	Water conservation program	It is proposed to conduct impactful water conservation projects & program, increasing ground water table, creating rain watershed projects by scientifically creating manmade waterbodies with ground water table rise of the region, reduce the rain water dependency, charging borwells, creating aquatic ecosystems on land of Dehuroad Cantonment, Aundh Military Station Dighi army Campus & Nare Social forest area which comes under radius 50 km from proposed project (Punawale). The objective is to increase awareness in the citizens regarding water conservation. Purpose of Water Conservation Programme- <input type="checkbox"/> To minimize loss on account of run off water. <input type="checkbox"/> Runoff water management and its use for useful works. <input type="checkbox"/> To minimize soil erosion and silting. <input type="checkbox"/> To minimize the intensity of flood on down slopes. <input type="checkbox"/> To improve groundwater recharge. <input type="checkbox"/> To make proper use of natural land resources in the watershed areas. <input type="checkbox"/> To develop forest and fodder growing areas. <input type="checkbox"/> To adopt proper land use pattern. <input type="checkbox"/> To manage irrigation and water sanitation. <input type="checkbox"/> Design and implementation of the awareness program will be done on the basis of interaction with experts from Groundwater Surveys & Development Agency and / or related organizations. Water conservation Program will be done with the permission from concerned authorities.	-	20,00,000	24,00,000	44,00,000
3	Urban environment and sanitation	It is proposed to provide approximately 25 Rain Water Harvesting pits of 1.5 X 1.5 meter pit, 60-70 meter bore hole with Oil and grease trap in storm water line in 5 km radius area of the project including hydrogeological study. This will help in recharging ground water. Details of the activity - Hydrogeological study for the nearby area will be done and then the rain water harvesting for the locality will be designed. It is observed that during the last decade the groundwater table is steadily falling due to an imbalance in groundwater abstraction and recharge. A hydrogeological survey will be done to determine the underground potential. Hydrogeological survey will be conducted to ascertain the quality and quantity of water available at a particular location. The main objectives are as under. <input type="checkbox"/> To visit site and study hydro-geological & topographical condition of the area. <input type="checkbox"/> To study soil characteristic of the area. <input type="checkbox"/> To provide specific design for construction of bore well structures in the given area along with its plan & reports. <input type="checkbox"/> To study the aquifer parameters and ground water behaviour in the study area. <input type="checkbox"/> To study aquifer chemistry of the area. <input type="checkbox"/> To assess the ground water resource availability for planning its further development within the safe limits of its exploration. Design of rain water harvesting will be done on the basis of this study for the project impacted area i.e. 5 kms radius of the site. Also Storm water management will be done as per design requirements. It will be done with the permission from concerned authorities.	-	12,00,000	13,00,000	25,00,000
		It is proposed to provide 1 Mobile toilet van to Pimpri Chinchwad Municipal Corporation, Pune. The Mobile toilet van will be helpful for citizens with permission from PCMC.	10,00,000	-	-	10,00,000
4	Sewerage lines and STP, solid waste management	It is proposed to setup Sewage Treatment Plant or Organic Waste Converter machine in PCMC area. While taking up this activity, we will submit a request letter to PCMC for the same, once PCMC identifies the location for set up, with their permission we will install STP or OWC or provide fund for the same.	-	-	35,00,000	35,00,000
5	Urban Air/Noise pollution control initiatives	It is Proposed to conduct awareness sessions regarding Air and Noise pollution control for students of colleges from Pune university and PCMC / PMC schools. Design and implementation of the awareness sessions will be done on the basis of interaction with experts from concerned organisations.	-	9,00,000	9,00,000	18,00,000
Total Amount Rs.			10,00,000	63,00,000	1,03,00,000	1,76,00,000





Pimpri Chinchwad Municipal Corporation
Pimpri – 18.
Building Permission Department
Outward No. BP/PR25/Punawale/202/2021
Date- 24/12/2021

To,
Regional Directorate
Central Pollution control Board
Sr.no. 110, Dhankude Multipurpose hall
Baner, Road, Baner, Pune – 411045.

Sub:- Information required for compliance of Hon'ble National Green Tribunal (NGT) in the Matter OA on. 13 of 2021 (WZ) – reg.

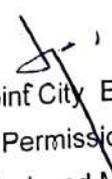
Respected Sir,

The Construction as on Dtd. 14/10/2021 is as per IOD Plan approval issued by PCMC vide lettet no.BP/EC/Punawale/12/2019, Dated – 18/12/2019 and there is no deviation in terms of configuration or builtup area w.r.t. the said IOD Plan approval. Since Building sanction plan has not been obtained by M/s. Key Stone Properties (formerly) M/s. Royal Developers for the aforesaid IOD plan approval Dated – 18/12/2019. M/s. key Stone Properties (formerly) known on M/s. Royal Developers have Provisionally obtained Layout and Building Sanction plan vide letter no. BP/EC/Punawale/08/2013, Dated – 22/07/2013 of total builtup area 30,264.83sq.m. and the observed Construction is of 30,417.55sq.m. as on Dated – 14/10/2021 which exceeds Sanctioned Construction area by 152.72sq.m. of the building sanction plan Dated – 22/7/2013. Such increase in area is not in any building configuration but only for extended structures such as sub-station area, decorative entrance, security cabin and OWC shed.

Further it is also informed that only RCC Structure have been constructed for building B and there is no occupancy of tenants in the said building. Construction of building A has not yet started and occupancy was observed in Building C and D.

Thanking you,

Your's Sincerely


Joint City Engineer
Building Permission Department
Pimpri Chinchwad Municipal Corporation
Pimpri – 18.



Pimpri Chinchwad Municipal Corporation
Pimpri - 18.
Building Permission Department
Outward No. BP/PR25/Punawale/ 02/2022
Date- 05/01/2022

To,

Regional Directorate
Central Pollution control Board
Sr.no. 110, Dhankude Multipurpose hall
Baner, Road, Baner, Pune - 411045.

Sub:- Information required for compliance of Hon'ble National Green Tribunal (NGT) in the Matter OA on. 13 of 2021 (WZ) - reg.

Respected Sir,

As per your communication submitting here with the required information wrt status of Bore well in the premises of M/s.Key Stone Properties (My Home) in the matter of Hon'ble NGT OA No.13/2021

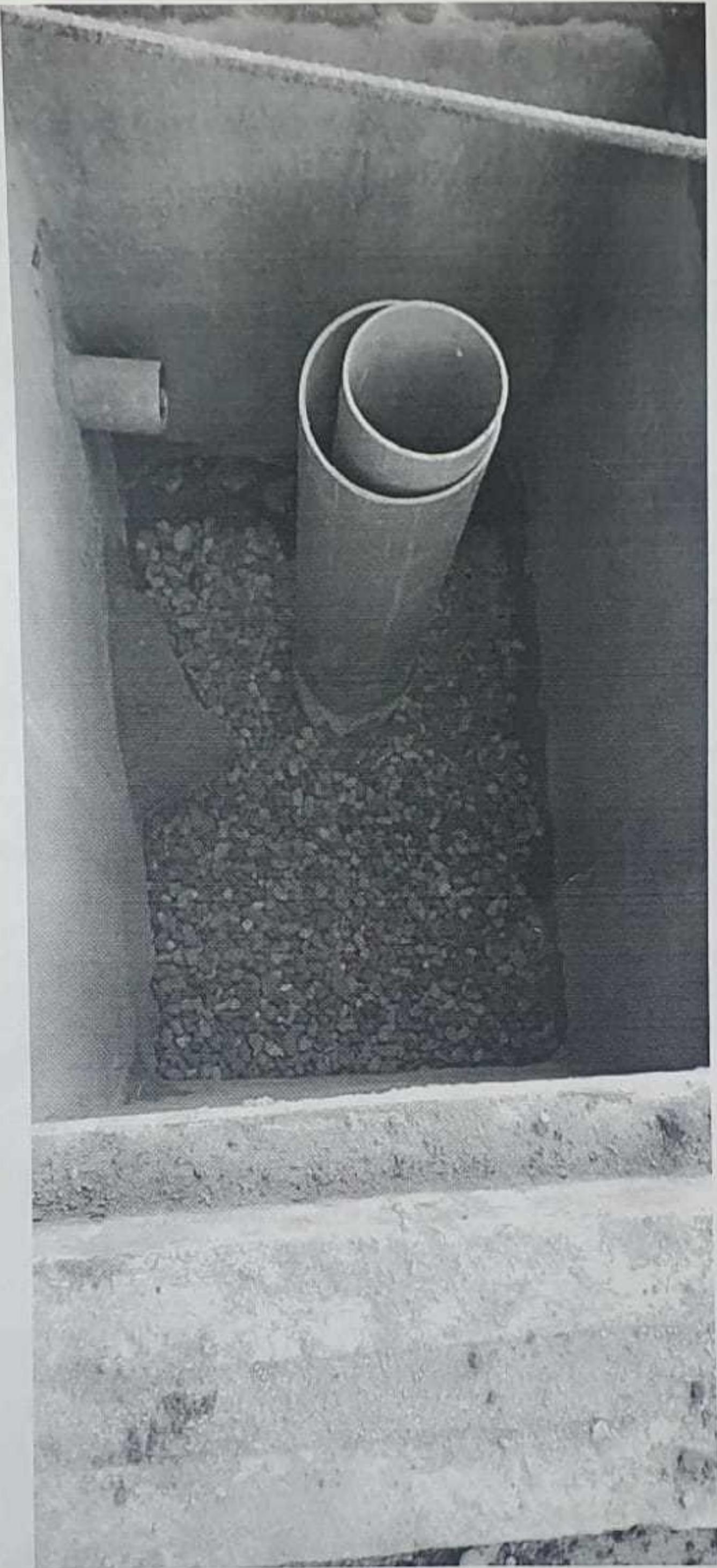
Water supply department of PCMC has inspected My home residential project at S.no. 16/3, Punavale, Pune 411033 on Dt. 05/01/02022 And as per the report Submitted by Exceutive Engineer, Water supply Department. It is observed that there is one old borewell which is presently used for Rain water harvesting purpose i.e. used as recharge pit. There is no water extraction found from the borewell .

This is for your kind Information & further necessary action.

Your's Sincerely

~~Joint City Engineer
Building Permission Department
Pimpri Chinchwad Municipal Corporation
Pimpri - 18.~~

o/c.



**PHOTOGRAPHS TAKEN DURING THE COMMITTEE VISIT
ON 06.10.2021**



Incomplete Building B (left side) and Completed Building C (right Side)



Completed Building C and Building D (left side)



Completed Building C and Building D



Incomplete Building B (right Side)



Inlet tanks-STP



Sand & Carbon Filters (Tertiary Treatment) STP (235 CMD)



Organic Waste Converter (OWC) (548kg/day) - not in operation



OWC Shed



Recharge Pits on the site

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



Jog Centre, 3rd Floor,
Wakdevadi,
Old-Pune Mumbai Road,
Pune- 411003

MPCB/ROP/ MPCB/CD/1909040002

Date: 04/09/2019

To,
M/s. Key Stone Properties,
(M/s. Royal Developers),
S. No. 16/3 part, At. Punawale,
Pune.

Sub: Directions of Closure u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 r.w. Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.

Ref 1. Board Official visit to your construction project dtd 27/8/2019
2. Proposal Submitted by SRO, Pimpri Chinchwad dtd 28/8/2019
5. Approval to the Proposal by HQ dtd 03/9/2019

WHEREAS, your construction project is located in the "Pollution Prevention Area" under the Water (Prevention & Control of Pollution) Act 1974, under the Air (Prevention & Control of Pollution) Act 1981 and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 followed by further amendments made therein from time to time.

AND WHEREAS, It is obligatory on your part to obtain Consent to Establish / Operate of the Board under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974; under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 and to comply the same.

AND WHEREAS, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively so as to achieve the standards prescribed in the consent.

AND WHEREAS, the board officials has visited to your construction projects to check compliance of consent conditions on 27/8/2019 and Sub Regional Officer Sub Regional Officer has reported following violations / non-compliances,

1. You have constructed and handed over the possession of the flat without obtaining Consent to Establish and Operate from the Board & also not obtain Environmental Clearance from Environment Department, GoM.
2. You are not operating sewage treatment plant & directly discharging sewage / domestic effluent without any treatment.
3. You are not operating OWC to treat organic waste.

AND WHEREAS, after going through the record of your case, reports and information of the Board officials and making necessary enquiries, I came to the conclusion that you are knowingly and wilfully violating the provisions of the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 and thereby causing grave injury to the Environment in the least bothered way.

..2..

NOW, THEREFORE, in exercise of powers conferred upon me by the Board u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 A of the Air (Prevention & Control of Pollution) Act, 1981, I the undersigned, Dilip Khedkar, Regional Officer at Pune hereby direct you to stop the construction / operating activities within 48 Hrs. till comply with the above mentioned noncompliance. Also note that, the competent authorities are directed to disconnect water and electricity supply of your Construction Project/ Building.

For and on behalf of
Maharashtra Pollution Control Board



(Dilip Khedkar)
Regional Officer, Pune

Copy Submitted for favour of information to :

1. The Member Secretary, MPC Board, Mumbai.
2. The Joint Director (WPC), MPC Board, Mumbai.
3. Law Officer (P&L Div), MPC Board, Mumbai.

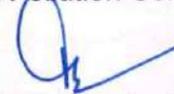
Copy forwarded with compliments for necessary action to :

1. **Executive Engineer, MSEDCL Bhosari Division, Bhosari, Pune** :- He is directed to disconnect the electric supply of above unit, after receipt of this direction and communicate accordingly.
2. **Executive Engineer, Pimpri Chinchwad Municipal Corporation, Pimpri, Pune** :- He is directed to disconnect the water supply of above unit, after receipt of this direction and communicate accordingly.

Copy to-

The Sub-Regional Officer, M.P.C.Board, Pimpri Chinchwad :- He is directed to serve this direction to the industry and report the compliance accordingly.

Maharashtra Pollution Control Board



(Dilip Khedkar)
Regional Officer, Pune

संयुक्त पावणी उद्द्वाल

1) प्रकल्पाचे नाव व पत्ता :- म. को स्टोन प्रॉपर्टीज.
पूवी म. रॉयल डेव्हलपर्स, प्लॉट नं. सिटी
अर्ब नं. 9६/3मे, मौजे, पुनावळे,
जिल्हा :- पुणे.

2) मिटीचा दिनांक - २०/८/२०१९

3) प्रकल्प प्रतिनिधी नाव :- कु. अनघा बोडस
मोबाईल व ई मेल :- 9011432828
anagha@royalproperties.in

4) संमतीपत्रा बाबतची माहिती :- प्रकल्प उभारणीसाठी
UAN No. 0000003722 अर्ब केला आहे
प्लॉट प्लॉट क्षेत्रफळ :- 9६९५५ स्क्वे मीटर

प्लॉट बांधकाम क्षेत्रफळ :- ४१३४९ स्क्वे मीटर
(२४१८४.७८ स्क्वे मी बांधकाम क्षेत्रफळ आहे)

5) पर्यावरणीय मंजूरी (EC) :- अर्ब केला आहे
दि. ०९/०७/२०१२
प्लॉट प्लॉट क्षेत्रफळ :- १६६६० स्क्वे मीटर

प्लॉट बांधकाम क्षेत्रफळ :- ४५७४९ स्क्वे मीटर.

6) महानगरपालिका / स्थानिक स्वराज्य संस्थेचा बांधकाम
पुरवठा तपशील :- पिंपरी चिंचवड महानगरपालिका
पिंपरी - ४११०१८, क. वी. पी. / पुनावळे / वे. आ. / ०६ / २०१२
दि. २२/०७/२०१३ कन्व्हे १४६७३.७६ स्क्वे मी बांधकाम क्षेत्रफळ

7) दुरुकुली सांडपाणी प्रकल्पा केंद्राबाबतची माहिती :-
प्रकल्पा क्षेत्रफळ क्षमता - २३५ एकर मीटर, संगणकीय नियंत्रण
स्क्रीन चेंबर, बाईल व क्रोस ट्रॅप, इन्व्हलपमेंटेशन टॅंक
प्लांबीची काट, ग्रुव सेक्टर, इन्टरग्रेडिड स्ट्रेझ टॅंक,
फ्लो मीटर सॅट फिल्टर, कॅव्हिटेड चारकोल फिल्टर, रिटेंड
वाटर टॅंक. प्रकल्पाकृत सांडपाणी कंत्रात फ्लोरांग सोडो वापरले जाते.

8) सेंद्रिय कचऱ्याचे रूपांतरण करणाऱ्या मशीनची माहिती
यंत्रकचरा हा म. स्वच्छ सेवा सह. संस्था मशीन, (Ame) यांच्याकडून
पाठविला जाते. मशीन क्षमता ५०० किग्रॅ. रूपांतरण करता येते.

9) असेंद्रिय कचऱ्याचे विल्हेवाटी बाबतची माहिती :-
म. स्वच्छ सेवा सह. संस्था मशीन. पुणे जोडत करार केला
आयुज पुणे विल्हेवाटी या संस्थेमार्फत केली जाते.

90) बैंक हमी :- नहीं.

99) शेरा :- 1) सब प्रकार के 'सी' व 'डी' बिल्डिंग, व्यापक शाखा व जलतरण तलाव इ. बांधकाम पूर्ण हो चुके हैं। 'ए' व 'बी' बिल्डिंगों की पूरा स्टाफ इनके क्रम में इंग्लैंड कायम है। अब्याप 'सी' बिल्डिंगों के बांधकाम शुरू हो चुके हैं। गे. पींपरी चिंचवड म. न. पा. के काम बंद करवाने का देखा प्राप्त होवापसून सध्या प्रकार के बांधकाम बंद है।

II) प्रकार के 238 घ. मीटर क्षेत्र के कार्यवाही सां. पा. प्रकिया यंत्रणा उभारने क्रम में भी वेही कार्यवाही करवाए जाने आरंभ काले. यंत्रणा के देखभाल व सुव्यवस्था व्यवस्था नही। बजट परेशान होने पर 800 रु. 800 रु. 800 रु. का बजट काले नही व्यवस्था चेंबर व इन्वॉलपमेंट नंबर कार्यवाही की जोय (लेवलिंग पॉइंट) करके अप्रकिया के सांझा की बाहर जलतरण नाला सेटवाए गे।

III) अंग्रेजी खाने के रूप में करवाए (OWC) यंत्रणा उभारने क्रम में व्यक्ति द्वारा 0.50 मिली/प्रति दिन उत्पन्न हो रहे मात्र भी वेही सब यंत्रणा ही बंद करवाए का देखा.

IV) प्रकार के घ. सां. पा यंत्रणा व जलतरण तलाव सां. नि. जंतु नियंत्रण यंत्रणा ~~करवाए~~ करवाए उभारने नहीं.

V) प्रकार के पींपरी चिंचवड म. न. पा. की पहिली स्थापित बांधकाम 98, 103, 104 स्के. की करीत परवातगी वेवली है। मात्र बापर परवात करवाए चेतना नहीं.

VI) सब प्रकार के सी व. डी बिल्डिंगों में कुल 1 (1 बीचके) व 9 (9 बीचके) फ्लॉयड काहे व यंत्रणा 100% फ्लॉयड सध्या नगरपालिका सुमारे 2098 पासून बहात काहेत.

VII) प्रकार के कुल गे. की जगा ही 9, 10, 13 स्के. की उत्पन्न क्रम में सुमारे 950 आडे लाववाए काले काहेत.

Bodey .. (अनघा बोडेय) कार्पोरेट
Amir .. (अमीर अली) म. न.
Mirza .. (मिर्जा) उप. प्रा. क.

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 24010437/24020781
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Kalpataru Point, 3rd & 4th floor,
Sion- Matunga Scheme Road No. 8,
Opp. Cine Planet Cinema, Near Sion Circle,
Sion (E), Mumbai - 400022

Infrastructure /Red/LSI

Consent order No: Format1.0/BO/JD (WPC)/UAN-087291/CE/- 200 8 000543 . Date 17/08/2020

To,
M/s. Keystone Properties ,
S. No. 16/3, Punawale,
Tal: Mulshi, Dist: Pune.

Sub: Consent to Establish for Construction of Residential Commercial Project granted under Red Category.

Ref: 1. Your Application vide UAN No. -0000087291 Dated: 21/01/2020.

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

- The consent is granted for a period up to commissioning of the project or of 5 years whichever is earlier.
- The proposed capital investment of the project is Rs.76.0 Cr.
(As per under taking submitted by project proponent)

The Consent to Establish is valid for construction of Residential and commercial Project named as M/s. Keystone Properties, S.No. 16/3, Punawale, Tal: Mulshi, Dist: Pune, for total plot area of 16955.0 Sqm and total built up area 41451.48 Sqm, as per EC dt. 24/01/2020, including utilities and services as per Commencement Certificate issued by local body.

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

Sr. No.	Description	Permitted quantity of discharge (CMD)	Standards to be achieved	Disposal
1.	Trade effluent	NIL	NA	NA
2.	Domestic effluent	231.0	As per Schedule -I	60% should be reused & recycled and remaining should be discharged in municipal sewer

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

Sr. No.	Description of stack/ source	Capacity	Number Of Stack	Standards to be achieved
1.	DG Set	200 KVA	1	As Per Schedule -II

M/s. keystone properties

UAN 087291

Page 1 of 6

5. Conditions under Solid Waste Management Rules, 2016:

Sr. no.	Type Of Waste	Quantity & UOM	Treatment	Disposal
1	Wet garbage	548.00 Kg/Day	Organics waste Converter with composting facility / Biogas digester with composting facility	Used as Manure
2	Dry garbage	371.00 Kg/Day	--	Segregate and Hand over to Local Body for recycling
3.	STP sludge	21.0 Kg/day	STP	Used as manure

6. Conditions under Hazardous and Other Wastes (M & TM) Rules, 2016 for treatment and disposal of hazardous waste; NIL.
7. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same should be binding on the industry.
8. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
9. Project Proponent shall comply the Construction and Demolition Waste Management Rules, 2016 which is notified by Ministry of Environment, Forest and Climate Change dtd.29/03/2016.
10. Project Proponent shall submit an affidavit in Board's prescribed format within 15 days regarding the compliance of conditions of EC/CRZ clearance and C to E.
11. Project Proponent shall install online monitoring systems for BOD, TSS and flow at the outlet of STP.
12. Project Proponent shall provide Organic waste digester with composting facility or Biogas digester with composting facility.
13. The applicant should comply with the conditions stipulated in Environmental Clearance Obtained from SEIAA, Environment Department, Government of Maharashtra, dt.24/01/2020 for total plot area **16955.00 Sqm** and total construction BUA **41451.48 Sqm**.

For and on behalf of the
Maharashtra Pollution Control Board

Dr. Y. B. Sontakke
Joint Director (WPC)

Received Consent fee of -

Sr. No.	Amount (Rs.)	Transaction . No.	Date	Drawn On
1	1,25,000/-	RHMP8449314089	23/01/2020	online

Copy to:

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

Schedule-I

Terms & conditions for compliance of Water Pollution Control:

- 1) A] As per your application, you have proposed to install of Sewage Treatment Plants (STP) with the design capacity of **235.00 CMD**
- B] The Applicant shall operate the effluent treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

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

C) The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, firefighting, on land for gardening etc and remaining shall be discharged in to the municipal sewerage system.

D] Project proponent shall operate STP for five years from the date of obtaining occupation certificate.

The Board reserves its rights to review plans, Specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant should obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto

- 2) The industry should ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 3) The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, by installing water meters and other provisions as contained in the said act.

Sr. no.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Domestic purpose	267.0

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

Schedule-II

Terms & conditions for compliance of Air Pollution Control:

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

Sr. No.	Stack Attached To	APC System	Height in Mtrs.	Type Of Fuel	Quantity	UOM	S%	SO ₂
1.	DG Set (200 KVA)	Acoustic enclosure	3.0	HSD	37.0	Lit/Hr	--	--

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

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

Particulate matter	Not to exceed	150 mg/Nm ³ .
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3. The Applicant should obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement alteration well before its life come to an end or erection of new pollution control equipment. The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).

Maharashtra Pollution Control Board

Schedule-III
Details of Bank Guarantees

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



Maharashtra Pollution Control Board

General Conditions:

Schedule-IV

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

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

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



Jog Centre, 3rd Floor,
Wakdewadi,
Old-Pune Mumbai Road,
Pune- 411003

MPCB/RESTART/ 2012080002

Date: 08/12/2020

To,
M/s. Key Stone Properties
(M/s. Royal Developers),
S. No. 16/3, Part At. Punawale,
Pune.

Sub: Conditional Restart Directions under section 33A of the Water (P & CP) Act, 1974 and under section 31A of the Air (P & CP) Act, 1981.

- Ref:**
1. Board's Closure Directions vide letter no. MPCB/ROP/MPCB/CD/1909040002, Dtd. 04/9/2019
 2. Visit of Board Officials on 27/02/2020
 3. Environmental Clearance Dtd. 24/01/2020
 4. Proposal submitted by Sub Regional Officer Pimpri Chinchwad for issuance of Restart vide no. MPCB- LEGAL_ACTIONS- 280819013 on 27/07/2020 and approved by HQ 31/07/2020.

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This refers to the Closure Directions issued by Board vide letter under ref (1) to your construction project due to non-compliances / violations of Environmental Acts and causing environmental pollution.

Considering your reply and recommendations of Sub-Regional Officer, Pimpri Chinchwad and approval received from HQ on 31/07/2020 the Closure Directions is withdrawn herewith and allowed to restart / resume your construction activities subject to following terms & conditions.

1. You shall obtain consent to operate from the Board till them shall not start any construction activity.
2. You shall operate sewage treatment plant continuously so as to achieve consented standards and treated effluent shall be dispose as per consent conditions.
3. You shall regularly treat organic waste in provided OWC.
4. You shall strictly complied with the conditions mentioned in environmental clearance within prescribed time.
5. You shall submit Bank Guarantee of Rs. 1.0 Lakh (One Lakh Only) in favor of Regional Officer, Pune, within 15 days period towards compliance of above directions.

These directions are issued under the powers conferred upon me by the Board under section 33 A of Water (Prevention and control of Pollution) Act, 1974.

These directions shall be followed scrupulously in case of non-compliance the Board is constraint to take stringent legal action including forfeiting of bank guarantee and closure of unit, which may please be noted.

..2..

This is issued with the approval of Member Secretary of the Board.

**For and on behalf of
Maharashtra Pollution Control Board,**



(Dr. J. B. Sangewar)
Regional Officer, Pune

Copy submitted for favor of information to:-

1. The Member Secretary, MPCB, Mumbai

Copy forwarded to:-

1. Joint Director (WPC), MPCB, Mumbai.
2. Law Officer (P & L Div), MPCB, Mumbai

Copy to Sub Regional Officer- Pimpri Chinchwad :-

- He is directed to serve the directions and report the compliance accordingly.

Copy forwarded with compliments for necessary action to:-

1. Executive Engineer, MSEDCL Bhosari Division, Bhosari Pune :-
 - He is directed to restore the electric supply of above unit, after receipt of these directions and communicate accordingly.
2. Executive Engineer, Pimpri Chinchwad Municipal Corporation Pimpri Pune :-
 - He is directed to restore the water supply of above unit, after receipt of these directions and communicate accordingly.

**For and on behalf of
Maharashtra Pollution Control Board,**



(Dr. J. B. Sangewar)
Regional Officer, Pune

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701

Fax: 24024068 / 24023515

Website: <http://mpcb.gov.in>

E-mail: jdwater@mpcb.gov.in



Kalpataru Point, 2nd - 4th Floor

Opp. Cine Planet Cinema,

Near Sion Circle, Sion (E)

BY RPAD/ Fax/ Hand/Delivery

No. MPCB/ BO/JD (WPC) /Infra/Refusal/- 210 2000999 Date 16/02/2021

To,

**M/s. Keystone Properties (My Home Project),
S. No. 16/3, Punawale, Tal: Mulshi Dist: Pune.**

Sub – Refusal of Consent under section 27 of water (Prevention and Control of Pollution) Act 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act 1981

- Ref- 1) Your Application vide UAN No. 0096771 dt .20 /08/2020
2) Show Cause Notice issued by vide letter dt. 13 /01/ 2021
3) Your reply vide letter dt 20/01/2021**

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AND WHEREAS, you have made an application for grant of Part consent to Operate for construction of residential and commercial project u/s 26 of the Water (Prevention and Control of Pollution) Act 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act 1981 and under rule 5 of the Hazardous & Other Waste (Management and Transboundary Movement) Rules, 2016.

AND WHEREAS, Board office had issued Show cause notice for refusal of consent application to construction of residential and commercial projects having plot area 16955.0 Sqm and completed BUA 21355.02 sqm out of total BIUA 41341.48 as per EC dt 24/01/2020

AND WHEREAS, show cause notice for refusal of consent issued vide above ref at sr. no. (2) for non submission of Bank Guarantee of Rs 1.76 Cr towards effective implementation of the EMP comprising remediation plan and Natural and community Resource as per Environmental clearance.

AND WHEREAS, you have submitted reply vide above ref at sr. No (3) which unsatisfactory .

AND WHEREAS, in spite of sufficient time given to you have fails to comply directions , consent conditions and compliance of EC conditions, which shows your negligent attitude towards environment Protection and compliance of directions hence decided to issue final refusal order with stop work order.

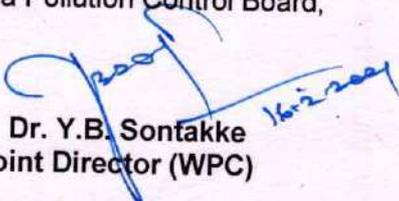
...2..

....2...

In view of the aforesaid non compliances, your application for part consent to operate for Residential and commercial Projects is hereby refused under section 27 of the Water (Prevention and Control of Pollution) Act 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act 1981 and you are hereby directed to stop your construction activities forthwith, failing which the Board will have no option then to initiate further legal action against you, which please note.

You may prefer an appeal against the Refusal Order passed by Maharashtra pollution control Board, in case aggrieved by the refusal order, to the Appellate Authority within thirty days of receipt of this order.

For & behalf of the
Maharashtra Pollution Control Board,


Dr. Y.B. Sontakke
Joint Director (WPC)

Copy to-

1. Regional Officer, MPCB, Pune: He is directed to issue closure directions construction project.
2. Sub Regional Officer, MPCB, Pimpri Chinchwad- For information and necessary follow up action.
3. Law Officer, MPCB, Mumbai - For information and necessary follow up action.