

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. 14/2021 (WZ) (SATISH SANJAY MAGADE VS M/S. RHYTHM COUNTY & 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
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OF ORIGINAL APPLICATION NO. 14/2021 (WZ) (SATISH SANJAY
MAGADE VS M/S. RHYTHM COUNTY & ORS)**

1.0 Background:

An Original Application No. 14 of 2021 (WZ) has been filed before Hon'ble National Green Tribunal (NGT) (titled Satish Sanjay Magade vs M/s. Rhythm County & Ors.) against violations of environmental norms by M/s. Rhythm County (the project proponent) in setting up a construction project at 10(P), 11(P) Autade Handewadi Ta. Haveli Dist Pune.

The applicant had alleged that the construction commenced by M/s Rhythm County at plot No. 10 (P), 11 (p), Autade Handewadi, Ta Haveli, Dist Pune without requisite Environmental Clearance (EC) as per Environmental Impact Assessment (EIA) Notification dated 14.09.2006, without requisite consent under the Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974, MPCB issued Show Cause Notice on 03.01.2020, declined consent on 06.07.2020 and in spite of order dated 06.07.2020 of MPCB for stopping of construction work of the project, the project proponent continued the construction activities and completed construction measuring 1,01,301.82 Sqm.

The Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi, in the matter passed an order on 08.06.2021 (**Annexure- I**) with following directions:

- “3. *We have heard learned Counsel for the applicant. From the averments in the application, prima facie, serious violations appear to be taking place in construction projects. We have dealt with another matter filed by the applicant by a separate order today raising somewhat identical issues in respect of other project being OA No. 13/2021, Shashikant Vithal Kamble vs. Keystone Properties and directed the MoEF&CC to conduct functional audit of functioning of SEIAA, Maharashtra with a view to enforce the environmental rule of law, particularly the repeated judgements of the Hon'ble Supreme Court. The Tribunal has also noted earlier direction 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. vide order dated 24.05.2020 requiring SEIAA, Maharashtra to review its working with a view to comply with the mandate of law inter alia in judgments of Hon'ble Supreme Court in Alembic Chemicals v Rohit Prajapati¹, Keystone developers v. Anil Tharthare², Goel Ganga Developers India Pvt. Ltd. v UOI³ and Bengaluru Development Authority v. Sudhakar Hegde & Ors.⁴ The Tribunal also constituted a Committee to look into the compliance status of the project and determine compensation on 'Polluter Pays' principle to recover the cost of restoration.*

- “4. *The two committees appointed in OA No.13/2021, Shashikant Vithal Kamble v. M/s. Key Stone Properties & Ors. by separate order today, may also act in the present matter. The second committee with regard to compliance status of the project may look into the compliance status and violations in respect of the present project also and give its report, along with the recommendations for the amount of compensation required to be recovered for restoration of the environment and the restoration plan...*”

The relevant portions of paras 4 & 5 of the order dated 08.06.2021 in OA No. 13 of 2021 (Shashikant Vithal Kamble vs M/s. Key Stone Properties & Ors.) are reproduced here in connection to para 4 as mentioned above (as per order dated 08.06.2021 in this OA No. 14 of 2021 (Satish Sanjay Magade vs M/s. Rhythm County & Ors.))

- “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.....”*
- “ 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...*”

Accordingly, 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.90 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.90 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 CPCB, Pune;
- II. Shri. Suresh Kumar Adapa, Scientist 'E', Integrated Regional Office (IRO), MoEF&CC, Nagpur, and;
- III. Shri. Nitin Shinde, I/c Regional Officer, MPCB 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), Pune, Metropolitan Regional Development Authority (PMRDA) 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 information as per the aforesaid questionnaire, the committee, carried-out inspection of the construction project- Rhythm County at 10 (P), 11(P) Autade Handewadi Ta-Haveli Dist Pune on 06.10.2021. Shri. Pranav Mitkari, Assistant Town Planner, Pune Metropolitan Regional Development Authority (PMRDA) and Shri Anil Baviskar, Manager (representative of Project Proponent) for the project- Rhythm County, were also present during the site visit. Shri Kiran Hasbanis SRO, MPCB Regional Office Pune and Shri Motegaonkar, Field Officer, MPCB Regional Office Pune, represented Shri. Nitin Shinde, I/c Regional Officer, MPCB Pune, during the said visit.

2.0 OBSERVATIONS & FINDINGS:

(A) ABOUT THE PROJECT

The project **Rhythm County** is located at S. No. 10(P), 11(P) Autade Handewadi, Ta- Haveli Dist-Pune comes under Pune Metropolitan Regional Development Authority (PMRDA). The project is developed by M/s. Majestique Risingsun LLP and M/s Majestic Landmarks Pvt Ltd.

(B) OBSERVATIONS W.R.T ENVIRONMENTAL CLEARANCE (EC) AND VIOLATIONS THERETO

- (I) Details of the Layout Sanctioned and Commencement Certificate, Plinth Check Certificate, EC granted and current construction status are given at **Table-1**.

Table-01 Details of the Layout Sanctioned and Commencement Certificate, Plinth Check Certificate, EC granted and current construction status

Sl. No.	Particulars (J)	Gross Plot Area	Deduction of FSI	Net Plot Area	Building Configuration	Total built-up area
1	EC dated 27.11.2017 issued by PMRDA for Total Plot Area of 68543.50 Sq.m				As mentioned in the conceptual plan <ul style="list-style-type: none"> Buildings-A1,A2,A3,A4,A5,A6,B1,B2,B3,B4,B5,B6,B7,B8 (Configuration Not Mentioned) Commercial Buildings-A,B-G+2 Total 14+2=16 Buildings 	FSI- 77660.0 Sq.m Non FSI- 68022.28 Sq.m TBUA-145682.28 Sq.m
2	Layout and Commencement No. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.224/17-18 dated 23.01.2018 issued by PMRDA	83073.5	28509.12	54564.38	<ul style="list-style-type: none"> Commercial Wing A- Gr.+ Middle Floor +2 Floor Commercial Wing B- Gr.+ Middle Floor +2 Floor 	Total FSI- 2320.66 Sq.m Total Non FSI- 170.18 Sq.m TBUA-2409.84 Sq.m
3	Plinth Check Certificate for Commercial Wing B dated 16.05.2018	As per Layout and Commencement No. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.224/17-18 dated 23.01.2018				
4	Plinth Check Certificate for Commercial Wing A dated 09.08.2018	As per Layout and Commencement No. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.224/17-18 dated 23.01.2018				
5	Layout and Commencement No. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R.No.1731/17-1 dated 01.10.2018 issued by PMRDA	68573.5	14009.12	54564.38	<ul style="list-style-type: none"> Commercial Wing A- Gr.+ Middle Floor +2 Floor Commercial Wing B- Gr.+ Middle Floor +2 Floor Residential Wing A1-LP+UP+8 Floor Residential Wing A2-LP+UP+8 Floor 	Total FSI- 9,298.12 Sq.m Total Non FSI-2790.72 Sq.m TBUA-12088.84 Sq.m
6	Layout and Commencement No. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019 issued by PMRDA	68573.5	14009.12	54564.38	<ul style="list-style-type: none"> Commercial Wing A- Gr.+ Middle Floor +2 Floor Commercial Wing B- Gr.+ Middle Floor +2 Floor Residential Wing A1- LP +UP +14 Floors Residential Wing A2- LP +UP +14 Floors Residential Wing A3- LP +UP +14 Floors Residential Wing A4- LP +UP +14 Floors Club House-Gr. +1 	Total FSI- 26261.09 Sq.m Total Non FSI-7993.68 Sq.m TBUA-34254.77 Sq.m

7	Plinth Check Certificate for Residential Wing A1 and Wing A2 dated 21.09.2019	As per Layout and Commencement No. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019				
8	Completion Certificate for Commercial Wing B dated 14.10.2019	As per Layout and Commencement No. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.224/17-18 dated 23.01.2018				
9	Plinth Check Certificate for Club House dated 16.03.2020	As per Layout and Commencement No. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019				
10	Plinth Check Certificate for Residential Wing A3 and A4 dated 06.10.2020	As per Layout and Commencement No. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019				
11	Layout and Commencement No BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1480/19-20 dated 22.12.2020 issued by PMRDA	68573.5	14009.12	54564.38	<ul style="list-style-type: none"> • Commercial Wing A- Gr.+ Middle Floor +2 Floor • Commercial Wing B- Gr.+ Middle Floor +2 Floor • Residential Wing A1- LP +UP +14 Floors • Residential Wing A2- LP +UP +14 Floors • Residential Wing A3- LP +UP +14 Floors • Residential Wing A4- LP +UP +14 Floors • Residential Wing B1-Stilt+14 Floor • Residential Wing B2- Stilt+14 Floor • Residential Wing B3- Stilt+14 Floor • Residential Wing B4- Stilt+14 Floor • Club House-Gr.+1 	Total FSI- 43056.05 Sq.m Total Non FSI- 14140.56 Sq.m TBUA -57196.61 Sq.m
12	Plinth Check Certificate for Residential Wing B1, B2, B3 and B4 dated 25.05.2021	As per Layout and Commencement No BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1480/19-20 dated 22.12.2020				
13	Completion Certificate for Commercial Wing A dated 09.04.2021	As per Layout and Commencement No. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019				
14	Status of construction as on 08.11.2021 is as per Layout Sanctioned and Commencement No BHA/Mauje Autade Handewadi/GAT no. 10(P)	<ul style="list-style-type: none"> • Commercial Wing A- Gr.+ Middle Floor +2 Floor (Work Completed At Site) • Commercial Wing B- Gr.+ Middle Floor +2 Floor (Work Completed At Site) • Residential Wing A1- LP +UP +14 Floors (All Slabs Completed, Internal Finishing is in Progress) • Residential Wing A2- LP +UP +14 Floors (All Slabs Completed, Internal Finishing is in Progress) • Residential Wing A3- LP +UP +14 Floors (All Slabs Completed, Internal Finishing is in Progress) 			Total Built up Area Constructed =32226.01 Sq.m	

	11(P)/C.R. No.1480/19-20 dated 22.12.2020	<ul style="list-style-type: none">• Residential Wing A4- LP +UP +14 Floors (15 Slabs are done, 16th slab RCC pending)• Residential Wing B1-Stilt+14 Floor (9 Slabs are done)• Residential Wing B2- Stilt+14 Floor (10 Slabs are done)• Residential Wing B3- Stilt+14 Floor (9 Slabs are done)• Residential Wing B4- Stilt+14 Floor (9 Slabs are done)• Club House-Gr. +1 (Work Completed at Site)	
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- II) MoEF&CC vide notification dated 09.12.2016 (**Annexure-II**) integrated environmental conditions in building bye laws and amended EIA Notification 2006 by including Paragraph no. 14 with following:
- The integrated environmental conditions with the building permission being granted by the local authorities and the construction of buildings as per the size shall adhere to the objectives and monitorable environmental conditions as given at Appendix-XIV.
 - The States adopting the objectives and monitorable environmental conditions referred to in subparagraph (1), in the building bye-laws and relevant State laws and incorporating these conditions in the approvals given for building construction making it legally enforceable shall not require a separate environmental clearance from the Ministry of Environment, Forest and Climate Change for individual buildings.
 - The States may forward the proposed changes in their bye-laws and rules to the Ministry of Environment, Forest and Climate Change, who in turn will examine the said draft bye-laws and rules and convey the concurrence to the State Governments.
 - When the State Governments notifies the bye-laws and rules concurred by the Ministry of Environment, Forest and Climate Change, the Central Government may issue an order stating that no separate environmental clearance is required for buildings to be constructed in the States or local authority areas.
- III. The Society for Protection of Environment & Biodiversity filed OA No. 677 of 2016 before Hon'ble NGT, Principal Bench, New Delhi praying that the Notification dated 9th December, 2016 issued by MoEF&CC should be quashed and set aside.
- IV. The Urban Development Department, Govt. of Maharashtra vide notification dated 28.06.2017 published the integration of environmental conditions in building bye laws. As per the notification, environment cell of the local body shall carry out the environment appraisal of the proposals with built up area between 20,000 sq.m. and 1,50,000 sq.m. The copy of said Notification is given at **Annexure-III**.

- V. The IA Division, MoEF&CC vide order F.No. 19-159/2014-IA III (Pt. File) dated 07.07.2017 (**Annexure-IV**) informed the Urban Development Department, Govt. of Maharashtra that:
- The Environmental Clearance for building and construction projects up to 1,50,000 sq.m. stand integrated with Development Control Regulations (DCR) of all Municipal Corporations, Municipal Councils and all Special Planning Authorities in Pune and Konkan Divisions.
 - The Authority Competent to grant the building permission will integrate the environmental clearance conditions in same order based on the recommendations of the Environmental Cell, following the process as envisaged under the notification. The Authority granting this integrated building permission with environmental clearance conditions will be responsible for implementation of the procedures and processes laid down in the Ministry's notification dated 09.12.2016.
 - **The order is subject to decision in O.A. No. 677/2016 pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.**
- VI. The Hon'ble NGT, Principal Bench, New Delhi vide order (in OA no. 677/2016) dated 08.12.2017 passed following order/direction:
- Till the time the Ministry comply with the above directions and notify the amended provisions of Regulations of 2006, it will not implement the impugned Notifications. However, once the amended regulations are notified, MoEF&CC/SEIAA /Local Authorities can give effect to that, without any further reference to the Tribunal.***
- The copy of aforesaid order dated 08.12.2017 is given at **Annexure-V**
- VII. IRO, MoEF&CC, Nagpur vide letter dated 11.10.2021 requested Policy Division of MoEF&CC, New Delhi to clarify whether the environmental clearance (dated 27.11.2017) granted by PMRDA is valid or invalid. The Ministry vide letter dated 18.11.2021 informed that “ **S.O. 3999 (E) dated 9.12.2016, was challenged before Hon'ble National Green Tribunal, Principal Bench, New Delhi vide OA No. 677 of 2016 filed by Society for Protection of Environment & Biodiversity. The same has been disposed of on 08.11.2017 (uploaded on 08.12.2017) and notification dated 09.12.2016 has been stayed by Hon'ble Tribunal**”.

Further, the order dated 8.12.2017 passed in OA no. 677 of 2016 has been challenged by the Ministry before Hon'ble Supreme Court vide Civil Appeal No. 2522/2018, the same is sub-judice and no stay was granted by the Hon'ble Supreme Court w.r.t. the order dated 08.12.2017." The Ministry letter dated 18.11.2021 is attached as **Annexure-VI**.

- VIII. M/s. Saibaba Sales Pvt. Ltd. (appellant) filed two (02) appeals under section 22 of National Green Tribunal Act, 2010 assailing the judgement and final order dated 18.1.2021 in the OA No. 83/2019. Under the impugned judgement, the Hon'ble NGT held that further construction cannot be made without environment impact assessment, but protected the constructions already made by the appellant on the basis of Environmental Clearance issued by Pimpri Chinchwad Municipal Corporation as per the notification dated 9.12.2016.

The Hon'ble Supreme Court vide order (in Civil Appeal no. 595 of 2021) dated 26.11.2021 endorsed the Hon'ble NGT's order dated 18.01.2021 and ordered that:

" The four constructed buildings are resultantly to be treated to be under a valid EC with all legal consequences. It is, however, made clear that if any further construction is proposed by the appellant with the sanctioned layout, the same should not be done on the strength of the EC granted on 28.11.2017 by the PCMC. In other words, if the Project Proponent wishes to construct the remaining buildings, they must secure fresh clearance from the competent authority, as per the currently applicable framework. It is ordered accordingly"

Copy of the judgement dated 26.11.2021 is enclosed as **Annexure-VII**.

- IX. Pune Metropolitan Regional Development Authority (PMRDA) vide letter dated 27.11.2017 granted Environmental Clearance for the construction of residential and commercial project with total built up area of 1, 45,682.28 sq.m on the basis of the conceptual plan for total of 16 buildings. (**Refer SI No.1 of Table 1 & EC dated 27.11.2017**). The copy of EC issued by PMRDA is given at **Annexure-VIII**.
- X. PMRDA has provided information vide letter (copy given at **Annexure-IX**) no. Mauje Autade Handewadi/Gut No. 10 (P), 11 (P)/C. No. 2674 dated 05.01.2022 regarding layout sanction plans, plinth check certificates, configurations, Built up area along construction status as on 08/11/2021.

XI. It is observed from EC dated 27.11.2017 that the configuration for Commercial Building A and B is given as “G+2” but the first layout sanctioned and commencement certificate and its subsequent layout sanctions and commencement certificates issued by PMRDA the configuration is mentioned as “Gr.+ Middle Floor +2 Floor” and further present construction status (**Annexure-IX**) also shows “Gr.+ Middle Floor +2 Floor”. Such “Gr.+ Middle Floor +2 Floor” sanctions and construction of Commercial Building A and B are not in compliance with EC dated 27/11/2017 granted by PMRDA where the configuration is stipulated as G+2. Further, such changes/non-compliances have also not been mentioned in information provided in existing building name /configuration and proposed building name /configuration in ToR granted by SEIAA. The copy of ToR is given at **Annexure-X**. Therefore, there is violation of EC granted by PMRDA.

XII. It is also observed that Club house is constructed which has not been included in the list of buildings mentioned in Environmental Clearance dated 27.11.2017 issued by PMRDA, whereas such club house has been mentioned in the subsequent Layout and Commencement No. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019 issued by PMRDA. Further, Plinth check certificate for club house is given on 16.03.2020. Construction of Club House (Gr +1) is completed with Built Up Area – 431.91 Sq.m. (Please refer **Table-01 & Annexure-IX**).

Thus, Club house has been constructed without amendment in EC dated 27/11/2017 issued by PMRDA nor it is mentioned in information provided in existing building name /configuration and proposed building name /configuration in ToR granted by **SEIAA**. The copy of ToR is given at **Annexure-X**. Therefore, there is violation of EC granted by PMRDA with regard to the construction of club House.

- XIII. The project proponent (PP) has applied for EC to SEIAA vide Application dated 18.07.2020 for Total Built Up Area of 1,84,1434 sq.m. and SEIAA granted ToR vide letter dated 08.02.2021. However, EC is not yet granted by SEIAA.
- XIV. Construction activity was observed during the visit on 06.10.2021. As per PMRDA letter dated 05.01.2022 (**Annexure-IX**), total built up area constructed is 32226.01 sq.m. as per sanction plan dated 22.12.2020 and status of construction is given in Sr No. 14 of Table No.1 above. However, the committee observes that current construction has deviation from EC dated 27/11/2017 w.r.t. commercial buildings configuration and construction of club house, as given at para XI & XII above.
- XV. With regard to conditions stipulated in said EC during the construction phase, it is observed that :
- a. C & D waste generated during construction is used for internal road making purpose (EC condition no. 12 of General Environmental Conditions, Schedule-B)
 - b. Tin sheet barricading around periphery, manual water spraying arrangement manual tyre washing arrangements etc. are provided for dust suppression during construction to suppressed dust (EC condition no. 15 of General Environmental Conditions, Schedule-B)
 - c. Temporary accommodations were provided for the construction labors at the project site. Facilities such as drinking water, toilets with septic tank followed by soak pit, were provided (EC condition no. 18 of General Environmental Conditions, Schedule-B). However, solid waste in the area was found not collected properly and spread in the area.
 - d. Plantation was being developed within the plot area.

(C) STATUS OF CONSENT TO ESTABLISH (CTE)/CONSENT TO OPERATE (CTO) & VIOLATIONS THERETO

- i) It is observed from Google imageries that the project proponent started the site preparation and excavation works in December 2017 and April 2018 respectively. First plinth certificate for total built up area of more than 20,000 sq.m. structures (i.e. Layout and Commencement No. BHA/Mauje Autade Handewadi/GAT no. 10(P)

11(P)/C.R. No.1375/18-19 dated 27.06.2019) has been obtained by PP on 21/9/2019 (please refer **Table 1** above).

- ii) MPCB carried out site inspection on 18.10.2019 (Copy given at **Annexure-XI**) with reference to application submitted by PP for consent to establish dated 05.09.2018 and made following observations:

- “1. *During the visit the work of construction of two no.s of commercial buildings found almost completed, these two buildings are not yet commissioned*
2. *Also construction work of two buildings A1 & A2 found started at site, A1 building is found completed with one slab and A2 with two slabs. Site levelling work found in progress.*
3. *Further it is noticed that there is one labour camp is established at the site having toilers with septic tanks, these septic tanks regularly drained & cleaned by local agency. Also separate drinking water source provided at site of labour camp.”*

- ii) MPCB vide letter dated 03.01.2020 issued Show Cause Notice (SCN) under clause (b) of Sub-Section (4) of Section-25 of the Water (P & CP) Act, 1974 and Section 21 of the Air (P & CP) Act 1981 & Hazardous & Other Waste (Management and Transboundary Movement) Rules, 2016 to the project due to non-compliances such as not obtained Environmental Clearance from State Environment Impact Assessment Authority, Govt. of Maharashtra (SEIAA), started construction work of project and completed construction work of building A1 building & remaining is in progress and started construction work prior to obtaining consent to establish from Board. The copy of SCN dated 03.01.2020 is given at **Annexure-XII**.

- iii) MPCB vide letter dated 06.07.2020 issued final order refusing the consent to establish under Section 27 of Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention and Control of Pollution) Act, 1981 along with order to stop construction work of residential and commercial projects due to non-compliances. The copy of the order dated 06.07.2020 is given at **Annexure-XIII**.

iv) The project proponent reapplied for consent to establish vide UAN No. 00000108342 on 10.02.2021. Further, MPCB visited the project on 05.03.2021 and made following observations:

- *Consent status: Applied for consent to establish*
- *Project proponent has found constructed building A1 & A2 & Plaster work is in progress. These building having 2 floor parking + 14 floor residential*
- *Building no. A3: RCC completed upto 9th floor & Building no. A4: RCC completed upto 7th floor & said work is in progress.*
- *Building no. B1&B2: Footing work is in progress*
- *Building no. A &B: These are commercial buildings & found completed (Ground + 2 floor)*
- *Project proponent has completed work of club house building*
- *Project proponent has proposed two no.s of STP's having capacities 360 CMD & 530 CMD which are based on MBBR. Treated effluent will be recycled for flushing and other secondary purposes & remaining on land for gardening*
- *PP has proposed to provide OWC for treatment of biodegradable waste. Non biodegradable waste will be handed over to local body.*
- *EC obtained from PMRDA dated 27.11.2017*
- *PP has obtained PMRDA permission dated 23.01.2018 on 68573.50 sq.m. & construction BUA= 145682.28 sq.m.*
- *PP has obtained Terms of Reference (ToR) copy from State Environment Impact Assessment Authority on 08.02.2021 for total plot area 68573.50 sq.m. & construction BUA= 184143 sq.m.*

The copy of the MPCB visit report dated 05.03.2021 is given at **Annexure-XIV**

v) The Consent Committee of MPCB considered the proposal in 3rd meeting held on 05.05.2021 and approved for granting the consent to establish to the project with total plot area of 68573.50 sq.m. & construction BUA of 184143 sq.m (Copy of Minutes of meeting is given at **Annexure-XV**) by imposing conditions such as PP shall obtain EC from SEIAA, not to take any effective steps towards the proposed construction without obtaining prior EC from SEIAA, comply with conditions stipulated in CTE and submit Bank Guarantee of Rs. 10 lakhs towards compliance of same and submit

an affidavit in Boards prescribed format within 15 days regarding compliance of conditions of EC/CRZ clearances and CTE etc.

- vi) Subsequently, MPCB granted consent to establish (CTE) for the project vide letter Format 1.0/UAN No. 0000108342/CE-2105000456 dated 12.05.2021 (the copy of CTE is attached as **Annexure-XVI**) with the aforesaid conditions followed by restart of construction activity as per the said conditional CTE vide MPCB letter dated 14/8/2021 (copy of restart letter dated 14/8/2021 is given at **Annexure-XVII**). The PP has submitted bank guarantee as informed by MPCB vide email dated 05.01.2021.

However, PP continued construction without obtaining EC from SEIAA Maharashtra in violation of the aforesaid conditional CTE dated 12/5/2021 and construction activity was also observed during visit on 06/10/2021 by the committee.

- vii) The above reveal that PP initiated construction for structures more than 20,000 sq. m. built up area since 21/9/2019 or before without obtaining CTE under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and they continued construction despite the consent refusal/stop work order from MPCB dated 06.07.2020. Upon grant of conditional CTE (copy given at **Annexure-XVI**) dated 12/5/2021, PP further continued construction without obtaining EC from SEIAA Maharashtra in violation of the said conditional CTE dated 12/5/2021 and construction activity was also observed during visit on 06/10/2021 by the committee.

3.0 CONCLUSIONS:

- (i) Subsequent to notification dated 09.12.2016 (copy given at **Annexure-II**), Pune Metropolitan Regional Development Authority (PMRDA) vide letter dated 27.11.2017 granted Environmental Clearance to PP for the construction of residential and commercial project for FSI- 77660.0 sq.m; Non FSI- 68022.28 sq.m and total built up area of 1,45,682.28 sq.m.

- (ii) PP has constructed total built up area 32,226.01 sq.m, as on 08/11/2021 as per information provided by PMRDA vide letter dated 05.01.2022 (copy is given at **Annexure-IX**).

However, the following non-compliances of the aforesaid EC dated 27.11.2017 by PP have been observed:

- (a) Commercial Building A and B have been constructed to “Gr.+ Middle Floor +2 Floor” whereas in the said EC dated 27/11/2017 configuration of the same is mentioned “ G+2”.
 - (b) Club house of total built up area of 431.91 sq.m. has been constructed which is not included in the list of buildings mentioned in the EC dated 27.11.2017. Plinth check certificate for club house is given on 16.03.2020 by PMRDA.
- (iii) PP has applied for EC to SEIAA vide Application dated 18.07.2020 for Total Built Up Area of 1,84,1434 sq.m. and SEIAA granted ToR vide letter dated 08.02.2021. However, EC is not yet granted by SEIAA.
- Further, changes in construction made to that of EC dated 27.11.2017 (w.r.t. Commercial Building A & B and club house, as at para 2 (B) XI & XII above) have not been declared by PP while making application to SEIAA Maharashtra.
- (iv) PP initiated construction for structures more than 20,000 sq. m. built up area since 21/9/2019 or before without obtaining CTE under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and they continued construction despite the consent refusal/stop work order from MPCB dated 06.07.2020. Upon grant of conditional CTE (copy given at **Annexure-XVI**) dated 12/5/2021, PP further continued construction without obtaining EC from SEIAA Maharashtra in violation of the said conditional CTE dated 12/5/2021 and construction activity was also observed during visit on 06/10/2021 by the committee.

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 available at https://www.ecmpcb.in/login/download_ec_document/QjAwN0E4NkZDM0I2NDY4Mzk3QzUxOEVCQURGNzIGOTcucGRm

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.

Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. & Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority & Ors., vide order dated 03.06.2021 held that *"(...) for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process"*.

Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that *"...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 compliance to the directions of the Hon'ble NGT, a Standard Operating Procedure (SoP) for dealing with violation cases were issued by the MoEF&CC vide Office Memorandum F. No. 22-21/2020-IA.III dated 07/7/2021. The SoP outlines similar features of implementation of environmental management plan based on 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 to that of earlier notification dated 14.3.2017 but with some changes.

However, in the matter of Fatima vs The UOI, WP(MD) No.11757 of 2021, Hon'ble Madurai Bench of Madras High Court (Special Original Jurisdiction) vide order dated 15/07/2021 has ordered an interim stay on the said SOP.

In view of the aforesaid interim stay on the SoP for dealing with violation cases issued by the MoEF&CC, the aforesaid approach adopted by SEIAA Maharashtra for dealing with EC violations cases may be considered. 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 (Jalyukt shivar, etc)	25		Preferably within 50 km radius of project site
3	Urban environment and sanitation (can include swatcha 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	

- (v) The assessment of above mentioned environmental damage cost and economic benefits and preparation of remediation plan and natural and community resource augmentation plan as environmental management plan (EMP) to be prepared as an independent chapter in the environment impact assessment report by the consultants duly recognised by NABET (National Accreditation Board for Education and Training) while seeking grant of environmental clearance. 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 an environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

The SEAC will prescribe a specific Terms of Reference for the project on assessment of the above plans.

- (vi) The cases of violation will be appraised by SEAC 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 SEAC is negative, closure of the project will be recommended along with other actions under the law.
- (vii) 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.
- (viii) The project proponent will submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with Maharashtra Pollution Control Board (MPCB) and the quantification will be recommended by SEAC Committee and finalized by SEIAA and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the said plans, and after the recommendation by regional office of the MoEF&CC, SEAC and approval of the SEIAA.
- (ix) With regard to implementation of the aforesaid EMP, the project proponent will be required to deposit such apportioned funds of the 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.

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 from such funds.

5.0 APPROACH FOR DAMAGES 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 & Ors. 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 for more than 20,000 sq.m. built up area without obtaining CTE (refer para 2 (c) (vii), 3 (iv) above); continuing construction despite the consent refusal/stop work order from MPCB dated 06.07.2020 (refer para 2 (c) (vii), 3 (iv) above); continuing construction without obtaining EC from SEIAA Maharashtra in violation of condition of the CTE dated 12/5/2021(refer para 2 (c) (vi), 3 (iv) above); constructing changed construction configuration (w.r.t. Commercial Building A & B and club house) to that of PMRDA granted EC dated 27/11/2017 and not mentioning such changed construction while applying for EC to SEIAA Maharashtra, as at para 2 (b) (XI, XII), 3 (iii) 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 including deterrent effect for repeated violations.

Environmental Compensation (EC) in Rupees as mentioned in the aforesaid CPCB report-

$$EC = PI \times N \times R \times S \times LF$$

Where,

PI	50	Pollution Index (PI) of the project. Considering that the activity falls under Orange category during construction phase as it may not discharge waste water more than 100 KLD.
N	290+310+28 days	Number of days violation took place. First violation period of 290 days considering the first violation period since 21/9/2019 when PP obtained first plinth check certificate for construction of more than 20,000 sq.m. without obtaining CTE till prior to MPCB CTE refusal & stop construction work order dated 06/7/2020. Repeat violation of 310 days considering the repeat violation w.e.f. 06/7/2020 when construction continued despite MPCB CTE refusal & stop construction work order dated 06/7/2020 till prior to grant of conditional CTE dated 12/5/2021. Third time violation of 28 days w.e.f. 12/5/2021 when grant of conditional CTE dated 12/5/2021 was issued stipulating not to take any effective steps towards the proposed construction without obtaining prior EC from SEIAA (whereas PP continued construction without obtaining prior EC from SEIAA) till date of order of the

		Hon'ble NGT i.e. 08/6/2021.
R	250	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.
S	1.5	Factor for the scale of operation. The unit LSI as per CTE issued by MPCB
LF	1.25	Location factor, since the population of Pune is more than 1 Million but less than 5 Million.

Therefore, Environmental Compensation (EC) in Rupees

$$\begin{aligned} \text{EC for first violation} &= 50 \times 290 \times 250 \times 1.5 \times 1.25 \\ &= \text{Rs. } 67,96,875/- \end{aligned}$$

$$\begin{aligned} \text{EC for repeat violation with deterrent factor of 2} &= 2 \times 50 \times 310 \times 250 \times 1.5 \times 1.25 \\ &= \text{Rs. } 1,45,31,250/- \end{aligned}$$

$$\begin{aligned} \text{EC for third violation with deterrent factor of 4} &= 4 \times 50 \times 28 \times 250 \times 1.5 \times 1.25 \\ &= \text{Rs. } 26,25,000/- \end{aligned}$$

Total Environmental Compensation (EC) in Rupees

$$\begin{aligned} &= \text{Rs. } 67,96,875/- + \text{Rs. } 1,45,31,250/- + \text{Rs. } 26,25,000/- \\ &= \text{Rs. } 2,39,53,125/- \text{ (Rupees Two Crores Thirty Nine Lakhs Fifty} \\ &\quad \text{Three Thousands and One Hundred Twenty Five Only)} \end{aligned}$$

6.0 RECOMMENDATIONS

- (a) In view of the aforesaid violations for constructing changed construction configuration (w.r.t. adding club house and one extra floor in Commercial Building A & B to that of PMRDA granted EC dated 27/11/2017 and not mentioning such changed construction while applying for EC to SEIAA Maharashtra, as given at para 2 (b) (XI, XII), 3 (iii) above, the committee recommends that SEIAA Maharashtra may proceed for estimating & implementing Environmental Management Plan (EMP) cost as environmental compensation amount following the approach paper adopted by DoE and SEIAA Maharashtra vide SEIAA letter SEIAA-2018/CR-150/SEIAA dated 30/1/2019 for the "Assessment for Environmental Damage And Estimation of Remediation Costs For Building Construction Projects initiated without obtaining

- mandatory prior EC". The said approach paper also outlines preparation of remediation plan and natural and community resource augmentation plan equivalent to the said EMP cost taking into account of ecological damage and economic benefit derived due to violation. Areas identified for resource allocation through such EMP cost are Afforestation; Water conservation program; Urban environment and sanitation; Sewerage lines and STP, solid waste management, and; Urban air/noise pollution control. Details of the same including estimation and implementation procedures thereto are given under para 4 of this report.
- (b) In addition to the above, the committee recommends a compensation of Rs. 05 crores or Rs. 2,39,53,125/- (Rupees Two Crores Thirty Nine Lakhs Fifty Three Thousands and One Hundred Twenty Five 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 as damages for contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, for starting construction for more than 20,000 sq.m. built up area without obtaining CTE; continuing construction despite the consent refusal/stop work order from MPCB dated 06.07.2020 and also violating CTE condition of not constructing without obtaining EC from SEIAA Maharashtra, as given under para 5 and 2 (c) (vi), 3 (iv) above .
- (c) PP shall immediately stop construction and not initiate any construction till EC is granted by SEIAA, Maharashtra (in view of the Hon'ble Supreme Court order dated 26.11.2021 in Civil Appeal no. 595 of 2021).
- (d) PP shall maintain the housekeeping at the labor camp and the solid waste generated be segregated and disposed as per the Municipal Solid Waste Management Rules 2016.



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



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



(Nitin Shinde)
I/c Regional Officer,
MPCB, Regional Office
Pune

Date: 10/01/2022

Item No. 03

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 14/2021 (WZ)

Satish Sanjay Magade

Applicant

Versus

M/s. Rhythm Country & 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 violation of environmental norms by M/s. Rhythm Country (the project proponent) in setting up a construction project at 10(P), 11(P) Autade Handewadi Haveli, Pune. Construction commenced without requisite Environmental Clearance (EC) as per Environmental Impact Assessment (EIA) Notification dated 14.09.2006 and without requisite consent under the Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974. The Maharashtra State Pollution Control Board (SPCB) issued a show cause notice on 03.01.2020 followed by the order dated 6.7.2020 declining consent under the Air Act, 1981 and the Water Act, 1974 on account of the following failures:

“(i) *You have not replied to the show cause notice issued by Board dated 03.01.2021.*

- (ii) *You have completed construction BUA more than restricted BUA in EC in EC i.e. 76,236.72 Sqm (Actual constructed total BAU 101301.82 sqm).*
- (iii) *You have not obtained re-validated consent to Establish since 2016.*
- (iv) *You have has not submitted approval sanction plan from corporation.”*

2. In spite of order dated 06.07.2020 of the Maharashtra SPCB directed stopping of construction work of the project, the project proponent continued the construction activities and completed construction measuring 1,01,301.82 Sqm.

3. We have heard learned Counsel for the applicant. From the averments in the application, prima facie, serious violations appear to be taking place in construction projects. We have dealt with another matter filed by the applicant by a separate order today raising somewhat identical issues in respect of other project being OA No. 13/2021, *Shashikant Vithal Kamble vs. Keystone Properties* and directed the MoEF&CC to conduct functional audit of functioning of SEIAA, Maharashtra with a view to enforce the environmental rule of law, particularly the repeated judgements of the Hon'ble Supreme Court. The Tribunal has also noted earlier direction 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. vide* order dated 24.05.2020 requiring SEIAA, Maharashtra to review its working with a view to comply with the mandate of law inter alia in judgments of Hon'ble Supreme Court in *Alembic Chemicals v Rohit Prajapati*¹, *Keystone developers v. Anil Tharthare*², *Goel Ganga Developers India Pvt. Ltd. v UOI*³ and *Bengaluru*

¹ 2020 SCC OnLine SC 347

² (2020) 2 SCC 666

*Development Authority v. Sudhakar Hegde & Ors.*⁴ The Tribunal also constituted a Committee to look into the compliance status of the project and determine compensation on 'Polluter Pays' principle to recover the cost of restoration.

4. The two Committees appointed in O.A. No. 13/2021, *Shashikant Vithal Kamble v. M/s. Key Stone Properties & Ors.* by separate order today, may also act in the present matter. The second Committee with regard to compliance status of the project may look into the compliance status and violations in respect of the present project also and give its report, alongwith the recommendations for the amount of compensation required to be recovered for restoration of the environment and the restoration plan.

List for further consideration on 10.11.2021.

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.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 08, 2021
Original Application No. 14/2021 (WZ
AVT

³ (2018) 18 SCC 257

⁴ (2020 SCC OnLine SC 328

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



भारत का राजपत्र

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 9 दिसम्बर, 2016

का.आ. 3999(अ).—केन्द्रीय सरकार ने भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय द्वारा पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन जारी की गई अधिसूचना संख्यांक का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा यह निदेश दिया था कि इस अधिसूचना के प्रकाशन की तारीख से ही नवीन परियोजनाओं या क्रियाकलापों के अपेक्षित संनिर्माण या उक्त अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों के विस्तारण या आधुनिकीकरण के कार्य को, जिसमें प्रक्रिया या तकनीक और/या उत्पाद मिश्रण में परिवर्तन सहित क्षमता में वृद्धि किया जाना सम्मिलित है, भारत के किसी भाग में केवल, यथास्थिति, केन्द्रीय सरकार या केन्द्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन सम्यक् रूप से गठित राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण से, उसमें विनिर्दिष्ट प्रक्रिया के अनुसार, पूर्व पर्यावरणीय अनापत्ति लेने के पश्चात् ही आरंभ किया जाएगा ;

केन्द्रीय सरकार उत्तरदायी कारबार करने की सुगमता सुनिश्चित करने के लिए कार्य कर रही है और भवन तथा संनिर्माण सेक्टर, जो आवास की व्यवस्था करने के लिए महत्वपूर्ण है, के लिए अनुज्ञाओं को सरल बना रही है तथा इस प्रयोजन के लिए शहरी क्षेत्र में कमजोर वर्ग सस्ता आवास उपलब्ध कराने के लक्ष्य के साथ वर्ष 2022 तक सभी के लिए आवास की स्कीम में महत्वाकांक्षी लक्ष्य रखा गया है ;

और उक्त पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) में यह उपबंधित है कि जब कभी केन्द्रीय सरकार यह विचार करती है कि किसी उद्योग पर प्रतिषेध या निर्बन्धन अधिरोपित किए जाने चाहिए, तो वह अपने ऐसा करने के आशय की सूचना देगी ;

और पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में संशोधन करने के लिए एक प्रारूप अधिसूचना का.आ.1595(अ) तारीख 29 अप्रैल, 2016 द्वारा प्रकाशित की गई थी, में संशोधन करने के लिए प्रारूप अधिसूचना पर आक्षेप और सुझाव ऐसे सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है, से उक्त अधिसूचना के भारत के राजपत्र में प्रकाशन की तारीख से साठ दिन में आमंत्रित किए जाते हैं ;

और केन्द्रीय सरकार द्वारा उपरोक्त निर्दिष्ट प्रारूप अधिसूचना के संबंध में प्राप्त सभी आक्षेपों और सुझावों पर सम्यक् रूप से विचार किया जाएगा ;

अतः, अब, केन्द्रीय सरकार, उक्त पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) में खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में निम्नलिखित और संशोधन करती है, अर्थात् :--(I) उक्त अधिसूचना में,--

(1) पैरा 13 के पश्चात्, निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

“14. निर्माण उप नियमों में पर्यावरणीय शर्तों का समाकलन :-

- (1) स्थानीय प्राधिकारियों द्वारा निर्माण अनुमति सहित समाकलित पर्यावरणीय दशा प्रदान की जाएगी और आकार के अनुसार इमारतों का निर्माण परिशिष्ट XIV में दिए गए लक्ष्य और निगरानी योग्य पर्यावरणीय दशाओं के अनुसार किया जाएगा ।
- (2) राज्य जो अपनी भवन उपविधियों तथा सुसंगत राज्य विधियों में उप पैरा (1) में निर्दिष्ट इन लक्ष्यों तथा निगरानी योग्य पर्यावरणीय शर्तों को अपना रहे हैं और भवन संनिर्माण के लिए दिए गए अनुमोदनों से उन शर्तों को समाविष्ट कर रहे हैं जिससे इसे विधिक रूप से प्रवर्तनीय बनाया जा सके, व्यष्टिक इमारतों के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय से अनापत्ति की अपेक्षा नहीं होगी ।
- (3) राज्य पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को अपनी उपविधियों और नियमों में ऐसे प्रस्तावित परिवर्तन भेजेंगे जो प्रारूप की समीक्षा करेगा और सहमति देगा ।
- (4) जब राज्य सरकारों, वन और जलवायु परिवर्तन मंत्रालय द्वारा सहमति दिए गए उपविधियों और नियमों को अधिसूचित कर देती हैं तो केन्द्रीय सरकार यह आदेश जारी करेगी कि उन राज्य या स्थानीय प्राधिकारी क्षेत्रों में कोई पृथक् पर्यावरणीय अनापत्ति अपेक्षित नहीं है ।
- (5) स्थानीय प्राधिकारियों जैसे विकास प्राधिकरण, नगरपालिकाएं स्थानीय निकायों में गठित पर्यावरण प्रकोष्ठ की सिफारिशों पर किन्हीं भवनों के लिए नियत अपेक्षाओं के अनुसार यथा लागू किए गए समापन प्रमाणपत्र के जारी किए जाने से पूर्व इन पर्यावरणीय शर्तों का अनुपालन प्रमाणित करेंगे ।
- (6) राज्य सरकारें जहां उपविधि या नियम विरचित नहीं है, इस अधिसूचना में अधिकथित उपबंधों के अनुसार, व्यष्टिक परियोजनाओं के मूल्यांकन की विद्यमान प्रक्रिया तथा इमारतों और संनिर्माणों के लिए पर्यावरण अनापत्ति की मंजूरी का पालन करते रहेंगे ।”
- (7) भवनों में पर्यावरण के समावेशन के संबंध में प्रमाणीकरण के प्रयोजन के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय सक्षम अभिकरण के माध्यम से अर्हित निर्माण पर्यावरणीय संपरीक्षक से इस अधिसूचना की अपेक्षाओं के माध्यम से निर्माण परियोजना का मूल्यांकन और प्रमाणित करेगी तथा अर्हित निर्माण पर्यावरणीय संपरीक्षक का प्रत्यानन के लिए प्रक्रिया और उनकी भूमिका परिशिष्ट XV पर दी गई है ।
- (8) निर्माण उपविधि में पर्यावरण शर्तों के समाकलन के अनुपालन में राज्य सरकार या स्थानीय प्राधिकारी पर्यावरण प्रकोष्ठ (जिसे इसमें इसके पश्चात् प्रकोष्ठ कहा गया है), गठन करेगी तथा अपने क्षेत्राधिकार में पर्यावरण योजना को सुनिश्चित करेगा ।
- (9) प्रकोष्ठ इमारतों के निर्माण के लिए पर्यावरण शर्तों के समाकलित करने के लिए बनाए गई उपविधि और नियमों के अनुपालन की निगरानी करेगा और प्रकोष्ठ किसी असावधानी, यदि कोई है, के लिए तृतीय पक्षकार संपरीक्षा प्रक्रिया की भी अनुमति देगा ।
- (10) प्रकोष्ठ स्थानीय प्राधिकरणों के प्रशासनिक नियंत्रण के अधीन कार्य करेगा ।
- (11) प्रकोष्ठ का गठन और कृत्य परिशिष्ट xvi में दिया हुआ है ।
- (12) स्थानीय प्राधिकारी निर्माण उपविधि में पर्यावरण के संबंध में समाकलन करते समय परियोजना में उनकी सरकार के अनुसार नीचे दी गई प्रक्रिया का पालन करेगी :-

भवन प्रवर्ग '1' (5000 से < 20,000 वर्ग मीटर)

पर्यावरणीय शर्तों (परिशिष्ट xiv) के अनुपालन के लिए स्व घोषणा प्ररूप और अर्हित भवन पर्यावरण संपरीक्षक द्वारा प्रमाणन प्रारूप 1क के साथ परियोजना प्रस्तावक द्वारा स्थीय प्राधिकारी से निर्माण के लिए अनुमति हेतु आवेदन के अलावा पृथक् खाते में विनिर्दिष्ट फीस सहित आनलाइन प्रस्तुत करेगा । उसके पश्चात् स्थानीय प्राधिकारी इसमें पर्यावरणीय शर्तों के

समावेशन के लिए निर्माण अनुमति जारी करेगा तथा आवेदन के साथ स्व घोषणा और प्रमाणन के आधार पर परियोजना आरंभ करने के लिए अनुमति देगा। भवन के निर्माण के समापन के पश्चात् परियोजना प्रस्तावक अर्हित भवन पर्यावरण संपरीक्षक द्वारा की गई संपरीक्षा के आधार पर आनलाइन आधारित प्ररूप 1क को अद्यतन करेगा तथा पुनरीक्षित अनुपालन परिवचन स्थानीय प्राधिकारी को देगा। 20,000 वर्ग मीटर से कम के भवनों के अननुपालन संबंधी कोई मुद्दा विद्यमान यांत्रिकी के दौरान स्थानीय प्राधिकारी और राज्य स्तर पर विचार किया जाएगा।

अन्य भवन प्रवर्ग (>20,000 वर्ग मीटर)

परियोजना प्रस्तावक पर्यावरण मूल्यांकन के लिए विनिर्दिष्ट फीस सहित प्ररूप 1क में आनलाइन आवेदन तथा निर्माण अनुमति के लिए अतिरिक्त फीस प्रस्तुत करेगा। पर्यावरण मूल्यांकन के लिए फीस पृथक् खाते में जमा की जाएगी। पर्यावरण प्रकोष्ठ आवेदन पर कार्यवाही करेगा और उस स्थानीय प्राधिकारी में निर्माण अनुमति देने के लिए सक्षम प्राधिकारी के नेतृत्व वाली बैठक में प्रस्तुत करेगा। समिति परियोजना का मूल्यांकन करेगी और पर्यावरण शर्तों को निर्माण अनुमति में समावेशन के लिए शर्त रखेगा। समिति की सिफारिशों के पश्चात् निर्माण अनुमति और पर्यावरण अनापत्ति स्थानीय प्राधिकारी द्वारा समेकित आरूप में जारी करेगा।

परियोजना प्रस्तावक अर्हित निर्माण पर्यावरण संपरीक्षक से संनिर्माण के समापन के पश्चात् लागू पर्यावरणीय शर्तें मानकों के लिए परियोजना में सतत् अनुपालन के प्रमाणपत्र और अनुपालन आंकड़ें प्रत्येक पांच वर्ष में पर्यावरण प्रकोष्ठ को निम्नलिखित मानकों पर विशेष केन्द्रित करते हुए प्रस्तुत करेगा :-

- (क) ऊर्जा प्रयोग (सभी ऊर्जा स्रोतों सहित)
- (ख) साइट पर पुनर्प्रयोग ऊर्जा स्रोतों से साइट पर उत्तपन की ऊर्जा
- (ग) साइट जल प्रयोग और अपशिष्ट जल उत्पन्न, उपचारित और पुनर्प्रयुक्त
- (घ) साइट पर पृथकीकृत और उपचारित अपशिष्ट
- (ङ) पौधारोपण और रखरखाव।

परियोजना के पूर्ण होने पर, प्रकोष्ठ पांच वर्षीय संपरीक्षा रिपोर्ट सहित परियोजना अनुपालन प्रास्थिति की अचावक जांच करेगा। राज्य सरकारें पर्यावरणीय शर्तों और मानकों के अननुपालन के लिए शास्तियां लगाने के लिए समुचित विधि अधिनियमित करेगी। प्रकोष्ठ स्थानीय प्राधिकारी शर्तें या मानकों के अननुपालन के लिए सुसंगत राज्य विधि के अधीन यथा लागू वित्तीय शास्तियों की सिफारिश करेगा। प्रकोष्ठ की सिफारिशों के आधार पर स्थानीय प्राधिकारी सुसंगत राज्य विधि के अधीन शास्तियां अधिरोपित करेगा। असत्य घोषणा या प्रकाशन की दशा में प्रत्यानन निकाय को रिपोर्ट करेगा और स्थानीय निकाय अर्हित भवन पर्यावरण संपरीक्षकों को काली सूची में डाल देगा तथा मालिक और अर्हित निर्माण पर्यावरण संपरीक्षक पर वित्तीय शास्ति लगाएगा।

जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 और वायु (प्रदूषण निवारक तथा नियंत्रण) अधिनियम, 1981 के अधीन स्थापन तथा प्रचालन की सहमति राज्य प्रदूषण नियंत्रण बोर्ड से सहमति 1,50,000 वर्ग मीटर के लिए रिहायशी निर्माण हेतु अपेक्षित नहीं होगी,";

(II) अनुसूची में मद 8 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

(1)	(2)	(3)	(4)	(5)
"8.		भवन/योजना संनिर्माण/विकास योजना और नगरीय		
8(क)	भवन निर्माण और संनिर्माण परियोजना		निर्मित क्षेत्र का $\geq 20,000$ वर्ग मीटर और $\leq 1,50,000$ वर्ग मीटर	इस अधिसूचना के प्रयोजन के लिए "निर्मित क्षेत्र" पद, सभी तलों को एक साथ मिलाकर निर्मित या आच्छादित क्षेत्र जिसके अंतर्गत उसका बेसमेंट भी है, जो भवन निर्माण तथा संनिर्माण परियोजनाओं में प्रस्तावित है। टिप्पण 1- परियोजनाओं या क्रियाकलापों के अंतर्गत औद्योगिक शेड, विश्वविद्यालयों,

				<p>महाविद्यालयों, शैक्षणिक संस्थाओं के लिए छात्रावास,</p> <p>किंतु ऐसे भवन पोषणीय पर्यावरणीय प्रबंधन, ठोस और तरल तथा परिशिष्ट 14 में दी गई शर्तों को सुनिश्चित करेगी।</p> <p>टिप्पण 2: साधारण शर्तें लागू नहीं होंगी।</p> <p>टिप्पण 3: टिप्पण 1 में प्रदत्त छूट स्थानीय प्राधिकारी के स्तर पर भवन अनुमति सहित पर्यावरणीय मानकों के समाकलन के पश्चात् औद्योगिक शेड के लिए ही उपलब्ध होगी।</p>
8(ख)	नगरी और क्षेत्र विकास योजनाएं	निर्मित क्षेत्र का \geq 3,00000 वर्ग मीटर या आच्छादित क्षेत्र का \geq 150 हेक्टेयर	निर्मित क्षेत्र का \geq 1,50000 वर्ग मीटर और $<$ 3,00000 वर्ग मीटर या आच्छादित क्षेत्र का \geq 50 हेक्टेयर और $<$ 150 हेक्टेयर	टिप्पण: साधारण शर्तें लागू नहीं होंगी

[फा. सं. जे-19-2/2013-आईए-III(भाग)]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण: मूल अधिनियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में का.आ. 1533(अ), तारीख 14 सितंबर, 2006 को प्रकाशित किए गए थे और पश्चात्पूर्ति संशोधन का.आ. 1737 (अ) तारीख 11 अक्तूबर, 2007, का.आ. 3067 (अ), तारीख 1 दिसंबर, 2009, का.आ. 695 (अ) तारीख 4 अप्रैल, 2011, का.आ. 2896 (अ) तारीख 10 दिसंबर, 2012, का.आ. 574 (अ) तारीख 13 मार्च, 2011, का.आ. 2896 (अ) तारीख 13 दिसंबर, 2012, का.आ. 674 (अ) तारीख 13 मार्च, 2013, का.आ. 2559 (अ) तारीख 22 अगस्त, 2013, का.आ. 2731 (अ) तारीख 9 सितंबर, 2013, का.आ. 562 (अ) तारीख 26 फरवरी, 2014, का.आ. 637 (अ) तारीख 28 फरवरी, 2014, का.आ. 1599 (अ) तारीख 25 जून, 2014, का.आ. 2600 (अ) तारीख 9 अक्तूबर, 2014, का.आ. 3252 (अ) तारीख 22 दिसंबर, 2014, का.आ. 382 (अ) तारीख 3 फरवरी, 2015 और का.आ. 811 (अ) तारीख 23 मार्च, 2015, का.आ. 996 (अ) तारीख 10 अप्रैल, 2015, का.आ. 1142 (अ) तारीख 17 अप्रैल, 2015, का.आ. 1141 (अ) तारीख 29 अप्रैल, 2015, का.आ. 1834 (अ) तारीख 6 जुलाई, 2015 और का.आ. 2572 (अ) तारीख 14 सितंबर, 2015, का.आ. 141 (अ) तारीख 15 जनवरी, 2016, का.आ. 190 (अ) तारीख 20 जनवरी, 2016, का.आ. 648 (अ) तारीख 3 मार्च, 2016 और का.आ. 2269 (अ) तारीख 1 जुलाई, 2016 द्वारा किए गए।

परिशिष्ट – XIV

भवनों तथा निर्माण के लिए पर्यावरणीय शर्तें

(श्रेणी-'1': 5,000 से लेकर 20,000 वर्ग मीटर से कम)

माध्यम	क्र.सं.	पर्यावरणीय शर्तें
स्थलाकृति तथा प्राकृतिक ड्रेनेज	1	जल के अबाधित प्रवाह को सुनिश्चित करने के लिए प्राकृतिक ड्रेन प्रणाली का रखरखाव किया जाना चाहिए। किसी भी निर्माण कार्य को स्थल से होकर गुजरने वाले प्राकृतिक ड्रेनेज में बाधा डालने की अनुमति नहीं दी जाएगी। नम भूमि तथा जल निकायों पर निर्माण की अनुमति नहीं दी जाएगी ड्रेनेज पद्धति का रखरखाव करने तथा वर्षा जल संचयन के लिए चेक डैम, बायो-स्वेल, लैंडस्केप और अन्य वहनीय शहरी ड्रेनेज प्रणालियों की अनुमति है।
जल संरक्षण, वर्षा जल संचयन और भू-जल स्तर में वृद्धि	2	जल-सक्षम उपस्करों के प्रयोग को बढ़ावा दिया जाएगा। वर्षा जल संचयन संबंधी स्थानीय उपनियम के उपबंधों का अनुपालन किया जाएगा। यदि स्थानीय उपनियम के उपबंध उपलब्ध न हों, तो शहरी विकास मंत्रालय के मॉडल भवन उपनियम, 2016 के अनुसार भण्डारण तथा रिचार्ज के लिए उचित उपबंध का अनुपालन किया जाएगा।

		वर्षा जल संचयन की एक योजना बनाए जाने की आवश्यकता है जिसमें रिचार्ज बोर (प्रत्येक 5,000 वर्ग मीटर निर्मित क्षेत्र पर न्यूनतम एक रिचार्ज) की सिफारिश की जाती है। संचित वर्षा जल के भण्डारण तथा पुनःप्रयोग को बढ़ावा दिया जाना चाहिए। ऐसे क्षेत्रों में जहां भू-जल स्तर को बढ़ाना व्यवहार्य न हो, वर्षा जल का भण्डारण और पुनःप्रयोग किया जाना चाहिए। सक्षम प्राधिकारी की अनुमति के बिना भू-जल नहीं निकाला जाएगा। सभी रिचार्ज को उथले जलभृत तक सीमित रखा जाना चाहिए।
	2 (क)	स्थानीय भवन उपनियमों में यथा अपेक्षित कम से कम 20% खुला स्थान प्रभावनीय होगा। कम से कम 50% ओपनिंग के साथ पेवर, पेवर ब्लॉकों, लैंडस्केप इत्यादि को प्रभावनीय तल समझा जाएगा।
अपशिष्ट प्रबंधन	3	ठोस अपशिष्ट: अपशिष्ट के पृथक्करण को सुविधाजनक बनाने के लिए प्रत्येक इकाई में तथा भू-तल पर अलग-अलग नम और शुष्क बिनों की व्यवस्था की जानी चाहिए। सीवेज: ऐसे क्षेत्रों में जहां नगरीय सीवेज नेटवर्क नहीं है, वहां ऑनसाइट शोधन प्रणालियां स्थापित की जानी चाहिए। लैंडस्केप से एकीकृत होने वाली प्राकृतिक शोधन प्रणालियों को बढ़ावा दिया जाएगा। जहां तक संभव हो शोधित बहिःस्राव का पुनःप्रयोग किया जाना चाहिए। अतिरिक्त शोधित बहिःस्राव को सीपीसीबी प्रतिमानों के अनुपालन में निस्तारित किया जाएगा। सेप्टिक टैंकों सहित ऑनसाइट सीवेज शोधन से निकले गाद को शहरी विकास मंत्रालय, केन्द्रीय लोक स्वास्थ्य और पर्यावरण अभियांत्रिकी संगठन (सीपीएचईईओ) के सीवरेज तथा सीवेज शोधन प्रणाली मैनुअल, 2013 के अनुसार एकत्रित, भेजना और निस्तारित किया जाएगा। ठोस अपशिष्ट (प्रबंधन) नियम, 2016 तथा ई-अपशिष्ट (प्रबंधन) नियम, 2016 और प्लास्टिक अपशिष्ट (प्रबंधन) नियम, 2016 का अनुपालन किया जाएगा।
ऊर्जा	4	ऊर्जा दक्षता ब्यूरो के ऊर्जा संरक्षण भवन कोड (ईसीवीसी) का अनुपालन सुनिश्चित किया जाएगा। राज्यों में ऐसे भवन जिनमें उनके अपने ईसीवीसी अधिसूचित हैं, उनमें राज्य ईसीवीसी का अनुपालन किया जाएगा। आउटडोर तथा साझा क्षेत्र की प्रकाश व्यवस्था में लाईट एमिटिंग डायोड (एलईडी) का प्रयोग होगा। डिमांड लोड के 1% समतुल्य अथवा राज्य स्तरीय/स्थानीय भवन उपनियमों की अपेक्षा अनुसार बिजली उत्पादन की पूर्ति करने हेतु सौर, पवन अथवा नवीकरणीय ऊर्जा, जो भी अधिक हो, की स्थापना की जाएगी। वाणिज्यिक तथा संस्थागत भवनों की गर्म जल की मांग को पूरा करने के लिए अथवा स्थानीय भवन उपनियमों की आवश्यकतानुसार, जो भी अधिक हो, सोलर वाटर हीटिंग की व्यवस्था की जाएगी। आवासीय भवनों के लिए भी यथासंभव अपनी गर्म जल मांग की पूर्ति हेतु सोलर वाटर हीटिंग की सिफारिश की जाती है। भवन डिजायनों में पैसिव सोलर डिजायन की संकल्पना शामिल की जाएगी जिसमें डिजायन के तत्वों जैसे भवन अभिमुखीकरण, लैंडस्केपिंग, दक्ष भवन एन्वेलप, समुचित खिड़कियों की व्यवस्था, दिन में अधिक प्रकाश करने की व्यवस्था में सुधार और थर्मल मास इत्यादि का प्रयोग करके भवनों में ऊर्जा खपत को न्यूनतम किया जाता है। दीवारों, खिड़कियों और छत के यू-वॉल्व ईसीवीसी विशिष्टियों के अनुसार होंगे।
वायु गुणवत्ता तथा शोर	5	भवन और साथ ही स्थल के लिए धूल, धुंआ एवं अन्य वायु प्रदूषण निवारण के उपाय किए जाएंगे। इन उपायों में निर्माणाधीन भवन, स्थल के चारों ओर धूल/धूल रोकने वाली दीवारों का निर्माण (कम से कम 3 मीटर की ऊंचाई तक) के लिए आवरण में शामिल हो सकेंगे। प्लाटिक/तारपोलिन स्थल से कचरा उठाने के साथ-साथ बालू, सीमेंट, मूर्म में चलती हुई गाड़ियां तथा अन्य निर्माण सामग्रियां धूल प्रदूषण का कारण हो सकती हैं। साइट पर बालू, मूर्म, बिखरी मिट्टी, सीमेंट भंडार को उचित तरीके से ढक कर रखा जाएगा जिससे कि धूल प्रदूषण को रोका जा सके। पिसाई तथा पत्थर कटाई के लिए वेट जेट का प्रबंध किया जाएगा। धूल को दबाने के लिए

		<p>बिना पटरी बिछा हुआ धरातल तथा बिखरी मिट्टी पर उचित तरीके से पानी का छिड़काव किया जाएगा।</p> <p>निर्माण तथा विध्वंस सारे मलबे को उचित तरीके से निपटान से पहले साइट के पास इकट्ठा किया जाएगा (तथा सड़के के किनारे ढेर या बाहर खुली जगह में इकट्ठा नहीं) सभी विध्वंस तथा निर्माण अपशिष्ट को निर्माण तथा विध्वंस अपशिष्ट नियम, 2016 के उपबंधों के अनुसार प्रबंधित होगा। निर्माण स्थल पर कार्य करने वाले सभी कामगारों तथा निर्माण सामग्री की लोडिंग अनलोडिंग में शामिल, निर्माण सामग्री की ढुलाई तथा निर्माण के कचरे या धूल प्रदूषण के किसी भी क्षेत्र में कार्य कर रहे व्यक्ति को डस्ट मास्क उपलब्ध कराया जाएगा। आंतरिक वायु गुणवत्ता के लिए भारत के राष्ट्रीय भवन कोड के अनुसार वातायन के प्रावधान तैयार किए जाएंगे।</p>
	5(क)	डीजी सेट का स्थान निर्धारण तथा निकास पाइप की ऊंचाई सीपीसीबी मानदंडों के प्रावधानों के अनुसार होगा।
हरित क्षेत्र	6	प्रति 80 वर्ग मीटर की भूमि के लिए कम से कम एक पेड़ लगाकर उसकी देखभाल की जानी चाहिए। इस उद्देश्य के लिए विद्यमान पेड़ों की गिनती की जाएगी। देशीय जाति के पौधों को प्राथमिकता दी जानी चाहिए।
	6(क)	जहां पेड़ों की कटाई आवश्यक हो, 1:3 के अनुपात में प्रतिपूरक वृक्षारोपण अर्थात् प्रत्येक एक पेड़ की कटाई के लिए 3 पौधों को लगाना तथा उनका रख-रखाव करना होगा।

(श्रेणी '2' : 20,000 वर्ग मीटर से लेकर 50,000 से कम)

माध्यम	क्रम.सं.	पर्यावरणीय शर्तें
स्थलाकृति तथा प्राकृतिक विकास	1	<p>जल की अबाधित धारा सुनिश्चित करने के लिए प्राकृतिक जल निकास प्रणाली का प्रबंध होना चाहिए। साइट के माध्यम से प्राकृतिक जल निकास को अवरोध करने के लिए निर्माण की अनुमति नहीं होगी। नमभूमि और जल निकायों पर निर्माण की अनुमति नहीं होगी। जल निकास पैटर्न तथा वर्षा जल संचयन के लिए चेक डैम, बायो-स्वाल्स, लैंडस्केप तथा अन्य धारणीय शहरी जल निकास प्रणालियों (एसयूडीएस) की अनुमति होगी।</p> <p>जहां तक संभव हो सके, भवनों की डिजाइन में प्राकृतिक स्थलाकृति का पालन किया जाएगा। कम से कम कटाई तथा भराई होनी चाहिए।</p>
जल संरक्षण, वर्षा जल सिंचाई तथा भूमि जल को रिचार्ज करना	2	<p>जल संचयन, जल क्षमता और संरक्षण के लिए एक पूर्ण योजना तैयार की जाए।</p> <p>न्यून फिक्चर या सेंसरों वाले जल क्षमता वाले उपकरणों के उपयोग को बढ़ावा दिया जाना चाहिए। वर्षा संचयन के संबंध में स्थानीय उप नियम, उपबंधों का पालन किया जाएगा। अगर स्थानीय उप नियम उपलब्ध नहीं है तो शहरी विकास मंत्रालय का मॉडल भवन उप नियम, 2016 के अनुसार भंडारण तथा रिचार्ज के लिए पर्याप्त प्रावधानों का पालन किया जाना चाहिए।</p> <p>वर्षा जल संचयन योजना का डिजाइन बनाने की आवश्यकता है जहां 5000 वर्ग मीटर के निर्मित क्षेत्र में कम से कम एक रिचार्ज बोर हो तथा कम से कम कुल एक दिन के शुद्ध जल के प्रबंधन की भंडारण क्षमता की आवश्यकता होगी। उन क्षेत्रों, जहां भूमिगत जल को रिचार्ज करना संभव नहीं है, में वर्षा जल संचयन चाहिए तथा पुनः उपयोग के लिए भंडारण किया जाएगा। भूमिगत जल को सक्षम प्राधिकारी के अनुमोदन के बिना नहीं निकाला जाएगा।</p> <p>सभी रिचार्ज सीमित उथले जलभृत तक सीमित होनी चाहिए।</p>
	2 (क)	<p>स्थानीय भवन उप-नियमों द्वारा यथाअपेक्षित खुले स्थानों का कम से कम 20% भाग भेद्य होगा। न्यूनतम 50% खाली जगह, भूदृश्य आदि सहित हरित खंडजों, खंडज प्रखंड के उपयोग सहित यथा प्रवेश्य धरातल के रूप में विचार किया जाएगा।</p>
अपशिष्ट प्रबंधन	3	<p>ठोस अपशिष्ट: प्रत्येक इकाई में और भू तल पर पृथक-पृथक गीले और सूखे कचरे के डिब्बे, अपशिष्ट के पृथक्करण को सुविधाजनक बनाने के लिए प्रदान किए जाएंगे।</p> <p>मलजल: अपशिष्ट 100% अपशिष्ट जल के शोधन की स्थल पर मलजल शोधन क्षमता संस्थापित की</p>

		<p>जानी है। शोधित अपशिष्ट जल को स्थल पर भूदृश्य, फलशिंग, कूलिंग टावर और अन्य प्रयोजनार्थ पुनःप्रयोग किया जाएगा। अतिरिक्त शोधित जल को सीपीसीवी मानकों के अनुसार छोड़ा जाएगा। प्राकृतिक शोधन प्रणालियों को बढ़ावा दिया जाएगा।</p> <p>सेप्टिक टैंको सहित स्थल पर (ऑन साईट) शोधन से अवमल का मल-निर्यास और मलजल शोधन प्रणाली, 2013 पर शहरी विकास मंत्रालय, केन्द्रीय लोक स्वास्थ्य और पर्यावरणीय इंजीनियरिंग संगठन (सीपीएचईईओ), के मैनुअल के अनुसार संग्रहण, ढुलाई और निपटान किया जाएगा। ठोस अपशिष्ट (प्रबंधन) नियम, 2016 और ई-अपशिष्ट (प्रबंधन) नियम 2016 और प्लास्टिक अपशिष्ट (प्रबंधन) नियम 2016 के प्रावधानों का अनुपालन किया जाएगा।</p>
	3 (क)	सभी गैर-जैवक्रमणीय अपशिष्ट प्राधिकृत पुनर्चक्रणकर्ताओं को सौंपा जाएगा, जिसके लिए प्राधिकृत पुनर्चक्रणकर्ताओं के साथ लिखित में गठजोड़ किया जाना चाहिए।
	3 (ख)	जैविक अपशिष्ट कम्पोस्ट/0.3 कि./प्रति व्यक्ति/प्रतिदिन की न्यूनतम क्षमता वाला वर्मिकल्चर/पिट संस्थापित किया जाना चाहिए।
ऊर्जा	4	<p>ऊर्जा दक्षता ब्यूरो के ऊर्जा संरक्षण भवन कोड (ईसीबीसी) का अनुपालन सुनिश्चित किया जाएगा। राज्यों में जिन भवनों ने अपने स्वयं ईसीबीसी अधिसूचित किए हैं, वे भवन राज्य ईसीबीसी का अनुपालन करेंगे।</p> <p>बाहरी क्षेत्र और साझा क्षेत्र में प्रकाश व्यवस्था एलईडी की होगी।</p> <p>पैसिव सौर डिजाइन की संकल्पना, जिसमें भवनोन्मुख, भू-दृश्य निर्माण, कौशलपूर्ण भवन आवरण, उचित गवाक्षीकरण, दिन में उन्नत प्रकाश व्यवस्था डिजाइन और ताप विद्युत मास आदि का उपयोग करके भवनों में ऊर्जा उपभोग न्यूनतम किया जाता है, भवन डिजाइन में समावेशित किया जाएगा। दीवार, खिड़की और रूफ-यू-वैल्यूज, ईसीबीसी विनिर्देशों अनुसार होनी चाहिए।</p>
	4 (क)	भार की मांग के 1% के बराबर विद्युत उत्पादन अथवा राज्य स्तरीय/स्थानीय भवन उप-नियमों की अपेक्षानुसार जो भी अधिक हो, को पूरा करने के लिए सौर, पवन अथवा अन्य नवीकरणीय ऊर्जा संस्थापित की जाएगी।
	4 (ख)	वाणिज्यिक और संस्थागत भवनों की गर्म जल की 20% मांग अथवा स्थानीय भवन उप-नियमों के यथा अपेक्षा अनुसार, जो भी अधिक हो, को पूरा करने के लिए सौर जल तापक प्रदान किए जाएंगे। आवासीय भवनों को भी यथासंभव सौर जल हीटर्स से अपनी गर्मपानी की मांग पूरा करने के लिए सुझाव दिया गया है।
	4 (ग)	<p>निर्माण सामग्री की मात्रा के कम से कम 20% मात्रा हेतु ईटों, प्रखंडों और अन्य निर्माण सामग्रियों में पर्यावरण अनुकूलन सामग्री का उपयोग करना अपेक्षित होगा। इनके फ्लाई ऐश ईट, खोखली (हौलो) ईटें, एएसी, फ्लाई ऐश चूनापत्थर, जिप्सम प्रखंड, कम्प्रेस्ड मृदा प्रखंड और अन्य पर्यावरण अनुकूल सामग्रियां शामिल हैं।</p> <p>फ्लाई ऐश को समय-समय पर यथा संशोधित सितम्बर, 1999 की फ्लाई ऐश अधिसूचना के प्रावधानों के अनुसार निर्माण में भवन सामग्री के रूप में प्रयुक्त किया जाना चाहिए।</p>
वायु गुणवत्ता और ध्वनि	5	<p>भवन के साथ-साथ निर्माण स्थल के लिए धूल कण, धुंध और अन्य वायु प्रदूषण उपशमन उपाय अपनाएं जाएंगे। इन उपायों में निर्माणाधीन भवनों के लिए स्क्रीन, निर्माण स्थल के चारों ओर सतत धूलकण/पवन को मंद करने के लिए दीवारों (कम से कम 3 मीटर ऊँची) का निर्माण शामिल हैं। निर्माण स्थल में बालू, सीमेंट, लोहबान और अन्य निर्माण सामग्रियां, जिनके कारण स्थल पर धूल प्रदूषण उत्पन्न होता है, लाने वाले और निर्माण स्थल से डेबरी ले जाने वाले वाहनों के लिए प्लास्टिक/तिरपाल की शीट कवर प्रदान किए जाने चाहिए।</p> <p>स्थल पर भण्डारण किए हुए बालू, लोहबान, खुली मृदा, सीमेंट को पर्याप्त रूप से ढका होना चाहिए ताकि धूलकण से प्रदूषण की रोकथाम की जा सके।</p> <p>निर्माण सामग्री की पिसाई और पत्थरों की कटाई के लिए वेटजेट प्रदान किए जाएं।</p> <p>निर्माण और विध्वंस का समस्त कचरा उचित ढंग से निपटान किए जाने से पूर्व स्थल पर ही रखा जाएगा (सड़क अथवा बाहर खुले स्थान पर ढेर नहीं लगाया जाएगा)। समस्त विध्वंस और निर्माण अपशिष्ट का प्रबंधन निर्माण और विध्वंस अपशिष्ट नियम 2016 के प्रावधानों के अनुसार किया जाएगा।</p>

		निर्माण स्थल पर कार्यरत तथा निर्माण सामग्री और निर्माण कचरे को लादने, उतराने, ढुलाई अथवा धूल प्रदूषण वाले किसी क्षेत्र में कार्यरत सभी मजदूरों को डस्ट मास्क उपलब्ध कराए जाएं। भीतरी वायु गुणवत्ता के संबंध में भारत के राष्ट्रीय भवन क्रोड के अनुसार वायुसंचार प्रावधान किए जाएं।
	5(क)	डीजी सेट का स्थान और निकास नली की ऊँचाई सीपीसीवी मानदण्डों के प्रावधानों के अनुसार होगी।
हरित आवरण	6	प्रति 80 वर्गफुट भूमि के लिए कम से कम एक वृक्ष लगाया जाना चाहिए और उसकी देख-रेख की जानी चाहिए। इस उद्देश्य के लिए विद्यमान वृक्षों की गणना की जाएगी। स्थानिक प्रजातियों के रोपण को प्राथमिकता दी जानी चाहिए।
	6(क)	जहाँ वृक्षों को काटे जाने की आवश्यकता है, 1:3 (अर्थात् काटे गए प्रत्येक 1 वृक्ष के लिए 3 वृक्षों का रोपण) के अनुपात में प्रतिपूरक बनीकरण किया जाए और उसका रख-रखाव किया जाए।
ऊपरी मृदा का परिरक्षण और पुनः उपयोग	7	भवनों, सड़कों, पेवड क्षेत्रों और बाह्य सेवाओं हेतु प्रस्तावित क्षेत्रों से ऊपरी मृदा को 20 सेमी. की गहराई तक खोदा जाए। इसे निर्दिष्ट क्षेत्रों में उपयुक्त तरीके से संचित किया जाए तथा स्थल पर प्रस्तावित पेड़-पौधों के रोपण के दौरान पुनः उपयोग किया जाए।
परिवहन	8	एमओयूडी सर्वोत्तम पद्धतियां दिशा-निर्देश(यूआरडीपीएफआई) के अनुसार, एक व्यापक मोबिलिटी योजना बनाई जाए ताकि मोटर-सज्जित, गैर-मोटर-सज्जित, सार्वजनिक और निजी नेटवर्कों को शामिल किया जा सके। सड़क का डिजाइन पर्यावरण, और उपयोक्ताओं की सुरक्षा को पर्याप्त ध्यान में रखते हुए बनाया जाए। सड़क प्रणाली का डिजाइन इन मूलभूत मापदंडों के अनुसार बनाया जा सकता है। वाहनीय और पैदल यातायात के उचित पृथक्करण से सड़कों का अनुक्रम। यातायात शामक उपाय। प्रवेश और निकासी बिंदुओं का उचित डिजाइन। स्थानीय विनियम के अनुसार पार्किंग मानक।

(श्रेणी '3' : 50000 से 150000 वर्ग मीटर)

माध्यम	क्र.सं.	पर्यावरणीय स्थिति
स्थलाकृति और प्राकृतिक निकासी	1	जल का अबाधित बहाव सुनिश्चित करने के लिए प्राकृतिक निकासी प्रणाली का रख-रखाव किया जाना चाहिए। ऐसे किसी निर्माण की अनुमति न दी जाए जिससे कि स्थल के माध्यम से प्राकृतिक निकासी बाधित हो। आर्द्रभूमि और जल निकायों पर किसी निर्माण की अनुमति नहीं दी जाती है। निकासी पैटर्न को बनाए रखने तथा वर्षा जल संचयन के लिए चक्र बांध, बाँयो.स्वेलस, भू-दृश्य, और अन्य सतत शहरी निकासी प्रणालियां (एसयूडीएस) अनुमत हैं। भवनों का डिजाइन, जहाँ तक संभव हो, प्राकृतिक स्थलाकृति के अनुसार बनाया जाना चाहिए। पेड़ों को काटना और गिराना न्यूनतम होना चाहिए।
जल संरक्षण-वर्षा जल संचयन और भू जल रिचार्ज	2	वर्षा जल संचयन, जल के गुणवत्ता तथा संरक्षण के लिए एक पूर्ण योजना बनाई जाए। वर्षा जल संचयन के संबंध में स्थानीय उपविधि का पालन किया जाए। यदि स्थानीय उपविधि उपलब्ध न हों, तो शहरी विकास मंत्रालय के मॉडल भवन उपविधि, 2016 के अनुसार भंडारण और रिचार्ज संबंधी उपयुक्त प्रावधानों का पालन किया जाए। एक वर्षा जल संचयन योजना डिजाइन किए जाने की आवश्यकता है जहाँ निर्मित क्षेत्र के प्रति 5,000 वर्ग मीटर न्यूनतम एक रिचार्ज बोर और कुल ताजा जल आवश्यकता की न्यूनतम एक दिन की भंडारण क्षमता का रिचार्ज बोर प्रदान किया जाए। ऐसे क्षेत्र जहाँ भूजल रिचार्ज व्यवहार्य नहीं है, वहाँ वर्षा जल का संचयन और पुनःउपयोग हेतु भंडारण किया जाना चाहिए। सक्षम प्राधिकारी से अनुमोदन लिए बिना भूजल न निकाला जाए।

		सभी रिचार्ज ऊपरी जलभृत एक सीमित होने चाहिए।
	2 (क)	स्थानीय भवन उप-नियमों द्वारा का यथा अपेक्षित खुले स्थान कम से कम 20% प्रवेश्य होगा। कम से कम 50% खुले स्थान वाले ग्रास पेवर, पेवर ब्लॉक, भू-दृश्य इत्यादि को प्रवेश्य सतह माना जाएगा।
	2 (ख)	जल किफायती उपकरणों के प्रयोग को बढ़ावा दिया जाए। लो-फ्लो फिक्सरों अथवा सेंसरों का प्रयोग जल संरक्षण को बढ़ावा देने के लिए किया जाए।
	2 (ग)	दोहरी प्लंबिंग प्रणाली के प्रयोग द्वारा भूरे और काले पानी को पृथक किया जाए। सिंगल स्टेक प्रणाली के मामले में दोहरी प्लंबिंग प्रणाली द्वारा फ्लशिंग के लिए अलग पुनर्संचरण लाइनें बनाई जायेंगी।
ठोस अपशिष्ट प्रबंधन	3	ठोस अपशिष्ट: अपशिष्ट के अलग-अलग करने को आसान बनाने के लिए प्रत्येक इकाई और भूतल पर अलग-अलग गीले और सूखे कूड़े दान उपलब्ध कराए जाएं। ठोस अपशिष्ट (प्रबंधन) नियम, 2016 और ई-अपशिष्ट (प्रबंधन) नियम, 2016, और प्लास्टिक अपशिष्ट (प्रबंधन) नियम, 2016 के उपबंधों का अनुपालन किया जाएगा।
	3 (क)	सभी गैर जैव-अवक्रमणीय अपशिष्ट को प्राधिकृत पुनर्चक्रणकर्ताओं के हवाले कर दिया जाएगा जिसके लिए प्राधिकृत पुनर्चक्रणकर्ताओं के साथ लिखित समझौता किया जाएगा।
	3 (ख)	न्यूनतम 0.3 किग्रा/व्यक्ति/दिन की क्षमता वाले जैविक अपशिष्ट कम्पोस्टर/वर्मीकल्चर गड्डे बनाए जायेंगे।
मल-जल शोधन संयंत्र	4	स्थल पर 100% अपशिष्ट जल शोधन क्षमता के मल-जल शोधन की अवस्थापना किया जाना। शोधित मल-जल का पुनर्प्रयोग स्थल पर लैंड-स्कैप, फ्लशिंग, कूलिंग टावर और अन्य अंतिम प्रयोक्ताओं के लिए किया जाए। अतिरिक्त शोधित जल को केंद्रीय प्रदूषण नियंत्रण बोर्ड के मानकों के अनुसार बहाया जाएगा। प्राकृतिक शोधन प्रणालियों को बढ़ावा दिया जाएगा। सेप्टिक टैंकों सहित साइट पर मल-जल शोधन से उत्पन्न तलछट को एकत्र किया जाएगा और उसे शहरी विकास मंत्रालय, केंद्रीय लोक स्वास्थ्य और मल-जल एवं मल-जल शोधन संयंत्र, 2013 संबंधी पर्यावरणीय अभियांत्रिकी संगठन (सीपीएचईईओ) मैनुअल के अनुसार ढोकर निपटान किया जाएगा।
ऊर्जा	5	ऊर्जा दक्षता व्यरो के ऊर्जा संरक्षण भवन कोड (ईसीबीसी) का अनुपालन सुनिश्चित किया जाएगा। जिन राज्यों ने अपना स्वयं का ईसीबीसी अधिसूचित किया है, भवन अभिकल्पन में राज्य ईसीबीसी का अनुपालन करेंगे। प्रकाश व्यवस्था बाहरी और कॉमन एरिया में एलईडी की होगी। भवन अभिकल्पन में भवन अनुस्थापन, भू-दृश्यीकरण, प्रभावी भवन विकास, खिड़कियों की समुचित व्यवस्था, जिनमें प्रकाश बढ़ाने वाला अभिकल्पन और थर्मल मास इत्यादि जैसे अभिकल्पन तत्वों का प्रयोग करके भवन में न्यूनतम ऊर्जा खपत वाले पैसिव सोलर अभिकल्पन की संकल्पना को शामिल किया जाएगा। दीवार, खिड़की और छत यू-वैल्यूज़ ईसीबीसी विनिर्देशों के अनुसार होंगे।
	5 (क)	सौर, पवन या अन्य नवीकरणीय ऊर्जा की व्यवस्था ताकि मांग भार या राज्य स्तरीय/स्थानीय भवन उप-नियमों या जो भी अधिक हो, के अनुसार 1% के बराबर विद्युत उत्पादन पूरा किया जा सके।
	5 (ख)	व्यावसायिक और सांस्थानिक भवनों की 20% गर्म पानी की मांग को पूरा करने या स्थानीय भवन उप-नियमों की आवश्यकता, जो भी अधिक हो, के अनुसार सोलर वाटर हीटिंग उपलब्ध कराई जाएगी। आवासीय भवनों को भी, जहां तक संभव हो, अपनी गर्म पानी की मांग को सोलर वाटर से पूरा करने की सिफारिश की जाती है।
	5 (ग)	ईटों, ब्लॉक्स और अन्य निर्माण सामग्री में कम से कम 20% पर्यावरण अनुकूल सामग्री के प्रयोग की आवश्यकता होगी। इसमें फ्लाइ ऐश, ईटें, हॉलों ईटों, एएसी, फ्लाइ ऐश लाइम जिप्सम ब्लॉकस,

		<p>कम्प्रेस्ड अर्थ बलॉक्स और अन्य पर्यावरण अनुकूल सामग्री शामिल होगी।</p> <p>समय-समय पर यथा संशोधित सितंबर, 1999 की फ्लाइ ऐश अधिसूचना के अनुसार निर्माण में भवन सामग्री के रूप में फ्लाइ ऐश का प्रयोग किया जाना चाहिए।</p>
जल गुणवत्ता और ध्वनि	6	<p>भवन और स्थान में धूल, धुंआं और अन्य वायु प्रदूषण निवारक उपाय किए जाएं। इन उपायों में निर्माणाधीन भवन के लिए स्क्रीन, स्थल के चारों ओर सतत रूप से धूल/हवा रोकने वाली दीवारें कम से कम 3 मीटर ऊंचाई की) शामिल हैं। स्थल पर रेत, सीमेंट, लोहबान और अन्य निर्माण सामग्री, जो कि धूल प्रदूषण का प्रमुख कारण है, के साथ-साथ स्थल से मलबे को बाहर ले जाने वाले वाहनों के लिए प्लास्टिक/तिरपाल के शीट कवर उपलब्ध कराए जाएंगे। प्रयुक्त वाहनों के पहियों की धुलाई की जाएगी।</p> <p>स्थल पर भण्डारित रेत, लोहबान, खुली मृदा, सीमेंट को अच्छी प्रकार से ढका जाएगा ताकि धूल प्रदूषण को रोका जा सके।</p> <p>पिसाई और पत्थर कटाई के लिए वेट जेट उपलब्ध कराया जाएगा। धूल को दबाने के लिए कच्ची सतहों और खुली मृदा पर पर्याप्त जल छिड़काव किया जाएगा।</p> <p>सभी निर्माण और विध्वंस मलबे के समुचित निपटान (बाहर सड़कों या खुले स्थानों पर ढेर नहीं लगाया जाएगा) से पहले, स्थल पर उनका भण्डारण किया जाएगा। सभी विध्वंस और निर्माण अपशिष्ट का, निर्माण और विध्वंस अपशिष्ट नियम, 2016 के उपबंधों के अनुसार प्रबंधन किया जाएगा।</p> <p>निर्माण स्थल पर कार्यरत और निर्माण सामग्री और निर्माण मलबे की लदाई, उतराई और ढुलाई में शामिल अथवा धूल प्रदूषण से युक्त किसी भी क्षेत्र में कार्य कर रहे सभी कामगारों को धूल रोधी मास्क उपलब्ध कराए जाएंगे।</p> <p>भीतरी वायु गुणवत्ता के लिए राष्ट्रीय भारतीय भवन संहिता के अनुसार वातायान-व्यवस्था के प्रावधान।</p>
	6(क)	डीजी सेट का स्थान और निकास पाइप की ऊंचाई, सीपीसीवी मापदंडों के उपबंधों के अनुसार होगी।
हरित आवरण	7	प्रत्येक 80 वर्ग मीटर भूमि के लिए न्यूनतम 1 पेड़ लगाया जाएगा और उसका रखरखाव किया जाएगा। इस प्रयोजन से मौजूदा पेड़ों की गिनती की जाएगी। स्थानिक प्रजातियों लगाने को प्राथमिकता दी जानी चाहिए।
	7(क)	जहां पर पेड़ों को काटे जाने की आवश्यकता है वहां पर 1:3 के अनुपात (अर्थात् काटे गए प्रत्येक 1 पेड़ के लिए 3 पेड़ लगाना) में प्रतिपूरक वनीकरण किया जाएगा और रखरखाव किया जाएगा।
ऊपरी मृदा परिरक्षण और पुनर्उपयोग	8	भवनों, सड़कों, पक्के क्षेत्रों और बाहरी सेवाओं के लिए प्रस्तावित क्षेत्रों से 20 सेमी की गहराई तक ऊपरी मृदा को खोदा जाना चाहिए। इसका निर्धारित क्षेत्रों में समुचित ढंग से भण्डारण किया जाना चाहिए और स्थल पर प्रस्तावित वनस्पति के रोपण के दौरान इसका पुनर्उपयोग किया जाएगा।
परिवहन	9	<p>शहरी विकास मंत्रालय की उत्तम प्रक्रियाओं संबंधी दिशा-निर्देशों (यूआरडीपीएफआई) के अनुसार मोटरयुक्त, गैर-मोटरयुक्त, सार्वजनिक और निजी तंत्रों को शामिल करने के लिए एक व्यापक गतिशीलता योजना तैयार की जाएगी।</p> <p>सड़कों को पर्यावरण और प्रयोक्ताओं की सुरक्षा पर अपेक्षित विचार करते हुए अभिकल्पित किया जाना चाहिए। सड़क प्रणाली को इन आधारभूत मानदंडों के साथ अभिकल्पित किया जा सकता है।</p> <ol style="list-style-type: none"> 1. वाहनीय और पैदल-पथ यातायात के उचित पृथक्करण के साथ सड़कों का वर्गीकरण 2. यातायात को सुचारू रखने के उपाय 3. प्रवेश और निकास बिंदुओं का उचित अभिकल्प 4. स्थानीय विनियमन के अनुसार पार्किंग मापदंड

पर्यावरण प्रबंधन योजना	10	उपरोक्त मद सं. 1 से 9 में विनिर्दिष्ट पर्यावरणीय शर्तों का अनुपालन सुनिश्चित करने के लिए एक पर्यावरणीय प्रबंधन योजना (ईएमपी) तैयार और क्रियान्वित की जाएगी। ईएमपी को क्रियान्वित करने के लिए परिभाषित क्रियाकलापों और उत्तरदायित्व के साथ एक समर्पित पर्यावरण निगरानी प्रकोष्ठ की स्थापना की जाएगी। यह पर्यावरणीय प्रकोष्ठ सुनिश्चित करेगा कि मलजल शोधन संयंत्र, भू-दृश्य निर्माण, वर्षा-जल संचयन, ऊर्जा दक्षता और संरक्षण, जल दक्षता और संरक्षण, ठोस अपशिष्ट प्रबंधन, नवीकरणीय ऊर्जा आदि जैसी पर्यावरण अवसंरचना प्रचालनारत है और अपेक्षित मानकों को पूरा करती है। पर्यावरणीय प्रकोष्ठ, पर्यावरण निगरानी और पर्यावरण अवसंरचना से संबंधित अभिलेखों का रखरखाव भी करेगा।
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परिशिष्ट-XV

पर्यावरणीय लेखा परीक्षकों (योग्य भवन लेखा परीक्षक) की मान्यता

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (एमओईएफसीसी) योग्य अभिकरणों के माध्यम से योग्य भवन पर्यावरण लेखा परीक्षकों (क्यूबीईए) को मान्यता देगा। योग्य भवन पर्यावरण लेखा परीक्षक फर्म/संगठन अथवा वैयक्तिक विशेषज्ञ हो सकते हैं, जो अपेक्षाओं को पूरा करते हैं। मंत्रालय, भारतीय गुणवत्ता परिषद (क्यूसीआई), राष्ट्रीय उत्पादकता परिषद अथवा सरकार द्वारा मान्यता प्राप्त किसी अन्य संगठन के माध्यम से मान्यता की इस प्रक्रिया को क्रियान्वित करेगा। भारतीय हरित भवन परिषद, उर्जा दक्षता ब्यूरो इत्यादि जैसे संगठन भी मान्यता देने, प्रशिक्षण और नवीकरण की प्रक्रिया से जोड़े जा सकते हैं। भवन क्षेत्र के लिए क्यूसीआई द्वारा मान्यता प्राप्त पर्यावरणीय परामर्शी क्यूबीईए के रूप में योग्य होंगे। क्यूबीईए निम्नलिखित मानदंड पूरा करेंगे। मान्यता देने वाला प्राधिकरण इन मानदंडों का सुधार कर सकता है।

लेखा परीक्षक की योग्यताएं :

क. शिक्षा: वास्तुकार (डिग्री अथवा डिप्लोमा), नगर नियोजक (डिग्री), सिविल इंजीनियर/मैकनिकल इंजीनियर (डिग्री अथवा डिप्लोमा), पर्यावरणीय विज्ञान में स्नातकोत्तर अथवा मान्यता की स्कीम के अनुसार कोई अन्य योग्यता

प्रशिक्षण :

ख. प्रत्यायन निकाय अथवा उनके अनुमोदित प्रशिक्षण प्रदाताओं द्वारा अनिवार्य प्रशिक्षण दिया जाएगा। यह मान्यता की स्कीम के अनुसार होगा।

अनुभव :

ग. संबंधित क्षेत्र में 3 वर्ष का कार्य अनुभव अथवा क्यूसीआई द्वारा मान्यता प्राप्त भवन और पर्यावरण प्रभाव आकलन परामर्शदाता अथवा मान्यता की स्कीम के अनुसार किसी अन्य प्रकार का अनुभव मानदंड।

अवसंरचना एवं उपकरण :

घ. मान्यता की स्कीम के अनुसार

नवीकरण:

ड. प्रत्यायन 5 वर्षों के लिए मान्य होगा और प्रत्यायन स्कीम के अंतर्गत विकसित प्रक्रिया के अनुसार नवीकृत किया जाएगा।

उत्तरदायित्व/शिकायत निवारण कार्यतंत्र: क्यूबीईएएस के कार्य की गुणवत्ता के संबंध में कोई भी शिकायत प्रत्यायन निकाय को की जाएगी। प्रत्यायन निकाय शिकायत पर विचार करेगा और काली सूची में डालने अथवा व्यापक सार्वजनिक सूचना के साथ प्रत्यायन को रद्द करने सहित उपयुक्त कार्यवाही करेगा। यह दण्ड देने और काली सूची में डालने के लिए स्थानीय प्राधिकरण के स्तर पर की जाने वाली कार्यवाही के अलावा होगा। विशिष्ट शिकायत अथवा फीडबैक के मामले में मंत्रालय भी इस प्रकार की कार्यवाही कर सकता है।

परिशिष्ट-XVI

स्थानीय प्राधिकरण के स्तर पर पर्यावरणीय प्रकोष्ठ:

भवनों में पर्यावरणीय शर्तों के अनुपालन और मानीटरी को सहायता देने के लिए स्थानीय प्राधिकरण के स्तर पर पर्यावरणीय प्रकोष्ठ की स्थापना की जाएगी। यह प्रकोष्ठ अपने क्षेत्राधिकार के तहत पर्यावरणीय आयोजना और क्षमता निर्माण में सहायता भी प्रदान करेगा। इस प्रकोष्ठ के उत्तरदायित्व, इस अधिसूचना के कार्यान्वयन की मानीटरी करना और तीसरे-पक्षकार की लेखा-परीक्षा प्रक्रिया का अनुरक्षण करना है। यह प्रकोष्ठ स्थानीय प्राधिकरण के तहत संचालित होगा।

प्रकोष्ठ का संघटन :

इस प्रकोष्ठ में निम्नलिखित क्षेत्रों में कम से कम 3 समर्पित व्यक्ति शामिल होंगे:

- क. अपशिष्ट प्रबंधन (ठोस और द्रव्य)
- ख. जल संरक्षण और प्रबंधन
- ग. निर्माण सामग्रियों सहित संसाधन की कार्यकुशलता
- घ. ऊर्जा दक्षता और नवीकरणीय ऊर्जा
- च. वायु गुणवत्ता प्रबंधन सहित पर्यावरणीय आयोजना
- छ. परिवहन आयोजना और प्रबंधन

यह प्रकोष्ठ समर्पित विशेषज्ञों की आवश्यकता और पृष्ठभूमि के अनुसार कम से कम दो बाहरी विशेषज्ञों को शामिल करेगा। स्थानीय प्राधिकरण के स्तर पर मौजूदा पर्यावरणीय प्रकोष्ठों को सह-योजित और इस प्रकोष्ठ के लिए प्रशिक्षित किया जा सकता है।

वित्तीय सहायता:

पर्यावरणीय शर्तों के समाकलन और इसकी मॉनीटरिंग के लिए निर्माण अनुमति हेतु कार्यवाही शुल्क के साथ अतिरिक्त शुल्क लिया जाएगा। स्थानीय प्राधिकरण समय-समय पर इस अतिरिक्त शुल्क को निर्धारित और संशोधित कर सकता है। इस शुल्क की धनराशि, एक पृथक बैंक खाते में जमा किया जाएगा और विशेषज्ञों के वेतन/पारिश्रमिक की आवश्यकता को पूरा करने और ऑनलाइन प्रार्थना पत्र की प्रणाली को जारी रखने, सत्यापन और पर्यावरणीय प्रकोष्ठ के लिये उपयोग में लाया जाएगा।

प्रकोष्ठ के कार्य

1. यह प्रकोष्ठ अपने क्षेत्राधिकार में उस क्षेत्र के पर्यावरण सरोकारों का मूल्यांकन और आकलन करने के लिए उत्तरदायी होगा जहां निर्माण कार्यकलाप करना प्रस्तावित है। यह प्रकोष्ठ अपेक्षाओं के अनुसार अतिरिक्त पर्यावरणीय शर्तें विकसित कर सकता है और शर्तों का प्रस्ताव रख सकता है। ये शर्तें क्षेत्र विशिष्ट हो सकती हैं तथा समय-समय पर पहले से अधिसूचित की जाएंगी। ये अतिरिक्त शर्तें परामर्श की यथा प्रक्रिया का अनुसरण करते हुए अनुमोदित की जाएंगी। ये पर्यावरणीय शर्तें अनुमोदन प्राधिकारी द्वारा निर्माण अनुमति में समेकित की जाएंगी।
2. आवेदन और शुल्क के भुगतान के लिए एक ऑन लाइन प्रणाली बनाना तथा उसकी देख-रेख करना। यह प्रकोष्ठ प्राप्त सभी आवेदनों, अनुमोदित परियोजनाओं, अनुपालन लेखापरीक्षण रिपोर्ट, किए गए औचक निरीक्षणों का एक आनलाइन डाटाबेस बनाएगा। यह प्रकोष्ठ परियोजना द्वारा पर्यावरणीय शर्तों के अनुपालन की लोगों द्वारा संवीक्षा के लिए अर्हता-प्राप्त निर्माण पर्यावरण लेखा-परीक्षकों द्वारा दर्ज लेखा-परीक्षा रिपोर्टों के स्व-प्रमाणीकरण और अनुपालन सहित परियोजना व्यौरों का सार्वजनिक प्रकटन के लिए एक पोर्टल बनाएगा।
3. अर्हता-प्राप्त निर्माण लेखा-परीक्षकों द्वारा कराई गई पर्यावरणीय लेखा-परीक्षा प्रक्रिया के कार्य की निगरानी करेगा।
4. यह प्रकोष्ठ आवेदनों की समीक्षा करेगा; स्थानीय प्राधिकरणों को आवेदन प्रस्तुत करने के 30 दिन के अंदर अतिरिक्त पर्यावरणीय शर्तों, यदि अपेक्षित हो तो, को अंतिम रूप देगा।
5. यह प्रकोष्ठ क्यूबीए के प्रमाणीकरण, पर्यावरणीय शर्तों के अनुपालन और पंच वर्षीय लेखा रिपोर्ट के लिए स्थल पर जांच करने के लिए परियोजनाओं का जोखिम आधारित औचक चयन अंगीकृत करेगा।
6. यह प्रकोष्ठ परियोजना प्रस्तावक द्वारा पर्यावरणीय शर्तों के गैर-अनुपालन के लिए वित्तीय अर्थदंड के लिए स्थानीय प्राधिकरण को सिफारिश करेगा।
7. यह प्रकोष्ठ किसी भी अर्हता-प्राप्त निर्माण पर्यावरण लेखा-परीक्षकों के विरुद्ध, यदि उनके कार्य में कोई त्रुटि पाई जाती है तो, प्रत्यायोजन निकाय और स्थानीय प्राधिकरण को सिफारिश करेगा।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 9th December, 2016

S.O. 3999(E).—Whereas, by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) read with clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 and clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the said notification entailing the capacity addition with change in process or technology and or product mix shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

And whereas, the said Ministry has received suggestions for ensuring Ease of Doing Responsible Business; and streamlining the permissions for buildings and construction sector which is important for providing houses and for this purpose the scheme of Housing for all by 2022 with an objective of making available affordable housing to weaker sections in urban area has ambitious target;

And whereas clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 issued in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 was published, vide number S.O.1595 (E) dated the 29th April 2016, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date of publication of said notification in the Gazette of India;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-section (1) 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, the Central Government hereby makes the following further amendments in the Environment Impact Assessment Notification, 2006 namely:-

In the said Notification,-

(I) after paragraph 13, the following paragraph shall be inserted, namely:-

“14. Integration of environmental condition in building bye-laws.-

(1) The integrated environmental conditions with the building permission being granted by the local authorities and the construction of buildings as per the size shall adhere to the objectives and monitorable environmental conditions as given at Appendix-XIV.

(2) The States adopting the objectives and monitorable environmental conditions referred to in subparagraph (1), in the building bye-laws and relevant State laws and incorporating these conditions in the approvals given for building construction making it legally enforceable shall not require a separate environmental clearance from the Ministry of Environment, Forest and Climate Change for individual buildings.

(3) The States may forward the proposed changes in their bye-laws and rules to the Ministry of Environment, Forest and Climate Change, who in turn will examine the said draft bye-laws and rules and convey the concurrence to the State Governments.

(4) When the State Governments notifies the bye-laws and rules concurred by the Ministry of Environment, Forest and Climate Change, the Central Government may issue an order stating that no separate environmental clearance is required for buildings to be constructed in the States or local authority areas.

- (5) The local authorities like Development Authorities, Municipal Corporations, may certify the compliance of the environmental conditions prior to issuance of Completion Certificate, as applicable as per the requirements stipulated for such buildings based on the recommendation of the Environmental Cell constituted in the local authority.
- (6) The State Governments where bye-laws or rules are not framed may continue to follow the existing procedure of appraisal for individual projects and grant of Environmental Clearance for buildings and constructions as per the provisions laid down in this notification.
- (7) For the purpose of certification regarding incorporation of environmental conditions in buildings, the Ministry of Environment, Forest and Climate Change may empanel through competent agencies, the Qualified Building Environment Auditors (QBEAs) to assess and certify the building projects, as per the requirements of this notification and the procedure for accreditation of Qualified Building Auditors and their role as given at Appendix-XV.
- (8) In order to implement the integration of environmental condition in building bye-laws, the State Governments or Local Authorities may constitute the Environment Cell (herein after called as Cell), for compliance and monitoring and to ensure environmental planning within their jurisdiction.
- (9) The Cell shall monitor the implementation of the bye-laws and rules framed for Integration of environmental conditions for construction of building and the Cell may also allow the third party auditing process for oversight, if any.
- (10) The Cell shall function under the administrative control of the Local Authorities.
- (11) The composition and functions of the Cell are given at Appendix-XVI.
- (12) The Local Authorities while integrating the environmental concerns in the building bye-laws, as per their size of the project, shall follow the procedure, as given below:

BUILDINGS CATEGORY '1' (5,000 to < 20,000 Square meters)

A Self declaration Form to comply with the environmental conditions (Appendix XIV) along with Form 1A and certification by the Qualified Building Environment Auditor to be submitted online by the project proponent besides application for building permission to the local authority along with the specified fee in separate accounts. Thereafter, the local authority may issue the building permission incorporating the environmental conditions in it and allow the project to start based on the self declaration and certification along with the application. After completion of the construction of the building, the project proponent may update Form 1A online based on audit done by the Qualified Building Environment Auditor and shall furnish the revised compliance undertaking to the local authority. Any non-compliance issues in buildings less than 20,000 square meters shall be dealt at the level of local body and the State through existing mechanism.

OTHER BUILDINGS CATEGORIES (\geq 20,000 Square meters)

The project proponent may submit online application in Form 1 A alongwith specified fee for environmental appraisal and additional fee for building permission. The fee for environmental appraisal will be deposited in a separate account. The Environment Cell will process the application and present it in the meeting of the Committee headed by the authority competent to give building permission in that local authority. The Committee will appraise the project and stipulate the environmental conditions to be integrated in the building permission. After recommendations of the Committee, the building permission and environmental clearance will be issued in an integrated format by the local authority.

The project proponent shall submit Performance Data and Certificate of Continued Compliance of the project for the environmental conditions parameters applicable after completion of construction from Qualified Building Environment Auditors every five years to the Environment Cell with special focus on the following parameters:-

- (a) Energy Use (including all energy sources).
- (b) Energy generated on site from onsite Renewable energy sources.
- (c) Water use and waste water generated, treated and reused on site.
- (d) Waste Segregated and Treated on site.
- (e) Tree plantation and maintenance.

After completion of the project, the Cell shall randomly check the projects compliance status including the five years audit report. The State Governments may enact the suitable law for imposing penalties for non-compliances of the

environmental conditions and parameters. The Cell shall recommend financial penalty, as applicable under relevant State laws for non-compliance of conditions or parameters to the local authority. On the basis of the recommendation of the Cell, the local authority may impose the penalty under relevant State laws. The cases of false declaration or certification shall be reported to the accreditation body and to the local body for blacklisting of Qualified Building Environment Auditors and financial penalty on the owner and Qualified Building Environment Auditors.

No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters.”;

(II) In the Schedule, for item 8 and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
“8		Building / Construction projects / Area Development projects and Townships		
8 (a)	Building and Construction projects		≥ 20,000 sq. mtrs and < 1,50,000 sq. mtrs of built up area	The term “built up area” for the purpose of this notification is the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the buildings and construction projects. Note 1. The projects or activities shall not include industrial shed, universities, college, hostel for educational institutions, but such buildings shall ensure sustainable environmental management, solid and liquid and implement environmental conditions given at Appendix-XIV. Note 2.-General Condition shall not apply. Note 3.-The exemptions granted at Note 1 will be available only for industrial shed after integration of environmental norms with building permissions at the level of local authority.
8 (b)	Townships and Area Development projects	≥ 3,00,000 sq. mtrs of built up area or Covering an area ≥ 150 ha	≥1,50,000 sq. mtrs and < 3,00,000 sq. mtrs built up area or covering an area ≥ 50 ha and < 150 ha	Note.- General Condition shall not apply”.

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

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) vide number S.O. 1533(E), dated the 14th September, 2006 and subsequently amended vide numbers S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E), dated the 1st December, 2009, S.O.695(E), dated the 4th April, 2011, S.O.2896(E), dated the 13th December, 2012, S.O.674(E), dated the 13th March, 2013, S.O.2559(E), dated the 22nd August, 2013, S.O. 2731(E), dated the 9th September, 2013, S.O. 562(E), dated the 26th February, 2014, S.O.637(E), dated the 28th February, 2014, S.O.1599(E), dated the 25th June, 2014, S.O. 2601 (E), dated 7th October, 2014, S.O. 2600(E) dated 9th October, 2014, S.O. 3252(E) dated 22nd December, 2014, S.O. 382 (E), dated 3rd February, 2015, and S.O. 811(E), dated 23rd March, 2015, S.O. 996 (E) dated 10th April, 2015, S.O. 1142 (E) dated 17th April, 2015, S.O. 1141 (E) dated 29th April, 2015, S.O. 1834(E) dated 6th July, 2015 and S.O. 2572(E) dated 14th September, 2015, S.O. 141(E) dated 15th January, 2016, S.O. 190(E) dated 20th January, 2016, S.O. 648(E) dated 3rd March, 2016 and S.O. 2269(E) dated 1st July, 2016.

APPENDIX –XIV

ENVIRONMENTAL CONDITIONS FOR BUILDINGS AND CONSTRUCTIONS

(CATEGORY '1': 5,000 to less than 20,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
Water Conservation, Rain Water Harvesting, and Ground Water Recharge	2	Use of water efficient appliances shall be promoted. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-Laws, 2016. A rain water harvesting plan needs to be designed where the recharge bores (minimum one recharge bore per 5,000 square meters of built up area) is recommended. Storage and reuse of the rain water harvested should be promoted. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer.
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Sewage: In areas where there is no municipal sewage network, onsite treatment systems should be installed. Natural treatment systems which integrate with the landscape shall be promoted. As far as possible treated effluent should be reused. The excess treated effluent shall be discharged following the CPCB norms. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013. The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
Energy	4	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be Light Emitting Diode (LED). Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.

Air Quality and Noise	5	<p>Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.</p> <p>Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.</p> <p>Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.</p> <p>All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.</p> <p>For indoor air quality the ventilation provisions as per National Building Code of India shall be made.</p>
	5 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	6	A minimum of 1 tree for every 80 square meters of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	6 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.

(Category '2': 20,000 to less than 50,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	<p>The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.</p> <p>Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.</p>
Water Conservation, Rain Water Harvesting, and Ground Water Recharge	2	<p>A complete plan for rain water harvesting, water efficiency and conservation should be prepared.</p> <p>Use of water efficient appliances should be promoted with low flow fixtures or sensors.</p> <p>The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016.</p> <p>A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.</p> <p>All recharge should be limited to shallow aquifer</p>
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.

Waste Management	3	<p>Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste.</p> <p>Sewage: Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted.</p> <p>Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.</p> <p>The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.</p>
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
	3(b)	Organic waste compost/ Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Energy	4	<p>Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.</p> <p>Outdoor and common area lighting shall be LED.</p> <p>Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design.</p> <p>Wall, window, and roof u-values shall be as per ECBC specifications.</p>
	4 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	4 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
	4 (c)	<p>Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flyash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.</p> <p>Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.</p>
Air Quality and Noise	5	<p>Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.</p> <p>Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.</p> <p>Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.</p> <p>All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.</p> <p>All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with</p>

		dust pollution shall be provided with dust mask. For indoor air quality the ventilation provisions as per National Building Code of India.
	5 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	6	A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	6 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.
Top Soil preservation and reuse	7	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
Transport	8	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria. <ol style="list-style-type: none"> 1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. 2. Traffic calming measures. 3. Proper design of entry and exit points. 4. Parking norms as per local regulation.

(Category '3': 50000 to 150000 m²)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
Water conservation - Rain Water Harvesting, and Ground Water Recharge	2	A complete plan for rain water harvesting, water efficiency and conservation should be prepared. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provisions are not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016. A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer.
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
	2 (b)	Use of water efficient appliances should be promoted. Low flow fixtures or sensors be used to promote water conservation.

	2 (c)	Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
Solid Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
	3(b)	Organic waste composter/Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Sewage Treatment Plant	4	Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
Energy	5	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be LED. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.
	5 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	5 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
	5 (c)	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flyash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials. Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
Air Quality and Noise	6	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site. Wheel washing for the vehicles used be done. Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution. Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction

		and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask. For indoor air quality the ventilation provisions as per National Building Code of India.
	6 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	7	A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	7 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.
Top Soil Preservation and Reuse	8	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
Transport	9	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria. <ol style="list-style-type: none"> 1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. 2. Traffic calming measures. 3. Proper design of entry and exit points. 4. Parking norms as per local regulation.
Environment Management Plan	10	An environmental management plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified in item number 1 to 9 above. A dedicated Environment Monitoring Cell with defined functions and responsibility shall be put in place to implement the EMP. The environmental cell shall ensure that the environment infrastructure like Sewage Treatment Plant, Landscaping, Rain Water Harvesting, Energy efficiency and conservation, water efficiency and conservation, solid waste management, renewable energy etc. are kept operational and meet the required standards. The environmental cell shall also keep the record of environment monitoring and those related to the environment infrastructure.

APPENDIX-XV

Accreditation of Environmental Auditors (Qualified Building Auditors)

The Ministry of Environment, Forest and Climate Change (MoEFCC), through qualified agencies shall accredit the Qualified Building Environment Auditors (QBEAs). The Qualified Building Environment Auditors could be a firm / organization or an individual expert, who fulfils the requirements. The Ministry will implement this process of accreditation through Quality Council of India (QCI), National Productivity Council or any other organization identified by the Government. The organizations like Indian Green Building Council, Bureau of Energy Efficiency etc. can also be associated in the process of accreditation, training, and renewal. The environmental consultants accredited by the QCI for building sector will be qualified as QBEAs. The QBEAs will meet the following criteria. The accrediting agency can improvise on these criteria.

Qualifications of the Auditor:

- a. Education: Architect (Degree or Diploma), Town Planners (Degree), Civil Engineer / Mechanical Engineer (Degree or Diploma), PG in Environmental Science or any other qualification as per the scheme of the accreditation.

Training:

- b. Mandatory training to be given by the accreditation body or their approved training providers. This will be as per the scheme of the accreditation.

Experience:

- c. At least 3 years of work experience in the related field or building sector Environment Impact Assessment consultants accredited by QCI or any other experience criteria as per the scheme of the accreditation.

Infrastructure and equipment:

- d. As per the scheme of the accreditation

Renewal:

- e. The accreditation will be valid for 5 years and will be renewed as per the process developed under the accreditation scheme.

Accountability/Complaint redressal mechanism: Any complaints regarding the quality of the work of QBEAs shall be made to the accreditation body. The accreditation body shall evaluate the complaint and take appropriate action including black listing or cancellation of the accreditation with wide public notice. This will be in addition to the action at the level of local authority for penalty and blacklisting. The Ministry can also take such action in case of specific complaint or feedback.

APPENDIX-XVI**Environmental Cell at the level of Local Authority:**

An Environmental Cell shall be setup at the local authority level to support compliance and monitoring of environmental conditions in buildings. The Cell shall also provide assistance in environmental planning and capacity building within their jurisdiction. The responsibility of this cell would be monitoring the implementation of this notification and providing an oversight to the Third-Party Auditing process. The cell will operate under the local authority.

Constitution of the cell:

The cell will comprise of at least 3 dedicated experts in following fields:

- a. Waste management (solid and liquid)
- b. Water conservation and management
- c. Resource efficiency including Building materials
- d. Energy Efficiency and renewable energy
- e. Environmental planning including air quality management.
- f. Transport planning and management.

The Cell shall induct at least two outside experts as per the requirements and background of dedicated experts. Existing environmental cells at the level of local authority can be co-opted and trained for this Cell.

Financial Support:

An additional fee may be charged along with processing fee for building permission for integrating environmental conditions and it's monitoring. The local authority can fix and revise this additional fee from time to time. The amount of this fee shall be deposited in a separate bank account, and used for meeting the requirement of salary / emoluments of experts and running the system of online application, verifications and the Environmental Cell.

Functions of the Cell:

1. The cell shall be responsible for assessing and appraising the environmental concerns of the area under their jurisdiction where building activities are proposed. The Cell can evolve and propose additional environmental conditions as per requirements. These conditions may be area specific and shall be notified in advance from time to time. These additional conditions shall be approved following a due consultation process. These environmental conditions will be integrated in building permissions by the sanctioning authority.
2. Develop and maintain an online system for application and payment of fees. The Cell shall maintain an online database of all applications received, projects approved, the compliance audit report, random inspections made. The Cell shall maintain a portal for public disclosure of project details including self certification and compliance audit reports filed by the Qualified Building Environment Auditors for public scrutiny of compliance of environmental conditions by the project.
3. Monitoring the work of Environmental Audit process carried by the Qualified Building Auditors.

4. The Cell shall review the applications; finalize the additional environmental conditions if required within 30 days of the submission of the application to the local authority.
5. The Cell shall adopt risk based random selection of projects for verifying on site for certification of QBA, compliance of environmental conditions and five yearly audit report.
6. The Cell shall recommend to the local authority for financial penalty for non-compliance of environmental conditions by the project proponent.
7. The Cell shall recommend to the accrediting body and the local authority against any Qualified Building Environment Auditor, if any lapse is found in their work.

And whereas, the Government of Maharashtra is satisfied that in the public interest it is necessary to incorporate therein a Comprehensive Regulations in respect of the said Proposed Integration Environmental Norms in the aforesaid Development Control Regulations of the respective said Planning Authorities thereafter referred to as *the proposed modification A*

And whereas, pursuant to the above and in exercise of the powers conferred by Clause (a) of sub-section (IAA) of Section 37 of the said Act and all other powers enabling in that behalf, the Government of Maharashtra has published a notice bearing No. TPS-1816/CR-443/16/DP Notice/UD-13/dt 13/04/2017 which appeared in the Maharashtra Government Gazette dated 4th to 10th May 2017 on page no 23 to 38 for inviting objections and suggestions upon *the said proposed modifications* from the general public and concerned Joint Director of Town Planning of the division was authorized as an Officer (hereinafter referred to as *the said Officer*) to give hearing and submit his report to the Government;

And whereas after receiving and considering the reports submitted by the concerned said Officers in respect of all the said Planning Authorities in Pune & Kokan Division and consulting the Director of Town Planning M.S.Pune, the Government of Maharashtra is of the opinion that the proposed modifications in respect of "Integration Environmental Norms/Conditions in DCR " as mentioned in *Schedule A* should be sanctioned for the said all Planning Authorities in Pune & Kokan Division;

Now therefore, in exercise of the powers conferred by Clause (c) of sub-Section (IAA) of Section 37 of the said act and all other powers enabling in that behalf, the Government of Maharashtra finally Sanctions the said Proposed Modifications in respect of "Integration Environmental Norms/Conditions in DCR " as mentioned in *Schedule A* attached herewith for the said all Planning Authorities in Pune & Kokan Division;

02. This notification shall be kept open for inspection to the general public in the following offices for the period of one year on all working days.

- 1) Metropolitan Commissioner MMRDA
- 2) Managing Director CIDCO/MSRDC
- 3) Chairman NIT Nagpur
- 4) Commissioner Municipal Corporation (All from Pune&Kokan Division)
- 5) The Director of Town Planning, Maharashtra State, Pune.
- 6) Chief Executive Officer MIDC/ All SPAs.
- 7) Divisional Joint Director of Town Planning, Pune/Konkan
- 9) Deputy Director of Town Planning, Urban Reserch Cell Pune
- 10) Assistant Director of Town Planning of concerned district.
- 11) Chief Officers Municipal Councils (All from Pune&Kokan Division).

This notification shall also be made available on the Government website www.maharashtra.gov.in (कायदे / नियम).

By order and in the name of Governor of Maharashtra,



(Sanjay Saoji)

Deputy Secretary to Government

10/31

Schedule-A

(Accompanied with Government Notification No. UPS-3816/C-11-213)
16/DP/ Pune & Konkan/ UD-13, Dated: 28/06/2017)

Integration of environmental condition in building bye-laws -

- (1) The Integrated Environmental conditions with the building permission being granted by the local authorities and for the construction of buildings for the built up area as mention in Schedule / item 8 of Environmental Impact Assessment Notification 2006 shall adhere to the objectives and monitorable environmental conditions as given at **Appendix-A.**
- (2) The States adopting the objectives and monitorable environmental conditions referred to in subparagraph (1) above, in the building bye-laws and in the relevant State laws and incorporating these conditions in the approvals given for building construction making it legally enforceable shall not require a separate environmental clearance from the Ministry of Environment, Forest and Climate Change for individual buildings.
- (3) The Said Planning Authorities, Municipal Corporations, may certify the compliance of the environmental conditions prior to issuance of Completion Certificate, as applicable as per the requirements stipulated for such buildings based on the recommendation of the Environmental Cell constituted in the local authority.
- (4) The State Governments where bye-laws or rules are not framed may continue to follow the existing procedure of appraisal for individual projects and grant of Environmental Clearance for buildings and constructions as per the provisions laid down in this notification.
- (5) For the purpose of certification regarding incorporation of environmental conditions in buildings, the Ministry of Environment, Forest and Climate Change may empanel through competent agencies, the Qualified Building Environment Auditors (QBEAs) to assess and certify the building projects, as per the requirements of this notification and the procedure for accreditation of Qualified Building Auditors and their role as given at **Appendix-B.**
- (6) In order to implement the integration of environmental condition in building bye-laws, the State Governments or the Said Planning Authorities may constitute the Environment Cell (herein after called as Cell), for compliance and monitoring and to ensure environmental planning within their jurisdiction.
- (7) The Cell shall monitor the implementation of the bye-laws and rules framed for Integration of environmental conditions for construction of building and the Cell may also allow the third part auditing process for oversight, if any.
- (8) The Cell shall function under the administrative control of the Local Authorities.
- (9) The composition and functions of the Cell are given at **Appendix-C.**



(10) The Said Planning Authorities while integrating the Environmental Concerns in the building bye-laws, as per their size of the project, shall follow the procedure, as given below:

BUILDINGS CATEGORY 'I' (5,000 to < 20,000 Square meters)

A Self declaration Form to comply with the environmental conditions (Appendix A) along with Form IA and certification by the Qualified Building Environment Auditor to be submitted online by the project proponent besides application for building permission to the Said Planning Authorities along with the specified fee in separate accounts. Thereafter, the Said Planning Authorities may issue the building permission incorporating the environmental conditions in it and allow the project to start based on the self-declaration and certification along with the application. After completion of the construction of the building, the project proponent may update Form IA online based on audit done by the Qualified Building Environment Auditor and shall furnish the revised compliance undertaking to the local authority. Any non-compliance issues in buildings less than 20,000 square meters shall be dealt at the level of local body and the State through existing mechanism.

OTHER BUILDINGS CATEGORIES (> 20,000 Square meters)

The project proponent may submit online application in Form I A alongwith specified fee for environmental appraisal and additional fee for building permission. The fee for environmental appraisal will be deposited in a separate account. The Environment Cell will process the application and present it in the meeting of the Committee headed by the authority competent to give building permission in that local authority. The Committee will appraise the project and stipulate the environmental conditions to be integrated in the building permission. After recommendations of the Committee, the building permission and environmental clearance will be issued in an integrated format by the Said Planning Authorities.

The project proponent shall submit Performance Data and Certificate of Continued Compliance of the project for the environmental conditions parameters applicable after completion of construction from Qualified Building Environment Auditors every five years to the Environment Cell with special focus on the following parameters:-

- (a) Energy Use (including all energy sources).
- (b) Energy generated on site from onsite Renewable energy sources.
- (c) Water use and waste water generated, treated and reused on site.
- (d) Waste Segregated and Treated on site.
- (e) Tree plantation and maintenance.

After completion of the project, the Cell shall randomly check the projects compliance status including the five years audit report. The State Governments may enact the suitable law for imposing penalties for non-compliances of the environmental conditions and parameters. The Cell shall recommend financial penalty, as applicable under relevant State laws for non-compliance of conditions or parameters to the Said Planning Authorities. On the basis of the recommendation of the Cell, the local authority may impose the penalty under relevant State laws. The cases of false declaration or certification shall be reported to the accreditation body and to the local body for blacklisting of Qualified Building Environment Auditors and financial penalty.

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on the owner and Qualified Building Environment Auditors. No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters.



(Signature)
(Sanjay Saoji)
Deputy Secretary to Government

21/31

E. No. 19-159/2014-IA.III (Pt. File)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bagh Road
New Delhi - 110003

Date: 07th July, 2017

ORDER

In accordance with the procedure laid down in clause 14 (3) of Environment Impact Assessment Notification 2006, issued by the Ministry of Environment, Forest and Climate Change vide SO No. 3999 (E) dated 09.12.2016, the Urban Development Department, Government of Maharashtra vide their letter D.O. No. TPS - 1816 / CR443 / 16 / UD-13 dated 23rd, December, 2016 sought concurrence of the Ministry on the proposal of draft directive to be issued under section 154 (1) of the Maharashtra Regional and Town Planning Act, 1966 to all Planning Authorities / Municipal Corporations/Municipal Councils / Special Planning Authorities / Collectors for Regional Plan Areas for Streamlining Building Plan Approval and Environmental Clearance and Integration of Environmental Clearance with building sanctioning procedure. The Ministry of Environment, Forest and Climate Change examined the draft Directives referred by the Urban Development Department, Government of Maharashtra and concurred with the draft Directives vide letter No. 19-159/2014-IA.III dated 15th March, 2017.

The Ministry of Environment, Forest and Climate Change while concurring with the above draft building bye laws observed that the authority /concerned local body shall adhere to objective and monitorable environmental conditions as given in MoEFCC's Notification No. S.O. 3999 (E) dated 09.12.2016 and its appendices, as amended from time to time.

Whereas, after concurrence by the Ministry of Environment, Forest and Climate Change, Urban Development Department, Government of Maharashtra in exercise of powers conferred by Section 37 of Maharashtra Regional and Town Planning Act, 1966 has notified the integration of environmental clearance conditions with the Development Control Regulations (DCR) of the Planning Authorities in respect of all Municipal Corporations, Municipal Councils and all Special Planning Authorities in Pune and Kokan Divisions vide Notification No. TPS-1816/CR-443/16/DP/Pune & Kokan/UD-13 dated 28th June, 2017.

Whereas, the Urban Development Department, Government of Maharashtra, after issuing above notifications has submitted a copy of the same with the proposal for issuing orders under clause 14 (4) of the Environment Impact Assessment Notification, 2006 as amended.

The Ministry of Environment, Forest and Climate Change exercising its power under clause 14 (1) of the notification no. S.O. 3999 (E) dated 9th December, 2016, orders that no separate environmental clearance is required for building and construction projects up to 1,50,000 square meter built-up area in respect of all Municipal Corporations, Municipal Councils and all Special Planning Authorities in Pune and Kokan Divisions. The Environmental Clearance for building and construction projects up to 1,50,000 square meter stand integrated with Development Control Regulations (DCR) of all Municipal Corporations, Municipal Councils and all Special Planning Authorities in Pune and Kokan Divisions.

The Authority Competent to grant the building permission will integrate the environmental clearance conditions in same order based on the recommendations of the Environmental Cell, following the process as envisaged under the notification. The Authority granting this integrated building permission with environmental clearance conditions will be responsible for implementation of the procedures and processes laid down in the Ministry's notification No. S.O. 3999 (E) dated 9th December, 2016.

This Order is subject to decision in O.A. No. 677/2016 pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Manoj
7.7.17
(Manoj Kumar Singh)

Joint Secretary to the Government of India

Dr. Nitin Kareer
Principal Secretary
Urban Development Department
Government of Maharashtra
Mantralaya, Mumbai-400 032

23/31

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

.....

**ORIGINAL APPLICATION NO. 677 OF 2016
(M.A. NO. 148/2017)**

IN THE MATTER OF:

Society for Protection of Environment
& Biodiversity
Through the Convener
R-7/17, Raj Nagar
Ghaziabad (UP)-201001

.....Applicant

Versus

1. Union of India
Through Secretary, Govt. of India
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi-110003
2. Ministry of Urban Development
Through Secretary, Govt. of India
Maulana Azad Road
Rajpath Area, Central Secretariat
New Delhi
3. Central Pollution Control Board
Through Member Secretary
CBD-Cum-Office Complex
East Arjun Nagar
New Delhi

.....Respondents

AND

**ORIGINAL APPLICATION NO. 01 OF 2017
(M.A. NO. 03/2017 & M.A. NO. 445/2017)**

IN THE MATTER OF:

Pushp Jain
S/o Shri Dhanpat Rai Jain
R/o I A/2C Phase-I
Ashok Vihar
New Delhi-110052

.....Applicant

Versus

1. Union of India
Through the Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jorbagh Road,
New Delhi-110003
2. Ministry of Urban Development
Through the Secretary
Maulana Azad Road
Nirman Bhawan
New Delhi 110 011

.....Respondents

AND

**ORIGINAL APPLICATION NO. 7 OF 2017
(M.A. NO. 879/2017)**

IN THE MATTER OF:

Ajay Kumar Singh
236, Lawyers Chambers
M.C. Sitalwad Block
Supreme Court of India
New Delhi

.....Applicant

Versus

1. Ministry of Environment, Forest and Climate Change
Govt. of India
Through the Secretary
Indira Paryavaran Bhavan
Jorbagh Road,
New Delhi-110003
2. Ministry of Urban Development
Govt. of India
Through the Secretary
Nirman Bhawan
New Delhi 110 011
3. Delhi Development Authority
Through its Vice Chairman
Vikas Sadan, INA
New Delhi
4. Central Pollution Control Board
Through Member Secretary
Parivesh Bhawan, East Arjun Nagar
New Delhi

5. Central Ground Water Authority
Through its Member Secretary
Faridabad
 6. Delhi Pollution Control Committee
Through Member Secretary
4th Floor, ISBT Building Kashmeri Gate
New Delhi
 7. North Delhi Municipal Corporation
New Delhi
 8. South Delhi Municipal Corporation
New Delhi
 9. East Delhi Municipal Corporation
New Delhi
 10. State Level Environment Impact Assessment
Authority, Delhi Govt. Secretariat
Delhi
-Respondents

AND

ORIGINAL APPLICATION NO. 55 OF 2017

IN THE MATTER OF:

Mahendra Pandey
S/o Sh. H.C. Pandey
R/o Flat No. 18, Kanishka Apartment
C&D Block, Shalimar Bagh
Delhi

.....Applicant

Versus

1. Union of India
Through Secretary
Ministry of Environment, Forest and Climate Change
Paryavaran Bhavan, Jorbagh Road,
New Delhi-110003
2. Ministry of Urban Development
Through its Secretary
Maulana Azad Road
Rajpat Area, Central Secretariat
New Delhi

3. Central Pollution Control Board
Through its Member Secretary
CBD cut Office Complex
East Arjun Nagar
New Delhi

.....Respondents

AND

**ORIGINAL APPLICATION NO. 67 OF 2017
(M.A. NO. 620/2017)**

IN THE MATTER OF:

R. Sreedhar
R/o A-1/39, 2nd Floor
Freedom Fighter Colony
IGNOU Road, Gate No. 1
Neb Sarhai, New Delhi

.....Applicant

Versus

Union of India
Through the Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan
Jorbagh Road,
New Delhi-110003

.....Respondent

COUNSEL FOR APPLICANTS:

Mr. Raj Panjwani, Sr. Advocate
Mr. Ritwick Dutta, Mr. Rahul Choudhary, Ms. Meera Gopal and Mr. Utkarsh Jain, Advocates
Mr. I. K. Kapila & Ms. Disha Singh, Advocates
Mr. Sanjay Upadhyay, Ms. Upama Bhattacharjee and Mr. Salik Shafique, Advocates
Mr. Gaurav Kumar Bansal, Mr. Ompal Shukin and Ms. Nandit Bansal, Advocates

COUNSEL FOR RESPONDENTS:

Mr. B.V. Niren with Mr. Vinayak Gupta, Advocates
Mr. Abhimanyu Garg and Ms. Preety Makkar, Advocates for Government of Puducherry
Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Sandeep Mishra, Advocates and Mr. Dinesh Jindal L.O. for DPCC
Mr. Bairaja Mahapatra, Advocate and Mr. Dinesh Jindal, L.O.
Mr. Rajkumar, Advocate with Mr. Bhupender, LA for Central Pollution Control Board
Mr. D. Rajeshwar Rao, Advocate
Mr. Atma Ram N.S. Naadkarni, Ld. ASG for MoEF&CC
Mr. Divya Prakash Pandey, Advocate

Mr. Utkarsh Sharma, Advocate for State of Uttar Pradesh
 Mr. Ravindra Kumar, Advocate for NOIDA Authority
 Mr. Krishna Kumar Singh and Mr. Anurag Kumar, Advocates
 Mr. Rahul Pratap, Advocate
 Ms. Puja Kalra, Advocate

JUDGMENT

PRESENT:

HON'BLE MR. JUSTICE SWATANTER KUMAR (CHAIRPERSON)

HON'BLE DR. JUSTICE JAWAD RAHIM (JUDICIAL MEMBER)

HON'BLE MR. BIKRAM SINGH SAJWAN (EXPERT MEMBER)

Reserved on: 8th November, 2017

Pronounced on: 8th December, 2017

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

JUSTICE SWATANTER KUMAR (CHAIRPERSON)

By this judgement, we shall dispose of all the five cases connected with Original Application No. 677 of 2016 as a common question of law and fact arises for consideration before the Tribunal in all these cases. However, it is not necessary for us to notice the facts of each case in greater detail and it would be sufficient to refer to the factual matrix of the lead application only, i.e., Original Application No. 677 of 2016, *Society for Protection of Environment & Biodiversity vs. Union of India and ors.*

2. The Applicant-Society claims that it works in the area of environmental conservation and aims at protection of the environment, ecology, natural resources, wildlife and bio-diversity existing on earth. It has filed various cases raising several environmental issues and concerns before the Courts as well as before this Tribunal. According to the Applicant, there is pathetic condition

of urban local bodies in the area under their jurisdiction more particularly in Ghaziabad. The exemption granted from Environmental Clearance for building and construction projects would be a huge retrograde step in the area of environment conservation. It would take us back to a pre- 2004 scenario, i.e., prior to issuance of EIA framework pursuant to specific orders of the Hon'ble Supreme Court. The Applicant believes that such a step will have a disastrous effect on the environment and would cause irreversible damage to the environment. The magnitude of the environmental footprint would be immense and unregulated building and construction activity would cause immense environmental damage. The Ministry of Environment, Forest & Climate Change (for short, "MoEF&CC"), Respondent No. 1 had issued a draft notification dated 29th April, 2016 with regard to amendment of the Notification of 2006 providing exemption to various construction projects all over the country. At that stage, the Applicant had filed an application bearing Original Application No. 168 of 2016 expressing its apprehension and raising serious objections to the draft Notification. The principal contention raised at that time was that the proposed Notification intends to dilute and exempt prior Environmental Clearance for buildings and construction projects through Model Building Bye Laws, 2016, as issued by the Town & Country Planning Organizing, Ministry of Urban Development and the subsequent Notification by Delhi Development Authority of the Unified Building Bye Laws for Delhi, 2016 which were notified vide Notification dated 22nd March, 2016 in pursuance to Chapter-XIV of the Model Building Bye Laws, 2016 and in concurrence with the impugned Notification of MoEF&CC. These amendments and Bye

Laws sought to defeat and do away with the substantive provisions of EIA Notification, 2006 that require prior Environmental Clearance by building and construction projects under item no. 8(a) of the Schedule to EIA Notification, 2006. Original Application No. 168 of 2016 was disposed of by the Tribunal vide its order dated 30th September, 2016 directing MoEF&CC to consider the objections filed by the Applicant prior to issuance of the final Notification. The order dated 30th September, 2016 of the Tribunal reads as under:

“Learned Counsel appearing for the Ministry of Environment, Forests and Climate Change submits that they are in the process of amending the EIA Notification, 2006. According to her the draft Notification has already been published and objections/suggestions have been invited and after expiry of the Statutory period they would issue the final Notification after considering the objections filed.

Learned Counsel appearing for the DDA on instruction from Director of Planning submits that DDA has already notified the unified building bye laws, however, the chapter on environment conditions for sanctioning building plans would not be put into practice/implemented till Ministry of Environment, Forests and Climate Change give its approval/concurrence.

The Learned Counsel appearing for the applicant has raised an issue with regard to the unified bye laws being in conflict with the Notification of EIA, 2006. According to the applicant these objections should be considered.

In view of the statement made by the Learned Counsel appearing for the respective parties, we are of the considered view that nothing survives in this application. The respective authorities will abide by their statements. We also direct the Ministry of Environment, Forests and Climate Change to consider the objections of the applicant before issuing final Notification so that the unified building bye laws are not in conflict with EIA Notification, 2006.

In view of the above, the Original Application No.168 of 2016 stands disposed of with no order as to cost.”

3. After passing of the above order, Respondent no. 1 issued the final Notification on 9th December, 2016. Though, the objections to the draft Notification was filed by the Applicant on 23rd November, 2016 but no intimation for hearing was given to the Applicant except when the Applicant was invited through Counsel for meeting with Shri Manoj Kumar Singh, Joint Secretary, MoEF&CC, Government of India on 8th December, 2016 to discuss and make presentation on behalf of the Applicant. The discussion went on for about an hour or so and the Applicant was assured that the objections would be considered objectively by the Ministry. However, the final Notification was issued on 9th December, 2016 making substantial changes even in the draft Notification dated 29th April, 2016 which were in total derogation to the environmental laws in force.

4. The Applicant, thus, in the present case prays that the Notification dated 9th December, 2016 should be quashed and set-aside, inter-alia, but primarily on the following grounds:

- I. The Impugned Notification not only dilutes but also renders otiose the substantive provisions of Environmental Impact Assessment Notification, 2006 and even that of Environment (Protection) Act, 1986 (for short, "Act of 1986"). The provisions of the impugned Notification, if implemented would potentially destroy the environment and ecology due to unregulated building and construction activities and will have disastrous effect on environment and would cause irreversible damage to the environment. The magnitude of Environmental footprint would be immense. The objections filed by the Applicant and

others have not been considered objectively and appropriately by the Ministry. The impugned Notification, thus suffers, from the element of non-application of mind as well as is violative of Principle of Natural Justice.

II. The Impugned final Notification is not only at variance with the draft Notification but even introduces new provisions which are diametrically opposite, beyond the scope and purview of the Draft Notification and even had destructive essence to the draft Notification. In this regard, the following significant variance can be noticed:

- (a). Draft Notification did not contain any provision with regard to grant of exemption to the construction building projects from the provisions of Air (Prevention and Control of Pollution) Act, 1981 (for short, "Air Act, 1981) and Water (Prevention and Control of Pollution) Act, 1974 (for short, "Water Act, 1974) in relation to Consent to Establish and Consent to Operate.
- (b). The composition of the Environmental Cells to monitor the conditions particularly in reference to Environmental Clearance is entirely at variance to the draft Notification.
- (c). Accreditation of Environmental auditors in terms of Appendix XV to the impugned Notification is also at variance from the one proposed in the Draft Notification.

- III. In exercise of subordinate legislative power, a delegatee cannot affect the application of another legislation enacted by the Parliament. In other words, while amending the Notification of 2006 in exercise of subordinate legislation, the delegated authority cannot render the provisions of Water Act, 1974 and Air Act, 1981 as inapplicable and also take away the powers of the Pollution Control Boards under the said Acts, to grant/refuse consent to establish and/or operate to a project.
- IV. Neither any comprehensive study was carried out nor any data collected to support the drastic changes being made by the impugned Notification and also ignored the Precautionary Principle, the fundamental canon of environmental jurisprudence.
- V. The impugned Notification has several deficiencies which are against the basic letter and spirit of the Act of 1986 and the Notification of 2006.
- VI. 'Ease of doing responsible business' cannot be in fact and in law the ground for making amendment to the environmental laws, as it primarily falls beyond the scope of the object and purposes of the environmental laws in force. It is only a ploy to circumvent the provisions of the environmental assessment. The comprehensive process for evaluating the impact on environment due to various projects has been negated by the said amendment.
- VII. Under the impugned Notification, local authority is responsible for development and passing the development

plan vested through the environment cell with the power to impose conditions relating to environmental protection and ensure their compliance. The local authorities which are the sanctioning authorities would also become adjudicatory authorities under the impugned Notification. This dual functioning by the same authority make them judge in their own cause in contravention with the Principle of Natural Justice, *nemo judex in sua causa*, as well as give rise to the plea of conflicting interest.

VIII. Exemption granted under the amended Notification has no nexus to the object sought to be achieved, i.e., the environmental protection.

IX. The impugned Notification is in derogation of India's international commitment and obligation under the Rio Declaration (1992), particularly Principle 15 to 17 and the Paris Agreement, 2015.

X. The impugned Notification, if given effect to, as framed would result in wiping out the effect of environmental laws in force and hence would not be in consonance with the doctrine of non-regression.

XI. In addition to above, Applicant has also contended that the impugned Notification has an impact of disturbing the federal structure as provided in the Constitution of India. The Central Government cannot exercise power, authority and control in relation to subject matter of the Notification over the local authorities. The Environmental Cell, constituted under the amended Notification, would be under control of the local

authority or the State Government, as the case may be and, therefore, it will have apparent conflict with the Central Regulating Authority.

XII. In terms of the Notification, the violations of environmental conditions would be punishable and action would be taken under local laws, thus, divesting the CPCB or the State Regulatory Authority from taking punitive action against the defaulters and, therefore, would not be in consonance with the scheme of 1986 Act. The Notification is a manifest ploy for ousting of the application of the Environmental Acts and even the jurisdiction of the Tribunal. Furthermore, power under Section 3(1) of the Act of 1986 can be exercised in harmony and consonance with other provisions of the Act. The power under Section 3 is to be exercised for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution. The measures contemplated under Section 3 can only be taken in that behalf. Thus, power cannot be exercised for purposes beyond Section 3(1) and the provisions of the Act of 1986.

XIII. It is also contended by Applicant that MoEF has not provided any appropriate answer to the questions formulated by the Tribunal in its order dated 21st December, 2016 and 28th July, 2017.

XIV. There is no power with the Central Government to transfer its responsibility to the local authorities. The impugned

Notification does not provide power of refusal or rejection of the application seeking Environmental Clearance. The impugned Notification which introduces Paragraph no. 14 to the Notification of 2006, would be in apparent conflict with Para 1 to 13 of the Notification 2006. The Environmental Cell would not be able to function independently, fairly and in a transparent manner.

XV. The impugned Notification is unsustainable as on one hand it is not based on any study and on the other it ignores the recommendations made in the various studies conducted by the Ministry itself including Dr. Kasturirangan's reports. The positive suggestions and recommendations made in these reports have been ignored. The Notification attempts to hide behind the poor for the benefit of the builders. It also lacks in providing for requisite expertise of the members constituting the environmental cell in the interest of environment. No, criteria or qualifications have been fixed for the Member of environmental cell unlike the law in existence, which certainly would have adverse impacts as there will be massive construction activity causing serious environmental degradation.

5. From the above grounds, the applicants in all these applications pray that the impugned Notification dated 9th December, 2016 should be declared as *ultra vires* and be quashed. The challenge to the Notification is on legal grounds as well as on other reasons that it will have an adverse impact on environment, ecology and natural resources. In fact, it is contended that it will also have serious

repercussion on climate change. The Notification though claims to serve social cause of providing housing for the poor but, in fact, result of its enforcement would be contrary. It would permit construction of huge buildings and apartments without strictly complying with the environmental norms.

6. It will be appropriate to commonly state the response of various respondents together to the applications filed by the applicants. The preliminary objection has been raised as to the maintainability of the applications. It is contended that the validity of the Notification dated 9th December, 2016, has been challenged which is amending the EIA Notification, 2006 in exercise of the power conferred under Section 3 of the Environment (Protection) Act, 1986 (for short, the 'act of 1986') on the ground that it is violative of Articles 21 and 14 of the Constitution of India, which is beyond the ambit of Section 14 read with Section 18 of the NGT Act and the Tribunal has no jurisdiction to examine the validity of the subordinate legislations. The object of Notification is to delegate the power to Urban Local Bodies to grant Environmental Clearance. The scope of the Environmental Clearance has been widened as, now, Environmental Clearance is required even for building size having a built-up area 5000 sq. mtr. to 20,000 sq. mtr. While under the earlier Notification the built-up area of 20,000 sq. mtr. and above was covered. Urban Local Bodies and Urban Development Authorities are involved in the building plan approval and while granting approval, the process of granting Environmental Clearance can very well be integrated and can be given online. This will hasten the grant of clearances and there would not be any adverse impact on the construction projects. The Notification attempts to

decentralize the clearance process and has also attempted to integrate the environmental conditions along with building permissions. The local authorities would be conferred with the responsibility with support from expert bodies to discharge the important function. It is proposed to have a system of Qualified Building Environment Auditors (QBEA) providing for Third Party Auditing of environmental plans and its implementation. The QBEA will undertake certification that whether the environmental conditions have been adequately planned in the building design or not, it will thoroughly check its implementation during construction and regularly monitor its performance every five years. The setting up of an Environmental Cell at the level of Local Authority has been directed after taking into consideration lack of capacity at the level of Local Authorities. The Environmental Cell will comprise of three dedicated experts in the field of Waste Management (Solid and Liquid), Water Conservation and Management, Resource Efficiency including Building Materials, Energy Efficiency and Renewal Energy, Environmental Planning including Air Quality Management, Transport Planning and Management. The environment cell will also perform various other functions. The Local Authorities will prescribe the fee for environmental appraisal along with the fee for building permissions. Relying upon the judgement of the High Court of Delhi in the case of *Delhi Pollution Control Committee vs. Splendor Landbase Ltd.* in LPA 1/2011 and C.M. No. 6781/2011, the Notification has been issued to grant exemption to the residential complexes from the operation of Air and Water Act, respectively. The High Court expressed the view that residential complexes do not require any permission to establish or

operate under the said Acts. The QBEA is to be accredited by the MoEF&CC through qualified agency which would assess and certify building projects. The project proponent shall submit performance data and certificate of continued compliance of the project for the environmental conditions and parameters applicable after completion of construction from QBEA every five years to the environment cell focusing on different issues. If, there were violations committed by the builders who failed to take prior Environment Clearance in terms of the EIA Notification, 2006 and to deal with the violation in excess, the Ministry had issued certain Office Memorandums granting one time exemption which came to be set aside by the Tribunal *vide* its judgement dated 7th July, 2015 in the case of *S.P. Muthuraman v. Union of India and Ors.* (2015) ALL(I) NGT REPORTER (2) (DELHI) 170. 400 cases were kept on hold at different stages and in order to deal with the same, the present Notification had been issued. The purpose is to bring the entities under Environmental Compliance Regime at the earliest. The Notification provides various stages to be followed for granting prior Environmental Clearance which protects the environment in all respects. The Notification dated 9th December, 2016, provides that the States adopting the environmental conditions prescribed in appendix XIV of the Notification and incorporating it in the building bye laws and relevant state laws and incorporating the said conditions in the approvals given for building construction and making it legally enforceable, shall not require a separate Environmental Clearance from the MoEF&CC. The proposed changes by the State Government in its bylaws are to be examined by MoEF&CC and only after the concurrence of MoEF&CC to the changes

made by the State Government, that the requirement of separate environmental Clearance by the Central government for buildings to be constructed in the State or Local Authority areas, is dispensed with. Appendix XVI provides setting up of Environmental Cell in terms thereof the cell shall be responsible for assessing and appraising the environmental concerns for the area under its jurisdiction where building activities are proposed. The environmental cell can evolve and propose additional environmental conditions as per requirement. The procedure for seeking building permission incorporating environmental conditions has been made more stringent in comparison to the earlier provisions. The burden lies on the project proponent for furnishing requisite information and the Local Authorities are expected to take greater caution and care in assessing them. The comparative analysis of the Notification dated 14th September, 2006 and 9th December, 2016 shows that the later is more comprehensive in terms of prescription of environmental protection standards and conditions. The Notification dated 9th December, 2016 was issued in view of the policy decision taken by the Government of India to provide affordable housing to weaker sections in Urban areas in terms of scheme of 'Housing for All by 2022'. The general conditions that were provided under the Notification of 14th September, 2006 in substance continue but only change that has been brought about is that instead of obtaining prior Environmental Clearance from the Central Government the same shall be obtained from the State/Union Territory Environmental Impact Assessment Authority. The requirement of obtaining prior Environmental Clearance has not been dispensed with. The Draft Notification was

also challenged by the applicant which was disposed of *vide* order dated 30th September, 2016. The suggestions and objections were invited and after considering the same the final Notification was issued. The reliance placed by the applicants on the judgement of *Dr. Avinash Ramkrishna Kashiwar vs. State of Maharashtra*; (2015) 5 Mh. L.J. is of no consequence as on facts that judgement has no applicability in relation to the examination of the present Notification.

JURISDICTION OF THE TRIBUNAL:

7. According to the respondents, reliance placed by the applicant on the judgement in the case of *Dr. Avinash Ramkrishna Kashiwar vs. State of Maharashtra* (supra) is misplaced as that judgement has no application to the facts of the present case and particularly, for examining the validity of the impugned Notification. The respondents, therefore, prayed that the application requires to be dismissed on merits as well as on the preliminary objections taken by them.

8. In light of the above factual matrix of the case, we have to examine the merit or otherwise of the preliminary objections taken by the respondents in regard to the jurisdiction of this Tribunal to examine the validity of the impugned Notification. To examine this issue, we do not have to refer to the facts in any detail suffices it to notice that challenge in the present case is to the legality and validity of the Notification dated 9th December, 2016. The contentions of the respondents are that this Tribunal has been constituted under the provisions of the National Green Tribunal Act, 2010 (for short, Act of 2010) and it being a statutory Tribunal is not vested with the powers to examine the validity or constitutionality of a subordinate

legislation, i.e., Notification dated 9th December, 2016. Such aspects can only be examined by a constitutional Court, i.e., the Hon'ble Supreme Court of India or Hon'ble High Court. Reliance in this regard has been placed by them upon the judgement of the Division Bench of the Bombay High Court in the case of *Central India Ayush Drugs Manufacturers Association, Nagpur & Ors. v. State of Maharashtra*, AIR 2016 BOM 261. The respondents also relied upon the judgement of Hon'ble Supreme Court of India in the case of *Alpha Chem & Anr. v. State of Uttar Pradesh & Ors.*, 1991 Supp (1) SCC 518, wherein it was held that challenge to the constitutionality of a statute is maintainable in proceedings initiated under Articles 226 and 32 of the Constitution of India and not in appeal or revision before High Court or in proceedings initiated under a statute before an authority constituted under the said statute itself. Contrary to this, the contention of the applicant is that the Tribunal is competent and is vested with the jurisdiction and power of judicial review. In exercise of such powers it can examine the constitutionality, validity and legality of a subordinate legislation, particularly, when the Notification issued in exercise of the subordinate legislation is for the implementation of the enactments specified in Schedule I of the Act of 2010. Under the provision of the Act of 2010, such power of the Tribunal is neither expressly nor impliedly barred. On the contrary, the scheme of the Act clearly demonstrates that the Tribunal is competent to examine the correctness of a Notification issued under any of the Scheduled Acts in so far as the Notification implement or impliedly implement the provisions, object and purpose of the scheduled Act under which it is issued. In support of their contention, the applicants rely upon

the judgements of the Hon'ble Supreme Court of India in the case of *L. Chandra Kumar v. Union of India & Ors.*, 1997 (2) SCR 1186, *SP Sampath Kumar v. Union of India & Ors.*, (1987) 1 SCC 124, *State of West Bengal v. Ashish Kumar Roy & Ors.*, (2005) 10 SCC 110 and judgements of this Tribunal in the case of *Wilfred J. v. Union of India* 204 ALL (I) NGT REPORTER 2013, *SP Muthuraman v. Union of India*, 2015 ALL (I) NGT REPORTER (2) DELHI 170 and *Himmat Singh Shekhawat v. State of Rajasthan & Ors.*, ALL (I) NGT REPORTER (1) DELHI 44.

9. As far as this bench of the Tribunal is concerned the question of jurisdiction is no longer *res integra*. It has been conclusively decided by larger bench of the Tribunal in the case of *Wilfred J.* (supra), where the Tribunal held as under:

“39. Having dealt with the constitution of the Tribunal and having established its independence, now let us proceed to examine the scope of power of the Tribunal, with particular reference to examining a subordinate or delegated legislation as being ultra vires, unconstitutional or illegal. Judicial review is the power of the court to review statutes or administrative acts or determine their constitutionality or validity according to a written constitution. In a wider sense, judicial review is not only concerned with the merits of the decision but also the decision making process. It tends to protect individuals against the misuse or abuse of power by a wide range of authorities. Judicial review is a protection to the individual and not a weapon. It is the doctrine under which legislative and/or executive actions are subject to review (and possible invalidation) by the judiciary. A specific court with the power of judicial review may annul the acts of the State, when it finds them incompatible with a higher authority (such as the terms of a written constitution). Judicial review is an example of checks and balances in a modern governmental system, where the judiciary checks the other branches of government. This principle is interpreted differently in different jurisdictions, which also have differing views on the different hierarchy of

governmental norms. As a result, the procedure and scope of judicial review may differ from country to country and State to State. Unlike in England, where the judiciary has no power to review the statutes/Acts made by the Parliament, the United States Supreme Court in terms of Article III and Article VI exercises the power of judicial review of the Acts passed by the Congress and has struck down several statutes as unconstitutional. In India, the Supreme Court and the High Courts have frequently exercised the power of judicial review keeping intact the 'doctrine of separation of power'. Challenge to legislation before the Courts in India has primarily been permitted on a very limited ground. The legislation in question should either be unconstitutional, or should lack legislative competence. Challenge to such legislation as being unreasonable has also been permitted, if it violates or unreasonably restricts the fundamental rights, particularly under Article 14 and 19 adumbrated in our Constitution.

40. The Courts are vested with the power of judicial review in relation to legislative acts and even in relation to judgments of the Courts. The power of judicial review has been exercised by the Courts in India sparingly and within the prescribed constitutional limitations. The Courts have also taken a view that functions of the Tribunal being judicial in nature, the public have a major stake in its functioning, for effective and orderly administration of justice. A Tribunal should have judicial autonomy and its administration relating to dispensation of justice should be free of opinions. (*Ajay Gandhi v. B. Singh*, (2004) 2 SCC 120). The National Green Tribunal has complete control over its functioning and all the administrative powers, including transfer of cases, constitution of benches and other administrative control over the functioning of the Tribunal, are vested in the Chairperson of the NGT under the provisions of the NGT Act”.

10. The Tribunal in the case of *S.P. Muthuraman* (supra) also held that:

“This Tribunal has been vested with Original, Appellate and Special jurisdiction in regard to directing payment of compensation for damage to and for restitution and restoration of the environment. The legislature in its wisdom worded the provisions relating to the jurisdiction of the Tribunal (Sections 14 to 17 of the Act

of 2010) very widely, and with a clear intent to provide this Tribunal with jurisdiction of a very wide magnitude. Upon reading the various provisions of the Act of 112 2010 cumulatively and in light of the underlying scheme of the Act of 2010, including the definition of 'environment' in terms of Section 2(c) of the Act of 2010, it is quite clear that this Tribunal is having all the trappings of a Court and is conferred with the twin powers of judicial as well as merit review. There is no provision in the Act of 2010 which curtails the jurisdiction of the Tribunal to examine the validity and correctness of a delegated legislation and/or administrative or executive order passed by the Government including any of its instrumentalities or authorities. The fundamental principle for invoking the jurisdiction of this Tribunal is that, the question raised should be a substantial question relating to environment and should arise out of the implementation of the enactments specified in Schedule I of the Act of 2010. It could even relate to enforcement of any legal right relating to environment with regard to these enactments. Delegated or subordinate legislation, executive orders and/or administrative orders in so far as they relate to the implementation of the Scheduled Acts would be open to challenge before the Tribunal and hardly any argument can be raised that the documents like Office Memoranda would not be subject to judicial scrutiny before the Tribunal".

11. The parties to the *lis* had preferred statutory appeal against the above cited judgement of the Tribunal before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India had issued notice on the appeals and *vide* its order dated 21st January, 2015 in Civil Appeal No. 7884-7885 of 2014 had directed that further proceedings qua the appellants shall remain stay till further orders. However, in the same order the Hon'ble Supreme Court also directed that this Tribunal shall continue to exercise its powers in terms of Section 14, 16 and 18 of the NGT Act, 2010 in other cases. *Vide* order dated 3rd

February, 2016, passed by the Hon'ble Supreme Court of India in another set of appeals being Appeals No. 8550-8551 of 2014 passed an order by modifying order dated 21st January, 2015. The order dated 3rd February, 2016 reads as under:

“.....By our Order dated 21.01.2015, we had stayed further proceedings in Appeals No. 14 of 2014, 17 of 2014 and 88 of 2014 and Original Application No. 74 of 2014 pending before the National Green Tribunal, Principal Bench at Delhi. Having heard learned counsel for the parties at some length, we are inclined to modify the said order so as to permit the Tribunal to proceed with the hearing of the Appeals and the Original Application for an expeditious disposal of the same. Learned counsel for the parties also agree that the appeals and the original application could be finally heard and that neither party shall pray for any interim direction in the said matters nor seek any adjournment which may unnecessarily procrastinate the entire controversy.

In the circumstances, therefore, we modify our Order dated 21.01.2015 and permit the National Green Tribunal, Principal Bench at Delhi to proceed with the hearing of the appeals and Original Application and make an endeavour to dispose of the same as far as possible within a period of six weeks from the date a copy of this 3 order is placed before it. We make it clear that hearing of the Appeals and O.A. on merits pending before the Tribunal shall be without prejudice to the contentions open to the parties in these appeals which shall await the final hearing and disposal of the matter by the Tribunal. These appeals shall accordingly stand over for being listed after the disposal of the matters by the Tribunal. Liberty is given to the parties to mention the matter once the Tribunal passes final orders in the case before it.”

In terms of the above order, the matters were finally heard by the Tribunal and disposed of *vide* order dated 2nd September, 2016. The parties had approached the Hon'ble Supreme Court after the final judgement by the Tribunal. The matter was heard by the Hon'ble Supreme Court and the Appeals were disposed of *vide* order dated 3rd

July, 2017. The order dated 3rd July, 2017 while leaving the question of law open, reads as under:

“.....Pursuant to the order dated 3rd February, 2016, the National Green Tribunal has delivered judgment and order dated 2nd September, 2016. A review petition filed against that decision was disposed of on 30th November, 2016.

We are told by the learned Attorney General that the project has been upheld by the National Green Tribunal. Under the circumstances, we dispose of these appeals leaving open the question decided by the National Green Tribunal on its jurisdiction to set aside subordinate legislation.

In the event any of the aggrieved parties raises a dispute against the final order passed by the National Green Tribunal, it will be open to the appellant as well as the State of Kerala to agitate the issue of a 2 challenge to the subordinate legislation.

Pending applications, if any, are disposed of.”

In terms of the above order, it is clear that the law stated by the Tribunal in its judgement in the case of *Wilfred J. (supra)* was not disturbed by the Hon’ble Supreme Court either at the interim stage or while finally disposing of the appeals. Interim stay granted by the Hon’ble Supreme Court was limited to the appeals with a specific dictum that the Tribunal could decide other cases in terms of the provisions of the Act thereby clearly stating that the judgement in the case of *Wilfred J. (supra)* on the question of law was neither interfered nor stayed. Thus the law stated by the larger bench of the Tribunal attains finality and is binding on this bench. In any case, we have no reason not to accept the mandate of the larger bench and apply to the present case. The reliance placed by the respondents upon the judgement of the High Court of Bombay in the case of *Central India Ayush (supra)* will not be of any benefit to the respondents. Firstly,

the judgement of the High Court of Bombay does not consider the larger bench of the Tribunal in the case of *Wilfred J.* (supra). It also does not refer to the judgements of the Hon'ble Supreme Court in *L. Chandra Kumar* (supra) wherein Hon'ble Supreme Court had clearly stated that the Tribunals are competent to hear matters challenging *vires* of the statutory provisions or *vires* of the subordinate legislation. Of course such jurisdiction falls in a limited compass. In the case of *SP Sampat Kumar* (supra), the Hon'ble Supreme Court clearly stated that the Tribunal has power of the judicial review and even vested with the powers of the Civil Courts so it has wide jurisdiction including the power of judicial review. There are other judgements from other High Courts which have taken entirely a different view than the view taken by the High Court of Bombay. These High Courts have specifically referred to the Tribunal for adjudication of cases involving challenge to the Notifications issued in exercise of subordinate legislation with regard to noise pollution, plastic bags and other such matters. In this regard, we may refer to the judgement of the High Court of Delhi in the case of *All India Plastic Industries Association & Anr. v. Govt. of NCT of Delhi and Ors*, Writ Petition No. 7012 of 2012 decided on 5th December, 2016. The Division Bench of the High Court while relying upon the judgement of *L Chandra Kumar* (supra) of the Hon'ble Supreme Court of India and the provisions of the Schedule I to the Act of 2010, held that the matter before it challenging the Notification issued under Section 5 of the Environment (Protection) Act, 1986 (for short, 'act of 1986') imposing a ban on manufacture, import, store, sale or transport of any kind of plastic, carrying bags etc be transferred to this Tribunal for deciding

the same on merits including the question, validity of the Notification. It may be noticed that High Court of Delhi would be the jurisdictional High Court for the Principal Bench, National Green Tribunal.

12. The Punjab & Haryana High Court, Tripura High Court and Jharkhand High Court has also transferred the cases of *Goodwill Plastic Industries & Ors. v. Union Territory of Chandigarh & Ors.*, *All India Plastic Industries Association v. Tripura* and *RDS Bricks v. State of Jharkhand*, respectively to the Tribunal. In all these cases, *vires* to the Notifications dated 30th July, 2008 and 3rd July, 2013 both relating to banning of plastic and Notification dated 29th March, 2012 relating to eco-sensitive zone were challenged. To put it simply all these High Courts have taken a view that the Tribunal can examine the validity of a Notification issued for implementation of a subordinate legislation.

In the another judgment of the Tribunal in the case of *SP Muthuraman v. Union of India & Anr.* (supra), wherein the office memorandums issued by the MoEF&CC dated 12th December, 2012 and 27th June, 2013 were quashed. The Tribunal took the view that it had the limited power of judicial review and it can examine the office memorandums issued in furtherance to the rules framed by MoEF&CC. A review application was filed by the different project proponents in that case, which was also dismissed *vide* order dated 1st September, 2015. The orders of the Tribunal were challenged before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court *vide* its order dated 24th September, 2015, stayed the order of the Tribunal. *Vide* order dated 23rd November, 2015 and upon application

of MoEF&CC the Hon'ble Supreme Court of India clarified its order and stated that stay was applicable only to the appellant's before it. During the pendency of the appeals, some directions were passed by the Hon'ble Supreme court in relation to deposit of the environmental compensation imposed by the Tribunal. The Hon'ble Supreme Court *vide* order dated 4th July, 2016 made it clear that the Tribunal could proceed by passing of directions as contained in para 163(13) of its order dated 7th July, 2015 and parties were granted liberty to raise all submissions open to them on fact and law before the Tribunal. Even the judgement of the Tribunal on the question of jurisdiction has not been stayed by the Hon'ble Supreme Court. However, the parties have been granted liberty to raise all pleas of facts and law. The Tribunal had also passed similar judgments in the case of *Himmat Singh Shekhawat v. State of Rajasthan* (supra) and *Kalpvrksha & Ors. v. Union of India*, in OA No. 116 of 2013 (T_{HC}) decided on 17th July, 2014. All these orders have attained finality and remain undisturbed.

13. Another aspect that needs specific mentioning by us is that this Tribunal is a special and unique Tribunal constituted under the legislation enacted by the Parliament in exercise of its powers under Article 253 of the Constitution of India. It needs to be distinguished from other Tribunals enacted under Article 323(A) and 323(B) of the Constitution. This Tribunal has been constituted for the purpose of implementing the decisions at the United Nations Conference on the Human Environment held at Stockholm in June 1972, where India also participated. 186th Law Commission Report also noticed that the environmental Tribunal constituted under Article 253 could be traced

as an act of implementation of the decisions taken at the International Conference with reference to Rio-declaration of 1992. The purpose of implementing the decisions at Rio conference & Stockholm Conference and constituting the Tribunal was to provide speedy adjudicatory body in respect of the disputes arising in environmental matters. In the case of *Braj Foundation vs. State Government of UP & Ors.*, Application No. 278 of 2013 decided on 5th August, 2014, the bench of the Tribunal held that one is to remember that the Tribunal is created in furtherance to the enactment of the Parliament to give effect to the true spirit of the terms of Article 253 of the Constitution of India and, therefore, there is no iota of doubt in our mind that the Tribunal has inherent power of not only enforcing its orders but also dealing with any person who either disobeys or violates its orders. The inherent power would co-exist with the Tribunal examining the correctness of any office order or subordinate legislation whether it is in consonance or not with the provisions of the environmental laws in force particularly when it is issued under those very legislations.

In light of the above position of law and the fact that the judgments of the Tribunal in the case of *Wilfred J.* (supra) and *S.P. Muthuraman* (supra) are binding upon this bench. We have no hesitation in rejecting the objection raised by the respondents as without merit.

DISCUSISON ON MERITS OF THE CONTENTIONS RELATING TO VALIDITY OF THE NOTIFICATION

14. The draft Notification dated 29th April, 2016 was published by the Respondent inviting objections and suggestions thereto. After

considering the objections/suggestions received by the MoEF&CC, it had issued the final Notification dated 9th December, 2016. According to the Applicant, not only the Notification dated 9th December, 2016 but also the entire process of finalizing the Notification suffers from factual and legal infirmities. It is also the contention that it defeats the very object and purpose of the Act of 1986, EIA Notification of 2006 and is also opposed to the federal scheme under the Constitution of India. The detailed objections raised by the Applicant has already been noticed by us in paragraph no. 4 of the judgment (supra). According to the respondent, the notification does not suffer from any error much less legal infirmity or validity. The contentions of the respondents have also been noticed above. And within the ambit of the contentions raised before us, now, we will proceed to deliberate on these issues. First and foremost, we may refer to the comparative study of the existing and proposed regime in terms of the Notifications dated 14th September, 2006 and 9th December, 2016. The useful reference can be made to the following chart:

Sl. No.	Particulars	EIA Notification dated 14 September, 2006	EIA Notification dated 09 December, 2016
1.	Consent to Establish & Operate	<ul style="list-style-type: none"> • Prior to the actual construction activities, the project proponent has to obtain Consent to Establish from the Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for all construction projects having BUA above 20,000 m² • After completion of the construction activity, the proponent has to obtain Consent to Operate from the Board under the Water 	<ul style="list-style-type: none"> • No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters

		<p>(Prevention <input type="checkbox"/> No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for all construction projects having BUA above 20,000 m².</p>	
<p>2. Construction projects having built up area below 20,000 m²</p>	<ul style="list-style-type: none"> Projects having built up area below 20,000 m² not require prior environmental clearance from MoEF 	<ul style="list-style-type: none"> BUILDINGS CATEGORY '1' (5,000 to < 20,000 Square meters) – A Self declaration Form to comply with the environmental conditions (Appendix XIV– attached below) along with Form 1A and certification by the Qualified Building Environment Auditor to be submitted online by the project proponent besides application for building permission to the local authority along with the specified fee in separate accounts – Thereafter, the local authority shall issue the building permission incorporating the environmental conditions in it and allow the project to start based on the self declaration and certification along with the application – After completion of the construction of the building, the project proponent may update Form 1A online based on audit done by the Qualified Building Environment Auditor and shall furnish the revised compliance undertaking to the local authority. – Any non-compliance issues in buildings less than 	

			20,000 square meters shall be dealt at the level of local body and the State through existing mechanism
3.	Construction Projects having built up area above 20,000 m ²	<ul style="list-style-type: none"> An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and –The project proponent to submit online application in Form 1 A along with specified fee for environmental appraisal and additional fee for building permission –The fee for environmental appraisal will be deposited in a separate account Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. 	<ul style="list-style-type: none"> The project proponent to submit online application in Form 1 A along with specified fee for environmental appraisal and additional fee for building permission –the fee for environmental appraisal will be deposited in a separate account. The Environment Cell will process the application and present it in the meeting of the Committee headed by the authority competent to give building permission in that local authority –The Committee will appraise the project and stipulate the environmental conditions to be integrated in the building permission –After recommendations of the Committee, the building permission and environmental clearance will be issued in an integrated format by the local authority –The project proponent to submit Performance Data and Certificate of Continued Compliance of the project for the environmental conditions parameters applicable after completion of construction from Qualified Building Environment Auditors every five years to the Environment Cell with special focus on the following parameters; <ol style="list-style-type: none"> 1. Energy Use (including all energy sources) 2. Energy generated on site from onsite Renewable energy sources 3. Water use and waste water generated,

			<p>treated and reused on site</p> <p>4.Waste Segregated and Treated on site</p> <p>5.Tree plantation and maintenance –After completion of the project, the Cell shall randomly check the projects compliance status including the five years audit report –The State Governments may enact the suitable law for imposing penalties for non-compliances of the environmental conditions and parameters –The Cell shall recommend financial penalty, as applicable under relevant State laws for noncompliance of conditions or parameters to the local authority.</p> <ul style="list-style-type: none"> • On the basis of the recommendation of the Cell, the local authority may impose the penalty under relevant State laws –The cases of false declaration or certification shall be reported to the accreditation body and to the local body for blacklisting of Qualified Building Environment Auditors and financial penalty on the owner and Qualified Building Environment Auditors
4.	Built up Area considered for EC	<ul style="list-style-type: none"> • Built up area for covered construction; in the case of facilities open to the sky, it will be the activity area 	<ul style="list-style-type: none"> • The term “built up area” for the purpose of this notification is the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the buildings and construction projects
5.	Monitoring of environmental compliances	<ul style="list-style-type: none"> • Earlier, it was mandatory for the project proponent to submit compliance report every six months. 	<ul style="list-style-type: none"> • Project proponent shall submit performance data & certificate of continued compliance of the project for the environmental conditions after completion of construction every five years.

6.	Process of granting permission for construction and building projects	<ul style="list-style-type: none"> • Under 2006 notification prior Environment clearance from SEIAA was mandatorily required even before <u>starting of the construction work or preparation of land</u>. SEIAA was to screen scope and appraise projects before granting of environment clearance. • The environmental clearance process before SEIAA comprises of four stages, all of which may not apply to particular cases as set forth. These four stages in sequential order are:- <ul style="list-style-type: none"> • Stage (1) Screening (Only for Category 'B' projects and activities) • Stage (2) Scoping • Stage (3) Public Consultation • Stage (4) Appraisal 	<ul style="list-style-type: none"> • Under 2016 notification Environmental conditions are to be imposed by Environmental cell at the level of local authority. The cell will then process the application and place it before the committee headed by the authority competent to give building permissions. The committee will then appraise the project and stipulate environmental conditions without any provisions of public consultation which is an integral part of 2006 notification. • Therefore, the environmental cells work under the building permit issuing authority therefore not a independent authority to impose environmental conditions. Moreover building permit authority is not a scientifically sound body as SEIAA or SEAC.
7.	Environment Clearance Authority concerning Building and Construction projects	<ul style="list-style-type: none"> • Clearance was given after screening and appraising of the projects by government constituted bodies' i.e. SEIAA or SEAC who are independent bodies. 	<ul style="list-style-type: none"> • Imposition of environmental conditions by local authority on the basis of assessment and certification by Qualified Building Environment Auditors (QBEAs) which could be a firm /Organization or an individual expert accredited by the accreditation authority.
8.	Violation of environmental conditions	<ul style="list-style-type: none"> • Violation of environmental conditions and parameters are dealt under section 15 and section 19 of EPA, Act 1986. 	<ul style="list-style-type: none"> • The state Government may enact suitable laws for imposing penalties for non compliance. The local Authorities shall impose penalties based on the recommendation of environmental cell of local body.
9.	Qualification of Experts	<ul style="list-style-type: none"> • Multi sectoral / Multi disciplinary experts in SEAC. • Qualification as per the Schedule 6 of the 	<ul style="list-style-type: none"> • Experts of limited sectors like Water, Air, Solid Waste, Energy and transport in environmental cell.

		current EIA notification.	
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From the above comparative study of the two regimes, it is clear that the regime in terms of the Notification dated 9th December, 2016 would considerably dilute the environmental safeguards provided not only under the Regulation of 2006 but even under the Act of 1986. The Applicants have rightly placed reliance on the Principle of Non-regression. Under the International law, the doctrine of Non-regression is an accepted norm. It is founded on the idea that environmental law should not be modified to the detriment of environmental protection. This principle needs to be brought into play because today environmental law is facing a number of threats such as deregulation, a movement to simplify and at the same time diminish, environmental legislation perceived as too complex and an economic climate which favours development at the expense of protection of environment. The draft amendment of the existing environmental laws should be done with least impact on environment protection that was available under the existing law or regime. The present amendment in the Notification particularly few clauses that we will refer hereinafter can lead to severe environmental impacts.

15. The Precautionary Principle as propounded by the Hon'ble Apex Court is a cornerstone of environmental jurisprudence in the country as the environmental conditions imposed are not comprehensive enough and are only a tick-box exercise taken by the project proponent without any prior environment assessment process especially its impact on ecologically sensitive area and other environmental vulnerable area.

The impugned notification, takes away the power of the Pollution Control Boards and Committee to grant/refuse Consent to Establish and Consent to Operate for building and construction projects up to an area of 1,50,000 sq meter. It further dilutes the entire environmental assessment framework under the EIA notification 2006, which has been periodically strengthened and amended by the numerous orders of this Hon'ble Tribunal.

The impugned notification has several deficiencies that go against the basic letter and spirit of EPA Act, 1986 and the EIA notification issued there under. Power under Section 3 read with Rule 5 of Environment (Protection) Act, 1986 can only be exercised by the central government or the authorities constituted by it. Whereas the impugned notification gives power to the State Government for constitution of an authority to exercise and perform such of the powers and functions as provide under Environment Protection Act, 1986, which Includes assessment and granting of environment clearance to the projects. This would be apparently in conflict with the provisions of the Act of 1986. In this regard reference can also be made to the judgement of the constitutional bench of the Hon'ble Supreme Court in the case of *LIC v. Escorts Ltd.*, (1986) 1 SCC 264, where the Hon'ble Supreme Court held that it may be open to a subordinate legislating body to make appropriate rules and regulations to regulate the exercise of a power which the Parliament has vested in it, or as to carry out the purposes of the legislation, but it cannot divest itself of the power.

It is further stated that these conditions fall substantially below the prior environmental assessment procedure which was much detailed and brought within EIA framework after the direction of the Hon'ble Supreme Court in the *Maily Yamuna Case* (W.P.C No. 725 of 1994).

16. The impugned notification provides that the local authorities such as the development authorities and Municipal Corporation may certify compliance of Environmental Conditions prior to issuance of completion certificate based on recommendations of the Environmental Cell to be constituted in the local authority. Further, the purpose of notification regarding integration of environmental conditions, the MoEF&CC through competent agencies would accredit Qualified Building Environmental Auditor (QBEA's) to assess and certify the building projects. It is clear from the above that the entire assessment procedure has been replaced over which the MoEF&CC has no control.

17. The MoEF&CC has failed to produce any study, literature, evaluation of the reason for taking such a retrograde decision to go back to a pre-2004 situation wherein the failure of the local bodies was considered to be the primary reason for bringing building and constructions activity within the EIA framework. In pre-2004 the position was that the construction sector projects were only regulated through Bye Laws and no Environmental Clearance was required.

18. The proposal for exemption of Environmental Clearance for construction and building project with built-up area to 1,50,000 Sq mtrs. is baseless as there is no study that indicates any improvement

in environment quality with regard to all environmental facets/ availability of natural resources, following which there can be a consideration for relaxation of current norms.

The said amendment notification is only a ploy to circumvent the provisions of environmental assessment under the EIA Notification, 2006 in the name of 'ease of doing responsible business' and there is no mechanism laid down under the amendment notification for evaluation, assessment or monitoring of the environment impact of the building and construction activity. The construction industry consumes enormous resources and has a significant energy footprint; the sector emits 22 per cent of India's total annual carbon-dioxide emission. The Hon'ble Tribunal in the matter of *S.P. Muthuraman vs. Union of India & Anr.* (supra) Observed:

“In recent past, building construction activities in our country have been carried out without much attention to environmental issues and this has caused tremendous pressure on various finite natural resources. The green cover, water bodies and ground water resources have been forced to give way to the rapid construction activities. Modern buildings generally have high levels of energy consumption because of requirements of air-conditioning and lighting in addition to water consumption. In this scenario, it is necessary to critically assess the utilization of natural resources in these activities.”

19. The very purpose of including the construction projects in the EIA Notification was the failure of the local bodies to ensure compliance with environmental norms. The ULB's/DA's have always had specific stipulation on environmental concerns. However, such conditions were never adhered to or made a pre-requisite to such sanction. It was therefore the case of MoEF&CC that the local body have been approving new construction projects without adhering to

environmental norms. Now, the MoEF&CC itself is taking a step in backward direction without there being any changes brought about in the capacity and technical competence of the local body to assess, evaluate and monitor the environmental norms or to ensure compliance.

20. The EIA Notification, 2006, has a comprehensive process for evaluating the impact on environment which will not be the case after the said notification. For instance, the EIA Notification, 2006 provides Expert Appraisal Committee at the Centre and the State Expert Appraisal Committee at the State level. The composition of these committees comprises as per Appendix-VI to EIA Notification, 2006 of independent experts, such as, Environment Quality Expert, Sectoral Expert in Project Management etc. But as per the amendment notification the same local body which is responsible for the stipulation of the condition would be responsible for ensuring the compliance of the same with the help of Environmental cell and QBEAs. This is in contravention of the principle of *nemo iudex in sua causa*, which is a principle of natural justice, meaning that a person cannot be judge of his own cause. Also, there is no technical expertise or competence within the local bodies to either evaluate impact or to ensure compliance of environmental conditions.

As per the EIA Notification 2006, clause 1.3 states “*what are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities)*”. But as per the amended notification of 2016, no such provision is laid down.

21. This Hon'ble Tribunal in O.A. No. 171 of 2013 (*NGT Bar Association vs. MoEF*) vide Order dated 13.01.2015 stated "*We direct Secretary, MoEF along with such experts and the States Afore referred will also consider the possibility of constituting the branches of SEIAA at the district or at least, division levels to ensure easy accessibility to encourage the mine holders to take EC*". Similarly, the O.M. dated 19.06.2013 states that "*In case of a large pendency case the concerned state Government feels that there is need for another SEAC, the State Government may accordingly send the proposal to MoEF&CC for setting up/notifying another SEAC and MoEF may consider the same*". However instead of adhering to their own O.M.'s and the categorical judgement of the this Tribunal, they have chosen to completely dilute EC process and violate the EIA Notification, 2006 and thereby Act of 1986.

22. A bare perusal of amendment notification would show that there is complete dilution of the norms as provided under the EIA Notification, 2006. For instance, totality of issues related to conservation of water is completely ignored for building of built-up area up to 5000 sq.mtr. There is no sewage treatment or municipal solid waste processing facilities stipulated within the premises for building up to 5000 sq. mtr. of built up area.

23. The MoEF&CC has failed to fulfil its statutory responsibilities. By transferring the powers to ULBs/ Development Authority, it has created a situation of conflict of interest as all the powers have been vested with the same authority. National documents (CAG Report, 2016) also discourage such an integration of environment condition to

the sanctioning authority under the urban local bodies instead of independent assessment by environmental experts of building and construction projects. Thus for example, the report by Comptroller and Auditor General of India (CAG Report, 2016) clearly states that urban local bodies have not been performing on environmental parameters. In most compliance audit, the environmental parameters including MSW, Waste minimisation, e-waste etc have been grossly violated.

It is submitted that on para wise comparison of the draft notification and final notification are entirely different. The main addition which were not part of draft notification but found place in the final notification are as follows:

- *Consent to establish and Consent to Operate under Water Pollution Act, 1974 and Air Pollution Act, 1981 will not be required from SPCB for residential buildings up to 1,50,000 sq.m.*
- *Stripping of building construction projects of built up area of 20,000 sq.m upto 1,50,000 sq.m. from the purview of EPA Act, 1986 and bringing under the concerned State Laws.*
- *The draft Notification specifically mentions that the exclusion/amendments mentioned in the draft notification are not intended for hospitals whereas the final notification clearly excludes hospitals also from the purview of EIA Notification and EPA Act, 1986.*
- *Addition of Appendix-XV, Accreditation of Environmental Auditors. (qualified Building Auditors).*
- *Addition of Appendix-XVI, Environmental Cell at the level of Local Authority.*

When the residential building construction projects of built up area more than 20,000 sq.m up to 1,50,000 sq.m are excluded from

the requirement of “Consent to Establish” or “Consent to Operate” then these building construction projects will be out of the purview of these statutes, what will be the relevance of CPCB norms and this will encourage indiscriminate discharge of untreated sewage into river and drains.

24. In the said notification, there is no definition of “Area”. In the absence of such a definition, the “Area” can be for the whole of the State or District or Region. In this connection, attention is brought to the EIA Notification, 2006 wherein the word “built-up area” was introduced. There was no definition of “built up area” in the impugned Notification and which leads to confusion in the building construction sector.

The said notification is contrary to the recommendations of the report of the committee constituted by MoEF&CC on 11.12.2012 (The Kasturirangan report) to review the provisions of EIA Notification, 2006 relating to buildings, etc which was then accepted by MoEF&CC. The MoEF&CC vide OM dated 10.11.2015, reiterated and vetted the recommendations of Kasturirangan Committee among other things. If the MoEF&CC is now changing its stand, it is duty bound to produce back-up study or research material to prove that the local bodies have concern towards environment.

25. Besides noticing the above mentioned deficiencies in and dilutions of the existing laws by the impugned Notification, we must also notice a very strong legal infirmity in it. Admittedly, the notification has been issued by the MoEF&CC in exercise of its powers under sub-section (1) read with clause (V) of sub-section (2) of Section

(3) of the Act of 1986 and clause (d) of sub-rule (3) of Rule (5) of the Environment (Protection) Rules, 1986. By the impugned Notification, paragraph 14 is sought to be inserted after paragraph 13 of the existing Notification/Regulations of 2006. The powers under these provisions can be exercised under Section 3(2)(5) of the Act of 1986 which empowers the Central Government to take measures to protect and improvement of the quality of environment in regard to restrictions of areas in which any industry/operations or process or class of industries operations or processes shall not be carried out or shall be carried out subject to certain safeguards. In terms of section 3 (1) of the Act, this power of taking measures is to be exercised by the Central Government when it deems necessary and expedient for the purpose of protecting and improving the quality of environment and preventing, controlling and abating environmental pollution (emphasis supplied). Rule 5 deals with the prohibition and restriction on the locations of industries and the carrying on process and operations in different areas. It gives power to the Central Government to take into consideration the factors while prohibiting or restricting the locations of industries and carrying on of process/operations in different areas. Sub-rule 3 of this Rule contemplates the procedure to be followed by the Central Government while issuing the notification for imposing prohibition or restriction as stated in Sub-rule (1) of Rule 5.

Thus, both the sections and the rule gives power for issuing of any notification and placing prohibition / restriction in their terms, subject to the conditions, i.e., while issuing notification the procedure under Rule 5 (3) should be followed and more importantly it should be

exercised only for the purpose of protecting and improving the quality of the environment and preventing pollution. Once any of these essential statutory features are missing the notification issued would be liable to be interfered with. The major part of the Notification does not satisfy these ingredients.

26. The amended clause 14 while dealing with the other building category more than 20000 sq. meter also provides that no Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings upto 150000 sq. meter. This amendment is *ex facie* opposed to the above objects and in fact lacks legislative competence. While exercising powers under a subordinate legislation in furtherance to Section 3 and Rule 5, the authority cannot in exercise of its subordinate legislation exclude the operation of a substantive law that is Water Act, 1974 and Air Act, 1981 enacted by the Parliament. This would suffer from the *vires* of excessive legislation. It is strange that the MoEF&CC, a delegatee under the said provision could venture upon excluding the application and enforcing of a Parliament Act without even making any amendment under that act or the rules framed under that act. This action of the MoEF&CC cannot stand the scrutiny of law.

27. The Environmental Cell is to be constituted by the local authority or the State Government, whereas the implementation of the environmental law is vested with the Central Government. The Environmental Clearance is expected to be issued by the authorities

in an integrated format. Any offence or violation thereto which is punishable under the Act of the Parliament, i.e., the Act of 1986 thus subordinate legislative amendment takes away that power and requires a local authority to take precedence in relation to providing punishment for such violation or offence. There is clear ambiguity and uncertainty in the Constitution of the Environmental Cell and its functions. There is no clarity as to the qualification which the Member of the Environmental Cell should possess. A Cell, primary duty of which is to protect the environment would have to work in subordination to a local authority whose primary object is to permit development. Thus, the possibility of conflicting interest arising in the functioning of the local authority and the Environmental Cell cannot be ruled out. It may arise even then thus defeating the very purpose of the amendment.

28. Another serious objection raised to the Notification is that the final Notification has been issued without considering the objections filed to the draft Notification. Of course, in terms of the procedure prescribed under Rule 5(3) of the Rules of 1986 the procedure must be strictly adhered to. The MoEF&CC had invited objections which were filed and even the Applicant was heard. There cannot be a doubt that requirement of considering objections effectively is not a mere formality. It should be done objectively and in accordance with law as held in the case of *Dr. Avinash Ramkrishna Kashiwar vs. the State of Maharashtra (supra)*:

17."It could thus be seen that it appears to be settled position of law that the requirement of previous publication inviting objections and suggestions is not

an empty formality. It is with an intention to enable persons likely to be affected, to be informed, so that they may take steps as may be open to them and the objections/suggestions made would be required to be taken into consideration by the authorities before issuing a final notification”.

26. *“In the result, we hold that the impugned notification dated 26.07.2013 is not sustainable in law and, therefore, quashed and set aside. Rule is, therefore, made absolute in the aforesaid terms with no orders as to costs.”*

The Applicant had filed objections which were duly considered by the MoEF&CC and even the Applicant was heard. There is nothing on record before us that would show that there is no application of mind and that the objections were not considered objectively by the MoEF&CC. In light of this, we are unable to accept this contention raised on behalf of the Applicants.

29. The other argument of the Applicant which deserves to be considered with some merit is that the final impugned Notification is at substantial variance to the draft Notification. This has not only resulted in prejudice to the environment but has also defeated the purpose of Rule 5(3) of the Environment (Protection) Rules, 1986. Following are few examples of such variance and which have significant effect on the environmental laws:

- (a). The exclusion of application of the Water Act and the Air Act was never proposed or stated in the draft Notification, while it has been introduced in the final Notification.
- (b). Role of the State Pollution Control Boards to monitor and verify the environmental conditions is eliminated in the final notification. The construction of built up area upto area of 20,000 sq. meter upto 1,50,000 sq. meter which were

otherwise covered under the Act of 1986 now have been brought under the State Laws without specifying them in the draft notification. The draft Notification specifically mentions that the exclusion/amendment benefits mentioned in the draft Notification are not intended for hospitals whereas the final notification clearly excludes hospitals from the purview of the EIA Notification, 2006 and Environment (Protection) Act, 1986. It is at substantial variance as the hospitals fall under red category under the Central Pollution Control Board categorization dated 7th March, 2016. So, provision of dealing with the environmental conditions of hospitals falling under the environmental norms.

- (C). Addition of Appendix XV, accreditation of environmental auditor (Qualified Building Environment Auditor).
- (D). Addition of Appendix XVI, Environmental Cell at the level of local authority.

On the above premises, it is contended that on the one hand, there is substantial difference between the draft and the final notifications while on the other hand Applicants were deprived of the right to file objections on these aspects. Reliance is placed on the judgement of the Hon'ble Supreme Court of India in the case of *State of Punjab vs. Tehal Singh & Ors*, AIR 2002 SC 533 wherein the Supreme Court held that Principle of Natural Justice to subordinate legislation may be applied but where the legislature provides an

opportunity of hearing and filing objections then it must be adhered to *sensu stricto*.

30. From the records before the Tribunal, it is clear that there are variations even of substantial nature between the draft and the final Notification dated 9th December, 2016 issued by the respondent. One of the significant failures of the same is that the applicants or public at large has lost substantive right to file objections on these aspects to the draft Notification. They have also lost the right to be heard in terms of Rule 5(3) of the Rules of 1986. Incorporation of such provisions from the draft Notification into the final Notification would not be permissible.

31. Some of the portions of the impugned Notification; particularly, relating to granting of exemption from the application of Water and Air Acts; Rendering the provisions of the central law for taking action, penalizing defaulters and offenders of the environmental law being rendered ineffective; ambiguity and deficiencies in constitution of the Environmental Cell are some of the patent features of the impugned Notification which dilutes the environmental impacts on the one hand, while on the other, they are in derogation to India's international commitments to the Rio Declaration, 1992 and Paris Agreement, 2015. If principle 15 to 17 of the Rio Declaration is read along with clauses of the Paris Agreement, 2015, particularly, in face of precautionary approach, preventing irreparable damage forming definite environmental impact assessment to examine adverse impact on the environment, reduction on the growth of is carbon emission and to adopt best practices and achieve the ambitious targets between

the stipulated time then the adopting cumulative effect of the Notification dated 9th December, 2016 would have some element of derogation. The Notification also ignores some essential features like source of water, source of raw material, urban ecology, provision of no development zone and construction face impacts. These aspects have a direct bearing on protection of environment and keeping in line with the Principle of Sustainable Development. It is important that there should be development and particularly, when the development is guided by the social cause but that development should not be permitted to cause irreparable loss to the environment and ecology. Sustainable development has to be the ultimate criteria. The Hon'ble Supreme Court in the case of *N.D. Dayal v. Union of India*, (2004) 9 SCC 362 deliberated upon the Doctrine of Sustainable Development and while comparing with the economic growth and well being held as under:

“24. The right to development cannot be treated as a mere right to economic betterment or cannot be limited to as a misnomer to simple construction activities. The right to development encompasses much more than economic well being, and includes within its definition the guarantee of fundamental human rights. The 'development' is not related only to the growth of GNP. In the classic work - '*Development As Freedom*' the Nobel prize winner Amartya Sen pointed out that 'the issue of development cannot be separated from the conceptual framework of human right'. This idea is also part of the UN Declaration on the Right to Development. The right to development includes the whole spectrum of civil, cultural, economic, political and social process, for the improvement of peoples' well being and realization of their full potential. It is an integral part of human right. Of course, construction of a dam or a mega project is definitely an attempt to achieve the goal of wholesome development. Such works could very well be treated as integral component for development.

25. Therefore, the adherence of sustainable development principle is a sine qua non for the maintenance of the symbiotic balance between the rights to environment and development. Right to environment is a fundamental right. On the other hand right to development is also one. Here the right to 'sustainable development' cannot be singled out. Therefore, the concept of 'sustainable development' is to be treated an integral part of 'life' under Article 21. The weighty concepts like intergenerational equity (*State of Himachal Pradesh v. Ganesh Wood Products*, [1995] 6 SCC 363), public trust doctrine (*MC Mehta v. Kamal Nath*, [1997] 1 SCC 388) and precautionary principle (*Vellore Citizens*), which we declared as inseparable ingredients of our environmental jurisprudence, could only be nurtured by ensuring sustainable development.

26. To ensure sustainable development is one of the goals of Environmental Protection Act, 1986 (for short 'the Act') and this is quiet necessary to guarantee 'right to life' under Article 21. If the Act is not armed with the powers to ensure sustainable development, it will become a barren shell. In other words, *sustainable development is one of the means to achieve the object and purpose of the Act as well as the protection of 'life' under Article 21.* Acknowledgment of this principle will breath new life into our environmental jurisprudence and constitutional resolve. Sustainable development could be achieved only by strict compliance of the directions under the Act. The object and purpose of the Act-"to provide for the protection and improvement of environment" could only be achieved by ensuring the strict compliance of its directions. The concerned authorities by exercising its powers under the Act will have to ensure the acquiescence of sustainable development. Therefore, the directions or conditions put forward by the Act need to be strictly complied with. Thus the power under the Act cannot be treated as a power simpliciter, but it is a power coupled with duty. It is the duty of the State to make sure the fulfilment of conditions or direction under the Act. Without strict compliance, right to environment under Article 21 could not be guaranteed and the purpose of the Act will also be defeated. The commitment to the conditions thereof is an obligation both under Article 21 and under the Act. The conditions glued to the environmental clearance for the Tehri Dam Project given by the Ministry of Environment vide its Order dated July 19, 1990 has to be viewed from this perspective”.

Despite the above shortcomings of the Notification and some clauses suffering from legal infirmity, the impugned Notification has certainly good and effective aspects as well. As already noticed by us, it brings into effect a social cause of providing affordable housing to the poor strata of the society. It also proposes to decentralize and bring authorities granting environmental clearance and those granting building permission together under a single window system so as to address environmental concerns. The concept of one window system is sought to be introduced. The Notification specifically provides for emphasis on the aspects that are required to be considered by the environmental cell with special focus on energy use, energy generated on site from on site renewable energy sources, water use and waste water generated, treated on site, waste segregated and treated on site, waste segregation and treated on site, tree plantation and maintenance. These are the few good features of the Notification which also do not suffer from element of illegality. 'Housing for all by 2022' is a purpose and object in conformity with the constitutional mandate. There would be collective and coordinated effort by the Environmental Cell, local and other authorities at the State level to expeditiously deal with environmental clearance.

ORDER/DIRECTIONS

32. The object of the Notification is laudable that is providing housing to the poor. The provisions of the existing regime under the Regulation/Notification of 2006 are sought to be liberalized and expanded for obtaining that object. Some of the provisions of the Notification are being amended to provide for decentralized regulation

in relation to building projects. Certain specified building and construction projects of specified area are proposed to be exempted from the rigours of the Notification. But these amendments would have to be in consonance with the law, where certain provisions of the amended Notification dated 9th December, 2016 are in consonance with the provisions of the Act of 1986 and do not suffer from the *vires* of illegality. Thus, some other provisions of the same Notification *ex-facie* suffer from legal infirmities and are incapable of being implemented in accordance with the scheme of federal structure under the Constitution of India. Out of them, some provisions are directly opposed to the Principle of Non-regression as they considerably dilute the existing environmental laws and standards to the prejudice of the environment. Thus, in the facts and circumstances of the present case, the Tribunal can safely take recourse to the doctrine of severability to declare some of the provisions of the Notification as *ultra-vires* or ineffective while holding the other part of the Notification as legally sound and sustainable.

33. In view of the above, we pass the following order/directions:

1. We hold and declare that this Tribunal has jurisdiction to examine the legality, validity and correctness of a Notification issued by the competent forum in exercise of its power of subordinate legislation with regard to acts stated in Schedule-I to the National Green Tribunal Act, 2010.
2. We hold and declare that (i) clause 14(8), (ii) the provisions relating to exclusion of Consent to Operate and Consent to Establish under Water (Prevention and Control of Pollution)

Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 in clause 14 of the impugned Notification; (iii) Appendix-XVI relating to constitution and functioning of Environmental Cell, cannot be sustained and are liable to be quashed for the reasons afore-stated. Thus, we direct MoEF&CC to re-examine its Notification dated 9th December, 2016 and take appropriate steps to delete, amend and rectify the clauses of the said Notification in light of this judgement.

3. As a result of the above, the byelaws amended by the DDA vide its Notification dated 22nd March, 2016 can also not be given effect to, unless the Notification dated 9th December, 2016 is amended in terms of this judgement.
4. Till the time the Ministry comply with the above directions and notify the amended provisions of Regulations of 2006, it will not implement the impugned Notifications. However, once the amended regulations are notified, MoEF&CC/SEIAA /Local Authorities can give effect to that, without any further reference to the Tribunal.
5. MoEF&CC shall, particularly take care that the laudable social cause of 'providing Housing to the poor' does not get defeated by business, economic profitability with reference to 'ease of doing business', while particularly protecting the environment.

34. With the above order/directions, the Original Applications No. 677 of 2016, 01 of 2017, 07 of 2017, 55 of 2017 and 67 of 2017 stand disposed of, with no order as to costs.

35. All the Miscellaneous Applications No. 148 of 2017, 03 of 2017, 445 of 2017, 879 of 2017 and 620 of 2017 have become infructuous and are accordingly disposed of.

**SWATANTER KUMAR
CHAIRPERSON**

**DR. JAWAD RAHIM
JUDICIAL MEMBER**

**BIKRAM SINGH SAJWAN
EXPERT MEMBER**

New Delhi
8th December, 2017

NGT

IA-3-3/41/2021-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
IA – III (Infra-2) Sector

Indira Paryavaran Bhawan, Vayu Wing, 2nd Floor,
Jor Bagh Road, New Delhi – 110003
Dated: 18th November, 2021

To,

Shri Suresh Kumar Adapa,
Scientist-E,
Ministry of Environment Forest and Climate Change,
Integrated Regional Office,
Ground Floor, East Wing, New Secretariat Building,
Civil Lines, Nagpur-440001

Subject: OA No. 14 OF 2021 titled as Satish Sanjay Magade Vs M/s Rhythm Country and Ors pending before the Hon'ble NGT, Pune - regarding

Sir,

I am directed to refer the email dated 11.10.2021 on the above mentioned subject wherein some clarification regarding the validity of the EC dated 27.11.2017 taken in pursuance of the notification dated 09.12.2016 for the project under question i.e. a housing project by M/s Rhythm Country, Pune has been sought by your good office.

2. In this regard, it is to inform that the notification S.O. 3999(E) dated 9.12.2016, was challenged before the Hon'ble National Green Tribunal, Principal Bench, New Delhi vide OA No. 677 of 2016 filed by Society for Protection of Environment & Biodiversity. The same has been disposed of on 8.11.2017 (uploaded on 08.12.2017) and notification dated 09.12.2016 has been stayed by the Hon'ble Tribunal.

3. Further, the order dated 8.12.2017 passed in OA no. 677 of 2016 has been challenged by the Ministry before the Hon'ble Supreme Court vide Civil Appeal No. 2522/2018, the same is sub-judice and no stay was granted by the Hon'ble Supreme Court w.r.t the order dated 08.12.2017.

4. The issue is with the approval of competent authority.

Yours Faithfully,

(Dr. Dharmendra Kumar Gupta)
Scientist-F/Director(s)

011
E-mail
22/11/2021

[REPORTABLE]IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 595 OF 2021

M/S. SAI BABA SALES PVT. LTD.

APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO. 5768 OF 2021J U D G M E N THrishikesh Roy, J.

1. Heard Mr. Huzefa Ahmadi, learned senior counsel appearing for the appellant in Civil Appeal No. 595/2021. Mr. Lonkar Nitin representing the Original Applicant before the National Green Tribunal. Ms. Aishwarya Bhati, learned Additional Solicitor General of India appears for the Ministry of Environment & Forest.

The Government of Maharashtra and the State Pollution Control Board are represented by Mr. Rahul Chitnis and Mr. Mukesh Verma, learned counsel respectively.

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

3. The main issue that arises for consideration in these matters is whether the Project Proponent herein

possesses a validly granted Environmental Clearance (EC) under the Environmental Impact Assessment (EIA) notification dated 14.9.2006. The 2006 EIA notification provided that the projects above 20,000 sq. meter and below 1,50,000 sq. meter should obtain an EC from the State Environment Impact Assessment Authority (SEIAA) of the Ministry of Environment, Forest and Climate Change (MoEFCC).

4. For deciding the issue, the necessary facts in brief are that the Project Proponent initially conceived a project of 15,040 sq. mtrs. (below the EC threshold limit of 20,000 sq. mtrs.) and it approached the PCMC for a lay out order which was a prerequisite, to obtain an EC from the SEIAA of the MoEFCC. The application was processed and the Building Permission Department of the PCMC granted the commencement certificate to the Project Proponent for an area of 15,040 sq. mtrs. and approved the plan under the sanction letter dated 14.5.2013. With such permission, the Project Proponent could construct the permitted structures, and since the built up area was less than the threshold limit of 20000 sq. mtrs.,

the EC permission was not needed for the intended construction.

5. The Project Proponent builder then applied and was granted additional FSI as it intended to expand the project to one with built up area of 49,012 sq. mtrs. and for this they approached the PCMC for a lay out order, which as noted earlier was essential to obtain an EC from the SEIAA of the Ministry of Environment, Forest and Climate Change (MoEFCC). The required approval was issued by the Corporation on 28.11.2016.

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

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

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

certain clauses in the Ministry's notification, in terms of the NGT's judgment.

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

remedial measures were directed for the project in question.

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

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

9.12.2016, the concerned local authority was designated as the sanctioning authority for projects between 20,000 sq. mtrs. and 50,000 sq. mtrs. and accordingly under the changed regime the Project Proponent applied to PCMC on 10.7.2017 and was sanctioned EC by the competent local authority, on 28.11.2017.

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

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

14. The NGT then observed that because of the invalidation of certain clauses in the 2016

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

15. The picture which emerges from the above discussion is that when the Project Proponent initially wanted to

¹ (2010) 5 SCC 388

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

the EC from the competent authority of the relevant time i.e. the PCMC. Interestingly, the constituted Committee also included a member of the SEIAA.

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

notifications of the MoEFCC is stayed by the Delhi High Court on 26.11.2018 in the WP(C) No. 12517/2018.

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

18. The project of the appellant comprises six buildings of which three were constructed in full, and the super structure of the fourth building is completed and only the internal works remains to be done. In the fourth

building, 40 out of the 64 apartments have already been sold. In this context, it would be appropriate to advert to the submission of Ms. Aishwarya Bhati, the learned ASG who had clearly stated that at the relevant time, the competent authority to grant EC is the PCMC and not the SEIAA and therefore the internal works for the fourth constructed building, can be allowed to be completed.

19. Considering the above circumstances, the NGT rightly protected the already erected buildings and this protection in our view, should not be impacted by the earlier judgment of the NGT on 8.12.2017 in the OA No. 677/2016 whereby certain portions of the MoEFCC's 9.12.2016 notification were invalidated and direction was issued to the Ministry to revisit the said notification. Importantly, neither the NGT's invalidation order nor the subsequent clarifications by the State of Maharashtra, have suggested any adverse action against the pre-existing structures. As the expert body exclusively occupying the environmental field, the NGT has assessed the factual circumstances to

consciously lean towards protecting the already constructed structures. Nothing more need be added on this aspect. It is also not necessary in this appeal to venture into the question of the retrospective implication of the invalidation of certain parts of the 2016 Notification for other project proponents, which may have gained their ECs in the interregnum.

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

21. In the above context we may benefit by referring to the seminal case of *Attorney General of Hong Kong v. Ng*

*Yuen Shiu*², where Lord Fraser speaking for the Privy Council, appositely observed thus,

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

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

“24. The House of Lords in *Council of Civil Service Unions & Ors. Vs. Minister for the Civil Service*, a locus classicus on the subject, wherein for the first time an attempt was made to give a comprehensive definition to the principle of legitimate expectation. **Enunciating the basic principles relating to legitimate expectation, Lord Diplock observed that for a legitimate expectation to arise, the decision of the administrative authority must affect such person either**

(a) **** **** **** **** ****

(b) by depriving him of some benefit or advantage which either: (i) he has in the past been permitted by the decision maker to enjoy and which he can legitimately expect to be permitted to continue to do until some rational ground for withdrawing it has been communicated to him and he has been given an opportunity to comment thereon or (ii) he has received assurance from the decisionmaker that they

2 (1983) 2 AC 629 : (1983) 2 WLR 735

3 (2009) 1 SCC 180

will not be withdrawn without first giving him an opportunity of advancing reasons for contending that they should be withdrawn." (emphasis supplied)

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

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

24. The more compelling public interest might possibly diminish the degree of *legitimate expectation* for a party but a balance has to be found. In the present

⁴ (1993) 1 SCC 71

matter the appellant has acted on the EC and made substantial investments. They cannot be pushed to a precipice and be made to fall. Doing so would be inequitable particularly when, the appellant has scrupulously adhered to the applicable legal framework during the concerned period. Moreover, third-party interests have also cropped up in the interregnum.

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

26. As seen, the NGT in the impugned judgment has protected the completed construction and, on this aspect, we deem it appropriate to endorse the same, by

accepting the submission of the appellant’s Counsel and the learned ASG. The four constructed buildings are resultantly to be treated to be under a valid EC with all legal consequences. It is, however, made clear that if any further construction is proposed by the appellant with the sanctioned layout, the same should not be done on the strength of the EC granted on 28.11.2017 by the PCMC. In other words, if the Project Proponent wishes to construct the remaining buildings, they must secure fresh clearance from the competent authority, as per the currently applicable framework. It is ordered accordingly.

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

.....J.
[R. SUBHASH REDDY]

.....J.
[HRISHIKESH ROY]

NEW DELHI
NOVEMBER 26, 2021



PUNEMETROPOLIS

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे
Pune metropolitan Region Development Authority, Pune

स.नं. १५२ - १५३, महाराजा सयाजीराव गायकवाड उद्योग भवन, औंध, पुणे - ४११ ००७
S.No. 152-153, Maharaja Sayajirao Gaikwad Udyog Bhawan, Aundh, Pune - 411 007
Ph No. : 020- 259 33 344 / 356 / 333 / फोन नं. : ०२०- २५९ ३३ ३४४ / ३५६ / ३३३ Email: hqpmrda@gmail.com

जा.क्र. DP/बीएचए/मौ.औताडे-हांडेवाडी/ग.नं.१०पै व ११पै/प्र.क्र. २२४

दि.२०/०९/२०१७

१०-१८

पर्यावरण अटी व शर्ती

(शासन निर्णय क्र. TPS-१८१६/CR-४४३/१६-DP Directors/UD-१३ दि.१३/०४/२०१७ नुसार)

प्रति,

मा. महानगर नियोजनकार
बांधकाम परवानगी विभाग,
पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

मौजे. औताडे-हांडेवाडी, ता. हवेली येथील स.नं. १०पै व ११पै, क्षेत्र - ६८५७३.०० चौ.मी. क्षेत्रावरील समुह गृहबांधणी प्रकल्पामधील रेखांकन/ इमारत पर्यावरण ना हरकत दाखला मिळणेबाबत प्राधिकरणाकडील Environment Cell कडे प्रस्ताव सादर केलेला आहे.

केंद्र शासनाच्या पर्यावरण मंत्रालयाने MOE & Notificaton No. ५.०.३९९९(E) दि.९ डिसेंबर २०१६ अन्वये ५००० चौ.मी. ते १,५०,००० चौ.मी. बांधकाम क्षेत्र असलेल्या गृहप्रकल्पांना / बांधकामांना Proposal Environmental Norms हे बांधकाम विकास नियंत्रण नियमावली मध्ये समाविष्ट करणेसंबंधी निर्देश दिलेले आहेत. तसेच शासन नगर विकास विभागाकडील अधिसूचना क्र. TPS-१८१६/CR-४४३/१६-DP Directors/UD-१३ दि.१३/०४/२०१७ रोजीच्या अधिसूचनेनुसार बांधकाम परवानगी सोबत पर्यावरणसंबंधी देखील अटी / शर्ती एकत्रितपणे अर्जदारास कळविण्यास निर्देश दिलेले आहे.

सदर प्रस्तावाच्या अनुषंगाने पर्यावरण समिती मार्फत छाननी करुन कार्यालयीन टिपणी व परिशिष्ट ब मधील पर्यावरणीय अटी व शर्तीचा मसुदा मा. महानगर आयुक्त यांनी मान्य केलेला असून उपरोक्त शासन अधिसूचनेनुसार सदर पर्यावरण अटी व शर्तीचा समावेश विकास परवानगी व प्रारंभ प्रमाणपत्रामध्ये करणे आवश्यक असल्याने त्याबाबत पुढील कार्यवाही करण्यात यावी ही विनंती.

मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने



(Signature)

महानगर आयुक्त

तथा

मुख्य कार्यकारी अधिकारी,
पुणे महानगर प्रदेश विकास प्राधिकरण,
पुणे यांचे करिता.

परिशिष्ट व
पर्यावरणीय अटी व शर्ती

पाणी संक्षिप्त माहिती

- १) प्रकल्पाचे नाव - "रेसिडेन्शियल अँड कमर्शियल डेव्हलपमेंट "
- २) अंदाजे खर्च - रु. ३०० कोटी
- ३) एकूण सदनिका - १६५०, शॉप्स - ७२+४ रेस्टॉरंट -
- ४) जास्तीत जास्त इमारत उंची - ४३.७५ मी.
- ५) एकूण वापरकर्ते - ८२५०
- ६) बांधकाम क्षेत्र (FSI + Non FSI) = १,४५,६८२.२८ चौ. मी.
- ७) छाननी शुल्क - ५ लक्ष (प्रमाणे पु.म.प्र.वि.प्रा. पुणे कडे जमा करण्यात आला आहे.

१) Land Environment

- १) संकल्पनात्मक नकाशा जोडला असून इमारत संरचना खालील प्रमाणे आहे.
इमारत A1, A2, A3, A4, A5, A6, B1, B2, B3, B4, B5, B6, B7, B8
कमर्शियल A, B - G+2
एकूण १४+२= १६ इमारत
- २) वास्तुविशारद यांनी प्रमाणित केलेले बांधकाम क्षेत्राचा तपशील खालील प्रमाणे आहे.
जमीन क्षेत्रफळ - ६८५७३.५० चौ.मी.
बांधकाम क्षेत्र (FSI) - ७७६६०.०० चौ. मी.
बांधकाम क्षेत्र (Non FSI) - ६८,०२२.२८ चौ. मी.
एकूण बांधकाम क्षेत्र - १,४५,६८२.२८ चौ. मी.
- ३) पाणी वापर - बांधकाम दरम्यान - ३ घ. मी. / दिन
ऑपरेशन चरण - १००९ घ. मी. / दिन
- ४) वीज आवश्यकता - बांधकाम दरम्यान - ६२.५ KW
ऑपरेशन चरण - ६४० KW
- ५) पार्किंग - गाडी - ४४७
दुचाकी - २८८७
सायकल - २८८७
एकूण - ६२२१
- ६) सदर प्रकल्प नियोजित विकास आराखड्यानुसार असल्याने विद्यमान सुविधांवर कोणताही मोठा प्रभाव होणार आहे.
- ७) कंटूर नकाशा जोडला असून सदर नकाशाचे अवलोकन केल्यास निदर्शनास येते की, कोणत्याही प्रकारचे जमीनीचे क्षरण व अस्थिरता निर्माण होणार नाही.
- ८) सदर प्रकल्प सध्याच्या नैसर्गिक निचरा व्यवस्थेमध्ये बदल करणार नाही.
- ९) एकूण उत्खनन ३४९४१.७६ घ. मी. प्रस्तावित असून त्या पैकी बँकफिल करीता १९९६६.७२ घ. मी. व १४९७५.०४ घ. मी. जागा समतल करण्याकरीता वापरण्यात येईल.
- १०) बांधकाम कालावधीमध्ये एकूण ३.० घ. मी. पाणी वापर व २.५ घ. मी. सांडपाणी निर्माण होण्याचे प्रस्तावित आहे. सदर सांडपाणी प्रक्रियेकरिता खडी भिजवून असलेला सेप्टिक टाकी प्रस्तावित आहे.
- ११) प्रस्तावित प्रकल्पामुळे पाणथळ जागेत कोणताही बदल होणार नाही.
- १२) सदर प्रकल्पामुळे आरोग्य धोका निर्माण होणार नाही या करीता विकसनकर्त्याने खालील बाबींची पूर्तता करण्याची हमी दिली आहे.

- a) ३.० मी. बॅरीकेडिंग करणे
- b) धूळ धोरणांसाठी पाणी शिंपडणे



8

c) वैयक्तिक संरक्षण उपकरणे देणे.

d) Construction & Demolition Waste Rules, 2016 चे पालन करणे.

Water Environment

१) Water Balance Chart चा तपशील खालील प्रमाणे

शुद्ध पाणी वापर - ६३० घ. मी./दिन

फ्लशिंग पाणी वापर - ३१३ घ. मी./दिन

लँडस्केपिंग पाणी वापर - ६६ घ. मी./दिन

एकूण पाणी वापर - १००९ घ. मी./दिन

सांडपाणी निर्मिती - ८४९ घ. मी./दिन

उपचार केलेले अतिरिक्त पाणी - ३८४ घ. मी./दिन

२) पाणीपुरवठा ना हरकत दाखला जोडलेला असून हांडेवाडी ग्रामपंचायत यांच्याकडून पाणी पुरवठा ना हरकत दाखला प्राप्त आहे.

३) जलशुद्धीकरण केंद्र प्रस्तावित केले असून सदर प्रक्रिया दर्शवण्यात आली आहे व त्याचा तपशील खालीलप्रमाणे आहे.
Water softener / Filtration Plant - ३५ घ. मी. / तास

४) सदर प्रकल्पामधील नळांना Low Flow Aerators बसविण्याचे प्रस्तावित आहे.

५) सदर प्रकल्पामधील मलनिःसारण यंत्रणे मधून एकूण ८४९ घ. मी. / दिन इतके पाणी पुनर्वापर करण्याचे प्रस्तावित आहे.

६) सदर प्रकल्पामधून पाण्याचे फेरफार अपेक्षित नाही.

७) Hydrogeological report सादर केला असून पावसाच्या पाण्याचा तपशील खालील प्रमाणे :

a) छापराच्या वरच्या पावसाचे पाणी - ४२७८.६० मी.^३ / दिन

b) रिचार्ज पिटचा आकार - २.० m × २.० m × २.५ m

c) प्रत्येक रिचार्ज पिटची साठवण क्षमता - ११.३१ घ. मी. / दिन

d) प्रस्तावित रिचार्ज पिट व बोर - १५ (किमान १ बोर ५,००० चौ. मी. करीता)

f) पावसाच्या पाण्याचा रिचार्ज उथळ सच्छिद्र पर्यंत मर्यादित ठेवण्यात येईल.

८) सदर प्रकल्पामुळे Water logging व Flooding अपेक्षित नाही व खालील बाबींची पूर्तता करण्यात आली आहे.

a) वाढले पाणी निचरा करण्याकरिता जलवाहिनी - ६०० dia

b) सीमा भित्त उभारण्यात येईल.

c) एकूण १२८४.०० चौ. मी. Grass Pavers लावण्यात येईल जेणेकरून जास्तीत जास्त पाणी पाझरण्यात येईल.

d) Storm Water Layout जोडण्यात आला आहे.

९) बांधकाम कामगार काम करते वेळेस अस्वच्छ परिस्थिती निर्माण न होण्याकरिता खालील बाबींची पूर्तता करण्यात आली आहे.

a) Mobile Toilets बसवण्यात येतील.

b) कचरा विपमता करण्याकरिता वेगळे कुड्या ठेवण्यात येतील.

c) कीटक नाशक फवारे वेळोवेळी मारण्यात येतील.

१०) सांडपाणी प्रक्रिया संयंत्राबाबत सविस्तर माहिती जोडण्यात आले असून त्याचा तपशील खालीलप्रमाणे

S.T.P. १ - ४४० घ. मी. / दिन

S.T.P. २ - ४०० घ. मी. / दिन

Sewage treatment technology-MBBR technology

Output B.O.D 3 days @ 27deg C < 310mg/lit

Output B.O.D 3 days @ 27deg C < 250mg/lit

११) उपचार केलेल्या अतिरिक्त पाण्याची C.P.C.B. च्या नियमावलीनुसार विल्हेवाट करण्यात येईल.

१२) सांडपाणी यंत्रणेमधून निघणाऱ्या गाळाची विल्हेवाट C.P.H.E.E.O च्या नियमावलीनुसार करण्यात येईल.

१३) दुहेरी नलिका वापरून grey व black water वेगळे करण्यात येईल.

३) Vegetation



१८. बांधकाम कामगारांकरीता पिण्याचे पाणी व स्वच्छता विषयक सुविधा देणे बंधनकारक राहिल.
१९. पर्यावरणाच्या नियमांचे उल्लंघन केल्यास Environment (Protection) Act १९८६ च्या कलमान्वये अर्जदार यांचेवर कायदेशीर कारवाई केली जाईल.
२०. केंद्र शासनाच्या पर्यावरण विभागाकडील दि.१ डिसेंबर २०१६ रोजीचे Notificaton No. ५.०.३९९९(E) व दि. १३/४/२०१७ रोजीच्या शासन अधिसूचना TPS-१८१६/CR-४४३/१६-DP Directers/ UD-१३ अधिसूचन मधील अटी व शर्तीचे व अर्जदार यांनी सादर केलेल्या Form १A व Consolidated Statement च्या अर्जातील तरतुदींचे पालन करणे व या तरतुदींच्या पूर्ततेबाबत अहवाल Qualified Building Environment Auditor मार्फत दर ५ वर्षांनी सादर करणे अर्जदार यांचेवर बंधनकारक राहिल.
२१. अर्जदाराने पर्यावरण पायाभूत सुविधा बाबतचा अहवाल व Qualified Building Environment Auditor तर्फे कार्यपूर्तीबाबत प्रमाणपत्र भोगवटा प्रमाणपत्र घेणेपूर्वी सादर करणे बंधनकारक राहिल. वरील नमूद केलेल्या अटी व शर्तीची पूर्तता झाल्यानंतर भोगवटा प्रमाणपत्र देण्यात येईल.
२२. प्रस्तावातील इमारतीखालील व इतर विकसनशील जमिनीवरील २० सें.मी पर्यंत मातीच्या वरच्या थराचे जतन करून योग्य ठिकाणी साठा करून प्रस्तावातील झाडांच्या वृक्षारोपणासाठी वापरणे बंधनकारक राहिल.
२३. सार्वजनिक, खासगी, यांत्रान्वित, पादचारी व इतर वाहतुकीच्या नियोजनासाठी सर्व समावेशक गतिशीलता आराखडा तयार करून Minisrty of Urban Development (MoUD) आणि Urban and Regional Development Plans Formulation and Implementation (URDPFI) च्या मार्गदर्शक तत्वांचे पालन करणे बंधनकारक राहिल.
२४. पर्यावरणीय अटीच्या पूर्ततेसाठी व अंमलबजावणी साठी पर्यावरणीय व्यवस्थापन आराखडा (Environment Management Plan) तयार करणे बंधनकारक राहिल. पर्यावरण पायाभूत सुविधेच्या देखभाल दुरुस्तीकरिता Environment Monitoring Cell ची स्थापना करावी लागेल ज्यामध्ये सहकारी गृहनिर्माण संस्थेचे पदाधिकारी असतील जेणेकरून प्रस्तावित सुविधेची कायमस्वरूपी देखभाल दुरुस्ती करण्यात येईल.
२५. वरील अटी व शर्तीच्या व्यतिरिक्त Water (Prevention and Control of Pollution) Act १९७४, the Air (Prevention of Pollution) Act १९८१, the environment (Protection) Act १९८६ व त्या अंतर्गत असलेल्या सर्व नियम, Hazardous wastes public liability Insurance Act, १९९१ व त्या अंतर्गत amendment च्या तरतुदींचे पालन करणे बंधनकारक राहिल.
२६. सदर प्रकरणी रक्कम रू. ५,००,०००/- छाननी फी पर्यावरण अनुमतीसाठी भरण्यात आलेली असून प्राधिकरणाच्या ठरावात या फी मध्ये बदल झाल्यास सदर रक्कम प्राधिकरणाकडे जमा करणे अर्जदार यांचेवर बंधनकारक राहिल.
२७. अर्जदार यांनी सादर केलेली कोणतीही माहिती अथवा कागदपत्रे ही चूकीची / दिशाभूल करणारी आढळल्यास प्रस्तुतची विकास परवानगी व प्रारंभ प्रमाणपत्र रद्द समजणेत येईल.
२८. अर्जदार यांनी जागेवर विकास करण्यापूर्वी संबंधित ग्रामपंचायत कार्यालयाकडून सदर प्रकल्पाला पाणी / ड्रेनेज व Storm Water याहिनी जोडण्याकरिता नाहरकत दाखला सादर करणे अर्जदार यांच्यावर बंधनकारक राहिल.

मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने


महानगर आयुक्त
तथा

मुख्य कार्यकारी अधिकारी,
पुणे महानगर प्रदेश विकास प्राधिकरण,
पुणे यांचे करिता.





PUNEMETROPOLIS

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

स.क्र. १५२-१५३, महाराजा सयाजीराव गायकवाड उद्योग भवन, औंध, पुणे - ४११ ०६७, महाराष्ट्र.

Pune Metropolitan Region Development Authority, Pune

S.No. 152-153, Maharaja Sayajirao Gaikwad UdyogBhawan, Aundh, Pune-411067

Maharashtra

Phone No :020 - 259 33 344 / 356 / 333

mail : hqpmrda@gmail.com

दूरध्वनीक्र. : ०२० - २५९ ३३ ३४४ / ३५६ / ३३३

mpp@pmrda.gov.in

Out No./Mauje Autade Handewadi/Gut No.10(P), 11(P)/C.No. 2674

Date:- 25/01/2022

To,

Regional Directorate,
Central Environmental Control Board,
S.No.110, Dhankude Multipurpose Hall, Baner Road, Baner, Pune-411045

Subject: - Information to be provided w.r.t. the compliance of Hon. NGT Order Dt.08/06/2021 in the matter of OA No.14 of 2021(WZ) – reg.

Reference:-

- 1) E-mail Received from your department dt.07/10/2021
- 2) E-mail Sent from our department dt. 28/10/2021
- 3) E-mail Received from your department dt.29/10/2021
- 4) E-mail Sent from our department dt. 01/11/2021
- 5) E-mail Received from your department dt.08/11/2021
- 6) E-mail Sent from our department dt. 11/11/2021
- 7) E-mail Received from your department dt.14/12/2021

With respect to above subject as per reference no.7 it is requested to cross verifies the documents and corrected Annexure. Herewith we are giving the correction in table as below and kindly, refer to the requested information sent to you vide e-mail dt.11/11/2021. The same has been updated in order to reflect the corrected information, which was caused by inadvertent clerical error in system entry.

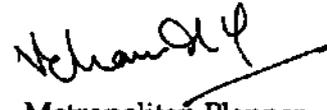
Particular (1)	As per Sanction Plan (2)	Configuration As mentioned in sanction plan of Column (2) mentioned in Annexure I (3)
Plinth Check Certificate for Residential Wing A1 and A2 PMRDA Pune vide letter no. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 21.09.2019	PMRDA Pune vide letter no. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019	LP +UP +14 Floors
Plinth Check Certificate For Wing A3 and Wing A4 PMRDA Pune vide letter no.	PMRDA Pune vide letter no.BHA/Mauje Autade Handewadi/GAT no. 10(P)	2P+14 Floors

BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 06.10.2020	11(P)/C.R. No.1375/18-19 dated 27.06.2019	
Plinth Check Certificate for Residential B1 B2 B3 B4 PMRDA Pune vide letter no. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1480/19-20 dated 25.05.2021	PMRDA Pune vide letter no. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1480/19-20 dated 22.12.2020	Stilt+14 Floor
Plinth Check Certificate for Commercial Wing A PMRDA Pune vide letter no. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.224/17-18 dated 09.08.2018	PMRDA Pune vide letter no. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/CR Na 224/17-18 dated 23.01.2018	Gr +Middle Floor+2 Floors
Completion Commercial Wing A (Part) PMRDA Pune vide letter no. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 Dated 09.04.2021	PMRDA Pune vide letter no DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019	Gr +Middle Floor+2 Floors
Plinth Check Certificate For Commercial Building B PMRDA Pune vide letter no. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.224/17-18 dated 16.05.2018	PMRDA Pune vide letter no. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.224/17-18 dated 23.01.2018	Gr +Middle Floor+2 Floors
Completion Commercial Wing B PMRDA Pune vide letter no. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.224/17-18 dated 14.10.2019	PMRDA Pune vide letter no. DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/CR. No.224/17-18 dated 23.01.2018	Gr +Middle Floor+2 Floors
Club House Plinth Check Certificate PMRDA Pune vide letter no. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No. 1375/18-19 dated 16.03.2020	PMRDA Pune vide letter no DP/BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019	Gr. + 1

- 1) Permission to club house is given by PMRDA Pune vide letter no.BHA/ Mauje Autade Handewadi/GAT no. 10(P),11(P)/C.R.No.1375/18-19 dt.27/06/2019 and Plinth

checking is given by PMRDA Pune vide letter no.BHA/ Mauje Autade Handewadi/GAT no. 10(P),11(P)/C.R.No.1375/18-19 dt.16/03/2020.

- 2) Total built up area/ construction area for each of sanction plan given in Annexure I
- 3) Total current construction built up area as per our site visit dt.08/11/2021 is given in Annexure II
- 4) It is observe that as per ref. no. 6 Configuration regarding the commercial building A & B is given "Gr. + 2 Floor" read as "Gr. + Middle Floor + 2 Floor"
- 5) The current construction which is given in Annexure II is as per plan sanction by PMRDA, Pune dt.22/12/2020 and there is no any deviation in term of constructed configuration and total built up area.



Metropolitan Planner
Building Permission Department.
Pune Metropolitan Region Development Authority,
Pune.

Autade Handewadi G.no. 10P & 11P

Sr.No.	Layout Sanctioned number & Date	Gross Plot Area	Deduction of FSI	Net Plot Area	Name of Building	No. of Floors	Height of building	FSI	Total FSI	Non FSI	Parking	Total Non FSI	Total Built up area (Sq.M)	No. of Tenements		
1	PMRDA Pune vide letter no. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.224/17-18 dated 23.01.2018	83073.5	28509.12	54564.38	Commercial Wing A	Gr. +Middle Floor+ 2 Floor	10.75M	1160.33	2320.66	85.09		170.18	2490.84			
					Commercial Wing B	Gr. +Middle Floor+ 2 Floor	10.75M	1160.33		85.09						
2	PMRDA Pune vide letter no. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1731/17-18 dated 01.10.2018	68573.5	14009.12	54564.38	Commercial Wing A	Gr. +Middle Floor+ 2 Floor	10.75M	1160.33	9,298.12	85.09		2790.72	12,088.84			
					Commercial Wing B	Gr. +Middle Floor+ 2 Floor	10.75M	1160.33		85.09						
					Residential Wing A1	LP + UP + 14 Floor	26.70M	3488.73		563.25					1494.04	63
					Residential Wing A2	LP + UP + 14 Floor	26.70M	3488.73		563.25						63
3	PMRDA Pune vide letter no.BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1375/18-19 dated 27.06.2019	68573.5	14009.12	54564.38	Commercial Wing A	Gr. +Middle Floor+ 2 Floor	10.75M	1160.33	26,261.09	85.09	2969.2	7993.68	34,254.77			
					Commercial Wing B	Gr. +Middle Floor+ 2 Floor	10.75M	1160.33		85.09						
					Residential Wing A1	LP + UP + 14 Floor	44.10M	5811.47		1250.03						110
					Residential Wing A2	LP + UP + 14 Floor	44.10M	5811.47		1250.03						110
					Residential Wing A3	LP + UP + 14 Floor	44.10M	5942.79		1177.12						82
					Residential Wing A4	LP + UP + 14 Floor	44.10M	5942.79		1177.12						82
					Club House	Gr.+1	7.8 M	431.91		NA						
4	PMRDA Pune vide letter no. BHA/Mauje Autade Handewadi/GAT no. 10(P) 11(P)/C.R. No.1480/19-20 dated 22.12.2020	68573.5	14009.12	54564.38	Commercial Wing A	Gr. +Middle Floor+ 2 Floor	10.75M	1160.33	43,056.05	85.09	4416.08	14140.56	57196.61			
					Commercial Wing B	Gr. +Middle Floor+ 2 Floor	10.75M	1160.33		85.09						
					Residential Wing A1	LP + UP + 14 Floor	44.10M	5811.47		1250.03						110
					Residential Wing A2	LP + UP + 14 Floor	44.10M	5811.47		1250.03						110
					Residential Wing A3	LP + UP + 14 Floor	44.10M	5942.79		1177.12						82
					Residential Wing A4	LP + UP + 14 Floor	44.10M	5942.79		1177.12						82
					Residential Wing B1	Stilt + 14 Floor	44.25M	4198.74		1175						54
					Residential Wing B2	Stilt + 14 Floor	44.25M	4198.74		1175						54
					Residential Wing B3	Stilt + 14 Floor	44.25M	4198.74		1175						54
					Residential Wing B4	Stilt + 14 Floor	44.25M	4198.74		1175						54
					Club House	Gr.+1	7.8 M	431.91		NA						

Annexure - II			
WORK STATUS AT SITE TILL 10.11.2021			
BUILDING	FLOORS	PRESENT STATUS	Current constructed built up area as per sanction plan by PMDA, dt 22/12/2020
Commercial Wing A	Gr. +Middle Floor+ 2 Floor	WORK COMPLETED AT SITE	1160.33 Sq.M
Commercial Wing B	Gr. +Middle Floor+ 2 Floor	WORK COMPLETED AT SITE	1160.33 Sq.M
Wing A1 A2	LP+UP+ 14Floor	ALL SLABS COMPLETED, INTERNAL FINISHING IS IN PROGRESS	5811.47 Sq.M
Wing A3	LP+UP+ 14Floor	ALL SLABS COMPLETED, INTERNAL FINISHING IS IN PROGRESS	5942.79 Sq.M
Wing A4	LP+UP+ 14Floor	15 RCC SLABS ARE DONE, 16TH SLAB RCC PENDING	5942.79 Sq.M
Wing B1	Stilt + 14 Floor	9 SLABS ARE DONE	2767.23 Sq.M
Wing B2	Stilt + 14 Floor	10 SLABS ARE DONE	3074.7 Sq.M
Wing B3	Stilt + 14 Floor	9 SLABS ARE DONE	2967.23 Sq.M
Wing B4	Stilt + 14 Floor	9 SLABS ARE DONE	2967.23 Sq.M
Club House	Gr.+ 1	WORK COMPLETED AT SITE	431.91 Sq.M
Total Area			32226.01 Sq.M



पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

Pune metropolitan Regional Development Authority, Pune

स.नं. १५२ - १५३, महाराजा सयाजीराव गायकवाड उद्योग भवन, औंध, पुणे - ४११००७

S.No. 152-153, Maharaja Sayajirao Gaikwad Udyog Bhawan, Aundh, Pune - 411 007

Ph No. : 020- 259 33 344 / 356 / 333 / फोन. नं. ०२०-२५९ ३३ ३४४/ ३५६ / ३३३ Email: hqpmrda@gmail.com

विकास परवानगी व प्रारंभ प्रमाणपत्र

(मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र.६.६.१ नुसार)

जा.क्र.: DP/वीएचए/मौ.औताडे-हांडेवाडी/स.नं.१० पै. व ११ पै./प्र.क्र. २२४/१७-१८, दि. २३/०९/२०१८

प्रति,

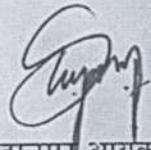
मे.मॅजिस्ट्रिक रायजिंगसन एल.एल.पी. स्वतःकरिता व श्री. तानाजी गेनुभाऊ भोसले व इतर यांचे तर्फे अधिकृत भागीदार मे.मॅजिस्ट्रिक लॅण्डमार्क्स प्रा.लि.तर्फे व्यवस्थापकीय संचालक श्री. मनिष द्वारकादास माहेश्वरी

पत्ता- ३,४,५ स्वयंभू, सुजय गार्डन, मुकुंद नगर, पुणे-३७

मौजे-औताडे-हांडेवाडी, तालुका-हवेली, जिल्हा-पुणे येथील स.नं. १० पै. व ११ पै., क्षेत्र-६८,५७३.५० चौ.मी. क्षेत्रावरील समुह गृहबांधणी प्रकल्पामधील रेखांकन/इमारत बांधकाम प्रस्ताव मंजूरीस्तव प्राधिकरणाकडे प्राप्त झाला आहे. आपण प्रस्तावासोबत सादर केलेल्या कागदपत्रास अधिन राहून तसेच सोबतच्या परिशिष्ट ' अ ' व परिशिष्ट ' ब ' मध्ये नमूद अटी व शर्तीस अधिन राहून उक्त प्रस्तावास विकास परवानगी व प्रारंभ प्रमाणपत्र देण्यात येत आहे.



मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने


महानगर आयुक्त,

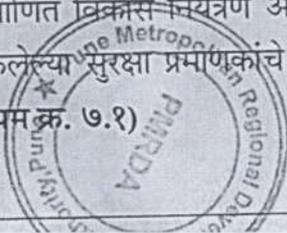
तथा
मुख्य कार्यकारी अधिकारी
पुणे महानगर प्रदेश विकास प्राधिकरण,
पुणे यांचे करिता

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे यांचेकडील दि-२३/०१/२०१८ रोजीचे पत्र क्र. २२४/१७-१८ सोबतचे
परिशिष्ट 'अ'

- १) मंजूर नकाशाप्रमाणेच जागेचा विकास व बांधकाम करणे बंधनकारक राहिल.
- २) सदर विकास परवानगी व प्रारंभ प्रमाणपत्र हे एक वर्षाच्या कालावधीकरिता अंमलात राहिल. तदनंतर त्यापुढे आवश्यकतेनुसार विहित मुदतीमध्ये सदर परवानगी व प्रमाणपत्राचे नुतनीकरण करून घेतल्यास सदरचे परवानगी व प्रमाणपत्र संपुष्टात येईल.
- ३) जिल्हाधिकारी, पुणे यांचेकडील पत्र क्र. PRH/PMRDA/NA/SR/109/2017, दि-18/01/2018 या पत्रातील जमिनीचा वर्ग, तिचा भोगवटा, तिचा भोगवटा, तिचा धारणाधिकार, अकृषिक आकारणी आणि ती वरील भार याबाबत पत्र यामधील अटी व शर्ती अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- ४) प्रस्तावासोबत मोजणी दि-२१/०२/२०१३, मो.र.नं. ३२७५/१२, दि-०६ व ०७/०९/२०१३, मो.र.नं. ६१४८/१३, दि-२१/०२/२०१३, मो.र.नं.३२७६/१२, दि-०६ व ०७/०९/२०१३, मो.र.नं. ६१४६/१३ ने केलेल्या वहीवाटीचे मोजणी नकाशातील हद्दीचे तसेच जागेच्या मालकी / वहिवाटीबाबत अर्जदाराने / विकासकाने/ जमीनमालकाने याबाबत सादर केलेल्या प्रतिज्ञापत्राचे अधिन राहून परवानगी देण्यात येत आहे. सदर जमिनीचे वहीवाटीचे / हद्दीचे अनुषंगाने अथवा इमारतीबाबत कोणतेही व्यक्तिगत वाद / न्यायालयीन वाद उद्भवलेस त्याची सर्वस्वी जबाबदारी अर्जदार / विकासक / जमिनमालक यांची राहिल. ज्या जागेची मालकी / वहिवाट, अर्जदार / विकासक / जमिनमालक यांची नाही अशा कोणत्याही जमिनीवर सदर परवानगीद्वारे विकास अनुज्ञेय राहणार नाही.
- ५) प्रस्तुतच्या जमिनीवर आर्थिक संस्थाचा बोजा असल्यास त्यास अर्जदार / जमीनमालक / विकासक सर्वस्वी जबाबदार राहतील.
- ६) नागरी जमीन (कमाल धारणा व विनियमन) अधिनियम, १९७६ हा निरसित झाला असल्याने या अधिनियमांतर्गत बाबींकरिता प्रस्तावासोबत आपण रु.३००/- च्या स्टॅम्प पेपरवरील दिनांक-२९/०४/२०१७ रोजी नोटरी श्री. आनंद जवळकर यांचेसमोर केलेले विहित नमुन्यातील शपथपत्र व बंधपत्र सादर केले आहे. सदर शपथपत्र व बंधपत्रास अधिन राहून सदर बांधकाम परवानगी देण्यात येत आहे. त्याबाबतची संपूर्ण जबाबदारी अर्जदार / जमीनमालक / विकासक यांची राहिल सदर शपथपत्र व बंधपत्रातील माहिती चुकीची अथवा दिशाभूल करणारी आढळून आल्यास झालेले बांधकाम अनधिकृत समजून कारवाईस पात्र राहिल.
- ७) विषयांकित जमिनीवर कोणतेही विकास कार्य सुरु करण्यापूर्वी रेखांकन जागेवर सिमांकित करून भूमि अभिलेख खात्याकडून प्रमाणित करून घेणे बंधनकारक आहे. मंजूर रेखांकनानुसार जागेवरील सिमांकन झाल्यानंतर, भूखंडाचे क्षेत्रफळ, रस्त्यांची रुंदी, १५% सुविधा भूखंड व १०% खुल्या जागेचे क्षेत्र मंजूर रेखांकनात दर्शविल्यापेक्षा कमी भरता कामा नये. यामध्ये कोणताही बदल झाल्यास रेखांकन पुन्हा मंजूर करून घेणे बंधनकारक राहिल. अशा प्रमाणित रेखांकनाची प्रत प्राधिकरणास सादर करून त्यास अंतिम मंजूरी घेतल्याशिवाय कोणताही विकास करता येणार नाही.

तसेच मंजूर रेखांकनानुसार अंतर्गत रस्ते, सुविधा भूखंडातील क्षेत्र त्याचप्रमाणे मंजूर प्रादेशिक योजनेचे रस्ते /रस्ता रुंदीने बाधीत क्षेत्र जागा मालकास/विकासकास वाढीव चटईक्षेत्राच्या बदलात संबंधित नियोजन प्राधिकरणाकडे हस्तांतरित करावयाचे झाल्यास अशा अनुषंगिक क्षेत्राची मोजणी जागा मालकाने /विकासकाने संबंधित भूमि अभिलेख विभागाकडे रितसर अर्ज करून घेणे बंधनकारक राहिल. तदनंतर अशा क्षेत्राखालील जमिनीचे खरेदीखत संबंधित प्राधिकरणाचे नावाने जागा मालकाने/विकासकाने स्वखर्चाने करून देऊन तसा ७/१२ उतारा व त्याप्रमाणे प्रत्यक्ष जागेच्या ताबा दिल्यानंतरच अशा क्षेत्राचा वाढीव चटईक्षेत्र मिळणेबाबत आवश्यक त्या बांधकाम नकाशादेखील अनुषंगिक कागदपत्रासह अर्ज करण्यास अर्जदार पात्र राहतील.

- ८) मंजूर नकाशामध्ये समाविष्ट स.नं. १० पै. व ११ पै., क्षेत्र-६८,५७३.५० चौ.मी. या एकत्रित क्षेत्रावर मंजुरी आहे. उक्त सदर स.नं. १० पै. व ११ पै. मधील क्षेत्रामध्ये एकत्रिकरणाबाबतची सक्षम अधिकाऱ्याची मान्यता घेऊन त्यानुसार आवश्यक ती नोंद महसूल दफ्तरी होऊन तसा नोंदीबाबतचा प्रॉपर्टी कार्ड उतारा / ७/१२ उतारा व मोजणी नकाशा सादर करणे अर्जदार / विकासक / जमिनमालक यांच्यावर बंधनकारक आहे.
- ९) मंजूर नकाशात दर्शविलेप्रमाणे नियोजित बांधकामापासुन पुढील, मागील व बाजूची सामासिक अंतरे प्रत्यक्षात जागेवर कायम व खुली ठेवणे आवश्यक राहिल.
- १०) रेखांकनातील भूखंड व नियोजित इमारतीचा वापर फक्त रहिवास याप्रमाणे अनुज्ञेय केलेल्या वापरासाठी करणे बंधनकारक राहिल.
- ११) इमारतीचे जोता तपासणीसाठी अर्ज करताना अकृषिक परवानगी आणि परवानाधारक, वास्तुविशारद/ अभियंता/स्ट्रक्चरल अभियंता /सुपरवायझर यांचे प्रमाणपत्र सादर करणे बंधनकारक राहिल, त्याचप्रमाणे भोगवटा प्रमाणपत्रासाठी अर्ज करताना बांधकाम प्रस्तावांतर्गत जमिनीचे महसूल / भूमी अभिलेखात एकत्रिकरण/ उपविभागणी केलेला अद्यावत ७/१२ उतारा /प्रॉपर्टी कार्ड व मोजणी नकाशा सादर करणे बंधनकारक राहिल.
- १२) इमारतीचे मंजूर नकाशानुसार जोत्यापर्यंतचे बांधकाम पूर्ण झाल्यानंतर जोते तपासणी प्रमाणपत्र प्राप्त करून घेता पुढील बांधकाम केल्यास सदरचे बांधकाम अनधिकृत समजण्यात येऊन असे बांधकाम दंडात्मक कार्यवाहीस पात्र राहिल.
- १३) अभिन्यासातील रस्ते, व खुली जागा यांची देखभाल व अभिन्यासामध्ये दर्शविलेले वर्गीकृत / प्रादेशिक योजना रस्ते/रस्ता रूंदीकरणातील क्षेत्र सर्व जनतेच्या वापरासाठी तसेच शेजारच्या जमीनमालकास वापरण्यास खुले ठेवणे बंधनकारक राहिल.
- १४) रेखांकनातील रस्ते, गटारे, खुली जागा इत्यादी अर्जदारांने / विकासकांने / जमीनमालकाने भूखंड / सदनिका वितरित करण्यापूर्वी जागेवर स्वखर्चाने व समाधानकारकरित्या विकसित करणे आवश्यक आहे.
- १५) नियोजित बांधकामातील मजल्यांची संख्या व उंची, मंजूर रेखांकन/बांधकाम नकाशावर दर्शविल्यापेक्षा जास्त असता कामा नये.
- १६) नियोजित बांधकामाचे क्षेत्र, भूखंडावर अन्य बांधकाम अस्तित्वात असल्यास त्यासह एकूण बांधकाम क्षेत्र, सुविधा क्षेत्र व प्रादेशिक योजना रस्ते / रस्तारूंदी क्षेत्र नकाशावर दर्शविलेनुसार प्रत्यक्ष जागेवर असणे आवश्यक आहे.
- १७) जागेलगतच्या नाल्याच्या नैसर्गिक प्रवाहास अडथळा येईल, असे कोणतेही बांधकाम करता येणार नाही. त्याचप्रमाणे उक्त जमिनीवरील विकास करताना जागेवरील भूपृष्ठ रचनेमध्ये अनाधिकृत बदल करता येणार नाहीत. सदर अटीचा भंग करून विकास केल्याने दुर्घटना घडल्यास त्याची जबाबदारी अर्जदार / विकासक / जमिनमालक यांची राहिल.
- १८) स्टिल्ट भविष्यात बंदिस्त करण्यात येऊ नये. तसेच स्टिल्टचा वापर फक्त पार्किंगसाठीच करण्यात यावा.
- १९) स्ट्रक्चरल इंजिनियर/डिझायनर यांनी तयार केलेल्या Structural Design नुसार प्रत्यक्ष जागेवर विकास करणेची जबाबदारी विकासक व सुपरवायझर यांची संयुक्तिक राहिल.
- २०) अर्जदार / विकासक / जमिनमालक यांनी दि-२९/०४/२०१७ अन्वये दिलेल्या शपथपत्रास अधिन राहून ही परवानगी देण्यात येत असून प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील सर्व नियम आणि भारतीय मानक ब्युरोने विहित केलेल्या सुरक्षा प्रमाणकांचे पालन करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल. (नियम क्र. ७.१)



- २१) शासन नगर विकास विभागाकडील दि. ११/११/२००८ चे निदेश क्र. टिपीव्ही-४३०८/४१०२/प्र.क्र.३५९/०८/नवि-११ नुसार अर्जदार / विकासक / जमिनमालक व वास्तुविशारद यांनी बांधकाम नकाशामध्ये प्रत्येक सदनिकेचे एकूण चटईक्षेत्र (Carpet area) नमूद केलेले आहे. सदर नमूद चटई क्षेत्रा (Carpet area) बाबत आकडेमोड, गणितीय चुका इ. बाबत वास्तुविशारद व अर्जदार / विकासक / जमिनमालक संयुक्तकरित्या जबाबदार राहतील.
- २२) नियोजित इमारतीसाठी / विकासासाठी आवश्यक असणाऱ्या पिण्याच्या पाण्याची सोय आपण अश्वसित केलेल्या सक्षम प्राधिकरणाने / ग्रामपंचायतीने न केल्यास या प्रकल्पातील सदनिका हस्तांतरणापूर्वी पिण्याच्या पाण्याची आवश्यक ती पूर्तता अर्जदार / विकासक / जमीन मालक यांनी स्वखर्चाने प्रत्यक्ष वापरापूर्वी करणे आवश्यक आहे. त्याचप्रमाणे सांडपाण्याची व मैला निर्मुलनाची सुयोग्य व्यवस्था प्रत्यक्ष वापरापूर्वी करणे बंधनकारक राहिल.
- २३) ओला व सुक्या कचऱ्याकरिता सदर जागेत स्वतंत्र कंटेनरची सोय करणे आवश्यक राहिल विघटन होणाऱ्या ओल्या कचऱ्यासाठी गांडूळखत प्रकल्प अर्जदार / विकासक / जमिनमालक यांनी स्वखर्चाने करावयाचा आहे.
- २४) सदर जमिनीचे क्षेत्रफळ ५०० चौ.मी. पेक्षा जास्त आहे. त्यामुळे प्रत्येक ८० चौ.मी. क्षेत्रासाठी एक झाड याप्रमाणे वृक्ष लागवड करणे व त्यांची जोपासना करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- २५) सौर उर्जेवर पाणी तापविण्यासाठीची यंत्रणा अर्जदार / विकासक / जमिनमालक यांनी इमारतीचे वापरापूर्वी स्वखर्चाने करावयाची आहे.
- २६) वेस्ट वॉटर ट्रीटमेंट प्लॅन्ट यंत्रणा उभारणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक असून पाण्याचा फेरवापर बगीचा, झाडाची जोपासना यासाठी करणे आवश्यक आहे.
- २७) प्रारंभ प्रमाणपत्र दिलेल्या कोणत्याही इमारतीचे बांधकाम पूर्ण झाल्यानंतर मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र. ७.५ नुसार पूर्णत्वाचे प्रमाणपत्र अर्जदार / विकासक / जमीनमालक यांनी सादर करून नियम क्र. ७.६ नुसार भोगवटा प्रमाणपत्र प्राप्त करून घेतल्याखेरीज कोणत्याही इमारतीचा भागशाः / पूर्णतः वापर सुरु केल्यास अर्जदार / विकासक / जमीनमालक कारवाईस पात्र राहिल.
- २८) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र.६.२.६.१ नुसार विशेष इमारतीबाबत :-
- a) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. १२.६ (b) नुसार प्रस्तावित इमारती सभोवताली ६ मी. रुंदीचे पाथवे किमान ४५ टन वजनाचे फायर इंजिनचा भार पेलु शकेल याप्रमाणे डिझाईन करून विकसीत करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक आहे.
- b) अर्जदार / विकासक / जमिनमालक यांनी प्रस्ताविल्यानुसार सर्व उंच इमारती स्टिल्ट वर असणे आवश्यक राहिल त्याचबरोबर वाहनतळ सुविधा प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. १६.१ नुसार प्रस्तावित करणे आवश्यक राहिल.
- c) नगर विकास विभागाच्या दिनांक - २८.८.२००९ रोजीच्या अधिसूचना प्रमाणे नियम क्र. ४ मधील टीप - ii प्रमाणे पुणे महानगरपालिकेच्या मुख्य अग्निशमन अधिकारी यांनी १५ मी. पेक्षा उंच इमारतीच्या नियोजनातील जिऱ्याचे व लिफ्टचे स्थान मान्य केलेले आहे. सदर नियोजनाव्यतिरिक्त नियोजनात बदल करणे आवश्यक झाल्यास पुन्हा संबंधित मुख्य अग्निशमन अधिकारी यांची मंजूरी घ्यावी लागेल. तसेच प्रत्येक इमारतीमधील एक स्टेअरकेस व एक लिफ्ट NBC मधील तरतूदप्रमाणे आग प्रतिरोधक असणे आवश्यक आहे. तसेच उंच इमारतीचे नियोजनाअनुषंगाने पुणे महानगर प्रदेश विकास प्राधिकरण यांनी पत्र क्र. FPH/१८०/२०१७, दि-



- २७/०६/२०१७ ने दिलेल्या " Revised Provisional No Objection Certificate " मधील अटी/ शर्तीची पूर्तता करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- d) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. ६.२.६.१ नुसार बाबींची पूर्तता तसेच अग्निप्रतिबंधक उपाययोजनाबाबत भाग-४ मधील बाबींची पूर्तता करणे अर्जदार/विकासक/ जमिनमालकावर बंधनकारक राहिल.
- e) नेहमीच्या वापरासाठीच्या पाणी पुरवठ्याशिवाय अग्निप्रतिबंधक व्यवस्थेकरीता, पाणीपुरवठा बाबतची पूर्तता अर्जदार / विकासक / जमिनमालक यांनी स्वखर्चाने, स्वजबाबदारीवर करणे आवश्यक राहिल.
- f) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. १८ नुसार लिफ्टची सुविधा उपलब्ध करून देणे आवश्यक राहिल.
- g) अशा इमारतीचे Structural Design हे भुकंप प्रतिबंधक असणे आवश्यक राहिल. अर्जदाराने / विकासकाने / जमिनमालकाने इमारतीचे Structural Stability बाबत नोंदणीकृत Structural Engineer चे प्रमाणपत्र संबंधित अग्निशमन अधिकारी यांचेकडे व या प्राधिकरणाकडे दाखल करणे आवश्यक राहिल.
- h) भोगवटा प्रमाणपत्र देण्यापूर्वी सर्व अग्निशमन यंत्रणा व सुविधांची पूर्तता करून सदर यंत्रणा सुस्थितीत कार्यान्वित असलेबाबत अग्निशमन विभागाकडील अंतिम नारहकत प्रमाणपत्र सादर करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- i) पुणे महानगर प्रदेश विकास प्राधिकरण यांनी पत्र क्र. FPH/१८०/२०१७, दि-२७/०६/२०१७ ने दिलेल्या " Revised Provisional No Objection Certificate " अन्वये ना हरकत दाखला व सोबतचे नकाशे सांक्षाकीत केलेले आहेत. सदरचे नकाशामध्ये मंजूरी देताना फेरबदल झाल्यास अशा नियोजनास संबंधित मुख्य अग्निशमन अधिकारी / संचालक यांचे सुधारित ना हरकत प्रमाणपत्र घेणे बंधनकारक आहे.
- २८) मोठ्या इमारत बांधकामाच्या ठिकाणी काम करणाऱ्या मजुरांमधील गरोदर माता, स्तनदा माता आणि त्यांच्यासोबत असणाऱ्या ० ते ६ वर्षे वयोगटातील मुलांकरिता शेड बांधणे, शौचालय व पिण्याच्या पाण्याची व्यवस्था, पाळणाघर इ. तात्पुरत्या सुविधा कंत्राटदार किंवा बांधकाम विकासक यांनी करणे आवश्यक आहे.
- २९) प्रस्तुत जमिनीवर भविष्यात छाननी शूलक, प्रिमीयम शूलक, विकास शूलक, सुरक्षा ठेव व कामगार कल्याण उपकर इत्यादी बाबतच्या रक्कमेची बाकी उद्भवल्यास सदर रक्कम प्राधिकरणाकडे जमा करणे अर्जदार यांचेवर बंधनकारक राहिल.

मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने



(Signature)
महानगर आयुक्त,

तथा
मुख्य कार्यकारी अधिकारी
पुणे महानगर प्रदेश विकास प्राधिकरण,
पुणे यांचे करिता

परिशिष्ट व
पर्यावरणीय अटी व शर्ती

प्रकल्पाची संक्षिप्त माहिती

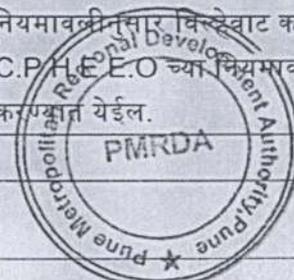
- १) प्रकल्पाचे नाव - "रेसिडेंशियल अँड कमर्शियल डेव्हलपमेंट "
- २) अंदाजे खर्च - रु. ३०० कोटी
- ३) एकूण सदनिका - १६५०, शॉप्स - ७२+४ रेस्टॉरंट -
- ४) जास्तीत जास्त इमारत उंची - ४३.७५ मी.
- ५) एकूण वापरकर्ते - ८२५०
- ६) बांधकाम क्षेत्र (FSI + Non FSI) = १,४५,६८२.२८ चौ. मी.
- ७) छाननी शुल्क - ५ लक्ष (प्रमाणे पु.म.प्र.वि.प्रा. पुणे कडे जमा करण्यात आला आहे.

१) Land Environment

- १) संकल्पनात्मक नकाशा जोडला असून इमारत संरचना खालील प्रमाणे आहे.
इमारत A1, A2, A3, A4, A5, A6, B1, B2, B3, B4, B5, B6, B7, B8
कमर्शियल A, B - G+2
एकूण १४+२= १६ इमारत
- २) वास्तुविशारद यांनी प्रमाणित केलेले बांधकाम क्षेत्राचा तपशील खालील प्रमाणे आहे.
जमीन क्षेत्रफळ - ६८५७३.५० चौ.मी.
बांधकाम क्षेत्र (FSI) - ७७६६०.०० चौ. मी.
बांधकाम क्षेत्र (Non FSI) - ६८,०२२.२८ चौ. मी.
एकूण बांधकाम क्षेत्र - १,४५,६८२.२८ चौ. मी.
- ३) पाणी वापर - बांधकाम दरम्यान - ३ घ. मी. / दिन
ऑपरेशन चरण - १००९ घ. मी. / दिन
- ४) वीज आवश्यकता - बांधकाम दरम्यान - ६२.५ KW
ऑपरेशन चरण - ६४० KW
- ५) पार्किंग - गाडी - ४४७
दुचाकी - २८८७
सायकल - २८८७
एकूण - ६२२१
- ६) सदर प्रकल्प नियोजित विकास आराखड्यानुसार असल्याने विद्यमान सुविधांवर कोणताही मोठा प्रभाव होणार आहे.
- ७) कंटूर नकाशा जोडला असून सदर नकाशाचे अवलोकन केल्यास निदर्शनास येते की, कोणत्याही प्रकारचे जमीनीचे क्षारण व अस्थिरता निर्माण होणार नाही.
- ८) सदर प्रकल्प सध्याच्या नैसर्गिक निचरा व्यवस्थेमध्ये बदल करणार नाही.
- ९) एकूण उत्खनन ३४९४१.७६ घ. मी. प्रस्तावित असून त्या पैकी बँकफिल करीता १९९६६.७२ घ. मी. व १४९७५.०४ घ. मी. जागा समतल करण्याकरीता वापरण्यात येईल.
- १०) बांधकाम कालावधीमध्ये एकूण ३.० घ. मी. पाणी वापर व २.५ घ. मी. सांडपाणी निर्माण होण्याचे प्रस्तावित आहे. सदर सांडपाणी प्रक्रियेकरिता खडी भिजवून असलेला सेप्टिक टाकी प्रस्तावित आहे.
- ११) प्रस्तावित प्रकल्पामुळे पाणथळ जागेत कोणताही बदल होणार नाही.
- १२) सदर प्रकल्पामुळे आरोग्य धोका निर्माण होणार नाही या करीता विकसनकर्त्याने खालील बाबींची पूर्तता करण्याची हमी दिली आहे.
a) ३.० मी. बॅरीकेडिंग करणे
b) धूळ धोरणांसाठी पाणी शिंपडणे



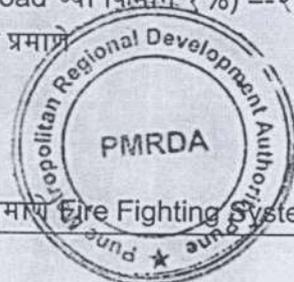
	<p>c) वैयक्तिक संरक्षण उपकरणे देणे.</p> <p>d) Construction & Demolition Waste Rules, 2016 चे पालन करणे.</p>
२)	<p>Water Environment</p> <p>१) Water Balance Chart चा तपशील खालील प्रमाणे शुद्ध पाणी वापर - ६३० घ. मी./ दिन फ्लशिंग पाणी वापर - ३१३ घ. मी./ दिन लँडस्केपिंग पाणी वापर - ६६ घ. मी./ दिन एकूण पाणी वापर - १००९ घ. मी./ दिन सांडपाणी निर्मिती - ८४९ घ. मी./ दिन उपचार केलेले अतिरिक्त पाणी - ३८४ घ. मी./ दिन</p> <p>२) पाणीपुरवठा ना हरकत दाखला जोडलेला असून हांडेवाडी ग्रामपंचायत यांच्याकडून पाणी पुरवठा ना हरकत दाखला प्राप्त आहे.</p> <p>३) जलशुद्धीकरण केंद्र प्रस्तावित केले असून सदर प्रक्रिया दर्शवण्यात आली आहे व त्याचा तपशील खालीलप्रमाणे आहे. Water softner / Filtration Plant - ३५घ. मी. / तास</p> <p>४) सदर प्रकल्पामधील नळांना Low Flow Aerators बसविण्याचे प्रस्तावित आहे.</p> <p>५) सदर प्रकल्पामधील मलनिःसारण यंत्रणे मधून एकूण ८४९ घ. मी. / दिन इतके पाणी पुनर्वापर करण्याचे प्रस्तावित आहे.</p> <p>६) सदर प्रकल्पामधून पाण्याचे फेरफार अपेक्षित नाही.</p> <p>७) Hydrogeological report सादर केला असून पावसाच्या पाण्याचा तपशील खालील प्रमाणे : a) छप्पराच्या वरच्या पावसाचे पाणी - ४२७८.६० मी.³ / दिन b) रिचार्ज पिटचा आकार - २.० m × २.० m × २.५ m c) प्रत्येक रिचार्ज पिटची साठवण क्षमता - ११.३१ घ.मी./ दिन d) प्रस्तावित रिचार्ज पिट व बोर - १५ (किमान १ बोर ५,००० चौ. मी. करीता) f) पावसाच्या पाण्याचा रिचार्ज उथळ सच्छिद्र पर्यंत मर्यादित ठेवण्यात येईल.</p> <p>८) सदर प्रकल्पामुळे Water logging व Flooding अपेक्षित नाही व खालील बाबींची पूर्तता करण्यात आली आहे. a) वादळ पाणी निचरा करण्याकरिता जलवाहिनी - ६०० dia b) सीमा भिंत उभारण्यात येईल. c) एकूण १२८४.०० चौ.मी. Grass Pavers लावण्यात येईल जेणेकरून जास्तीत जास्त पाणी पाझरण्यात येईल. d) Storm Water Layout जोडण्यात आला आहे.</p> <p>९) बांधकाम कामगार काम करते वेळेस अस्वच्छ परिस्थिती निर्माण न होण्याकरिता खालील बाबींची पूर्तता करण्यात आली आहे. a) Mobile Toilets बसवण्यात येतील. b) कचरा विषमता करण्याकरिता वेगळे कुंड्या ठेवण्यात येतील. c) कीटक नाशक फवारे वेळोवेळी मारण्यात येतील.</p> <p>१०) सांडपाणी प्रक्रिया संयंत्राबाबत सविस्तर माहिती जोडण्यात आले असून त्याचा तपशील खालीलप्रमाणे. S.T.P. १- ४४० घ.मी./ दिन S.T.P. २ - ४०० घ.मी./ दिन Sewage treatment technology-MBBR technology Output B.o.D 3 days @ 27deg C < 310mg/lit Output B.o.D 3 days @ 27deg C < 250mg/lit</p> <p>११) उपचार केलेल्या अतिरिक्त पाण्याची C.P.C.B. च्या नियमावलीनुसार विल्हेवाट करण्यात येईल. १२) सांडपाणी यंत्रणेमधून निघणाऱ्या गाळाची विल्हेवाट C.P.H.E.E.O च्या नियमावलीनुसार करण्यात येईल. १३) दुहेरी नलिका वापरून grey व black water वेगळे करण्यात येईल.</p>
३)	<p>Vegetation</p>



	<p>१) सदर प्रकल्पामुळे जैवविविधतेवर कोणताही धोका निर्माण होणार नाही.</p> <p>२) झाडे लावण्याचा नकाशा जोडण्यात आला असून त्याचा तपशील खालील प्रमाणे आहे.</p> <p>a) विद्यमान झाडे - ०</p> <p>b) कापण्याकरिता प्रस्तावित झाडे - ०</p> <p>c) प्रत्यारोपणकरिता प्रस्तावित झाडे - ०</p> <p>d) प्रस्तावित नवीन झाडे - ८०३ (किमान ८० चौ. मी. ला १ झाड)</p> <p>e) सदर जमिनीवरील वरची माती पुनर्वापर करण्यास प्रस्तावित आहे.</p> <p>f) झाडे लावताना मुळ प्रजातींना प्राधान्य दिले जाईल.</p>													
४)	Fauna													
	सदर प्रकल्पामुळे जीवजंतुंवर कोणताही मुख्य प्रभाव होणार नाही.													
५)	Air Environment													
	<p>१) सदर प्रकल्पामुळे हवेतील प्रदुषणावर कोणताही मुख्य प्रभाव होणार नाही व सध्या असलेली वायु प्रदुषण पातळी खालील प्रमाणे आहे.</p> <p>वाहनांच्या उत्सर्जनामुळे या प्रकल्पाचा कुठल्याही प्रकारची उष्णता होती. वाहनातून गॅस उत्सर्जन कमी करण्यासाठी, पुरेशी विस्तृत अंतर्गत रस्ता असलेल्या प्रकल्पात योग्य प्रवेश / निर्गमन प्रस्तावित केला आहे. साइटवर आणि आसपासच्या मूलभूत वातावरणाची हवा गुणवत्ता पाहण्यात आली आहे आणि खालील तक्त्यामध्ये दर्शविली आहे. चूका आधारभूत वातावरणाची हमी योग्य मर्यादित असल्याने, वायूंचे एकाग्रतामध्ये परिणामस्वरूप वाढ देखील मर्यादेच्या आत असेल.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td>मानक पातळी</td> </tr> <tr> <td>PM10 - ३६</td> <td>१००</td> </tr> <tr> <td>SO2 - ९</td> <td>८०</td> </tr> <tr> <td>NOx - २६</td> <td>८०</td> </tr> <tr> <td>CO mg - ४६</td> <td></td> </tr> </table> <p>२) वायु प्रदुषण कमी करण्याकरिता खालील बाबींची पूर्तता करण्यात आली आहे.</p> <p>a) ३.० मी. उंचीचे Barricading</p> <p>b) धुळीवर पाणी शिंपडणे</p> <p>c) धुळ मास्क घालणे</p> <p>d) चाक्रे धुण्याची सोय बसवणे</p> <p>e) ट्रक्सच्या हौदाला ताडपत्रीने झाकणे.</p> <p>३) वाहतुक नियंत्रण व पार्किंग नकाशा जोडण्यात आला असून त्याचा तपशील खालील प्रमाणे आहे.</p> <p>४) पार्किंग - गाडी - ४२८</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>दुचाकी - १७३८</td> </tr> <tr> <td>सायकल - १७३८</td> </tr> <tr> <td>एकूण - ३९०४</td> </tr> </table> <p>सदर पार्किंग प्रचलित बांधकाम नियमावलीप्रमाणे आहे व क्षेत्र खालील प्रमाणे आहे.</p> <p>a) रस्ते व driveways - १२२६० चौ. मी.</p> <p>b) पादचारी मार्ग - ७८८० चौ.मी.</p> <p>५) सदर प्रकल्पाकरिता D.G. Set प्रस्तावित असून exhaust pipe C.P.C.B. च्या प्रचलित नियमावली नुसार लावण्यात येतील.</p>		मानक पातळी	PM10 - ३६	१००	SO2 - ९	८०	NOx - २६	८०	CO mg - ४६		दुचाकी - १७३८	सायकल - १७३८	एकूण - ३९०४
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६)	Aesthetics													



	<p>१) सदर प्रकल्पामधील इमारत प्रचलित बांधकाम नियमावलीनुसार प्रस्तावित असल्याने दोन इमारतीमधील अंतर, set back अंतर व इमारत उंचीचा मोठा प्रभाव राहणार नाही व त्याचा तपशील खालीलप्रमाणे आहे.</p> <p>a) जास्तीत जास्त इमारतीची उंची - ३६.५ मी.</p> <p>b) Set back Margin - ६ मी.</p> <p>c) दोन इमारतीमधील अंतर - ६ मी.</p> <p>d) वळण त्रिज्या - ९ मी.</p> <p>२) अस्तित्वात असलेल्या इमारतीकरिता प्रवेश व प्रस्तावित असलेल्या इमारतीचा प्रवेश वेगळा असेल जेणेकरून रहिवासींना कमी असुविधा होईल.</p> <p>३) सदर प्रकल्पाच्या परिसरात पुरातन शाश्वत साइट नाही.</p>
७)	Building Materials
	<p>१) Fly ash Notification, 1999 प्रमाणे Fly ash चा वापर R. C. C. बांधकाम व Plaster साठी प्रस्तावित आहे.</p> <p>२) Reinforcement चा वापर प्रस्तावित आहे.</p> <p>३) Wooden चा वापर प्रस्तावित आहे.</p> <p>४) ceramic and vitrified tile चा वापर प्रस्तावित आहे</p> <p>५) खिडक्यांकरिता Clear चा वापर प्रस्तावित आहे.</p>
८)	Solid Waste Management
	<p>१) घन कचरा नियंत्रणा बाबत खालील बाबींचा समावेश आहे.</p> <p>a) सुका व ओला कचरा वेगवेगळ्या कुंड्यांमध्ये ठेवला जाईल</p> <p>b) सुका कचरा - १४०१ kg / day</p> <p>c) ओला कचरा - २१०३ kg / day (किमान ०.३ kg / person/ day प्रमाणे) एकूण - ३५०४ kg / day</p> <p>d) सुका कचरा अधिकृत विक्रेत्याला दिला जाईल</p> <p>e) ओला कचरा Organic Waste Composter मधुन प्रक्रिया करून त्याचा वापर खत म्हणून केला जाईल.</p> <p>f) Solid Waste (Management) Rules, 2016, E- Waste (Management) Rules 2016 & Plastic Waste (Management) Rules, 2016 च्या तरतुदीचे पालन करण्यात येईल.</p>
९)	Energy Conservation
	<p>१) वीज आवश्यकता</p> <p>a) स्रोत - M.S.E.D.C.L.</p> <p>b) बांधकाम वेळेस - ६२.५ KW</p> <p>c) ऑपरेशन चरण - ४७०९ KW</p> <p>d) D.G. Set - १ nos × ३२० KVA + १ nos × ५०० KVA</p> <p>e) Transformer - ८ nos × ६३० KVA</p> <p>२) खालील ऊर्जा संरक्षण पद्धतींचा समावेश करण्यात आला आहे .</p> <p>a) सामान्य क्षेत्रामध्ये एकूण - २ KW चे LED दिवे लावण्यात येतील</p> <p>b) गरम पाण्याकरिता एकूण ९०२४० ली. चे Solar Water Heating system लावण्यात येतील.</p> <p>c) ऊर्जा कार्यक्षम असलेले पाण्याचे पंप बसवण्यात येतील.</p> <p>d) जिने, लिफ्ट, पार्किंग भागात Timer बसवण्यात येतील.</p> <p>e) Solar Photovoltaic Generation (Connected load च्या किमान १%) = -२.० KW बसवण्यात येईल.</p> <p>f) खिडकीला बसवण्यात येणाऱ्या काचेचे गुणधर्म खालील प्रमाणे Solar Factor - ०.६२ % Transmittance - ५१ %</p> <p>३) E.C.B.C. नियमांचे पालन करण्यात येईल</p> <p>४) अग्निशमन विभागाने जारी केलेला ना हरकत दाखला प्रमाणे Fire Fighting System बसवण्यात येतील.</p>



साधारण पर्यावरणीय अटी व शर्ती

परिशिष्ट व

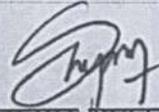
१. सदर प्रकल्पामध्ये पर्यावरण अनुमती एकूण (Gross FSI+ Non FSI) बांधकाम क्षेत्र १,४५.६८२.२८ चौ.मी. एवढ्या क्षेत्रासाठी देण्यात आलेली आहे.
२. अर्जदाराने सादर केलेल्या संकल्पनात्मक नकाशात कोणताही फेरबदल केल्यास अर्जदाराने Environment Cell कडे अर्ज सादर करणे बंधनकारक राहिल.
३. नैसर्गिक निचरा व्यवस्थेमध्ये बदल करता येणार नाही व पाणथळ जागेत कोणतेही बांधकाम करता येणार नाही.
४. पाणी कार्यक्षम उपकरणांचा वापर करणे आवश्यक राहिल. किमान १ रिचार्ज प्रति ५००० चौ.मी. बांधकाम क्षेत्रासाठी नियोजित करणे आवश्यक राहिल व पावसाच्या पाण्याचा रिचार्ज उथळ सच्छिद्र पर्यंतच मर्यादीत ठेवावा लागेल. पाणी रिचार्ज करणे शक्य नसल्यास पावसाच्या पाण्याची साठवण टाकी करावी लागेल. तसेच भुजल उपसाकरीता सक्षम अधिकाऱ्याकडून परवानगी घ्यावी लागेल.
५. विकास नियंत्रण नियमावलीनुसार आवश्यक खुल्या जागेत किमान २०% क्षेत्र Grass Pavers किंवा इतर पदपथ वापरून भेदय ठेवणे आवश्यक आहे.
६. ओला व सुक्या कचऱ्याकरीता सदर जागेत स्वतंत्र कंटेनरची सोय करून सुखा कचरा अधिकृत विक्रेत्याला द्यावा लागेल. विघटन होणाऱ्या ओल्या कचऱ्यासाठी गांडूळखत प्रकल्प अर्जदार / विकासक / जमिनमालक यांनी स्वखर्चाने करावयाचा आहे.
७. Solid Waste (Management) Rules, 2016, E- Waste (Management) Rules 2016 & Plastic Waste (Management) Rules 2016 च्या तरतुदीचे पालन करावे लागेल.
८. रहिवासी सांडपाणी प्रक्रिया यंत्रणा (Sewage Treatment Plant) बसवावी लागेल व सांडपाणी यंत्रणे मधून निघणाऱ्या गाळाची विल्हेवाट Central Public Health and Environmental Engineering Organisation (C.P.H.E.E.O.) च्या नियमावली प्रमाणे करावी लागेल.
९. प्रक्रिया केलेल्या सांडपाण्याचा वापर flushing व landscaping साठी करावा लागेल तसेच अतिरिक्त सांडपाण्याची विल्हेवाट Central Pollution Control Board (C.P.C.B.) च्या नियमावलीप्रमाणे करावी लागेल.
१०. Energy Conservation Building Code (E.C.B.C.) च्या तरतुदीचे पालन करावे लागेल व सामान्य क्षेत्रामध्ये L.E.D. दिवे लावावे लागतील.
११. सौर उर्जेवर पाणी तापविण्यासाठीची यंत्रणा अर्जदार / विकासक / जमिनमालक यांनी इमारतीचे वापरापूर्वी स्वखर्चाने करावयाची आहे.
१२. बांधकामातील वेस्टची व्यवस्था व विल्हेवाट लावण्यासाठी लावण्यासाठी Construction and Demolition Waste Rules 2016 चे पालन करावे लागेल व जमिनीवरील मातीचा जास्तीत जास्त पुनर्वापर करावा लागेल.
१३. पर्यावरण अनुकूल असलेले बांधकाम साहित्य वापरावे लागेल.
१४. Fly ash Notification, १९९९ प्रमाणे Fly ash चा वापर R. C. C. , बांधकाम व Plaster साठी करावा लागेल.
१५. धुळ, धुर व इत्यादी वायु प्रदुषण टाळण्याकरिता ३ मी. उंचीचे barricading, ताडपत्री, wheel washing व पाणी शिंपडणे इ. चा वापर लागेल.
१६. D.G. Set चा exhaust pipe C.P.C.B. च्या नियमावलीनुसार करावा लागेल.
१७. सदर जमिनीचे क्षेत्रफळ ५०० चौ.मी. पेक्षा जास्त आहे. त्यामुळे प्रत्येक ८० चौ.मी. क्षेत्रासाठी एक झाड याप्रमाणे वृक्ष लागवड करणे व त्यांची जोपासना करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल तसेच झाडे तोडल्यास प्रति झाडाच्या बदल्यात ३ लावणे बंधनकारक राहिल.



१८. बांधकाम कामगारांकरीता पिण्याचे पाणी व स्वच्छता विषयक सुविधा देणे बंधनकारक राहिल.
१९. पर्यावरणाच्या नियमांचे उल्लंघन केल्यास Environment (Protection) Act १९८६ च्या कलमान्वये अर्जदार यांचेवर कायदेशीर कारवाई केली जाईल.
२०. केंद्र शासनाच्या पर्यावरण विभागाकडील दि.९ डिसेंबर २०१६ रोजीचे Notificaton No. ५.०.३९९९(E) व दि. १३/४/२०१७ रोजीच्या शासन अधिसूचना TPS-१८१६/CR-४४३/१६-DP Directors/ UD-१३ अधिसूचन मधील अटी व शर्तीचे व अर्जदार यांनी सादर केलेल्या Form १A व Consolidated Statement च्या अर्जातील तरतूदीचे पालन करणे व या तरतूदीच्या पुर्ततेबाबत अहवाल Qualified Building Environment Auditor मार्फत दर ५ वर्षांने सादर करणे अर्जदार यांचेवर बंधनकारक राहिल.
२१. अर्जदाराने पर्यावरण पायाभूत सुविधा बाबतचा अहवाल व Qualified Building Environment Auditor तर्फे कार्यपूर्तीबाबत प्रमाणपत्र भोगवटा प्रमाणपत्र घेणेपूर्वी सादर करणे बंधनकारक राहिल. वरील नमूद केलेल्या अटी व शर्तीची पूर्तता झाल्यानंतर भोगवटा प्रमाणपत्र देण्यात येईल.
२२. प्रस्तावातील इमारतीखालील व इतर विकसनशील जमिनीवरील २० सें.मी पर्यंत मातीच्या वरच्या थराचे जतन करून योग्य ठिकाणी साठा करून प्रस्तावातील झाडांच्या वृक्षारोपणासाठी वापरणे बंधनकारक राहिल.
२३. सार्वजनिक, खासगी, यांत्रनित, पादचारी व इतर वाहतुकीच्या नियोजनासाठी सर्व समावेशक गतिशीलता आराखडा तयार करून Minisrty of Urban Development (MoUD) आणि Urban and Regional Development Plans Formulation and Implementation (URDPFI) च्या मार्गदर्शक तत्वांचे पालन करणे बंधनकारक राहिल.
२४. पर्यावरणीय अटीच्या पूर्ततेसाठी व अंमलबजावणी साठी पर्यावरणीय व्यवस्थापन आराखडा (Environment Management Plan) तयार करणे बंधनकारक राहिल. पर्यावरण पायाभूत सुविधेच्या देखभाल दुरुस्तीकरिता Environment Monitoring Cell ची स्थापना करावी लागेल ज्यामध्ये सहकारी गृहनिर्माण संस्थेचे पदाधिकारी असतील जेणेकरून प्रस्तावित सुविधेची कायमस्वरूपी देखभाल दुरुस्ती करण्यात येईल.
२५. वरील अटी व शर्तीच्या व्यतिरिक्त Water (Prevention and Control of Pollution) Act १९७४, the Air (Prevention of Pollution) Act १९८१, the environment (Protection) Act १९८६ व त्या अंतर्गत असलेल्या सर्व नियम, Hazardous wastes public liability Insurance Act, १९९१ व त्या अंतर्गत amendment च्या तरतूदीचे पालन करणे बंधनकारक राहिल.
२६. सदर प्रकरणी रक्कम रू. ५,००,०००/- छाननी फी पर्यावरण अनुमतीसाठी भरण्यात आलेली असून प्राधिकरणाच्या ठरावात या फी मध्ये बदल झाल्यास सदर रक्कम प्राधिकरणाकडे जमा करणे अर्जदार यांचेवर बंधनकारक राहिल.
२७. अर्जदार यांनी सादर केलेली कोणतीही माहिती अथवा कागदपत्रे ही चूकीची / दिशाभूल करणारी आढळल्यास प्रस्तूतची विकास परवानगी व प्रारंभ प्रमाणपत्र रद्द समजणेत येईल.
२८. अर्जदार यांनी जागेवर विकास करण्यापूर्वी संबंधित ग्रामपंचायत कार्यालयाकडून सदर प्रकल्पाला पाणी / ड्रेनेज व Storm Water वाहिनी जोडण्याकरिता नाहरकत दाखला सादर करणे अर्जदार यांच्यावर बंधनकारक राहिल.

मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने




 महानगर आयुक्त
 तथा
 मुख्य कार्यकारी अधिकारी,
 पुणे महानगर प्रदेश विकास प्राधिकरण,
 पुणे यांचे करिता.



पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

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Pune metropolitan Regional Development Authority, Pune

पुणे महानगर

स.नं. १५२ - १५३, महाराजा सयाजीराव गायकवाड उद्योग भवन, औंध, पुणे - ४११०६७

S.No. 152-153, Maharaja Sayajirao Gaikwad Udyog Bhawan, Aundh, Pune - 411 067

Ph No. : 020- 259 33 344 / 356 / 333 / फोन. नं. ०२०- २५९ ३३ ३४४ / ३५६ / ३३३ Email: hqpmrda@gmail.com

विकास परवानगी व प्रारंभ प्रमाणपत्र

(मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र.६.६.१ नुसार)

जा.क्र.: DP/बीएचए/मौ.औताडे-हांडेवाडी/स.नं.१० पै. व ११ पै./प्र.क्र. १७३१/१७-१८, दि. ०९/१०/२०१८

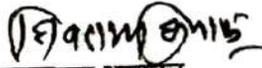
प्रति,

मे.मॅजिस्ट्रिक रायजिंगसन एल.एल.पी. स्वतः करिता व श्री. तानाजी गेनुभाऊ भोसले व इतर यांचे तर्फे अधिकृत भागीदार मे.मॅजिस्ट्रिक लॅण्डमार्क्स प्रा.लि.तर्फे व्यवस्थापकीय संचालक श्री.मनिष द्वारकादास माहेश्वरी

पत्ता- ३,४,५ स्वयंभू, सुजय गार्डन, मुकुंद नगर, पुणे-३७

मौजे-औताडे-हांडेवाडी, तालुका-हवेली, जिल्हा-पुणे येथील स.नं. १० पै. व ११ पै., क्षेत्र-६८,५७३.५० चौ.मी. क्षेत्रावरील समुह गृहबांधणी प्रकल्पामधील सुधारित रेखांकन/इमारत बांधकाम प्रस्ताव मंजूरीस्तव प्राधिकरणाकडे प्राप्त झाला आहे. आपण प्रस्तावासोबत सादर केलेल्या कागदपत्रास अधिन राहून तसेच सोबतच्या परिशिष्ट ' अ ' मध्ये नमूद अटी व शर्तीस अधिन राहून उक्त प्रस्तावास विकास परवानगी व प्रारंभ प्रमाणपत्र देण्यात येत आहे.

मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने


महानगर आयुक्त,

तथा

मुख्य कार्यकारी अधिकारी
पुणे महानगर प्रदेश विकास प्राधिकरण,
पुणे यांचे करिता



पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे यांचेकडील दि- ०१ / १०/२०१८ रोजीचे पत्र क्र. १७३१/१७-१८ सोबतचे

परिशिष्ट ' अ '

- १) मंजूर नकाशाप्रमाणेच जागेचा विकास व बांधकाम करणे बंधनकारक राहिल.
- २) सदर विकास परवानगी व प्रारंभ प्रमाणपत्र हे एक वर्षाच्या कालावधीकरिता अंमलात राहिल. तदनंतर त्यापुढे आवश्यकतेनुसार विहित मुदतीमध्ये सदर परवानगी व प्रमाणपत्राचे नुतनीकरण करून घेतल्यास सदरचे परवानगी व प्रमाणपत्र संपुष्टात येईल.
- ३) जिल्हाधिकारी, पुणे यांचेकडील पत्र क्र. PRH/PMRDA/NA/SR/109/2017, दि-18/01/2018 या पत्रातील जमिनीचा वर्ग, तिचा भोगवटा, तिचा भोगवटा, तिचा धारणाधिकार, अकृषिक आकारणी आणि ती वरील भार याबाबत पत्र यामधील अटी व शर्ती अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- ४) प्रस्तावासोबत मोजणी दि-२१/०२/२०१३, मो.र.नं. ३२७५/१२, दि-०६ व ०७/०९/२०१३, मो.र.नं. ६१४८/१३, दि-२१/०२/२०१३, मो.र.नं. ३२७६/१२, दि-०६ व ०७/०९/२०१३, मो.र.नं. ६१४६/१३ ने केलेल्या वहीवाटीचे मोजणी नकाशातील हद्दीचे तसेच जागेच्या मालकी / वहीवाटीबाबत अर्जदाराने / विकासकाने/ जमीनमालकाने याबाबत सादर केलेल्या प्रतिज्ञापत्राचे अधिन राहून परवानगी देण्यात येत आहे. सदर जमिनीचे वहीवाटीचे / हद्दीचे अनुषंगाने अथवा इमारतीबाबत कोणतेही व्यक्तिगत वाद / न्यायालयीन वाद उद्भवलेस त्याची सर्वस्वी जबाबदारी अर्जदार / विकासक / जमिनमालक यांची राहिल. ज्या जागेची मालकी / वहीवाट, अर्जदार / विकासक / जमिनमालक यांची नाही अशा कोणत्याही जमिनीवर सदर परवानगीद्वारे विकास अनुज्ञेय राहणार नाही.
- ५) प्रस्तुतच्या जमिनीवर आर्थिक संस्थाचा बोजा असल्यास त्यास अर्जदार / जमीनमालक / विकासक सर्वस्वी जबाबदार राहतील.
- ६) नागरी जमीन (कमाल धारणा व विनियमन) अधिनियम, १९७६ हा निरसित झाला असल्याने या अधिनियमांतर्गत बाबींकरिता प्रस्तावासोबत आपण रु.३००/- च्या स्टॅम्प पेपरवरील दिनांक-२९/०४/२०१७ रोजी नोटरी श्री. आनंद जवळकर यांचेसमोर केलेले विहित नमुन्यातील शपथपत्र व बंधपत्र सादर केले आहे. सदर शपथपत्र व बंधपत्रास अधिन राहून सदर बांधकाम परवानगी देण्यात येत आहे. त्याबाबतची संपूर्ण जबाबदारी अर्जदार / जमीनमालक / विकासक यांची राहिल सदर शपथपत्र व बंधपत्रातील माहिती चुकीची अथवा दिशाभूल करणारी आढळून आल्यास झालेले बांधकाम अनधिकृत समजून कारवाईस पात्र राहिल.
- ७) विषयांकित जमिनीवर कोणतेही विकास कार्य सुरु करण्यापूर्वी रेखांकन जागेवर सिमांकित करून भूमि अभिलेख खात्याकडून प्रमाणित करून घेणे बंधनकारक आहे. मंजूर रेखांकनानुसार जागेवरील सिमांकन झाल्यानंतर, भूखंडाचे क्षेत्रफळ, रस्त्यांची रुंदी, १५% सुविधा भूखंड व १०% खुल्या जागेचे क्षेत्र मंजूर रेखांकनात दर्शविल्यापेक्षा कमी भरता कामा नये. यामध्ये कोणताही बदल झाल्यास रेखांकन पुन्हा मंजूर करून घेणे बंधनकारक राहिल. अशा प्रमाणित रेखांकनाची प्रत प्राधिकरणास सादर करून त्यास अंतिम मंजूरी घेतल्याशिवाय कोणताही विकास करता येणार नाही.

तसेच मंजूर रेखांकनानुसार अंतर्गत रस्ते, सुविधा भूखंडातील क्षेत्र त्याचप्रमाणे मंजूर प्रादेशिक योजनेचे रस्ते /रस्ता रुंदीने बांधित क्षेत्र जागा मालकास/विकासकास वाढीव चटईक्षेत्राच्या बदलात संबंधित नियोजन प्राधिकरणाकडे हस्तांतरित करावयाचे झाल्यास अशा अनुषंगिक क्षेत्राची मोजणी जागा मालकाने क्षेत्राखालील जमिनीचे खरेदीखत संबंधित नियोजन प्राधिकरणाचे नावाने जागा मालकाने/विकासकाने स्वखर्चाने करून घ्यावे. अशा क्षेत्राच्या बाढीव चटईक्षेत्रात ७/१२ उतारा व त्याप्रमाणे प्रत्यक्ष जागेचा ताबा दिल्यानंतरच अशा क्षेत्राचा वाढीव चटईक्षेत्र



मिळणेबाबत आवश्यक त्या बांधकाम नकाशा व अनुषंगिक कागदपत्रासह अर्ज करण्यास अर्जदार पात्र राहतील.

- ८) मंजूर नकाशामध्ये समाविष्ट स.नं. १० पै. व ११ पै., क्षेत्र-६८,५७३.५० चौ.मी. या एकत्रित क्षेत्रावर मंजुरी आहे. उक्त सदर स.नं. १० पै. व ११ पै. मधील क्षेत्रामध्ये एकत्रिकरणाबाबतची सक्षम अधिकाऱ्याची मान्यता घेऊन त्यानुसार आवश्यक ती नोंद महसूल दफ्तरी होऊन तसा नोंदीबाबतचा प्रॉपर्टी कार्ड उतारा / ७/१२ उतारा व मोजणी नकाशा सादर करणे अर्जदार / विकासक / जमिनमालक यांच्यावर बंधनकारक आहे.
- ९) मंजूर नकाशात दर्शविलेप्रमाणे नियोजित बांधकामापासुन पुढील, मागील व बाजूची सामासिक अंतरे प्रत्यक्षात जागेवर कायम व खुली ठेवणे आवश्यक राहिल.
- १०) रेखांकनातील भूखंड व नियोजित इमारतीचा वापर फक्त रहिवास याप्रमाणे अनुज्ञेय केलेल्या वापरासाठी करणे बंधनकारक राहिल.
- ११) इमारतीचे जोता तपासणीसाठी अर्ज करताना अकृषिक परवानगी आणि परवानाधारक, वास्तुविशारद/ अभियंता/स्ट्रक्चरल अभियंता /सुपरवायझर यांचे प्रमाणपत्र सादर करणे बंधनकारक राहिल, त्याचप्रमाणे भोगवटा प्रमाणपत्रासाठी अर्ज करताना बांधकाम प्रस्तावांतर्गत जमिनीचे महसूल/भूमी अभिलेखात एकत्रिकरण/ उपविभागणी केलेला अद्यावत ७/१२ उतारा /प्रॉपर्टी कार्ड व मोजणी नकाशा सादर करणे बंधनकारक राहिल.
- १२) इमारतीचे मंजूर नकाशानुसार जोत्यापर्यंतचे बांधकाम पूर्ण झाल्यानंतर जोते तपासणी प्रमाणपत्र प्राप्त करून न घेता पुढील बांधकाम केल्यास सदरचे बांधकाम अनधिकृत समजण्यात येऊन असे बांधकाम दंडात्मक कार्यवाहीस पात्र राहिल.
- १३) अभिन्यासातील रस्ते, व खुली जागा यांची देखभाल व अभिन्यासामध्ये दर्शविलेले वर्गीकृत / प्रादेशिक योजना रस्ते/रस्ता रूंदीकरणातील क्षेत्र सर्व जनतेच्या वापरासाठी तसेच शेजारच्या जमीनमालकास वापरण्यास खुले ठेवणे बंधनकारक राहिल.
- १४) रेखांकनातील रस्ते, गटारे, खुली जागा इत्यादी अर्जदाराने / विकासकाने / जमीनमालकाने भूखंड / सदनिका वितरित करण्यापूर्वी जागेवर स्वखर्चाने व समाधानकारकरित्या विकसित करणे आवश्यक आहे.
- १५) नियोजित बांधकामातील मजल्यांची संख्या व उंची, मंजूर रेखांकन/बांधकाम नकाशांवर दर्शविल्यापेक्षा जास्त असता कामा नये.
- १६) नियोजित बांधकामाचे क्षेत्र, भूखंडावर अन्य बांधकाम अस्तित्वात असल्यास त्यासह एकूण बांधकाम क्षेत्र, सुविधा क्षेत्र व प्रादेशिक योजना रस्ते / रस्तारूंदी क्षेत्र नकाशावर दर्शविलेनुसार प्रत्यक्ष जागेवर असणे आवश्यक आहे.
- १७) जागेलगतच्या नाल्याच्या नैसर्गिक प्रवाहास अडथळा येईल, असे कोणतेही बांधकाम करता येणार नाही त्याचप्रमाणे उक्त जमिनीवरील विकास करताना जागेवरील भूपृष्ठ रचनेमध्ये अनाधिकृत बदल करता येणार नाहीत. सदर अटीचा भंग करून विकास केल्याने दुर्घटना घडल्यास त्याची जबाबदारी अर्जदार / विकासक / जमिनमालक यांची राहिल.
- १८) स्टिल्ट भविष्यात बंदिस्त करण्यात येऊ नये. तसेच स्टिल्टचा वापर फक्त पार्किंगसाठीच करण्यात यावा.
- १९) स्ट्रक्चरल इंजिनियर/डिझायनर यांनी तयार केलेल्या Structural Design नुसार प्रत्यक्ष जागेवर विकास करणेची जबाबदारी विकासक व सुपरवायझर यांची संयुक्तिक राहिल.
- २०) अर्जदार / विकासक / जमिनमालक यांनी दि-२९/०४/२०१७ अन्वये दि.२९/०४/२०१७ अन्वये  अधिन राहून ही परवानगी देण्यात येत असून प्रमाणित विकास नियंत्रण आणि प्रोत्साहन विभाग, मुंबई, यांच्या नियमावलीमधील सर्व नियम आणि भारतीय मानक ब्युरोने विहित केलेल्या सुरक्षा प्रमाणकांचे पालन करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल. (नियम क्र. ७.१)

२१) शासन नगर विकास विभागाकडील दि. १९/११/२००८ चे निदेश क्र. टिपीव्ही-४३०८/४१०२/प्र.क्र.३५९/०८/नवि-११ नुसार अर्जदार / विकासक / जमिनमालक व वास्तुविशारद यांनी बांधकाम नकाशामध्ये प्रत्येक सदनिकेचे एकूण चटईक्षेत्र (Carpet area) नमूद केलेले आहे. सदर नमूद चटई क्षेत्रा (Carpet area) बाबत आकडेमोड, गणितीय चुका इ. बाबत वास्तुविशारद व अर्जदार / विकासक / जमिनमालक संयुक्तकरित्या जबाबदार राहतील.

२२) नियोजित इमारतीसाठी / विकासासाठी आवश्यक असणाऱ्या पिण्याच्या पाण्याची सोय आपण अश्वसित केलेल्या सक्षम प्राधिकरणाने / ग्रामपंचायतीने न केल्यास या प्रकल्पातील सदनिका हस्तांतरणापूर्वी पिण्याच्या पाण्याची आवश्यक ती पूर्तता अर्जदार / विकासक / जमीन मालक यांनी स्वखर्चाने प्रत्यक्ष वापरापूर्वी करणे आवश्यक आहे. त्याचप्रमाणे सांडपाण्याची व मैला निर्मुलनाची सुयोग्य व्यवस्था प्रत्यक्ष वापरापूर्वी करणे बंधनकारक राहिल.

२३) ओला व सुक्या कचऱ्याकरिता सदर जागेत स्वतंत्र कंटेनरची सोय करणे आवश्यक राहिल विघटन होणाऱ्या ओल्या कचऱ्यासाठी गांडूळखत प्रकल्प अर्जदार / विकासक / जमिनमालक यांनी स्वखर्चाने करावयाचा आहे.

२४) सदर जमिनीचे क्षेत्रफळ ५०० चौ.मी. पेक्षा जास्त आहे. त्यानुळे प्रत्येक ८० चौ.मी. क्षेत्रासाठी एक झाड याप्रमाणे वृक्ष लागवड करणे व त्यांची जोपासना करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.

२५) सौर उर्जेवर पाणी तापविण्यासाठीची यंत्रणा अर्जदार / विकासक / जमिनमालक यांनी इमारतीचे वापरापूर्वी स्वखर्चाने करावयाची आहे.

२६) वेस्ट वॉटर ट्रीटमेंट प्लॅन्ट यंत्रणा उभारणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक असून पाण्याचा फेरवापर बगीचा, झाडाची जोपासना यासाठी करणे आवश्यक आहे.

२७) प्रारंभ प्रमाणपत्र दिलेल्या कोणत्याही इमारतीचे बांधकाम पूर्ण झाल्यानंतर मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र. ७.५ नुसार पूर्णत्वाचे प्रमाणपत्र अर्जदार / विकासक / जमीनमालक यांनी सादर करून नियम क्र. ७.६ नुसार भोगवटा प्रमाणपत्र प्राप्त करून घेतल्याखेरीज कोणत्याही इमारतीचा भागशः / पूर्णतः वापर सुरु केल्यास अर्जदार / विकासक / जमीनमालक कारवाईस पात्र राहिल.

२८) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र.६.२.६.१ नुसार विशेष इमारतीबाबत :-

a) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. १२.६ (b) नुसार प्रस्तावित इमारती सभोवताली ६ मी. रुंदीचे पाथवे किमान ४५ टन वजनाचे फायर इंजिनचा भार पेलु शकेल याप्रमाणे डिझाईन करून विकसित करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक आहे.

b) अर्जदार / विकासक / जमिनमालक यांनी प्रस्ताविल्यानुसार सर्व उंच इमारती स्टिल्ट वर असणे आवश्यक राहिल त्याचबरोबर वाहनतळ सुविधा प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. १६.१ नुसार प्रस्तावित करणे आवश्यक राहिल.

c) नगर विकास विभागाच्या दिनांक - २८.८.२००९ रोजीच्या अधिसूचना प्रमाणे नियम क्र. ४ मधील टीप - ii प्रमाणे पुणे महानगरपालिकेच्या मुख्य अग्निशमन अधिकारी यांनी १५ मी. पेक्षा उंच इमारतीच्या नियोजनातील जिऱ्याचे व लिफ्टचे स्थान मान्य केलेले आहे. सदर नियोजनाव्यतिरिक्त नियोजनात बदल करणे आवश्यक झाल्यास पुन्हा संबंधित मुख्य अग्निशमन अधिकारी यांच्याशी घ्यावी लागेल. तसेच प्रत्येक इमारतीमधील एक स्टेअरकेस व एक लिफ्ट NBC मधील तरतूदीप्रमाणे आग प्रतिरोधक असणे आवश्यक आहे. तसेच उंच इमारतीचे नियोजनाअनुषंगाने पुणे महानगर प्रवेश पुनर्वसि प्राधिकरण यांनी पत्र क्र. FPH/१८०/२०१७, दि-२७/०६/२०१७ व FPH/२५९/२०१८, दि-२७/०६/२०१८ ने दिलेल्या "Revised Provisional No

Objection Certificate " मधील अटी/ शर्तीची पूर्तता करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.

- d) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. ६.२.६.१ नुसार बाबीची पूर्तता तसेच अग्निप्रतिबंधक उपाययोजनाबाबत भाग-४ मधील बाबीची पूर्तता करणे अर्जदार/विकासक/ जमिनमालकावर बंधनकारक राहिल.
- e) नेहमीच्या वापरासाठीच्या पाणी पुरवठ्याशिवाय अग्निप्रतिबंधक व्यवस्थेकरिता, पाणीपुरवठा बाबतची पूर्तता अर्जदार / विकासक / जमिनमालक यांनी स्वखर्चाने, स्वजबाबदारीवर करणे आवश्यक राहिल.
- f) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. १८ नुसार लिफ्टची सुविधा उपलब्ध करून देणे आवश्यक राहिल.
- g) अशा इमारतीचे Structural Design हे भुकंप प्रतिबंधक असणे आवश्यक राहिल. अर्जदाराने / विकासकाने / जमिनमालकाने इमारतीचे Structural Stability बाबत नोंदणीकृत Structural Engineer चे प्रमाणपत्र संबंधित अग्निशमन अधिकारी यांचेकडे व या प्राधिकरणाकडे दाखल करणे आवश्यक राहिल.
- h) भोगवटा प्रमाणपत्र देण्यापूर्वी सर्व अग्निशमन यंत्रणा व सुविधांची पूर्तता करून सदर यंत्रणा सुस्थितीत कार्यान्वित असलेबाबत अग्निशमन विभागाकडील अंतिम नारहकत प्रमाणपत्र सादर करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- i) पुणे महानगर प्रदेश विकास प्राधिकरण यांनी पत्र क्र. FPH/१८०/२०१७, दि-२७/०६/२०१७ व FPH/२५९/२०१८, दि-१९/०९/२०१८ ने दिलेल्या " Revised/Provisional No Objection Certificate " अन्वये ना हरकत दाखला व सोबतचे नकाशे सांक्षातिक केलेले आहेत. सदरचे नकाशांमध्ये मंजूरी देताना फेरबदल झाल्यास अशा नियोजनास संबंधित मुख्य अग्निशमन अधिकारी /संचालक यांचे सुधारित ना हरकत प्रमाणपत्र घेणे बंधनकारक आहे.

२९) विषयांकित प्रकल्पामध्ये प्रस्तावित केलेले एकूण बांधकाम क्षेत्र-७७,६६०.०० चौ.मी. आहे. तथापि, या प्रकल्पामध्ये अनुज्ञेय होणारे एकूण कमाल (Gross FSI+ Non FSI) बांधकाम क्षेत्र सुमारे १,४५,६८२.२८ चौ.मी. आहे. केंद्रशासनाच्या पर्यावरण मंत्रालयाने Moef Notification No-५.०.३९९९(E) दि-०९, डिसेंबर २०१६ रोजीची अधिसूचना तसेच शासन अधिसूचना TPS १८१६/CR-४४३/१६ DP DIRECTORS/UD-१३, दि-१३/०४/२०१७ बाबत राष्ट्रीय हरित प्राधिकरणाने (NGT) दि-०८/१२/२०१७ रोजी मु.अ.क्र. ६७७/२०१६ (M.A.No. १४८/२०१७) आदेश दिलेले आहेत. त्यानुषंगाने शासनाचे भविष्यात येणारे निर्णय/ बदल सदर मंजूरीनुसार जागेवर विकास करण्यापूर्वी आपणावर बंधनकारक राहिल. तसेच या कार्यालयाकडील दि-२३/०१/२०१८ रोजीच्या विकास परवानगी व प्रारंभ प्रमाणपत्र क्र. २२४/१७-१८ पत्रामधील परिशिष्ट 'अ' व परिशिष्ट 'ब' मधील अटी व शर्ती अर्जदार /विकासक यांचेवर बंधनकारक राहिल.

- ३०) मोठ्या इमारत बांधकामाच्या ठिकाणी काम करणाऱ्या मजूरांमधील गरोदर माता, स्तनदा माता आणि त्यांच्यासोबत असणाऱ्या ० ते ६ वर्षे वयोगटातील मुलांकरिता शेड बांधणे, शौचालय व पिण्याच्या पाण्याची व्यवस्था, पाळणाघर इ. तात्पुरत्या सुविधा कंत्राटदार किंवा बांधकाम विकासक यांनी करणे आवश्यक आहे.
- ३१) प्रस्तुत जमिनीवर भविष्यात छाननी शूल्क, प्रिमीयम शूल्क, विकास शूल्क, सुरक्षा ठेव व कामगार कल्याण उपकर इत्यादी बाबतच्या रक्कमेची बाकी उद्भवल्यास सदर रक्कम प्राधिकरणाकडे जमा करणे अर्जदार यांचेवर बंधनकारक राहिल.

मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने



(Signature)
महानगर आयुक्त,
तथा
मुख्य कार्यकारी अधिकारी
पुणे महानगर प्रदेश विकास प्राधिकरण,
पुणे यांचे करिता



पुणे महानगर

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

Pune metropolitan Region Development Authority, Pune

स.नं. १५२ - १५३, महाराजा सयाजीराव गायकवाड उद्योग भवन, औंध, पुणे - ४११०६७

S.No. 152-153, Maharaja Sayajirao Gaikwad Udyog Bhawan, Aundh, Pune - 411 067

Ph No. : 020- 259 33 344 / 356 / 333 / फोन. नं. ०२०- २५९ ३३ ३४४ / ३५६ / ३३३

Email: hqpmrda@gmail.com

विकास परवानगी व प्रारंभ प्रमाणपत्र

(मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र.६.६.१ नुसार)

जा.क्र.: वीएचए/मौ. औताडे हांडेवाडी/स.नं. १० पै व ११ पै /प्र.क्र. १३७५/१८-१९

दि.२७/०६/२०१९

प्रति,

मे. मॅजिस्टिक रायजिंगसन एल.एल.पी स्वतःकरिता व श्री.

तानाजी गेनुभाऊ भोसले व इतर यांचे तर्फे अधिकृत भागीदार

मे. मॅजिस्टिक लॅण्डमार्क्स प्रा.लि. तर्फे व्यवस्थापकिय संचालक

श्री. मनिष द्वारकादास माहेश्वरी

रा. ३,४,५, स्वयंभू, सूर्यगार्डन, मुकुंद नगर, पुणे ४११०३७

मौजे- औताडे हांडेवाडी, तालुका- हवेली, जिल्हा- पुणे येथील स.नं. १० पै व ११ पै क्षेत्र ६८५७३.५० चौ.मी. क्षेत्रावरील रहिवास व वाणिज्य इमारत रेखांकन/बांधकाम सुधारित प्रस्ताव मंजूरीस्तव प्राधिकरणाकडे प्राप्त झाला आहे. आपण प्रस्तावासोबत सादर केलेल्या कागदपत्रास अधिन राहून तसेच सोबतच्या परिशिष्ट ' अ ' मध्ये नमूद अटी व शर्तीस अधिन राहून उक्त प्रस्तावास सुधारित विकास परवानगी व प्रारंभ प्रमाणपत्र देण्यात येत आहे.



(सा. महानगर आयुक्त तथा मुख्या कार्यकारी अधिकारी यांच्या मोक्यात)

(धिव(म)ए)भा.क
महानगर आयुक्त,

तथा

मुख्य कार्यकारी अधिकारी

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणेकरीता

परिशिष्ट ' अ '

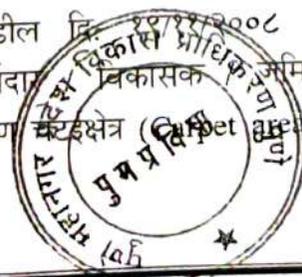
- १) मंजूर नकाशाप्रमाणेच जागेचा विकास व बांधकाम करणे बंधनकारक राहिल.
- २) सदर विकास परवानगी व प्रारंभ प्रमाणपत्र हे एक वर्षाच्या कालावधीकरिता अंमलात राहिल. तदनंतर त्यापुढे आवश्यकतेनुसार विहित मुदतीमध्ये सदर परवानगी व प्रमाणपत्राचे नुतनीकरण करुन न घेतल्यास सदरचे परवानगी व प्रमाणपत्र संपुष्टात येईल.
- ३) प्रस्तावासोबत मोजणी दि. २०/०६/२०१७ मो.र.नं. २१६४९/२०१७ ने केलेल्या वहीवाटीचे मोजणी नकाशातील हद्दीचे तसेच जागेच्या मालकी / वहिवाटीबाबत अर्जदाराने / विकासकाने/ जमीनमालकाने याबाबत सादर केलेल्या प्रतिज्ञापत्राचे अधिन राहून परवानगी देण्यात येत आहे. सदर जमिनीचे वहीवाटीचे / हद्दीचे अनुषंगाने अथवा इमारतीबाबत कोणतेही व्यक्तिगत वाद / न्यायालयीन वाद उद्भवलेस त्याची सर्वस्वी जबाबदारी अर्जदार / विकासक / जमिनमालक यांची राहिल. ज्या जागेची मालकी / वहिवाट, अर्जदार / विकासक / जमिनमालक यांची नाही अशा कोणत्याही जमिनीवर सदर परवानगीद्वारे विकास अनुज्ञेय राहणार नाही.
- ४) प्रस्तुतच्या जमिनीवर आर्थिक संस्थाचा बोजा असल्यास त्यास अर्जदार / जमीनमालक / विकासक सर्वस्वी जबाबदार राहतील.जिल्हाधिकारी पुणे यांचेकडील पत्र क्र. पीआरएच / पीएमआरडीए / एनए / एसआर / १०९/२०१५ दि. १८/०१/२०१८ मधील सर्व अटी / शर्ती अर्जदार यांचेवर बंधनकारक राहतील.
- ५) नागरी जमीन (कमाल धारणा व विनियमन) अधिनियम, १९७६ हा निरसित झाला असल्याने या अधिनियमांतर्गत बाबींकरिता प्रस्तावासोबत आपण रु. ५००/- च्या स्टॅम्प पेपरवरील दिनांक १४/०१/२०१८ रोजी नोटरी श्री. आर व्ही पिसाळ यांचेसमोर केलेले विहित नमुन्यातील शपथपत्र व बंधपत्र क्र. ५५/१९ सादर केले आहे. सदर शपथपत्र व बंधपत्रास अधिन राहून सदर बांधकाम परवानगी देण्यात येत आहे. त्याबाबतची संपूर्ण जबाबदारी अर्जदार / जमीनमालक / विकासक यांची राहिल सदर शपथपत्र व बंधपत्रातील माहिती चुकीची अथवा दिशाभूल करणारी आढळून आल्यास झालेले बांधकाम अनधिकृत समजून कारवाईस पात्र राहिल.
- ६) मंजूर नकाशात दर्शविलेप्रमाणे प्रस्तावित बांधकामापासुन पुढील, मागील व बाजुची सामासिक अंतरे प्रत्यक्षात जागेवर कायम व खुली ठेवणे आवश्यक राहिल.
- ७) विषयांकित जमिनीवर कोणतेही विकास कार्य सुरु करण्यापूर्वी रेखांकन जागेवर सिमांकित करून भूमि अभिलेख खात्याकडून प्रमाणित करुन घेणे बंधनकारक आहे. मंजूर रेखांकनानुसार जागेवरील सिमांकन झाल्यानंतर, भूखंडाचे क्षेत्रफळ, रस्त्यांची रुंदी, १५% सुविधा भुखंड व १०% खुल्या जागेचे क्षेत्र मंजूर रेखांकनात दर्शविल्यापेक्षा कमी भरता कामा नये. यामध्ये कोणताही बदल झाल्यास रेखांकन पुन्हा मंजूर करुन घेणे बंधनकारक राहिल. अशा प्रमाणित रेखांकनाची प्रत प्राधिकरणास सादर करुन त्यास अंतिम मंजूरी घेतल्याशिवाय कोणताही विकास करता येणार नाही.

तसेच मंजूर रेखांकनानुसार अंतर्गत रस्ते, सुविधा भूखंडातील क्षेत्र त्याचप्रमाणे मंजूर प्रादेशिक योजनेचे रस्ते /रस्ता रुंदीने बाधीत क्षेत्र जागा मालकास/विकासकास वाढीव चटईक्षेत्राच्या बदलात संबंधित नियोजन प्राधिकरणाकडे हस्तांतरीत करावयाचे झाल्यास अशा अनुषंगिक क्षेत्राची मोजणी जागा मालकाने /विकासकाने संबंधित भूमी अभिलेख विभागाकडे रितसर अर्ज करुन घेणे बंधनकारक राहिल. तदनंतर अशा क्षेत्राखालील जमिनीचे खरेदीखत प्राप्त झाल्यास प्राधिकरणाचे नावाने जागा मालकाने/विकासकाने स्वखर्चाने करुन देऊन तसा ७/१२ रोजी व त्याप्रमाणे प्रत्यक्ष जागेचा ताबा दिल्यानंतरच अशा क्षेत्राचा



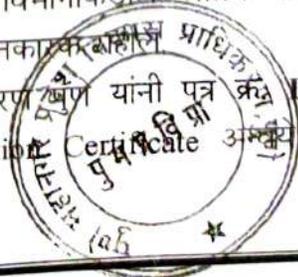
वाढीव चटईक्षेत्र मिळणेबाबत आवश्यक त्या बांधकाम नकाशा व अनुषंगिक कागदपत्रासह अर्ज करण्यास 302
अर्जदार पात्र राहतील.

- ८) रेखांकनातील भूखंड व प्रस्तावित इमारतीचा वापर फक्त **रहिवास व वाणिज्य** वापर याप्रमाणे अनुज्ञेय केलेल्या वापरासाठी करणे बंधनकारक राहिल.
- ९) इमारतीचे जोता तपासणीसाठी अर्ज करताना अकृषिक परवानगी आणि परवानाधारक, वास्तुविशारद/अभियंता/स्ट्रक्चरल अभियंता /सुपरवायझर यांचे प्रमाणपत्र सादर करणे बंधनकारक राहिल, त्याचप्रमाणे भोगवटा प्रमाणपत्रासाठी अर्ज करताना बांधकाम प्रस्तावांतर्गत जमिनीचे महसूल / भूमी अभिलेखात एकत्रिकरण/ उपविभागणी केलेला अद्यावत ७/१२ उतारा /प्रॉपर्टी कार्ड व मोजणी नकाशा सादर करणे बंधनकारक राहिल.
- १०) इमारतीचे मंजूर नकाशानुसार जोत्यापर्यंतचे बांधकाम पूर्ण झाल्यानंतर जोते तपासणी प्रमाणपत्र प्राप्त करून घेतली आहे. पुढील बांधकाम केल्यास सदरचे बांधकाम अनधिकृत समजण्यात येऊन असे बांधकाम दंडात्मक कार्यवाहीस पात्र राहिल.
- ११) अभिन्यासातील रस्ते, व खुली जागा यांची देखभाल व अभिन्यासामध्ये दर्शविलेले वर्गीकृत / प्रादेशिक योजना रस्ते/रस्ता रूंदीकरणातील क्षेत्र सर्व जनतेच्या वापरासाठी तसेच शेजारच्या जमीनमालकास वापरण्यास खुले ठेवणे बंधनकारक राहिल. तसेच २४.० मी प्रादेशिक योजना रस्ता रूंदीने बाधित क्षेत्र पीएमआरडीए च्या ताब्यात देणे बंधनकारक राहिल.
- १२) रेखांकनातील रस्ते, गटारे, खुली जागा इत्यादी अर्जदारांने / विकासकांने / जमीनमालकांने भूखंड / सदनिका वितरित करण्यापूर्वी जागेवर स्वखर्चाने व समाधानकारकरित्या विकसित करणे आवश्यक आहे.
- १३) प्रस्तावित बांधकामातील मजल्यांची संख्या व उंची, मंजूर रेखांकन/बांधकाम नकाशांवर दर्शविल्यापेक्षा जास्त असता कामा नये.
- १४) प्रस्तावित बांधकामाचे क्षेत्र, भूखंडावर अन्य बांधकाम अस्तित्वात असल्यास त्यासह एकूण बांधकाम क्षेत्र, सुविधा क्षेत्र व प्रादेशिक योजना रस्ते / रस्तारूंदी क्षेत्र नकाशावर दर्शविलेनुसार प्रत्यक्ष जागेवर असणे आवश्यक आहे.
- १५) जागेलगतच्या नैसर्गिक प्रवाहास अडथळा येईल, असे कोणतेही बांधकाम करता येणार नाही. त्याचप्रमाणे उक्त जमिनीवरील विकास करताना जागेवरील भूपृष्ठ रचनेमध्ये अनाधिकृत बदल करता येणार नाहीत. सदर अटीचा भंग करून विकास केल्याने दुर्घटना घडल्यास त्याची जबाबदारी अर्जदार / विकासक / जमिनमालक यांची राहिल.
- १६) स्टिल्ट भविष्यात बंदिस्त करण्यात येऊ नये. तसेच स्टिल्टचा वापर फक्त पार्किंगसाठीच करण्यात यावा.
- १७) स्ट्रक्चरल इंजिनियर/डिझायनर यांनी तयार केलेल्या Structural Design नुसार प्रत्यक्ष जागेवर विकास करणेची जबाबदारी विकासक व सुपरवायझर यांची संयुक्तिक राहिल.
- १८) अर्जदार / विकासक / जमिनमालक यांनी क्र. ५०१/१९ दि. ०४/०६/२०१९ अन्वये दिलेल्या शपथपत्रास अधिन राहून ही परवानगी देण्यात येत असून प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील सर्व नियम आणि भारतीय मानक ब्युरोने विहित केलेल्या सुरक्षा प्रमाणकांचे पालन करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल. (नियम क्र. ७.१)
- १९) शासन नगर विकास विभागाकडील दि. १२/११/२००८ चे निदेश क्र. टिपीव्ही-४३०८/ ४१०२/ प्र.क्र.३५९/०८/नवि-११ नुसार अर्जदार विकासक जमिनमालक व वास्तुविशारद यांनी बांधकाम नकाशांमध्ये प्रत्येक सदनिकेचे एकूण चटईक्षेत्र (Carpet Area) नमूद केलेले आहे. सदर नमूद चटई क्षेत्र



(Carpet area) बाबत आकडेमोड, गणितीय चुका इ. बाबत वास्तुविशारद व अर्जदार / विकासक जमिनमालक संयुक्तकरित्या जबाबदार राहतील.

- २०) प्रस्तावित इमारतीसाठी / विकासासाठी आवश्यक असणाऱ्या पिण्याच्या पाण्याची सोय सक्षम प्राधिकरणाने / ग्रामपंचायतीने न केल्यास या प्रकल्पातील सदनिका हस्तांतरणापूर्वी पिण्याच्या पाण्याची आवश्यक ती पूर्तता अर्जदार / विकासक / जमीन मालक यांनी स्वखर्चाने प्रत्यक्ष वापरापूर्वी करणे आवश्यक आहे. त्याचप्रमाणे सांडपाण्याची व मैला निर्मुलनाची सुयोग्य व्यवस्था प्रत्यक्ष वापरापूर्वी करणे बंधनकारक राहिल.
- २७) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. ६.२.६.१ नुसार विशेष इमारतीबाबत :-
- a) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. १२.६ (b) नुसार प्रस्तावित इमारती सभोवताली ६ मी. रुंदीचे पाथवे किमान ४५ टन वजनाचे फायर इंजिनचा भार पेलु शकेल याप्रमाणे डिझाईन करून विकसित करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक आहे.
- b) अर्जदार / विकासक / जमिनमालक यांनी प्रस्ताविल्यानुसार सर्व उंच इमारती स्टिल्ट वर असणे आवश्यक राहिल त्याचबरोबर वाहनतळ सुविधा प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. १६.१ नुसार प्रस्तावित करणे आवश्यक राहिल.
- c) नगर विकास विभागाच्या दिनांक - २८.८.२००९ रोजीच्या अधिसूचना प्रमाणे नियम क्र. ४ मधील टीप - ii प्रमाणे पुणे / पिंपरी - चिंचवड महानगरपालिकेच्या मुख्य अग्निशमन अधिकारी / संचालक, महाराष्ट्र फायर सर्व्हिसेस, मुंबई यांनी १५ मी. पेक्षा उंच इमारतीच्या नियोजनातील जिऱ्याचे व लिफ्टचे स्थान मान्य केलेले आहे. सदर नियोजनाव्यतिरिक्त नियोजनात बदल करणे आवश्यक झाल्यास पुन्हा संबंधित मुख्य अग्निशमन अधिकारी / संचालक यांची मंजूरी घ्यावी लागेल. तसेच प्रत्येक इमारतीमधील एक स्टेअरकेस व एक लिफ्ट NBC मधील तरतुदीप्रमाणे आग प्रतिरोधक असणे आवश्यक आहे. तसेच उंच इमारतीचे नियोजनाअनुषंगाने पुणे महानगर प्रदेश विकास प्राधिकरण पुणे यांचेकडील पत्र क्र. FPH/१६०/२०१९, दि. २६/०६/२०१९ ने दिलेल्या Provisional Fire N.O.C. मधील अटी/ शर्तीची पूर्तता करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- d) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. ६.२.६.१ नुसार बाबींची पूर्तता तसेच अग्निप्रतिबंधक उपाययोजनाबाबत भाग-४ मधील बाबींची पूर्तता करणे अर्जदार/विकासक/ जमिनमालकावर बंधनकारक राहिल.
- e) नेहमीच्या वापरासाठीच्या पाणी पुरवठ्याशिवाय अग्निप्रतिबंधक व्यवस्थेकरीता, पाणीपुरवठा बाबतची पूर्तता अर्जदार / विकासक / जमिनमालक यांनी स्वखर्चाने, स्वजबाबदारीवर करणे आवश्यक राहिल.
- f) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र. १८ नुसार लिफ्टची सुविधा उपलब्ध करून देणे आवश्यक राहिल.
- g) अशा इमारतीचे Structural Design हे भुकंप प्रतिबंधक असणे आवश्यक राहिल. अर्जदाराने / विकासकाने / जमिनमालकाने इमारतीचे Structural Stability बाबत नोंदणीकृत Structural Engineer चे प्रमाणपत्र संबंधित अग्निशमन अधिकारी यांचेकडे व या प्राधिकरणाकडे दाखल करणे आवश्यक राहिल.
- h) भोगवटा प्रमाणपत्र देण्यापूर्वी सर्व अग्निशमन यंत्रणा व सुविधांची पूर्तता करून सदर यंत्रणा सुस्थितीत कार्यान्वित असलेबाबत अग्निशमन विभागाकडील अंतिम नारहकत प्रमाणपत्र सादर करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- i) पुणे महानगर प्रदेश विकास प्राधिकरण पुणे यांनी पत्र क्र. FPH/१६०/२०१९, दि. २६/०६/२०१९ ने दिलेल्या Provisional No Objection Certificate अन्वये ना हरकत दाखला व सोबतचे नकाशे



- सांक्षाकीत केलेले आहेत. सदरचे नकाशामध्ये मंजूरी देताना फेरबदल झाल्यास अशा नियोजनास संबंधित मुख्य अग्नीशमन अधिकारी / संचालक यांचे सुधारित ना हरकत प्रमाणपत्र घेणे बंधनकारक आहे.
- २१) ओला व सुक्या कचऱ्याकरिता सदर जागेत स्वतंत्र कंटेनरची सोय करणे आवश्यक राहिल विघटन होणाऱ्या ओल्या कचऱ्यासाठी गांडूळखत प्रकल्प अर्जदार / विकासक / जमिनमालक यांनी स्वखर्चाने करावयाचा आहे.
- २२) विषयांकित प्रकल्पामध्ये प्रस्तावित केलेले एकूण (Gross FSI+ Non FSI) बांधकाम क्षेत्र २०,००० चौ.मी. आहे. तथापी, या प्रकल्पामध्ये अनुज्ञेय होणारे एकूण कमाल (Gross FSI+ Non FSI) बांधकाम क्षेत्र सुमारे १४५६८२.२८ चौ.मी. आहे. पुणे महानगर प्रदेश विकास प्राधिकरण पुणे यांचेकडील जा.क्र. डीपी / बिएचए / मौ. औताडे - हांडेवाडी / स.न. १० पै व ११ पै / प्र.क्र. १७६१ /१७-१८ दि. २३/०१/२०१८ रोजीचे आदेशान्वये मंजूरी दिली आहे. यामधील अटी व शर्तीचे काटेकोरपणे पालन करणे प्रकल्पाचे अर्जदार /विकासक / जमीनमालक व वास्तुविशारद यांचेवर बंधनकारक राहिल.
- २३) सदर जमिनीचे क्षेत्रफळ ५०० चौ.मी. पेक्षा जास्त आहे. त्यामुळे प्रत्येक ८० चौ.मी. क्षेत्रासाठी एक झाड याप्रमाणे वृक्ष लागवड करणे व त्यांची जोपासना करणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- २४) जिल्हाधिकारी यांचेकडील जा.क्र. पमह / एनए / एसआर /१०९/२०१५ दि. १८/०१/२०१८ पुणे महानगर प्रदेश विकास प्राधिकरण पुणे यांचेकडील जा.क्र. १७३१/१७-१८ दि. ०१/१०/२०१८ अन्वये दिलेली बांधकाम परवानगी मधील सर्व अटी / शर्ती अर्जदार / विकासक/ जमिनमालक यांचेवर बंधनकारक राहिल.
- २५) केंद्र शासनाच्या MINISTRY OF CIVIL AVIATION ची अधिसूचना क्र. G.S.R. ७५१ (E) दि. ३०/०५/२०१५ अन्वये इमारतीच्या उंचीवर बंधने घालण्यात आलेली आहेत. AVIATION विभागाच्या COLOUR CODE नुसार प्रस्तावाखालील जागा पिवळ्या झोन मध्ये समाविष्ट आहे. पिवळ्या झोन मध्ये ७१२ मी. AMSL पर्यंत NOC घ्यावयाची आवश्यकता नाही. प्रस्तावाखालील जागा या कार्यालयाच्या अभिलेखानुसार जमिनीची AMSL - ६२५ मी. इमारतीची एकूण उंची ५०.०० मी. असल्याने इमारतीची टॉप लेवल ६७५.० मी. इतकी येत आहे. त्यामुळे AVIATION विभागाचे नाहरकत घ्यावयाची आवश्यकता नाही. सदर बंधनाच्या अनुषंगाने बांधकाम करण्यापूर्वी अनुज्ञेय उंचीचे मर्यादित बांधकाम असल्याबाबत आवश्यक ती खात्री करणे अर्जदार / वास्तुविशारद यांचेवर बंधनकारक राहिल.
- २६) वेस्ट वॉटर ट्रीटमेंट प्लॅन्ट यंत्रणा उभारणे अर्जदार / विकासक / जमिनमालक यांचेवर बंधनकारक असून पाण्याचा फेरवापर बगीचा, झाडाची जोपासना यासाठी करणे आवश्यक आहे.
- २७) प्रारंभ प्रमाणपत्र दिलेल्या कोणत्याही इमारतीचे बांधकाम सुरु झाल्यानंतर मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र. ७.५ नुसार पूर्णत्वाचे प्रमाणपत्र अर्जदार / विकासक / जमिनमालक यांनी सादर



करुन नियम क्र. ७.६ नुसार भोगवटा प्रमाणपत्र प्राप्त करुन घेतल्याखेरीज कोणत्याही इमारतीचा भागशः / पूर्णतः वापर सुरु केल्यास अर्जदार / विकासक / जमीनमालक कारवाईस पात्र राहिल.

- २८) प्रस्तुत जमिनीवर भविष्यात छाननी शूल्क, प्रिमीयम शूल्क, विकास शूल्क, सुरक्षा ठेव व कामगार कल्याण उपकर इत्यादी बाबतच्या रक्कमेची बाकी उद्भवल्यास सदर रक्कम प्राधिकरणाकडे जमा करणे अर्जदार यांचेवर बंधनकारक राहिल.
- २९) अर्जदार यांनी सादर केलेली कोणतीही माहिती अथवा कागदपत्रे ही चुकीची/दिशाभूल करणारी आढळल्यास प्रस्तुतची विकास परवानगी व प्रारंभ प्रमाणपत्र रद्द समजणेत येईल.

प्रस्तावासोबतच्या रेखांकन/ बांधकाम नकाशांचे दोन संच स्वाक्षांकित करुन सोबत जोडले असून प्रस्तावासोबतची अन्य सर्व कागदपत्रे प्राधिकरणाच्या अभिलेखार्थ राखून ठेवण्यात येत आहेत.



(मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांच्या मान्यतेने)

(डि.एम.आय.)
महानगर आयुक्त,
तथा

मुख्य कार्यकारी अधिकारी
पुणे महानगर प्रदेश विकास प्राधिकरण, पुणेकरीता



पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

Pune metropolitan Region Development Authority, Pune

स.नं. १५२ - १५३, महाराजा सयाजीराव गायकवाड उद्योग भवन, औंध, पुणे - ४११०६७

PUNEMETROPOLIS

S.No. 152-153, Maharaja Sayajirao Gaikwad Udyog Bhawan, Aundh, Pune - 411 067

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सुधारित विकास परवानगी व प्रारंभ प्रमाणपत्र

(मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र. ६.६.१ नुसार)

जा.क्र. : DP/बीएचए/मौ. औताडे हांडेवाडी /ग.नं.१० पै व ११ पै /प्र.क्र.१४८०/१९-२०

दि. २२/१२/२०२०

प्रति,

मे. मॅजिस्टिक रायजिंगसन एल एल पी स्वतःकरिता व
श्री. तानाजी गेनूभाऊ भोसले व इतर यांचे तर्फे अधिकृत
भागीदार मे. मॅजिस्टिक लॅण्डमार्क्स प्रा.लि. व्यवस्थापकीय
संचालक श्री. मनिष व्दारकादास माहेश्वरी
रा. ३,४,५ स्वयंभू, सुजन गार्डन, मुकुंद नगर, पुणे ४११०३७

मौजे- औताडे हांडेवाडी, तालुका- हवेली, जिल्हा- पुणे, येथील स.नं.- १० पै व ११ पै क्षेत्र- ६८५७३.५०
चौ.मी. क्षेत्रावरील रहिवास प्रकल्पामधील सुधारित रेखांकन/ इमारत बांधकाम प्रस्ताव मंजूरीस्तव प्राधिकरणाकडे प्राप्त
झाला आहे. आपण प्रस्तावासोबत सादर केलेल्या कागदपत्रास अधिन राहून तसेच सोबतच्या परिशिष्ट 'अ' मध्ये नमूद
अटी व शर्तीस अधिन राहून उक्त प्रस्तावास सुधारित विकास परवानगी व प्रारंभ प्रमाणपत्र देण्यात येत आहे.

(भा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने)


महानगर आयुक्त

तथा,

मुख्य कार्यकारी अधिकारी
पुणे महानगर प्रदेश विकास प्राधिकरण,
पुणे यांचेकरिता.

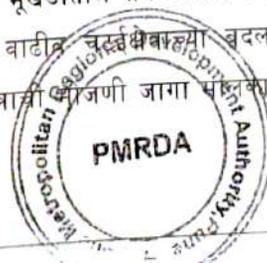


मौजे- औताडे हांडेवाडी, तालुका- हवेली, जिल्हा- पुणे, येथील स.नं.- १० पै व ११ पै क्षेत्र- ६८५७३.५० चौ.मी.
क्षेत्रावरील रहिवास प्रकल्पामधील सुधारित रेखांकन/ इमारत बांधकाम प्रस्ताव

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे यांचेकडील दि. २२/१२/२०२० रोजीचे पत्र क्र. १४८०/१९-२० सोबतचे परिशिष्ट 'अ'

- १) मंजूर नकाशाप्रमाणेच जागेचा विकास व बांधकाम करणे बंधनकारक राहिल.
- २) सदर विकास परवानगी व प्रारंभ प्रमाणपत्र दिल्यानंतर एक वर्षाच्या कालावधीपर्यंत बांधकाम सुरु करणे बंधनकारक राहिल. बांधकाम सुरु केल्याबाबत प्राधिकरणाला त्याप्रमाणे कळविणे त यावे. तदनंतर त्यापुढे आवश्यकतेनुसार विहित मुदतीमध्ये सदर परवानगी व प्रमाणपत्राचे नुतनीकरण करून घेतल्यास सदरचे परवानगी व प्रमाणपत्र संपुष्टात येईल.
- ३) जिल्हाधिकारी कार्यालय, पुणे (महसुल शाखा) पीआरएच / पीएमआरडीए / एनए / एसआर / १०९/२०१८ दि. १८/०१/२०१८ या अकृषिक आदेशामधील अटी व शर्ती अर्जदार/ विकासक / जमिनमालक यांचेवर बंधनकारक राहिल.
- ४) प्रस्तावासोबत मोजणी दि. ०५/०२/२०२०, मो.र. नं.- २२१०५/२०२० ने केलेल्या वहीवाटीचे मोजणी नकाशातील हद्दीचे तसेच जागेच्या मालकी / वहीवाटीबाबत अर्जदाराने /विकासकाने/ जमीनमालकाने याबाबत सादर केलेल्या प्रतिज्ञापत्राचे अधिन राहून परवानगी देण्यात येत आहे. सदर जमिनीचे वहीवाटीचे/ हद्दीचे अनुषंगाने अथवा इमारतीबाबत कोणतेही व्यक्तिगत वाद/ न्यायालयीन वाद उद्भवल्यास त्याची सर्वस्वी जबाबदारी अर्जदार / विकासक / जमिनमालक यांची राहिल. ज्या जागेची मालकी / वहीवाट, अर्जदार /विकासक / जमिनमालक यांची नाही अशा कोणत्याही जमिनीवर सदर परवानगीद्वारे विकास अनुज्ञेय राहणार नाही.
- ५) प्रस्तुतच्या जमिनीवर आर्थिक संस्थांचा बोजा असल्यास त्यास अर्जदार / जमीनमालक /विकासक सर्वस्वी जबाबदार राहतील.
- ६) नागरी जमीन (कमाल धारणा व विनियम) अधिनियम, १९७६ हा निरसित झाला असल्याने या अधिनियमांतर्गत बाबींकरिता प्रस्तावासोबत आपण रु. ५००/- च्या स्टॅम्प पेपरवरील दिनांक- ०७/०१/२०२० रोजी नोटरी श्री. आर व्ही पिसाळ यांचेसमोर केलेले विहित नमुन्यातील शपथपत्र व बंधपत्र क्र. १७९/२० सादर केले आहे. सदर शपथपत्र व बंधपत्रास अधिन राहून सदर बांधकाम परवानगी देण्यात येत आहे. त्याबाबतची संपूर्ण जबाबदारी अर्जदार /जमीनमालक /विकासक यांची राहिल सदर शपथपत्र व बंधपत्रातील माहिती चुकीची अथवा दिशाभूल करणारी आढळून आल्यास झालेले बांधकाम अनधिकृत समजून कारवाईस पात्र राहिल.
- ७) विषयांकित जमिनीवर कोणतेही विकास कार्य सुरु करण्यापूर्वी रेखांकन जागेवर सिमांकित करून भूमि अभिलेख खात्याकडून प्रमाणित करून घेणे बंधनकारक आहे. मंजूर रेखांकनानुसार जागेवरील सिमांकन झाल्यानंतर, भूखंडाचे क्षेत्रफळ, रस्त्यांची रुंदी, १५% सुविधा भूखंड व १०% खुल्या जागेचे क्षेत्र मंजूर रेखांकनात दर्शविल्यापेक्षा कमी भरता कामा नये. यामध्ये कोणताही बदल झाल्यास रेखांकन पुन्हा मंजूर करून घेणे बंधनकारक राहिल. अशा प्रमाणित रेखांकनाची प्रत प्राधिकरणास सादर करून त्यास अंतिम मंजूरी घेतल्याशिवाय कोणताही विकास करता येणार नाही.

तसेच मंजूर रेखांकनानुसार अंतर्गत रस्ते, सुविधा भूखंडातील क्षेत्र त्याचप्रमाणे मंजूर प्रादेशिक योजनेचे रस्ते / रस्ता रुंदीने बांधित क्षेत्र जागा मालकास/ विकासकास वाढीव क्षेत्राच्या बदलात संबंधित नियोजन प्राधिकरणाकडे हस्तांतरीत करावयाचे झाल्यास अशा अनुषंगिक क्षेत्राची मोजणी जागा मालकाने /विकासकाने संबंधित भूमि अभिलेख



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क्षेत्रावरील रहिवास प्रकल्पामधील सुधारित रेखांकन/ इमारत बांधकाम प्रस्ताव

- विभागाकडे रितसर अर्ज करून घेणे बंधनकारक राहिल. तदनंतर अशा क्षेत्राखालील जमिनीचे खरेदीखत संबंधित नियोजन प्राधिकरणाचे नावाने जागा मालकाने /विकासकाने स्वखर्चाने करून देऊन तसा ७/१२ उतारा व त्याप्रमाणे प्रत्यक्ष जागेचा ताबा दिल्यानंतरच अशा क्षेत्राचा वाढीव चटई क्षेत्र मिळणेबाबत आवश्यक त्या बांधकाम नकाशा व अनुपंगिक कागदपत्रासह अर्ज करण्यास अर्जदार पात्र राहतील.
- ८) मंजूर नकाशामध्ये समाविष्ट स.नं. १० पै व ११ पै क्षेत्र- ६८५७३.५० चौ.मी. या एकत्रित क्षेत्रावर मंजुरी आहे. उक्त सदर स.नं. १० पै व ११ पै मधील क्षेत्रामध्ये एकत्रिकरणाबाबतचा प्रॉपर्टी कार्ड उतारा ७/१२ उतारा व मोजणी नकाशा सादर करणे अर्जदार / विकासक / जमिनमालक यांच्यावर बंधनकारक आहे.
- ९) मंजूर नकाशात दर्शविलेप्रमाणे नियोजित बांधकामापासून पुढील, मागील व बाजुची सामासिक अंतरे प्रत्यक्षात जागेवर कायम व खुली ठेवणे आवश्यक राहिल.
- १०) रेखांकनातील भूखंड व नियोजित इमारतीचा वापर फक्त मंजूर नकाशानुसार "रहिवास" याप्रमाणे अनुज्ञेय केलेल्या वापरासाठी करणे बंधनकारक राहिल. इमारतीच्या वापरात बदल करावयाचा असल्यास त्याम प्राधिकरणाची पूर्वमंजूरी घ्यावी लागेल.
- ११) इमारतीचे जोता तपासणीसाठी अर्ज करताना अकृषिक परवानगी आणि परवानाधारक, वास्तुविशारद/ अभियंता /स्ट्रक्चरल अभियंता/ सुपरवायझर यांचे प्रमाणपत्र सादर करणे बंधनकारक राहिल, त्याचप्रमाणे भोगवटा प्रमाणपत्रासाठी अर्ज करताना बांधकाम प्रस्तावांतर्गत जमिनीचे महसूल /भूमी अभिलेखात एकत्रिकरण /उपविभागणी केलेला अद्यावत ७/१२ उतारा /प्रॉपर्टी कार्ड व मोजणी नकाशा सादर करणे बंधनकारक राहिल.
- १२) इमारतीचे मंजूर नकाशानुसार जोत्यापर्यंतचे बांधकाम पूर्ण झाल्यानंतर जोते तपासणी प्रमाणपत्र प्राप्त करून घेता पुढील बांधकाम केल्यास सदरचे बांधकाम अनधिकृत समजण्यात येऊन असे बांधकाम दंडात्मक कार्यवाहीस पात्र राहिल.
- १३) अभिन्यासातील रस्ते, व खुली जागा यांची देखभाल व अभिन्यासामध्ये दर्शविलेले वर्गीकृत /प्रादेशिक योजना रस्ते/ रस्ता रुंदीकरणातील क्षेत्र सर्व जनतेच्या वापरासाठी तसेच शेजारच्या जमीनमालकास वापरण्यास खुले ठेवणे बंधनकारक राहिल.
- १४) रेखांकनातील रस्ते, गटारे, खुली जागा इत्यादी अर्जदारांने/ विकासकांने /जमीनमालकाने भूखंड/ सदनिका वितरित करण्यापूर्वी जागेवर स्वखर्चाने व समाधानकारकरित्या विकसित करणे आवश्यक आहे.
- १५) नियोजित बांधकामातील मजल्यांची संख्या व उंची, मंजूर रेखांकन/बांधकाम नकाशांवर दर्शविल्यापेक्षा जास्त असता कामा नये.
- १६) नियोजित बांधकामाचे क्षेत्र, भूखंडावर अन्य बांधकाम अस्तित्वात असल्यास त्यासह एकुण बांधकाम क्षेत्र, सुविधा क्षेत्र व प्रादेशिक योजन रस्ते/रस्तारुंदी क्षेत्र नकाशावर दर्शविलेनुसार प्रत्यक्ष जागेवर असणे आवश्यक आहे.
- १७) जागेतील/ जागेवगतच्या नाल्याच्या/ नदीच्या नैसर्गिक प्रवाहास अडथळा येईल, असे कोणतेही बांधकाम करता येणार नाही. त्याचप्रमाणे उक्त जमिनीवरील विकास करताना जागेवरील भूपृष्ठ रचनेमध्ये अनाधिकृत बदल करता येणार नाहीत. सदर अटीचा भंग करून विकास केल्याने दुर्घटना घडल्यास त्याची जबाबदारी अर्जदार / विकासक/ जमिनमालक यांची राहिल.



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- १८) स्ट्रक्चरल इंजिनियर / डिझायनर यांनी तयार केलेल्या Structural Design नुसार प्रत्यक्ष जागेवर विकास करणेची जबाबदारी विकासक व सुपरवायझर यांची संयुक्तिक राहिल.
- १९) अर्जदार / विकासक/ जमिनमालक यांनी रु. ३००/- च्या स्टॅम्प पेपरवरील दिनांक- ०६/०१/२०२० रोजी नोटी श्री. आर व्ही पिसाळ यांचेसमोर केलेले विहित नमुन्यातील शपथपत्र क्र. १५६/२०२० सादर केले आहे. सदर शपथपत्रास अधिन राहुन ही परवानगी देण्यात येते असुन प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील सर्व नियम आणि भारतीय मानक ब्युरोने विहित केलेल्या सुरक्षा प्रमाणकांचे पालन करणे अर्जदार / विकासक/ जमिनमालक यांचेवर बंधनकारक राहिल. (नियम क्र. ७.१)
- २०) शासन नगर विकास विभागाकडील दि.१९/११/२००८ चे निदेश क्र. टिपीव्ही-१३०८/११०२/ प्र.क्र.३५९/०८/नवि-११ नुसार अर्जदार / विकासक/ जमिनमालक व वास्तुविशारद यांनी बांधकाम नकाशांमध्ये प्रत्येक सदनिकेचे एकूण चटईक्षेत्र (Carpet area) नमूद केलेले आहे. सदर नमूद चटई क्षेत्रा (Carpet area) बाबत आकडेमाडे, गणितीय चुका इ. बाबत वास्तुविशारद व अर्जदार / विकासक/ जमिनमालक संयुक्तिकरित्या जबाबदार राहतील.
- २१) प्रमाणित विकास नियंत्रण व प्रोत्साहन नियमावलीमधील तरतुद क्र. ६.२.६.१ नुसार विशेष इमारतीबाबत :-
- a) प्रमाणित विकास नियंत्रण व प्रोत्साहन नियमावलीमधील तरतुद क्र. १२.६(b) नुसार प्रस्तावित इमारती मभोवताली ६.०० मी रुंदीचे पाथवे किमान ४५ टन वजनाचे फायर इंजिनचा भार पेलु शकेल या प्रमाणे डिझाईन करुन विकसित करणे अर्जदार/ विकासक/ जमिनमालक यांचेवर बंधनकारक आहे.
- b) अर्जदार/ विकासक/ जमिनमालक यांनी प्रस्ताविल्यानुसार सर्व उंच इमारती स्टिल्ट वर असणे आवश्यक राहिल त्याचबरोबर वाहनतळ सुविधा प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतुद क्र. १६.१ नुसार प्रस्तावित करणे आवश्यक राहिल.
- c) नगर विकास विभागाच्या दि. २८.८.२००९ रोजीच्या अधिसूचना प्रमाणे नियम क्र. ४ मधील टिप - ii प्रमाणे पुणे / पिंपरी- चिंचवड महानगरपालिकेच्या मुख्य अग्निशमन अधिकारी / संचालक, महाराष्ट्र फायर सर्व्हिसेस, मुंबई / पुणे महानगर प्रदेश विकास प्राधिकरण यांनी १५ मी पेक्षा उंच इमारतीच्या नियोजनात बदल करणे आवश्यक झाल्यास पुन्हा संबंधित मुख्य अग्निशमन अधिकारी/संचालक यांची मंजूरी घ्यावी लागेल. तसेच प्रत्येक इमारतीमधील एक स्टेअरकेस व एक लिफ्ट NBC मधील तरतुदी प्रमाणे आग प्रतिरोधक असणे आवश्यक आहे. तसेच उंच इमारतीचे नियोजनानुषंगाने पुणे महानगर प्रदेश विकास प्राधिकरण यांनी पत्र क्र.FPH/ २०८/२०२०, दि. १२/११/२०२० ने दिलेल्या Provisional Fire N.O.C. मधील अटी/ शर्तीची पूर्तता करणे अर्जदार / विकासक/ जमिनमालक यांचेवर बंधनकारक राहिल.
- d) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतुद क्र. ६.२.६.१ नुसार बाबींची पूर्तता तसेच अग्निप्रतिबंधक उपाययोजनाबाबत भाग-४ मधील बाबींची पूर्तता करणे अर्जदार / विकासक/ जमिनमालक बंधनकारक राहिल.
- e) नेहमीच्या वापरामाठीच्या पाणी पुरवठ्याशिवाय अग्निप्रतिबंधक व्यवस्थेकरीता, पाणीपुरवठा बाबतची पूर्तता अर्जदार / विकासक/ जमिनमालक यांनी स्वखर्चाने, स्वजबाबदारीवर करणे आवश्यक राहिल



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- f) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील तरतूद क्र.१८ नुसार लिफ्टची सुविधा उपलब्ध करून देणे आवश्यक राहिल.
- g) अशा इमारतीचे Structural Design हे भूकंप प्रतिबंधक असणे आवश्यक राहिल. अर्जदाराने / विकासकाने जमिनमालकाने इमारतीचे Structural Stability बाबत नोंदणीकृत Structural Engineer चे प्रमाणपत्र संबंधित अग्निशमन अधिकारी यांचेकडे व या प्राधिकरणाकडे दाखल करणे आवश्यक राहिल.
- h) भोगवटा प्रमाणपत्र देण्यापूर्वी सर्व अग्निशमन यंत्रणा व सुविधांची पूर्तता करून सदर यंत्रणा सुस्थितीत कार्यान्वित असलेबाबत अग्निशमन विभागाकडील अंतिम नाहरकत प्रमाणपत्र सादर करणे अर्जदार / विकासक/ जमिनमालक यांचेवर बंधनकारक राहिल.
- i) पुणे महानगर प्रदेश विकास प्राधिकरण यांनी पत्र क्र. FPH/ २०८/२०२०, दि. १२/११/२०२० अन्वये नाहरकत दाखला व सोबतचे नकाशे सांक्षातिक केलेले आहेत. सदरचे नकाशामध्ये मंजूरी देताना फेरबदल झाल्यास अशा नियोजनास संबंधित मुख्य अग्निशमन अधिकारी/ संचालक यांचे सुधारित नाहरकत प्रमाणपत्र घेणे बंधनकारक आहे.
- २२) नियोजित इमारतीसाठी/ विकासासाठी आवश्यक असणाऱ्या पिण्याच्या पाण्याची सोय आपण अश्वसित केलेल्या सक्षम प्राधिकरणाने/ ग्रामपंचायतीने न केल्यास या प्रकल्पातील सदनिका हस्तांतरणापूर्वी पिण्याच्या पाण्याची आवश्यक ती पूर्तता अर्जदार / विकासक / जमिन मालक यांनी स्वखर्चाने प्रत्यक्ष वापरापूर्वी करणे आवश्यक आहे. त्याचप्रमाणे सांडपाण्याची व मैला निर्मुलनाची सुयोग्य व्यवस्था प्रत्यक्ष वापरापूर्वी करणे बंधनकारक राहिल.
- २३) विषयांकित प्रकल्पामध्ये प्रस्तावित केलेले एकूण (Gross FSI + Non FSI) बांधकाम क्षेत्र ५०२१६.५६ चौ.मी. आहे. तथापी, या प्रकल्पामध्ये अनुज्ञेय होणारे एकूण कमाल (Gross FSI + Non FSI) बांधकाम क्षेत्र सुमारे १४५६८२.२८ चौ.मी. साठी अर्जदार यांनी क्र. डीपी / बीएचए / मौ. औताडे हांडेवाडी / स.न. १० पै व ११ पै / प्र.क्र. २२४/१७-१८ दि. २३/०१/२०१८ रोजीच्या विकास परवानगी प्रारंभ प्रमाणपत्रातील परिशिष्ट "ब" मधील आदेशान्वये मंजूरी दिलेली आहे. यामधील अटी / शर्तीचे काटेकोरपणे पालन करणे अर्जदार / विकासक / जमिनमालक व वास्तुविशारद यांचेवर बंधनकारक राहिल.
- २४) ओला व सुक्या कच्च्याकरिता सदर जागेत स्वतंत्र कंटेनरची सोय करणे आवश्यक राहिल. विघटन होण्याच्या ओल्या कच्च्यासाठी गांडुळखत प्रकल्प अर्जदार / विकासक/ जमिनमालक यांनी स्वखर्चाने करावयाचा आहे.
- २५) सदर जमिनीचे क्षेत्रफळ ५०० चौ.मी. जास्त आहे. त्यामुळे प्रत्येक ८० चौ.मी. क्षेत्रासाठी एक झाड याप्रमाणे वृक्ष लागवड करणे व त्याची जोपासणा करणे अर्जदार/ विकासक /जमिनमालक यांचेवर बंधनकारक राहिल.
- २६) शासन निदेशानुसार बांधकाम करताना प्लाय अॅशचा वापर करणे बंधनकारक राहिल.
- २७) सौर उर्जेवर पाणी तापवण्यासाठीची यंत्रणा अर्जदार/ विकासक/ जमिनमालक यांनी इमारतीचे वापरापूर्वी स्वखर्चाने करावयाची आहे.
- २८) केंद्र शासनाच्या MINISTRY OF CIVIL AVIATION यांच्या अधिनियम क्र. G.S.R ७५१ (E) दि. ३०/०५/२०१५ अन्वये इमारतीच्या उंचीवर बंधने घालण्यात आलेली अटी, शर्तीचे काटेकोरपणे पालन करणे अर्जदार/ विकासक/ जमिनमालक यांनी इमारतीचे वापरापूर्वी स्वखर्चाने करावयाची आहे.



क्षेत्रावरील रहिवास प्रकल्पामधील सुधारित रेखांकन/ इमारत बांधकाम प्रस्ताव

COLOUR CODE नुसार प्रस्तावाखालील जागा एन ६ झोन मध्ये समाविष्ट आहे. एन ६ झोन मध्ये ७३७ मी. AMSL पर्यंत NOC घ्यावयाची आवश्यकता नाही. प्रस्तावाखालील जागा या कार्यालयाच्या अभिलेखानुसार जमिनीची AMSL ६२५.०० मी आहे. इमारतीची TOP LEVEL उंची ४९.२५ मी असल्याने इमारतीची टॉप लेवल AMSL ची उंची ६७४.२५ मी इतकी येत आहे. त्यामुळे AVAITION विभागाचे ना हरकत घ्यावयाची आवश्यकता नाही. सदर बंधनाच्या अनुषंगाने बांधकाम करण्यापूर्वी अनुज्ञेय उंचीचे मर्यादित बांधकाम असल्याबाबत आवश्यक ती खात्री करणे अर्जदार / वास्तुविशारद यांचेवर बंधनकारक राहिल.

- २९) वेस्ट वॉटर ट्रिटमेंट प्लँट उभारणे अर्जदार/ विकासक/ जमिनमालक यांचेवर बंधनकारक असून पाण्याचा फेरवापर बगीचा, झाडाची जोपासणा यासाठी करणे आवश्यक आहे.
- ३०) रेन वॉटर हार्वेस्टिंग बाबतची यंत्रणा अर्जदार यांनी स्वखर्चाने करावयाची आहे.
- ३१) मोठ्या इमारत बांधकामाच्या ठिकाणी काम करणाऱ्या मजूरामधील गरोदर माता, स्तनदा माता आणि त्यांच्यासोबत असणाऱ्या ० ते ६ वर्षे वयोगटातील मुलांकरिता शेड बांधणे, शौचालय व पिण्याच्या पाण्याची व्यवस्था, पाळणाघर इ. तात्पुरत्या सुविधा कंत्राटदार किंवा बांधकाम विकासक यांनी करणे आवश्यक आहे.
- ३२) प्रस्तुत जमिनीवर भविष्यात छाननी शूल्क, प्रिमीयम शूल्क, विकास शूल्क, सुरक्षा ठेव व कामगार कल्याण उपकर इत्यादी बाबतच्या रक्कमेची बाकी उद्ध्वलयास सदर रक्कम प्राधिकरणाकडे जमा करणे अर्जदार यांचेवर बंधनकारक राहिल.
- ३३) अर्जदार यांनी सादर केलेली कोणतीही माहिती अथवा कागदपत्रे ही चुकीची/दिशाभूल करणारी आढळल्यास प्रस्तुतची विकास परवानगी व प्रारंभ प्रमाणपत्र रद्द समजणेत येईल.

प्रस्तावासोबतच्या रेखांकन/बांधकाम नकाशांचे दोन संच स्वाक्षांकित करून सोबत जोडले असून प्रस्तावासोबतची अन्वये सर्व कागदपत्रे प्राधिकरणाच्या अभिलेखार्थ राखून ठेवण्यात येत आहेत.

(मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने)



महानगर आयुक्त

तथा,

मुख्य कार्यकारी अधिकारी

पुणे महानगर प्रदेश विकास प्राधिकरण,

पुणे यांचेकरिता.



State Environment Impact Assessment Authority

No. SIA/MH/NCP/54865/2020
Environment & Climate Change
Department,
217(Annex), Mantralaya,
Mumbai- 400 032.
Date : 08/02/2021.

To,
M/s. Majestique Risingsun LLP
Office No. 3, 4, 5, Ground floor,
Swayambhu, Pune Satara Road,
Mukundnagar, Pune.

Subject: Amendment in EC for residential and commercial project "Rhythm County"
by M/s. Majestique Risingsun LLP- Terms of Reference regarding

Ref. : Your application no. SIA/MH/NCP/54865/2020

This has reference to your proposal No. SIA/MH/NCP/54865/2020 submitted to State Environment Impact Assessment Authority (SEIAA) for seeking Terms of Reference (ToR) in terms of the provisions of the Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986.

2. The proposal for grant of Terms of Reference (ToR) to the Amendment in EC for residential and commercial project "Rhythm County" by M/s. Majestique Risingsun LLP- Terms of Reference regarding was considered by the State Expert Appraisal Committee (SEAC-3) in its 113th meeting and by SEIAA in its 214th meeting.
3. ToR for the said project is issued as per details of the project, which are as given below:-

Proposal Number	SIA/MH/NCP/54865/2020	
Name of Project	Amendment in EC for Residential and Commercial Project "Rhythm County" by M/s. Majestique Risingsun LLP.	
Project category	Infrastructure and Miscellaneous Projects + CRZ	
Type of Institution	Private	
Project Proponent	Name	Mr. Manish Maheshwari
	Regd. Office address	Office No. 3, 4, 5, Ground floor, Swayambhu, Pune Satara Road, Mukundnagar, Pune
	Contact number	7720011970
	e-mail	anil@majestiqueproperties.com
Consultant	Vke: environmental LLP	
Applied for	ToR	
Details of previous EC	DP/बीएचए/मौ.ओताडे-हांडेवाडी/स.नं.१० पै. व ११ पै./प्र.क्र. २२४/१७-१८. dated 23.01.2018 For BUA= 1,45,682.28 m ² FSI Area = 77,660 m ² Non FSI Area = 68,022.28 m ²	
Location of the project	Gat No. 10,11, Handewadi, Taluka – Haveli, Pune - 411028	
Latitude and Longitude	18°27'54.57"N 73°56'14.36"E	
Total Plot Area (m2)	68,573.50 m ²	
Deductions (m2)	4380.12 m ² (Road widening Area)	
Net Plot area (m2)	64,193.38 m ²	
Proposed FSI area (m2)	1,02,897 m ²	
Proposed non-FSI area (m2)	81,246 m ²	

Proposed TBUA (m ²)	1,84,143 m ²					
TBUA (m ²) approved by Planning Authority till date	Approved Total BUA area (sq. m.): 1,45,682.28 m ² from PMRDA					
Ground coverage (m ²) & %	9519 m ² & 14.82 % of net plot area					
Total Project Cost (Rs.)	Rs. 335 Crores					
Details of Building Configuration:						
Previous EC / Existing Building			Proposed Configuration			Reason for Modification / Change
Building Name	Configuration	Height (m)	Building Name	Configuration	Height (m)	
A1, A2, A3, A4, A5, A6	B + P + 14	44.60	A1, A2, A3, A4, A5, A6	B + P + 14	44.60	Change in design
B1, B2, B3, B4, B5, B6, B7, B8	B + P + 14	44.60	B1, B2, B3, B4, B5, B6, B7, B8	B + P + 14	44.60	
Commercial 1 & Commercial 2	G + 2	44.60	B9, B10, B11, B12, B13, B14, B15, B16	B + P + 14	44.60	
			Commercial 1 & Commercial 2	G + 2	14.2	
Total number of tenements			Residential: 1412, Offices: 76 Residential Tenants :7060 Commercial users: 614 Total Population:- 7674			

4. The project/ activity is covered under item 8(b) 'Townships and Area Development Projects' of the Schedule to the EIA Notification, 2006.
5. SEAC-3 in its 113th meeting after detailed deliberation recommended the project for grant of ToR as specified by the Ministry as Standard ToR in April 2015 for the said project/Activity and the following ToR in addition to standard ToR for preparation of EIA-EMP report. As per the recommendations of the SEAC, the SEIAA hereby accords ToR to the Amendment in EC for residential and commercial project "Rhythm County" by M/s. Majestique Risingsun LLP- Terms of Reference regarding for preparation of the Environment Impact Assessment (EIA) Report and Environment Management Plan (EMP) the following specific and general conditions in addition to Standard ToR provided at Annexure -1:-

Specific Conditions-

Additional terms of Reference for carrying out EIA studies

A) Project Description

- 1) Project description, its importance and the benefits.
- 2) Project site details (location, topo-sheet of the study area of 10 Km, Coordinates, google map, layout map, land use, geological features and geo-hydrological status of the study area, drainage). Hydro-geological survey report with graphs & data.
- 3) Land use as per the approved Master Plan of the area, Permission/approvals required from the land owning agencies, Development Authorities, Local Body, Water supply & Sewerage Board, etc.
- 4) Land acquisition status, R & R details.
- 5) Forest and Wildlife and eco-sensitive zones, if any in the study area of 10 km. Any sensitive areas in impact zone such as archaeological structures, reserved forest, noise sensitive zones etc. Clearances required under the Forest (Conservation) Act, 1980, the Wildlife (Protection) Act, 1972 and/or the Environment (Protection) Act, 1986.
- 6) (G) High Tension wires if any on the plot.
- 7) (G) Plan showing HFL.
- 8) (G) Permissions granted by State Government in tabular and chronological form. Comparative statement of components approved and components constructed as per earlier EC (if applicable) and proposed development.

- 9) (G) PP to submit the detailed master plan indicating already completed construction and proposed construction. PP to submit the certificate from architect for completed work
- 10) PP to obtain approval for layout for amalgamation for entire land from concerned authority if two or more than two land parcels are being amalgamated.

B) Base Line Data

- 11) (B) Baseline environmental study for ambient air (PM₁₀, PM_{2.5}, SO₂, NO_x& CO), water (both surface and ground), noise and soil as per MoEF&CC/CPCB guidelines at minimum 5 locations in the study area of 10 km, The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
- 12) (C) Detail on flora and fauna and socio-economic aspects in the study area. Details of tree cutting, tree transplantation and survival report of existing trees.
- 13) (C) Likely impact of the project on the environmental parameters (ambient air surface and ground water, land, flora and fauna and socio-economic, etc.)
- 14) (B) Source of water for different identified purposes with the permissions required from the concerned authorities, both for surface water and the ground water (by CGWA) as the case may be, Rain water harvesting, etc.
- 15) (G) Socio-economic infrastructure details including public transport arrangements on the site; PP to mention details of socio-economic in EIA.
- 16) (G) PP to submit contour map with slopes, drainage pattern of the site and surrounding area. Layout showing natural water courses on site; total runoff calculation before and after development.
- 17) (C) PP to submit details of existing trees, proposed to be cut, proposed to be transplanted along with tree survival report

C) Traffic Impact Study in detail including:

- 18) (V) 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.
- 19) (V) Traffic Volume Counts and Turning Movement Counts on all the external surrounding roads of the proposed project showing the time period taken.
- 20) (V) Topographic details of roads and intersection of the surrounding roads where counts are taken, actual geometry on ground to be shown with dimensions.
- 21) (V) 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.
- 22) (V) Parking statement mentioning parking as per DCR & parking provided actually.
- 23) (V) 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.

D) Environmental Impact and Management Plan:

- 24) (B) Identify sources of air pollution, indicate mitigation measures to reduce Air pollution/Noise pollution.
- 25) (G) Debris management plan including (a) debris required for refilling, (b) contour plan, (c) details of site where excess debris will be disposed, capacity of the site and NOC of plot owner. PP shall also ensure that debris disposed on other plot shall not be disposed on another plot. If to be disposed on another plot, the same shall be carried out as per prevailing environmental laws.
- 26) (B) Management of solid waste and the construction & demolition waste for the project vis-a-vis the Solid Waste Management Rules 2016 and the Construction & Demolition Rules, 2016. 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.
- 27) (B) 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
 - 28) (J) PP to show internal storm water drain and sewer line arrangements up to final disposal point.
 - 29) (C) 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.
 - 30) (G) A detailed phase wise development plan with safety planning where occupancy has been given.
 - 31) (T) If any site specific structures such as creation of water body, alteration of natural storm water, large alteration of slopes, creation of green areas abutting to water bodies / natural storm water drain / river etc, is involved, detailed environmental protection approach for the same shall be provided.
 - 32) (D) Separate chapter on Renewable energy in EIA report. PP to submit terrace plan for installing solar panels& calculations of energy saving; Energy efficient measures (LED lights, solar power, etc.) during construction as well as during operational phase of the project. Report on ECBC compliance.
 - 33) (D) Provide details of Solar PV and Solar water heater in the specific format. PP to carryout shadow analysis for identifying the roof-top area for providing solar panels
 - 34) (B) Environmental status report including analysis reports of all environmental pollution reduction facilities if any commissioned.
 - 35) (K) PP to submit Disaster management plan.
 - 36) (B) Preparation of site specific, executable and auditable environment management plan (EMP)
- E) Environmental Modelling and additional Studies:**
- 37) (B) Fugitive dust modelling by using local meteorological data.
 - 38) (B) Ecological footprint calculation using LCA approach.
 - 39) (B) Estimation of Carbon footprint of the project.
 - 40) (B) 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.
- F). NOCs, Undertakings and CER:**
- 41) (T) NOC's required: a) CFO NOC, b)Water supply NOC with quantity, c) Drainage NOC, d) Non-biodegradable waste disposal.
 - 42) (T) Undertaking to provide DG set backup to all Pollution Control Devices, Water Supply, Emergency Services including emergency lifts, etc.
 - 43) (K) PP to submit details of CER activities in consultation with the affected people in the project area as per the MoEF&CC mandate applicable, along with details of fund utilization & agreement or consent of executor.

General Guidelines

- i. The EIA document shall be printed on both sides, as for as possible.
- ii. All documents should be properly indexed, page numbered.
- iii. Period/date of data collection should be clearly indicated.
- iv. The letter/application for EC should quote the Proposal No. and also attach a copy of the letter prescribing the ToR.

- v. The copy of the letter received from the SEIAA on the ToR prescribed for the project should be attached as an annexure to the final EIA-EMP Report.
 - vi. The final EIA-EMP report submitted to the SEIAA must incorporate the issues mentioned in ToR. The index of the final EIA-EMP report, must indicate the specific chapter and page no. of the EIA-EMP Report where the specific ToR prescribed by Ministry. Questionnaire related to the project (posted on MoEF & CC website) with all sections duly filled in shall also be submitted at the time of applying for EC.
 - vii. Grant of ToR does not mean grant of EC.
 - viii. The status of accreditation of the EIA consultant with NABET/QCI shall be specifically mentioned. The consultant shall certify that his accreditation is for the sector for which this EIA is prepared.
 - ix. On the front page of EIA/EMP reports, the name of the consultant/consultancy firm along with their complete details including their accreditation, if any shall be indicated. The consultant while submitting the EIA/EMP report shall give an undertaking to the effect that the prescribed ToRs (ToR proposed by the project proponent and additional ToR given by the MoEF & CC) have been complied with and the data submitted is factually correct (Refer MoEF & CC Office memorandum dated 4th August, 2009).
 - x. While submitting the EIA/EMP reports, the name of the experts associated with/involved in the preparation of these reports and the laboratories through which the samples have been got analyzed should be stated in the report. It shall clearly be indicated whether these laboratories are approved under the Environment (Protection) Act, 1986 and the rules made there under (Please refer MoEF & CC Office Memorandum dated 4th August, 2009). The project leader of the EIA study shall also be mentioned.
 - xi. All the ToR points as presented before the State Expert Appraisal Committee (SEAC) shall be covered.
6. The above ToR should be considered for the Amendment in EC for residential and commercial project "Rhythm County" by M/s. Majestique Risingsun LLP- Terms of Reference regarding in addition to all the relevant information as per the 'Generic Structure of EIA' given in Appendix III and IIIA in the EIA Notification, 2006.
 7. The project proponent shall submit the detailed final EIA/EMP prepared as per ToR to the SEIAA for considering the proposal for environmental clearance within 3 years as per the MoEF & CC O.M. No. J-11013/41/2006-IA-II (I) (Part) dated 29.08.2017.
 8. The consultants involved in preparation of EIA/EMP report after accreditation with Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other Organization(s)/ Laboratories including their status of approvals etc. vide Notification of the MoEF&CC dated 19.07.2013.
 9. The prescribed ToR would be valid for a period of three years for submission of the EIA/EMP Reports.


 (Manisha Patankar- Mhalskar)
 Principal Secretary &
 Member Secretary, SEIAA

Copy to:

1. Chairman, SEIAA (Maharashtra), Mumbai.
2. Principal Secretary, Environment, Room no.217, Annex. Bldg., Mantralaya, Mumbai.
3. Member Secretary, SEAC-3, 15th floor, New Administrative Building, Mantralaya, Mumbai.
4. Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th Floor, Opp. Cine Planet, Sion Circle, Mumbai - 400 022.

Annexure – I

8(b): STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT IMPACT ASSESSMENT STUDY FOR TOWNSHIP / AREA DEVELOPMENT PROJECTS AND INFORMATION TO BE INCLUDED IN EIA/EMP REPORT

- i. Examine details of land use as per Master Plan and land use around 10 km radius of the project site. Analysis should be made based on latest satellite imagery for land use with raw images. Check on flood plain of any river.
- ii. Submit details of environmentally sensitive places, land acquisition status, rehabilitation of communities/ villages and present status of such activities.
- iii. Examine baseline environmental quality along with projected incremental load due to the project.
- iv. Environmental data to be considered in relation to the project development would be (a) land, (b) groundwater, (c) surface water, (d) air, (e) bio-diversity, (f) noise and vibrations, (g) socio economic and health.
- v. Submit a copy of the contour plan with slopes, drainage pattern of the site and surrounding area. Any obstruction of the same by the project
- vi. Submit the details of the trees to be felled for the project.
- vii. Submit the present land use and permission required for any conversion such as forest, agriculture etc.
- viii. Submit Roles and responsibility of the developer etc for compliance of environmental regulations under the provisions of EP-Act.
- ix. Ground water classification as per the Central Ground Water Authority.
- x. Examine the details of Source of water, water requirement, use of treated waste water and prepare a water balance chart.
- xi. Rain water harvesting proposals should be made with due safeguards for ground water quality. Maximize recycling of water and utilization of rain water. Examine details.
- xii. Examine soil characteristics and depth of ground water table for rainwater harvesting.
- xiii. Examine details of solid waste generation treatment and its disposal.
- xiv. Examine and submit details of use of solar energy and alternative source of energy to reduce the fossil energy consumption. Energy conservation and energy efficiency.
- xv. DG sets are likely to be used during construction and operational phase of the project. Emissions from DG sets must be taken into consideration while estimating the impacts on air environment. Examine and submit details.
- xvi. Examine road/rail connectivity to the project site and impact on the traffic due to the proposed project. Present and future traffic and transport facilities for the region should be analysed with measures for preventing traffic congestion and providing faster trouble free system to reach different destinations in the city.
- xvii. A detailed traffic and transportation study should be made for existing and projected passenger and cargo traffic.
- xviii. Examine the details of transport of materials for construction which should include source and availability.
- xix. Examine separately the details for construction and operation phases both for Environmental Management Plan and Environmental Monitoring Plan with cost and parameters.
- xx. Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.
- xxi. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- xxii. The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- xxiii. Any further clarification on carrying out the above studies including anticipated impacts due to the project and mitigative measure, project proponent can refer to the model ToR available on Ministry website "<http://moef.nic.in/Manual/Townships>".

MAHARASHTRA POLLUTION CONTROL BOARD

SUB-REGIONAL OFFICE, PUNE-II

Phone - (020) - 25816451

Fax - (020) - 25811029

Email - sropune2@mpcb.gov.in2nd Floor, "Jog Center"

Wakadewadi, Mumbai-Pune

Road, Pune - 411003

VISIT REPORT

Date : 18/10/2019

- 1) Name & address: Mrs. Rhythm Country,
10(P), 11(P), Autode, Handewadi
Tal-Haveli, Dist-Pune
- 2) Date of visit:- 18th Oct. 2019
- 3) Contact person (Tel/Mob/email):- Mr. Anil Baniskar, Coordinator.
7720011970
rhythmcountry123@gmail.com
- 4) Consent status:- Applied for consent to establish wide appin
no. MPCB - CONSENT - 0000053857
- 5) Additional Information:-

This has in reference with the application for consent to establish in 021 - Building & construction projects more than 20000 Sq. meter as mentioned above. Accordingly today on 18th Oct 2019 J. Anwarul V. Kadale along with project coordinator Mr. Anil Baniskar have jointly visited the aforesaid site and noted following observations.

1. During visit the work of construction of two nos of commercial buildings found almost completed, these two buildings are not yet commissioned.
2. Also construction work of two buildings A1 & A2 found started at site, A1 building is found completed with one slab and A2 with two slabs, site levelling work found in progress (P.T.O.)

Accepted
18/10/19
[Signature]

3. Further it is noticed that there is one labour camp is established at site having toilets with septic tanks, these septic tanks regularly drained & cleared by local agency.

Also separate drinking water source provided at site of labour camp.

4. It is requested to submit the details of Environmental Clearance, latest Architect certificate showing completed area, clarification for initiating work and reply of scrutiny mail.


18/10/19
(Anil Barakar)


18/10/2019
(A.V. Kadale) CFO
MPCB, Pune. II

MAHARASHTRA POLLUTION CONTROL BOARD

Te.No. : 24010437/24014701/24020781
 Fax No. : 24023516/24024068/24044531
 Website : <http://mpcb.gov.in>
 E-mail : jdwater@mpcb.gov.in



'Kalpataru Point' 3rd floor,
 Sion Matunga Scheme Rd No.8,
 Near Sion Circle, Sion (E),
 Mumbai 400 022.

No. MPCB/JD (WPC)/Infra/B-2001310002

Date: 31/01/2020

To,
 M/s. Rhythm County,
 S. No. 10(P), 11(P), Autade
 Handewadi, Tal: Mulshi, Dist: Pune.

Sub: Show Cause Notice under Clause (b) of Sub-Section (4) of Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 & Hazardous & Other Wastes (Management, and Transboundary Movement) Rules, 2016.

Ref: 1) Your Application Vide UAN No.055857 dt. 05.09.2018
 2) Minutes of Consent Committee Meeting dt. 13/12/2019

.....

WHEREAS, you have made an application for grant of Consent to Establish for Construction of residential Project under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under Rule 5 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

AND WHEREAS, Board office is in receipt of your application for grant of consent to Establish for Residential construction Projects having total plot area 68,573.50 sqm and proposed construction BUA 1,45,682.28 S.qm.

AND WHEREAS, your application for grant of consent to Establish for residential construction projects was discussed in Consent Committee Meeting held on 13.12.2019. As per Minutes of CC meeting, not approved Consent to Establish and it was decided to issue show cause notice for refusal as : (a) As you have not obtained Environmental Clearance from State Expert Impact Assessment Authority, Gov. of Maharashtra (SEIAA), (b) As you have started construction work and completed construction work of A1 Building remaining is in progress, (c) As you have started construction work prior obtain consent to establish from Board

....2....

.....2.....

NOW THEREFORE, the following show cause notice are issued against to,

- 1) Why your application for consent to Establish for residential project shall not be refused?
- 2) Why further necessary action shall not be initiated against you for the above violations?

You are hereby called upon to submit your reply to this Show Cause Notice within a period of seven days from the receipt of this communication, failing which, the Board will have no option than to issue refusal notice and to confirm the stop work directions and/or to file prosecution under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 against you, which please note.


(E. Ravendiran, IAS)
Member Secretary

Copy to:

- 1) Law Officer (P& L Divn.), MPC Board Mumbai and JD (WPC) : for information and necessary follow up.
- 2) Regional Officer, MPCB, Pune/Sub-Regional Officer, MPCB Pune -II,- for information and necessary follow up action.

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701

Fax: 24024068 / 24023515

Website: <http://mpcb.gov.in>E-mail: jdwater@mpcb.gov.inKalpataru Point, 2nd - 4th Floor

Opp. Cine Planet Cinema,

Near Sion Circle, Sion (E)

Mumbai-400 022.

No.BO/JD(WPC)/CC/Final Refusal/TB-2007000483

Date: 06/17/2020

To,
M/s. Rhythm County,
10(P), 11(P) Autade Handewadi Haveli

Sub: - Refusal of Consent under section 27 of the Water (Prevention and Control of Pollution) Act, 1974; under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

Ref: - 1. Your application for grant of consent to Establish vide UAN No 000000055857 dt.05.09.2018
2. Show Cause Notice issued vide letter dt 031.01.2020
3. Minutes of CC meeting held on 20.03.2020

.....

We refer to application for grant of Consent to Establish for residential construction project u/s 25 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 Hazardous & Other Waste (Management and Transboundary Movement) Rules, 2016.

AND WHEREAS, Board has issued Show Cause Notice for refusal of consent vide above ref at Sr. No. (2) on following non compliances :

- (i) You not obtained Environmental Clearance from State Expert Impact Assessment Authority, Govt. of Maharashtra (SEIAA)
- (ii) You have started construction work of project and completed construction work of building A1 Building and remaining is in progress
- (iii) You have started construction work prior to obtain consent to Establish from Board .

AND WHEREAS, Your case was resubmitted before Consent committee meeting dt .20.03.2020. As per minutes of CC meeting dt.20.03.2020. not approved consent to Establish and decided to issue final refusal order with stop work order to construction work of residential and cum commercial projects on following non compliances :

- (i) You have not replied to the show cause notice issued by Board dt 03.01.2020
- (ii) You have completed construction BUA more than restricted BUA in EC in EC i.e. 76,236.72 Sqm (Actual constructed total BUA 101301.82 sqm)
- (iii) You have not obtained re validated consent to Establish since 2016
- (iv) You have has not submitted approval sanction plan from corporation.

AND WHEREAS, in spite of sufficient time given to you for comply with the directions issued, you have not complied directions issued which shows your negligent attitude towards Environment Protection and compliance of consent conditions. Hence it was decided to issue final refusal order with stop work order for construction project as you have not complied directions and not submitted reply to SCN issued by Board .

.....2....

In continuation to pre page comments and the aforesaid noncompliance, your application for consent to Establish 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.

You may prefer an appeal against the Refusal order passed by Maharashtra Pollution control Board, in case aggrieved by the refusal order, the Appellate Authority. i.e Principal Secretary, Environment Department, Government of Maharashtra within thirty days of receipt of this order.

For & behalf of the
Maharashtra Pollution Control Board,


(E. Ravendiran, IAS)
Member Secretary

Copy to-

1. Regional Officer, MPCB, Pune: He is directed to issue Closure directions to the Project and submit the compliance report accordingly.
2. Sub Regional Officer, MPCB, Pune -II - He is directed to serve this notice of refusal of consent to the project proponent.
3. Law officer, MPCB, Mumbai for information and necessary action

MAHARASHTRA POLLUTION CONTROL BOARD

SUB-REGIONAL OFFICE, PUNE-II

Phone - (020) - 25816451

Fax - (020) - 25811029

Email - sropune2@mpcb.gov.in2nd Floor, "Jog Center"

Wakadewadi, Mumbai-Pune

Road, Pune - 411003

VISIT REPORT

- 1) Name & address: M/s Majestique Risingsun LLP,
S.No: 10, 11; Autade Handewadi,
Tal - Haveli, Dist - Pune.
- 2) Date of visit:- 05/03/2021
- 3) Contact person (Tel/Mob/email):- Mr. Anil Bavaskar [Coordinator]
9764355277
- 4) Consent status:- Applied for consent to establish
- 5) Additional Information:-
- ① Visit is in respect of consent application received to this office
 - ② Project proponent has applied for consent to establish on total plot area: 68573.50 sq.mtrs & construction BUA: 184143 sq.mtrs. This is a building construction project with commercial.
 - ③ PP has informed that they have previously applied for consent to establish in name of M/s Rhythm County vide UAN No: MPCB-Consent-000005527 dated 05/9/2018 & said application is refused by Board on 6/7/2020.
 - ④ Now PP has applied for consent to establish & during visit following observations are made:-
 - Project proponent has found constructed Building A1 & A2 & plaster work is in progress. These building having 2 floor parking + 14 floors residential.
 - Building No: A3 ⇒ RCC completed upto 9th floor & for Building No: A4 ⇒ RCC completed upto 7th floor & said work is in progress.
 - Building No: B1 & B2 ⇒ footing work is in progress.
 - Building No: A, B ⇒ These are commercial buildings and found completed (Ground + 2 floors)

- Project proponent has completed work of club house building.
- Project proponent has proposed two ~~no.~~ nos. of STP's having capacities 360CMD & 530CMD which are based on MBBR. Treated effluent will be recycled for ~~flushing~~ flushing & ~~air~~ other secondary purposes & remaining on land for gardening.
- ~~Industry~~ PP has propose to provide o/wc for treatment of biodegradable waste. Non-biodegradable waste will be handed over to local body.
- EC obtained from PMRDA dated 27/11/2017 ~~(2017)~~
- PP has obtained PMRDA permission dated 23/01/2018 on 68573.50 m² of construction BUA = 145682.28 m².
- PP has obtained Terms of Reference (TOR) copy from State Environment Impact Assessment Authority on 8/2/2021 for total plot area: 68573.50 m² of total construction BUA = 184143 m².

mm
5/5/24

Vastan
(S.S. Vastre)
F.O. MPCB, pune - II

MAHARASHTRA POLLUTION CONTROL BOARD

Minutes of 3rd Consent Committee Meeting of 2021-2022 held on 05.05.2021, 4:00 pm through Video Conference at Sion, HQ, Mumbai.

The following members of the Consent Committee were present:

1. Shri Ashok A. Shingare, IAS, Member Secretary,
Maharashtra Pollution Control Board, Mumbai – Chairman
2. Shri. R. G. Pethe, Retired WPAE, MPCB -- Member
3. Shri Y. B. Sontakke, Joint Director (WPC),
Maharashtra Pollution Control Board, Mumbai --Member
4. Shri V. M. Motghare, Joint Director (APC)
Maharashtra Pollution Control Board, Mumbai --Member
5. Shri P. K. Mirashe, AS(T),
Maharashtra Pollution Control Board, Mumbai --Member

Chairman of the committee welcomed the members of the committee and allowed proceeding of the meeting to start. The minutes of the 2nd Consent Committee meeting of 2021-22 held on 22.04.2021 were confirmed.

The meeting thereafter deliberated on the agenda items placed before the committee and following decisions were taken.

Sr. No.	Application Unique Number	Industry Name & Address	Decision on grant of consent	Consent granted upto	Section	Remarks/ Discussion
1	MPCB- CONSENT- 0000066978	Jai Corp Limited - Sipta Coated Steels Division, A-3/4 MIDC Industrial Area Nanded	Not Approved Renewal of consent	--	APC	Committee has noted that, earlier case was discussed in CAC on 23/9/2019 Board has issued show cause notice on 04/11/2019 as industry was not in operation since 2018 and operation status of ARP not submitted. Application was discussed in 22nd CAC held on 02/02/2021 & 05/02/2021 and it was decided to transfer the case to CC for further decision. The industry has not submitted reply for SCN Therefore committee decided to issue final refusal with closure direction.

48	MPCB- CONSENT- 0000108342	Majestique Risingsun LLP 10,11 Autade Handewadi Haveli	Approved consent to Establish	Commissioning of the project or five years whichever is earlier	WPC	<p>Committee noted that PP has applied for Consent to Establish for Construction of Residential projects having total plot area is 68,573.50 Sqm and total Construction BUA 184143 Sqm. PP has obtained TOR from SEIAA vide letter dtd 08.02.2021 for amendment in local EC obtained on 23.01.2018. After due deliberation it was decided to grant consent to establish for Construction of Residential projects having total plot area is 68,573.50 Sqm and total Construction BUA 184143 Sqm. By imposing following conditions.</p> <p>(i) PP shall obtain Environmental Clearance from State Expert Impact Assessment Authority (SEIAA), Gov. of Maharashtra. PP shall not take any effective step towards the proposed construction without obtaining prior Environmental Clearance form SEIAA.</p> <p>(ii) PP shall comply with the conditions stipulated in C to E and submit BG of Rs. 10 Lakhs towards compliance of the same.</p> <p>(iii) PP shall install online monitoring system to the O/L of STP for monitoring pH, SS, BOD and flow.</p> <p>(iv) The treated domestic effluent shall be 60 % recycled for secondary purpose such as toilet flushing, air conditioning, cooling tower make up, fire fighting etc. and remaining shall be utilized on land for gardening and connected to the sewerage system provided by local body</p> <p>(v) PP 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.</p>
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						<p>(vi) PP shall provide Organic waste digester with composting facility or Bio gas digester with composting facility.</p> <p>(vii) PP shall make provision of charging port for Electric vehicles at least 10 % of total available parking.</p> <p>(viii) PP shall take adequate measure to control the dust emission and noise level during construction phase.</p>
49	MPCB- CONSENT- 0000104273	Shreya Life Sciences Pvt Ltd PLOT No. B-9/2 Waluj MIDC Gangapur	Approved Renewal of consent	30/04/2025	AST	<p>Committee noted that, industry has applied for renewal of consent to operate. Committee also noted that, industry has provided ETP (02 Nos) for treatment of trade effluent and treated effluent is connected to CETP. Also, noted that, Hazardous Waste disposal is as per the provisions of Rule.</p> <p>After due deliberation is was decided to grant renewal of consent to operate subject to submission of action plan for Connectivity of OCEMS to Boards server and data transmission without any interference; Provision of Sewage Treatment Plant and Submission of statutory submissions.</p> <p>Consent shall be issued after receipt of action plan with following conditions:</p> <p>(i) Industry shall operate Pollution Control System Scientifically to achieve the standards prescribed in the consent.</p> <p>(ii) Industry shall dispose the Hazardous Waste generated as per the provisions of H&OW Rules</p> <p>(iii) Industry shall submit the statutory submissions within the stipulated time.</p> <p>(iv) Industry shall submit/extend Bank Guarantee of Rs. 5.0 Lakh towards</p>

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437
 Fax: 24023516
 Website: <http://mpcb.gov.in>
 Email: cac-cell@mpcb.gov.in



Kalpataru Point, 2nd and
 4th floor, Opp. Cine Planet
 Cinema, Near Sion Circle,
 Sion (E), Mumbai-400022

Infrastructure/RED/L.S.I

No:- Format1.0//UAN No.0000108342/CE - 2105000456

Date: 12/05/2021

To,
 M/s. Majestique Risingsun LLP "Rhythm
 County"
 10,11,Autade Handewadi
 Tal : Haveli, Dist: Pune



Your Service is Our Duty

Sub: Consent to Establish for Construction of Residential Project granted under red category.

Ref: 1. Minutes of Consent Committee Meeting held on 05.05.2021.

Your application NO. MPCB-CONSENT-0000108342

For: grant of Consent to Establish 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 / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) 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 to Establish is granted for a period upto commissioning of project or up to 5 year whichever is earlier.**
- The capital investment of the project is Rs.335 Cr. (As per C.A Certificate submitted by industry).**
- The Consent to Establish is valid for Construction of Residential project named as M/s. Majestique Risingsun LLP "Rhythm County",10,11,Autade Handewadi, Tal: Haveli, Dist: Pune on Total Plot Area of 68573.50 SqMtrs for Proposed BUA of 184143 SqMtrs including utilities and services & as per Commencement Certificate issued by local body.**
- Conditions under Water (P&CP), 1974 Act for discharge of effluent:**

Sr No	Description	Permitted (in CMD)	Standards to	Disposal
1.	Trade effluent	Nil	NA	NA
2.	Domestic effluent	853	As per Schedule - I	60% should be reused & recycled and remaining should be discharged in municipal sewer

- Conditions under Air (P& CP) Act, 1981 for air emissions:**

Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
1	DG	250	As per Schedule -II

6. **Conditions under Solid Waste Rules, 2016:**

Sr No	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Wet garbage	2103 Kg/Day	Organics waste Converter with composting facility / Biogas digester with composting facility	Use as manure
2	Dry garbage	1401 Kg/Day	-	Segregate and Hand over to Local Body for recycling Used as manure
3	Sludge	34.4 Kg/Day	-	Use as manure

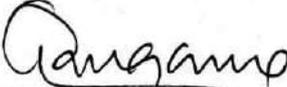
7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for treatment and disposal of hazardous waste:**

Sr No	Category No.	Quantity	UoM	Treatment	Disposal
NA					

8. This Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government agencies.
10. PP shall comply with the conditions stipulated in C to E and submit BG of Rs. 10 Lakhs towards compliance of the same
11. The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening.
12. PP shall install online monitoring system for pH, BOD, TSS and flow at the outlet of STP with connectivity to MPCB Server.
13. Project Proponent shall obtain Environmental Clearance from State Expert Impact Assessment Authority (SEIAA), Gov. of Maharashtra. PP shall not take any effective step towards the proposed construction without obtaining prior Environmental Clearance form SEIAA.
14. Project Proponent shall install organic waste digester along with composting facility/bio digester (biogas) with composting facility for the treatment of wet garbage.
15. 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.
16. Project proponent shall make provision of charging port for Electric vehicles at least 10 % of total available parking
17. Project proponent shall take adequate measure to control the dust emission and noise level during construction phase

18. 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.

For and on behalf of the
Maharashtra Pollution Control Board.


(Ashok Shingare IAS),
Member Secretary

Received Consent fee of -

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	670000.00	MPCB-DR-4475	17/02/2021	RTGS

Copy to:

1. Regional Officer, MPCB, Pune and Sub-Regional Officer, MPCB, Pune II
- They are directed to ensure the compliance of the consent conditions.
2. Chief Accounts Officer, MPCB, Sion, Mumbai
3. Regional officer is directed to issue conditional restart directions to said construction project as final closure directions issued on 06/07/2020



SCHEDULE-I**Terms & conditions for compliance of Water Pollution Control:**

- 1) A] As per your application, you have proposed to provide MBBR based Sewage Treatment Plants (STPs) of combined capacity **890 CMD for treatment of domestic effluent of 853 CMD.**
- B] The Applicant shall operate the sewage 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.

Sr.No	Parameters	Limiting concentration not to exceed in mg/l, except for pH
1	pH	5.5-9.0
2	BOD	10
3	COD	50
4	TSS	20
5	NH4 N	5
6	N-total	10
7	Fecal Coliform	less than 100

- C] The treated domestic effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and connected to the sewerage system provided by local body.
- 2) 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 shall 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.
- 3) The industry shall 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.
- 4) **The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, and other provisions as contained in the said act.**

Sr. No.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	980.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00

- 5) 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 provide the Air pollution control (APC) system and also proposed to erect following stack (s) and to observe the following fuel pattern-

Stack No.	Stack Attached To	APC System	Height in Mtrs.	Type of Fuel	Quantity & UoM
S-1	DG 250 KVA	Acoustic enclosure	3.16	HSD	35 Ltr/Hr

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

Total Particular matter	Not to exceed	150 mg/Nm ³
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- 3) The Applicant shall 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.
- 4) 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).
- 5) **Conditions for utilities like Kitchen, Eating Places, Canteens:-**
- The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
 - The toilet shall be provided with exhaust system connected to chimney through ducting.
 - The air conditioner shall be vibration proof and the noise shall not exceed 68 dB(A).
 - The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such a way that no nuisance is caused to neighbors.

SCHEDULE-III**Details of Bank Guarantees:**

Sr. No.	Consent (C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Consent to Establish	10.0 lakh	15 days	Towards Compliance of consent conditions	Up to Commissioning of the project	Up to Commissioning of the project

Sr. No.	Consent (C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
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** The above Bank Guarantee(s) shall be submitted by the applicant in favour of Regional Officer at the respective Regional Office within 15 days of the date of issue of Consent.

Existing BG obtained for above purpose if any may be extended for period of validity as above.

BG Forfeiture History

Srno.	Consent (C2E/C2O/C2R)	Amount of BG imposed	Submission Period	Purpose of BG	Amount of BG Forfeiture	Reason of BG Forfeiture
NA						

BG Return details

Srno.	Consent (C2E/C2O/C2R)	BG imposed	Purpose of BG	Amount of BG Returned
NA				

SCHEDULE-IV

Conditions during construction phase

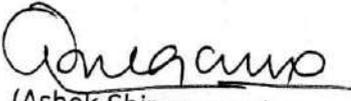
A	During construction phase, applicant shall provide temporary sewage and MSW treatment and disposal facility for the staff and worker quarters.
B	During construction phase, the ambient air and noise quality shall be maintained and should be closely monitored through MoEF approved laboratory.
C	Noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

General Conditions:

- 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 Rule 2016, Noise (Pollution and Control) Rules, 2000 and E-Waste (Management & Handling Rule 2011).
- 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) 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.
 - d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
 - e) 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.
 - f) D.G. Set shall be operated only in case of power failure.
 - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
 - h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments 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 Rule 2016 & E-Waste (M & H) Rule 2011.
- 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 Applicant shall submit official e-mail address and any change will be duly informed to the MPCB.
- 9 The treated sewage shall be disinfected using suitable disinfection method.
- 10 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.
- 11 The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.

For and on behalf of the
Maharashtra Pollution Control Board.


(Ashok Shingare IAS),
Member Secretary

**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



"Your Service is our Duty"

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

MPCB/RESTART/ 21081A-FTS-0001 Date: 14/08/2021

To,
M/s. Majestique Risingsun LLP "Rhythm Country"
10 (p), 11 (p), Autade handewadi,
Tal. Haveli, Dist. Pune.

Sub: To restart the construction of residential project activity as per consent granted by the Board.

Ref: 1. Final refusal of consent issued vide letter no.
BO/JD(WPC)/CC/Final Refusal/TB-2007000483, Dtd. 06/7/2020
2. Consent granted by the Board vide no. Format1.0/UAN
No.00000108342/CE-2105000456, Dtd. 12/5/2021

Board office has issued final refusal of consent directions u/s. 27 of Water of (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981 and therein directed undersigned to issue closure directions to your construction project.

Thereafter, you have re-applied for consent vide UAN No. 00000108342 and Board has granted consent to establish for construction of residential project under red category, u/s. 25 of Water of (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981 vide reference (2). And therein directed undersigned to issue conditional restart directions accordingly to your construction project.

For the compliance of Board's consented directions, **you are hereby allowed to restart / resume your construction activity as per consent granted by Board vide reference (2)** for the compliance of the same, you shall submit Bank Guarantee of Rs. 1 Lakhs, within 15 days period towards compliance of above directions.

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

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

Nitin Shinde
12/08/21
(Nitin Shinde)
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- Pune :- II

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