

**REPORT OF THE JOINT COMMITTEE IN COMPLIANCE WITH ORDER DATED 17/11/2020 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN THE MATTER OF OA NO 33 OF 2020 (TANAJI BALASAHEB GAMBHIRE VS UNION OF INDIA & ORS.)**

### **1.0 Background**

Grievance in the Original Application No. 33 of 2020 (WZ), titled Tanaji Balasaheb Gambhire Vs Union Of India & Ors., as per order dated 17/11/2020 of the Hon"ble NGT, is against violation of environmental norms by the project proponent i.e. M/s Bhandari Gelada Associates LLP & M/s Prayeja Developers LLP in developing a residential building project Prayeja City-I at S.no. 71/5 (P), 71/6A/1 to 71/6A/13, 71/6B/1 to 71/6B/6, 71/7B, 71/9A/1, 71/3/1 to 71/3/6 and Prayeja City-II at S. no. 71 (PT) and 72/20A to 27A, Vill. Vadgaon Bk, Sinhgad Road, Pune-411051, Maharashtra.

The applicant has alleged that PP has not obtained mandatory prior Environmental Clearance (EC), consent to establish, consent to operate, CGWA permission for ground water extraction, non-installation of pollution control devices, non-plantation of trees, non-installation of STP, non-installation of solid waste treatment and OWCS unit and illegal operation of DG sets at site, 10% recreation space is not developed as per norms etc.

Initially, the matter was considered by the Tribunal vide order dated 09/07/2020, and constituted a joint committee comprising the State Environment Impact Assessment Authority (SEIAA), the Maharashtra State Pollution Control Board and the Municipal Commissioner, Pune to ascertain the facts and furnish the report. Based on the joint committee report, the Tribunal directed vide order dated 17/11/2020 (copy of Hon"ble NGT Order, dated 11/11/2020 is given at **Annexure-I**) and relevant Order is reproduced as below:

*"9..Following the above order, we constitute a joint Committee comprising the CPCB, the SEIAA and the State PCB to take further remedial action by way of removing the illegal construction and/or recovering compensations for the violations, following due process of law. The State PCB will be the nodal agency for compliance and coordination. The joint Committee may complete its action in exercise of statutory*

*powers available under the EP Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 within three months and furnish an action taken report before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Further, on the same pattern but having regard to the magnitude of the project, which is at least 2.5 times more than the construction in the said case, we direct deposit of interim compensation of Rs. 5 crores with the State PCB within two months to be used for restoration of environment, failing which the State PCB will be at liberty to take coercive measures. Needless to say that the statutory authorities, in exercise of their statutory powers, will afford opportunity of hearing to the project proponent.*

*List for further consideration on 23.03.2021.”*

## **2.0 Approach**

In order to comply with the aforesaid Hon“ble NGT Order, the Central Pollution Control Board (CPCB) held a virtual meeting on 02/08/2021 and decided to seek relevant information from various organizations viz. Maharashtra Pollution Control Board, State Environment Impact Assessment Authority (Maharashtra), Pune Municipal Corporation (PMC), Integrated Regional Office of Ministry of Environment, Forest & Climate Change-Nagpur and Central Ground Water Authority. These organisations were requested to send the relevant information. Further, another follow-up virtual meeting was convened on 02/09/2021 to discuss the way forward and progress of submission of relevant information from various organizations. Subsequently, rigorous follow-ups were made during August, 2021 to November, 2021 for seeking relevant information. Upon receipt of desired information and nominee officials, the joint committee carried-out inspection of the said residential building project Prayeja City-I and Prayeja City-II developed by JV M/s Bhandari Gelada Associates LLP & M/s Prayeja Developers LLP, Vill. Vadgaon Bk, Sinhgad Road, Pune, Maharashtra on 22/12/2021. The following committee members were present during the inspection.

- i. Shri Nishchal C., Scientist „D“, CPCB, Regional Directorate, Pune
- ii. Shri Pankaj Joshi, Member, SEIAA, Maharashtra
- iii. Shri Pratap Jagtap, Sub Regional Officer, MPCB, Pune

Also, Shri Bhoi, Field Officer, MPCB-Pune, Shri Sandeep, Field Officer, MPCB-Pune and Shri Rahul Tikhe, Deputy Engineer (Building Permission Division), Pune Municipal Corporation accompanied the joint committee during the inspection. Shri Sandip Jain from M/s Prayeja Developers LLP was present and provided the visit coordination.

### **3.0 Observations and findings**

Based on the preliminary information received from various organisations, and followed by site inspection to take further remedial action as mentioned in the aforesaid Hon<sup>ble</sup> NGT Order, the observations & findings of the joint committee are given as below:

As per the latest sanction obtained by the PP vide no. 1001/17, dated 10/07/2017 from PMC for the total plot area of 19,833.33 sq-m and total built-up area of 56,292.04 sq-m (FSI: 27, 871.63 sq-m and Non-FSI: 28,420.41 sq-m). As per the information provided by PMC that the PP has obtained first plinth checking certificate on 27/06/2008. Relevant extract w.r.t. observations related to Environmental Clearance (EC) and violations thereto and compliance of consent required under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 is reproduced from the earlier joint committee report as below:

*“As per the earlier joint committee report submitted to the Tribunal that the PP has carried-out construction activity for total built-up area of 56,292.04 sq-m for project i.e. Prayeja City-I without taking prior EC and also not obtained CTE, CTO under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. PP has applied for prior Environmental Clearance to MoEFCC, New Delhi on 05.09.2019.*

*Environment Department, Gov. of Maharashtra, vide letter dated 29/08/2019 issued proposed directions to M/s. Prayeja City- JV of M/s. Bhandari Gelada associates LLP & M/s. Prayeja Developers LLP, Pune u/s 5 of the Environmental (P)Act 1986 r.w. EIA Notification-2006 dated 14/09/2006 and to the commissioner , PMC Pune on 16/11/2019. Accordingly, PMC has issued stop work order to PP on 21/09/2019.*

*As per the aforementioned particular no. 2.2, it is clear that the Project Proponent has carried out construction Activity for TBA- 11200.15 SQ.M for project Prayeja City – II, which is less than 20,000 SQ.M and therefore does not only attract prior Environmental Clearance under EIA Notification 2006 but also consent to establish, consent to operate under Water (P& CP) Act 1974 and Air (P&CP) Act, 1981.*

*In Prayeja City II, TBA is below 20,000 SQ.M and does not require prior Environmental Clearance under EIA Notification 2006, consent to establish, consent to operate under Water (P& CP) Act 1974 and Air (P&CP) Act,1981 following observations are for the project Prayeja City I only...”*

#### **4.0 Conclusions**

- i. It is observed from the first plinth checking certificate that the PP has started the construction of the project without obtaining prior EC which is required as per S. no. 2 of the Notification no S.O. 1533 (E) dated 14/9/2006 related to the requirements of prior environmental clearance notified under the Environment (Protection) Act, 1986. i.e. the PP has obtained first plinth check certificate vide dated 27/06/2008 as per the first Layout Sanctioned vide no. CC/4871/6, dated 30/03/2007 granted by PMC. Further, subsequent plinth check certificates were obtained by the PP vide even dated 22/10/2008; 06/07/2014; 21/10/2014 and 25/05/2015 respectively from PMC.
- ii. PMC vide letter no. Zone/2/3484, dated 21/09/2019, Building Permission Dept., PMC has issued a letter to the PP to stop all the construction activities of Prayeja City-I. Further, as per the letter vide no. Comp-2019/CR-23/SEIAA, dated 16/11/2019 Environment Department, Govt. of Maharashtra has issued direction u/s 5 of The E (P)A, 1986 to the Commissioner, PMC to take strict legal action against the PP in respect of irregularities in total BUA construction for Prayeja City-I. However, information with regard to action taken and the present status of the project i.e. Prayeja City-I is not made available by the PMC.
- iii. It is observed that without obtaining EC, the PP has started construction activities as it is evident from the date of 1<sup>st</sup> plinth check certificate issued by

PMC vide dated 27/06/2008. Also, the PP has started construction of the project i.e. Prayēja City-I without obtaining CTE from MPCB required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. Further, the PP continued the construction of project and almost completing construction i.e. constructed total 13 residential buildings. As per the architect certificate vide dated 24/02/2022 the total built-up area of the project i.e. Prayēja City-I is 56,292.04 sq-m. (FSI: 27,871.63 sq-m & Non-FSI: 28,420.41 sq-m) which is as per the latest Layout Sanction vide no. 1001/17, dated 10/07/2017 granted by PMC. Copy of the architect certificate vide dated 24/02/2022 is given at **Annexure-**

**II.** As per the information provided by Executive Engineer, Building Permission Department, PMC vide no. BP2/5880, dated 03/02/2022; the status of project was provided as per the first Layout Sanctioned vide no. CC/4871/06, dated 30/03/2007. However, PMC may examine the said architect certificate vide dated 24/02/2022 including verification of current constructed total built up area, as per the latest Layout Sanctioned vide no. CC/1001/17, dated 10/07/2017 and may take actions for violations, if any;

- iv. The PP has submitted water consumption details during construction phase wherein the PP had procured water through tanker supply during construction phase. Copy of the water tanker supply bills along with payment receipts (details of cheque payment, ledger account and duly notarised copies) w.e.f. 30/04/2008 to 31/03/2013 and 01/04/2013 to 31/03/2019 were made available to the joint committee. From the aforesaid details, it is observed that the PP has procured & utilised total 57, 91, 643 litres of water during construction phase. Further, water requirement during operation phase of the project is being met through pipeline water supply provided by PMC and the PP has obtained PMC water connection permissions. Besides, this there are total 04 no. of bore wells were observed within the project site and as informed by the PP that 02 no. of bore wells were existing prior to procurement of project site i.e. since inception and the same is being used for ground water recharge purpose. Further, the PP has commissioned 02 no. of bore wells within the project site and obtained NOC from Central Ground Water Authority, Ministry of Jal Shakti, Dept. of Water Resources, River Development & Ganga

Rejuvenation vide dated 06/01/2021 for extraction of ground water @ 9 m<sup>3</sup>/day for the newly commissioned 02 no. of bore wells and it is valid till 05/01/2026. Copy of the said NOC vide dated 06/01/2021 from CGWA is give at **Annexure-III**.

- v. As per the para 9 of the Hon<sup>ble</sup> NGT order vide dated 17/11/2020 that the Tribunal directed the PP to deposit an interim compensation of Rs. 5 Crore with the SPCB. Relevant extract of the aforesaid Hon<sup>ble</sup> NGT order vide dated 17/11/2020 is given below;

*“9...we direct deposit of interim compensation of Rs. 5 crores with the State PCB within two months to be used for restoration of environment, failing which the State PCB will be at liberty to take coercive measures...”*

It is observed that in pursuance of the aforesaid Hon<sup>ble</sup> NGT order vide dated 17/11/2020, the PP has made an appeal before the Hon<sup>ble</sup> Supreme Court of India vide Civil Appeal No. 04 of 2021, in the matter of M/s Prayeja City vs Union of India & Ors. Vide order dated 12/01/2021, the Hon<sup>ble</sup> Supreme Court of India disposed the said appeal. Copy of the same is given at **Annexure-IV**. Relevant extract of the Hon<sup>ble</sup> Supreme Court of India vide dated 12/01/021 is given below;

*“...the appellant shall proceed with the construction only after complying with the statutory norms. Subject to the above, the order impugned in this appeal is set aside and the matter is remitted back to the Tribunal with the direction to afford an opportunity of hearing to the appellant and pass appropriate orders...”*

It is gathered that the PP has not yet deposited interim compensation of Rs. 5 Crore with the MPCB till date of joint committee inspection.

- vi. MPCB vide letter no. MPCB/ROP/220223-FTS-0049, dated 23/02/2022 has issued show cause notice to the PP for prosecution under Section 43, 44 r.w. Section 24, 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974. Copy of the show cause notice vide dated 23/02/2022 is given at **Annexure-V**.

- vii. During joint committee inspection, it is observed that the PP has installed common environmental infrastructure facilities viz. sewage treatment plant of reported design capacity of 260 m<sup>3</sup>/day, organic waste convertor, solar heating panels for hot water supply, electricity for common areas, DG set, rain water harvesting system, fire fighting system and also carried-out tree plantation within the premises. Some of the photographs taken during the joint committee visit is given at **Annexure-VI**.

### **5.0 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](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.

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:

| S. No | Description Activity                                      | % Allocation | Implementing Agency          | Remarks  |
|-------|---|--------------|------------------------------|--|
| 1     | Afforestation (can include plantation garden development) | 25           | Social Forestry & Local Body | The afforestation can be either through social forestry or the Local body. Preferably within 50 km from project site |

|   |   |    |            |  |
|---|---|----|------------|--|
| 2 | Water conservation program (Jalyuktshivar, etc)   | 25 |            | Preferably within 50 km radius of project site |
| 3 | Urban environment and sanitation (can include swatccha Bharat, playground development, urban ground-water recharge schemes etc) | 20 | Local body |  |
| 4 | Sewerage lines and STP, solid waste Management  | 20 | Local Body |  |
| 5 | Urban air/noise pollution control initiatives   | 10 | Local Body |  |

- (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 apportionated 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.

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 SEIAs 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 (OM) F. No. 22-21/2020-IA.III dated 07/07/2021. It outlines penalties including closure of operations that are operating without prior environment clearance including demolition of projects (where the project is built on prohibited area, notified by Central/State Govt.). It also outlines a procedure for the grant of Environmental Clearance to projects that have come up without obtaining prior environment clearance required under the Environmental Impact Assessment (EIA) Notification, 2006. As per the said SOP, the different approaches for dealing the violation cases are summarised as follows;

- i. Closure or revision
  - a. If the project proponent has not taken prior EC, then the action shall be initiated to close the operation.
  - b. If the project proponent has taken prior EC for existing/old unit, then order to revert the activity/production to permissible limits.
  - c. If the project doesn't require EC for earlier production level but required at present, then restricting activity/production to extent to which prior EC was not required.

- ii. Action under section 15 read with section 19 of the E (P) A, 1986 shall be initiated against the violators.
- iii. Appraisal under EIA Notification, 2006: The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC;
  - a. If not permissible: If a project is under prohibited area notified by Central/State Govt. then the such project shall be ordered for the demolition/closure after issuing show-cause notice and providing an opportunity of hearing.
  - b. If permissible then such violation projects shall be issued with directions to complete the impact assessment studies and submit EIA report & EMP in a time bound manner. Also, such cases of violation shall be subject to appropriate: Damage Assessment, Remediation Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects). However, even though the project may be permissible but not environmentally sustainable in its present form/configuration/features then such projects shall be directed to be modified so that the project would be environmentally sustainable. Further, if the project is not considered appropriate to issue EC, such project shall be directed to be demolished/closed.

The PP will be required to submit a bank guarantee equivalent to the amount of Remediation Plan and Natural and Community Resource Augmentation Plan with Central/State Pollution Control Board (depending on whether the project under reference is appraised at MoEF&CC or by SEIAA) prior to the grant of EC. The quantification of such liability will be recommended by EAC and finalized by the Regulatory Authority and the bank guarantee will be released after successful implementation of the Remediation Plan & Natural and Community Resource Augmentation Plan.
- iv. Penalty provisions for violation cases and applications
  - a. For new projects;

- Where operation has not commenced: 1% of the total project cost incurred up to date of filing of application along with EIA/EMP report.
  - When operations have commenced without EC: 1% of the total project cost incurred up to the date of filing application along with EIA/EMP report PLUS 0.25% of the total turnover during period of violation)
- b. For expansion projects;
- When operation/production with expanded capacity has not commenced: 1% of the project cost, attributable to the expansion, incurred up to date of filing application along with EIA/EMP report.
  - When operation/production with expanded capacity have commenced: 1% of project cost (attributable to the expansion activity) incurred up to the date of filing application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

However, in the matter of Fatima vs The UOI, WP (MD) No.11757 of 2021 before the Hon<sup>ble</sup> Madurai Bench of Madras High Court (Special Original Jurisdiction) vide order dated 15/07/2021 has ordered an interim stay on said SOP issued by MoEF&CC vide OM dated 07/07/2021. MoEF&CC has later issued an office memorandum vide F.no. 22-21/2020-IA.III [E 138949], dated 28/01/2022 citing order dated 09/12/2021 of the Hon<sup>ble</sup> Supreme court of India in Civil Appeal nos. 7576- 7577 of 2021 in the matter of Electrosteel Steels Ltd., vs UOI & Ors. that the interim stay passed by the Hon<sup>ble</sup> Madras High Court can have no application to operation of the SOP to projects in territories beyond the territorial jurisdiction of Hon<sup>ble</sup> Madras High Court. Copy of the said OM of MoEF&CC dated 28/01/2022 is available at [http://environmentclearance.nic.in/writereaddata/OMs-2004-2021/270\\_OM\\_17\\_01\\_2022%20\(2\).pdf](http://environmentclearance.nic.in/writereaddata/OMs-2004-2021/270_OM_17_01_2022%20(2).pdf)

## **6.0 Approach for damages (in addition to the environmental compensation as given at para 5) 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 ParyavaranSurakshaSamiti&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 5 of the report) for contravening mandatory provisions of environmental laws (w.r.t. starting construction without CTE, continued construction without CTE & completed most of the project), an attempt is being made by this joint committee to assess the environmental compensation using the formula prescribed in the said CPCB report which may be taken as damages amount for contravening mandatory provisions of environmental laws. The formula takes into account of number of days violation took place, pollution index of unit, scale of operation, location factor based on population and an amount factor in Rupees.

**Environmental Compensation (EC) in Rupees as mentioned in the aforesaid CPCB report =  $PI \times N \times R \times S \times LF$**

*Where,*

*EC is Environmental Compensation in Rupees*

*PI = Pollution Index of industrial sector/Project*

*N = Number of days of violation took place*

*R = A factor in Rupees for EC*

*S = Factor for scale of operation*

*LF = Location factor*

***PI = Pollution Index of industrial sector/project***

*Considering the project under Red category as per CTE application made by the PP to MPCB. Also, as per CPCB modified directions no. B-29012/ESS/(CPA)/2015-16 dated 07/3/2016, if the wastewater generation is more than 100 KLD, the project is considered under red category. Hence, as per aforesaid CPCB report,  $PI = 80$ .*

***N = Number of days of violation*** took place for which violation took place is the period between the day of violation observed and the day of compliance verified by CPCB/SPCB.

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

**S = Factor for scale of operation.**

*For small S = 0.5, For medium S = 1 and larger unit S = 1.5. The scale of operation was considered as 1.5, As per CTE application made by the PP, the total investment of project is 86 crores. Considering the similar instances w.r.t. total investment of the project, it is considered as LSI, S=1.5.*

**LF = Location factor.**

*It is based on the population of the city/town and location of the industrial unit on the location of the industrial unit. Since the population of Pune is more than 1 Million but less than 5 Million, LF=1.25.*

- a) Considering the period when the project proponent has started construction activities without obtaining CTE/CTO from MPCB i.e. as it is evident from the 1<sup>st</sup> plinth checking certificate was issued vide no. CC/1857/2007, dated 27/06/2008 by PMC as per the first Layout Sanctioned vide no. CC/4871/06, dated 30/03/2007 for the total built-up area of 23, 505.98 sq-m, which is beyond 20,000 sq-m (FSI: 12,525.26 sq-m & Non-FSI: 10,980.72 sq-m) issued by PMC till the date of Hon<sup>ble</sup> NGT order vide dated 17/11/2020 without obtaining mandatory CTE/CTO from MPCB, total number of days violation (N) took place comes out to be **4,526** days.

**OR**

- b) Whereas, taking reference from Section 15, Sub-Section 3 of The National Green Tribunal Act, 2010 and to limit a period since when default/non-compliance is to be considered for assessing environmental damage and compensation, the period of default/non-compliance has been taken into account in the past five years prior to the day; OA no. 33 of 2020 (WZ) was filed before Hon<sup>ble</sup> NGT (i.e. on 02/07/2020) and till the date of Hon<sup>ble</sup> NGT order (i.e. 17/11/2020) vis-à-vis 02/07/2015 to 17/11/2020, total number of days violation (N) took place without obtaining mandatory CTE/CTO from MPCB, comes out to be **1,965** days.

Based on consideration of above w.r.t. a), the environmental compensation calculation is depicted as below.

$$EC = PI * N * R * S * LF$$

| PI | N    | R   | S   | LF   | EC (in Rs.)         |
|----|------|-----|-----|------|---------------------|
| 80 | 4526 | 250 | 1.5 | 1.25 | <b>16,97,25,000</b> |

Based on above, the 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 i.e. without obtaining CTE/CTO from MPCB is worked-out to be Rs. **16,97,25,000/-** (Rupees Sixteen Crore Ninety Seven Lakhs and Twenty Five Thousand Only).

**OR**

Based on consideration of above w.r.t. b), the environmental compensation calculation is depicted as below.

$$EC = PI * N * R * S * LF$$

| PI | N    | R   | S   | LF   | EC (in Rs.)        |
|----|------|-----|-----|------|--------------------|
| 80 | 1965 | 250 | 1.5 | 1.25 | <b>7,36,87,500</b> |

Based on above, the 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 i.e. without obtaining CTE/CTO from MPCB is worked-out to be Rs. **7,36,87,500/-** (Rupees Seven Crore Thirty Six Lakhs Eighty Seven Thousand and Five Hundred Only).

## 7.0 Recommendations

### (a) For violation of EIA Notification dated 14/09/2006

In view of the aforesaid violations of:

- (i) Starting construction and almost completing the project i.e. Prayeja City-I as per the Layout Sanctioned no. CC/4871/06, dated 30/03/2007 for the total built-up area of 23, 505.98 sq-m; Layout Sanctioned no. CC/0436/08, dated 07/05/2008 for the total built-up area of 31,530.06 sq-m; Layout Sanctioned no. CC/2311/12, dated 08/11/2012 for the total built-up area of 38,761.21 sq- m, and; Layout Sanctioned no. CC/1001/17, dated 10/07/2017 for the total built-up area of 56,292.04 sq-m (FSI: 27, 871.63 q-m and Non-FSI: 28,420.41 sq-m) without obtaining prior EC from SEIAA;

the committee recommends that SEIAA, Maharashtra, may proceed for closure or revision of project; taking action under section 15 read with section 19 of the Environment (Protection) Act, 1986; penalty for violations of EIA Notification, 2006; permissibility/demolition of the project; appraisal of the project including Damage Assessment, Remediation Plan and Community Augmentation Plan and their implementation in accordance with the MoEF&CC"s OM dated 28/01/2022 as outlined under para 5.0 (page 12-14) of this report. Damage Assessment, Remediation Plan and Community Augmentation Plan may be derived as per SEIAA Maharashtra"s approach paper dated 30/01/019, as also outlined under para 5.0 (page 7 - 11) of this report.

### (b) For contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981

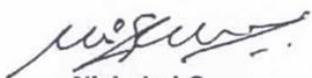
In view of the aforesaid violations of:

- (i) Starting construction for the built up area for more than 20,000 sq. m., as at (a) above, and almost completing the project i.e. Prayeja City-I including giving possession w.e.f. 2012 without obtaining CTE/CTO from MPCB as required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981;

Rs. 05 Crore **OR** Rs. 16,97,25,000/- (Rupees Sixteen Crore Ninety Seven Lakhs and Twenty Five Thousand Only) **OR** Rs. 7,36,87,500/- (Rupees Seven Crore Thirty Six Lakhs Eighty Seven Thousand and Five Hundred Only), as derived under para 6.0 o

this report, as deemed fit by the Hon'ble NGT, may also be added in addition to the penalty derived as outlined under para 5.0 (page 12-14) of this report 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.

(c) PMC may examine the architect certificate vide dated 24/02/2022 including verification of current constructed total built up area, as per the latest Layout Sanction vide CC no. 1001/17, dated 10/07/2017 and may take actions for deviation/changes, if any, w.r.t. the latest Layout Sanctioned granted by PMC.



Nishchal C.  
Scientist 'D'  
CPCB, RD – Pune



Pankaj Joshi,  
Member, SEIAA



Pratap Jagtap  
Sub-Regional Officer  
MPCB – Pune

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Item No. 04 (Pune Bench)

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

(By Video Conferencing)

Original Application No. 33/2020(WZ) (I.A.  
No. 40/2020)

(With report dated 25.08.2020)

Tanaji Balasaheb Gambhire

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 17.11.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant:

Mr. Nitin N. Lonkar, Advocate Respondents:

Ms. Manasi Joshi, Advocate for MPCB

Mr. Rahul Garg, Advocate for PMC

**ORDER**

1. The present application has been filed with a grievance that the project proponent has violated the environmental norms by not obtaining mandatory prior Environmental Clearance, consent to establish, consent to operate, CGWA permission for ground water extraction, non- installation of pollution control devices, non-plantation of tress, non-installation of STP, non-installation of solid waste treatment and OWCS unit and illegal ground water extraction, illegal operation of DG sets at site, 10% recreation space is not developed as per norms, no soil preservation, no soil and ground water test, illegal construction of basements, no use of eco-friendly building material for construction,

some portion of the construction completed without Environmental Clearance from SEIAA or MoEF&CC, not obtained prior consent to establish for the State PCB, not complied the show cause notice issued by the Competent Authority, construction activity without environmental impact assessment and without implementation of the remedial measures and raised a substantial question of environment.

2. Vide order dated 09.07.2020, the Tribunal constituted a joint Committee comprising the State Environment Impact Assessment Authority (SEIAA), the Maharashtra State Pollution Control Board and the Municipal Commissioner, Chinchwad/Pune to ascertain the facts and furnish a report to this Tribunal.

3. Accordingly, the Committee has furnished its report dated 25.08.2020 after site visit and scrutiny of relevant documents made available by the project proponent. It is mentioned that there are two projects by two names adjacent to each other for which there are two different permissions and completion certificates:-

- I. Prayeja City I [12 residential buildings and 1 club house], the total built-up area is 56292.04 Sq. M.
- II. Prayeja City – II, the total built-up area is 11200.15 Sq. M.

4. The report further mentions that the project proponent has not taken prior Environmental Clearance, the Consent to Establish and the Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. It has applied for EC on 05.09.2019, after the Environment Department of the Maharashtra Government wrote letter dated 29.08.2019. It is also

mentioned that the Municipal Corporation has issued stop work order on 21.09.2019.

5. It has been further observed as follows:-

*“Four bore wells are found on the site out of which two bore wells are used for rainwater harvesting and another two bore wells are used by the residents for non-domestic purpose. PP has informed that one bore is there right from the purchase of the land. No NOC from CGWA is obtained for the extraction of ground water.”*

6. The letter of the Environment Department dated 16.11.2019 addressed to the Municipal Commissioner, Pune with a copy to the project proponent and the State PCB reads as follows:-

*“It reveals from the record that the total BUA construction for the project completed is 87,154.88 Sq. Mtrs. It is submitted that both these two projects are independent with separate Commencement and sanctions and therefore requested not to consider these two separate projects as single project as stated in the complaint.*

*Taking into consideration, the contents of the complaint, reply of the project proponent and record before me, it is clear that there is total BUA construction of 87154.88 Sq. Mtrs. It is clear that Prayēja City-I and Prayēja City-II are the two independent projects. But the BUA construction for Prayēja City-I is 58292.038 which is violation of EP Act. It is also cleared from the record that the BUA construction for Prayēja City-II is 11.150.00 Sq. Mtrs. Which is liable to be excluded from getting environmental clearance as per provisions of the Environment (P) Act. Therefore, legal action needs to be taken against the project proponent.*

***You are hereby directed to take strict legal action against the project proponent in respect of irregularities in total BUA construction for Prayēja City-I as per the provisions of the EP Act and submit report of the action taken within a period of 15 days.”***

7. We have heard learned counsel for the parties. Learned counsel for the applicant submits that both the projects are integral but to avoid the mandate of law, the project proponent has split up the same. The project being illegal may be directed to be demolished or adequate compensation

be required to be paid for restoration of environment in view of law laid down by the Hon'ble Supreme Court.

8 We have dealt with an identical issue by a separate order today in OA 83/2020 which has also been filed by the same applicant. Observations therein are :

*“6. Learned counsel for the applicant submitted that the impugned constructions are patently in violation of mandate of EIA notification requiring prior Environmental Clearance from SEIAA which is not a formality but involves assessment of impact of such project on the environment and limited resources in terms of air, water and open spaces. Thus, apart from compliance of environmental norms, the project proponent has to be required to take remedial action to enforce the law either by demolishing the illegally raised construction or to pay compensation for restoration of the environment. Constructions raised without prior impact assessment. It is submitted that the Municipal Corporation granted EC on 28.11.2017 but the authority to grant EC is SEIAA as per Notification dated 14.09.2006. The EC from the MC Pune cannot be relied upon. Reliance has been placed on judgment of this Tribunal dated 08.12.2017 in OA No. 677/2016, Society for Protection of Environment and Biodiversity vs. Union of India and Ors. Therein, the Tribunal held that there was no justification for exemption of building constructions from EIA as per notification dated 9.12.2016. Such constructions put tremendous pressure on limited natural resources. Environment impact assessment for each project was necessary on ‘Precautionary’ principle. Similarly, consent to establish and consent to operate under the Water Act and Air Act could not be dispensed with. It is submitted that the said judgement has attained finality and is binding. It is further pointed out that in Alembic Pharmaceuticals Ltd. vs. Rohit Prajapati and Ors., (2020) SCC OnLine SC 347, the Hon'ble Supreme upheld the view that requirement of prior EC could not be dispensed with by a circular as there is no mechanism to determine how detrimental effect on the environment will be taken care of if EIA requirement is to be dispensed with. The concept of ex post facto EC was against fundamental principle of environmental jurisprudence (Paras 24, 26). The Hon'ble Supreme Court held that environmental degradation cannot be left unattended by legal consequences. However, in the said case, EC was granted ex-post facto in accordance with circular issued by the MoEF&CC and having regard to the fact situation, the three units were required to pay compensation at rate of Rs. 10 crores, each even in absence of specific proof of violations (Para 49). In (2020) 2 SCC 66, Keystone Realtors Private Limited v. Anil V. Tharthare and Ors., amendment to EC for expansion of the project, without conducting impact assessment was held to be invalid. The Hon'ble Supreme Court upheld award of Rs. 1 Crore as environmental compensation, apart from requiring the environment impact ex-post facto. In M/s Goel Ganga Developers India Pvt. Ltd. v. Union of India, (2018) 18 SCC 257, para 64, it was held that project set up without prior EC may be demolished but in a given fact situation, alternative of requiring payment of compensation may be*

*accepted. Compensation should normally be 5% of project cost but if violations are serious, it can go up.*

*7. From the facts noted above, it is clear that construction of more than 20,000 sq. mtrs. has been already completed in violation of the EIA Notification dated 14.09.2006. The illegal construction has either to be demolished or subject to compliance of all environmental norms, compensation has to be recovered. We find from the letter of consent to establish dated 04.05.2019 issued by the State PCB that the proposed capital investment of the project is Rs. 82 crores. The proposed construction is about 49000 sq. mtrs. approx. out of which the project has been completed to the extent of 23000 sq. mtrs. approx.*

*8. In view of above, we constitute a joint Committee comprising the CPCB, the SEIAA and the State PCB to take further remedial action by way of removing the illegal construction and/or recovering compensations for the violations, following due process of law. The State PCB will be the nodal agency for compliance and coordination. The joint Committee may complete its action in exercise of statutory powers available under the EP Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 within three months and furnish an action taken report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Applying the ratio of Goel Ganga to the facts of the present case, we direct the project proponent to deposit interim compensation of Rs. 2 crores within two months with the State PCB failing which the State PCB will be at liberty to take coercive measures. We further direct that the Committee may ensure that no further construction takes place without compliance of statutory norms. Needless to say that the statutory authorities, in exercise of their statutory powers, will afford opportunity of hearing to the project proponent.”*

9. Following the above order, we constitute a joint Committee comprising the CPCB, the SEIAA and the State PCB to take further remedial action by way of removing the illegal construction and/or recovering compensations for the violations, following due process of law. The State PCB will be the nodal agency for compliance and coordination. The joint Committee may complete its action in exercise of statutory powers available under the EP Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 within three months and furnish an action taken report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of

Image PDF. Further, on the same pattern but having regard to the magnitude of the project, which is atleast 2.5 times more than the construction in the said case, we direct deposit of interim compensation of Rs. 5 crores with the State PCB within two months to be used for restoration of environment, failing which the State PCB will be at liberty to take coercive measures. Needless to say that the statutory authorities, in exercise of their statutory powers, will afford opportunity of hearing to the project proponent.

List for further consideration on 23.03.2021.

A copy of this order be forwarded to the CPCB, the SEIAA and the State PCB by email for compliance.

In view of above, no separate order is necessary on I.A. No. 40/2020 seeking interim relief which will stand disposed of.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

November 17, 2020  
Original Application No. 33/2020(WZ) (I.A.  
No. 40/2020)  
SN

# PRAYEJA PLOT1 BUA STATEMENT (ANNEXURE 1)

TO WHOM SO EVER IT MAY CONCERN

We are working as Architects for the scheme "P RAYEJA CITY PLOT-1" at At S. No. 71/5(Pt), 71/6A/1 TO 71/ 6A/13, 71/6B/1 to 71/6B/6, 71/7B, 71/9A/1, 71/3/1 TO 71/3/6, PLOT NO 1, Village: Vadgaon Bk, Tal. Haveli, Dist: Pune being developed by "PRAYEJA DEVELOPERS" having their office at S. NO.71, Vadgaon Bk, Pune-4110 51.

Following is the built-up area statement for Plot No 1 of the said scheme

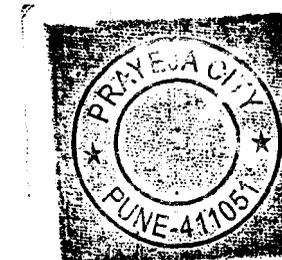
IS\* CC NO 487 1/06 DATE 30/3/2007

| SR NO | PARTICULARS         | AREA IN SQ M |
|-------|---------------------|--------------|
| 1     | FSI                 | 12525.2 6    |
| 2     | NON-FSI             | 10980.7 2    |
| 3     | Total Built-up Area | 23 505.98    |

LAST (FINAL) CC NO 100 1/17 DATE 10/7/2017

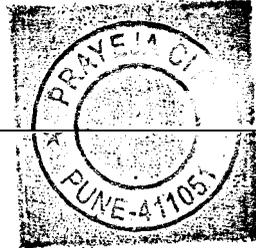
| SR NO | PARTICULARS         | AREA IN SQ M |
|-------|---------------------|--------------|
| 1     | FSI                 | 27871.63     |
| 2     | NON-FSI             | 28420.41     |
| 3     | Total Built-up Area | 56292.04     |

Commencement certificate wise configuration of the said Plot Nol is as below:



| SR NO | LAYOUT DATE | BUILDG SANCTION DATE | GROSS PLOT | DEDUCTIO N | NET PLOT | ALL CONFIGURATIONS OF GIVEN LAYOUT | SANCTIO NFSI | SANCTION NONFS | PARKIN G | TOTAL NONFSI | TOTAL BUA | REMAKRS |
|-------|-------------|----------------------|------------|------------|----------|------------------------------------|--------------|----------------|----------|--------------|-----------|---------|
|       |             |                      |            |            |          |                                    | SQMTR        | SQMTR          | SQMTR    | SQMTR        | SQMTR     |         |

|   |   |                              |          |         |          | NAME OF BUILDING | NO OF FLOOR S | HEIGHT OF BUILDING (MTR) | TENAMENTS |          |         |         |          |          |  |
|---|---|------------------------------|----------|---------|----------|------------------|---------------|--------------------------|-----------|----------|---------|---------|----------|----------|--|
| 1 | DPO/1111/PLU-4/WDBK/205 DATED 29/3/2007 | 30/3/2007(HDH NEW)CC/4871/06 | 21991.00 | 5019.47 | 16971.53 | A1               | P+9           | 29                       | 36        | 12525.26 | 7866.79 | 3113.93 | 10980.72 | 23505.98 | BASIC HDH SANCTION INCLUDING REQ PARKING |
|   |   |                              |          |         |          | A2               | P+9           | 29                       | 36        |          |         |         |          |          |  |
|   |   |                              |          |         |          | A3               | P+9           | 29                       | 36        |          |         |         |          |          |  |
|   |   |                              |          |         |          | B1               | P+4           | 14.5                     | 16        |          |         |         |          |          |  |
|   |   |                              |          |         |          | B2               | P+4           | 14.5                     | 16        |          |         |         |          |          |  |
|   |   |                              |          |         |          | C                | P+5           | 16                       | 69        |          |         |         |          |          |  |
|   |   |                              |          |         |          | D                | P+5           | 16                       | 70        |          |         |         |          |          |  |
|   |   |                              |          |         |          | E                | P+3           | 10.45                    | 34        |          |         |         |          |          |  |
|   |   |                              |          |         |          | TOTAL TENAMENTS  |               |                          | 313       |          |         |         |          |          |  |



|   |   |                                 |          |        |          | NAME OF BUILDING | NO OF FLOOR S | HEIGHT OF BUILDING (MTR) | TENAMENTS |        |        |       |          |          |  |
|---|---|---------------------------------|----------|--------|----------|------------------|---------------|--------------------------|-----------|--------|--------|-------|----------|----------|--|
| 2 | DPO/II/1038/PLU-4/WD bK/2? 7 **fF! 6/9/2007 | 20/9/2007 (REV. 1) - CC/1857/07 | 21991.00 | S0J*47 | 16971.5j | n;r5lc)          | P+4           | 14.25                    | YY        | 253184 | 668L02 | 37813 | 10462.32 | 22995.1? | 1 REVISED SANCTIONED INCLUDING REQ PARKING. A BUILDG FOR PMC |
|   |   |                                 |          |        |          | B                | P+9           | 29                       | 72        |        |        |       |          |          |  |
|   |   |                                 |          |        |          | C1               | P+9           | 29                       | 36        |        |        |       |          |          |  |
|   |   |                                 |          |        |          | C2               | P+9           | 29                       | 36        |        |        |       |          |          |  |
|   |   |                                 |          |        |          | C3               | P+9           | 29                       | 36        |        |        |       |          |          |  |
|   |   |                                 |          |        |          | E                | P+3           | 11.6                     | 12        |        |        |       |          |          |  |
|   |   |                                 |          |        |          | TOTAL TENAMENTS  |               |                          | 282       |        |        |       |          |          |  |

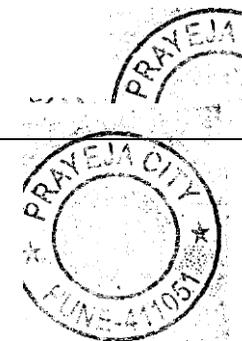
|                 |                                  |              |         |              |                  |                        |                          |           |          |        |        |       |          |  |
|-----------------|----------------------------------|--------------|---------|--------------|------------------|------------------------|--------------------------|-----------|----------|--------|--------|-------|----------|--|
| 3               | DPO/PLU4/0005/08/25<br>02/4/2008 | 29290.6<br>7 | 5019.47 | 24271.2<br>0 | NAME OF BUILDING | NO OF FLOOR S          | HEIGHT OF BUILDING (MTR) | TENAMENTS | 18463.69 | 7823.7 | 3781.3 | 11605 | 30068.69 | PLOT AREA INCREASED BY 7299.67SQMTR INCLUDING REQ PARKING FROM EARLIER CC A BUILDG FOR PMC |
|                 |                                  |              |         |              | A (PMC)          | P+6                    | 19.95                    | 129       |          |        |        |       |          |  |
|                 |                                  |              |         |              | B                | P+9                    | 29                       | 72        |          |        |        |       |          |  |
|                 |                                  |              |         |              | C1               | P+9                    | 29                       | 36        |          |        |        |       |          |  |
|                 |                                  |              |         |              | C2               | P+9                    | 29                       | 36        |          |        |        |       |          |  |
|                 |                                  |              |         |              | C3               | P+9                    | 29                       | 36        |          |        |        |       |          |  |
|                 |                                  |              |         |              | C4               | P+9                    | 29                       | 36        |          |        |        |       |          |  |
|                 |                                  |              |         |              | D                | P+4                    | 14.5                     | 16        |          |        |        |       |          |  |
|                 |                                  |              |         |              | E1               | P+9                    | 29                       | 36        |          |        |        |       |          |  |
|                 |                                  |              |         |              | E2               | PARKING SLAB (2.9MTRS) |                          |           |          |        |        |       |          |  |
| TOTAL TENAMENTS |                                  |              |         |              |                  |                        |                          | 397       |          |        |        |       |          |  |



|                 |                                |              |         |              |                  |                        |                          |           |          |         |        |              |          |   |
|-----------------|--------------------------------|--------------|---------|--------------|------------------|------------------------|--------------------------|-----------|----------|---------|--------|--------------|----------|---|
| 4               | 7/5/200B (REV.<br>2)CC/0436/08 | 29290.6<br>7 | 5019.47 | 24271.2<br>0 | NAME OF BUILDING | NO OF FLOOR S          | HEIGHT OF BUILDING (MTR) | TENAMENTS | 18457.04 | 9394.15 | 3688.6 | 13082.7<br>5 | 31539.79 | 2 N LJ REVISE D NCLUDING REQ PARKING A BUILDG FOR PMC |
|                 |                                |              |         |              | A (PMC)          | P+6                    | 19.95                    | 129       |          |         |        |              |          |   |
|                 |                                |              |         |              |                  | P+9                    | 2.0                      | 72        |          |         |        |              |          |   |
|                 |                                |              |         |              | C1               | P+9                    | 29                       | 36        |          |         |        |              |          |   |
|                 |                                |              |         |              | C2               | P+9                    | 29                       | 36        |          |         |        |              |          |   |
|                 |                                |              |         |              | C3               | P+9                    | 29                       | 36        |          |         |        |              |          |   |
|                 |                                |              |         |              | C4               | P+9                    | 29                       | 36        |          |         |        |              |          |   |
|                 |                                |              |         |              | D                | P+4                    | 14.5                     | 16        |          |         |        |              |          |   |
|                 |                                |              |         |              | E1               | P+9                    | 29                       | 36        |          |         |        |              |          |   |
|                 |                                |              |         |              | E2               | PARKING SLAB (2.9MTRS) |                          |           |          |         |        |              |          |   |
| TOTAL TENAMENTS |                                |              |         |              |                  |                        |                          | 397       |          |         |        |              |          |   |

|                 |                               |          |         |          |                  |                        |                          |           |          |          |        |          |       |  |
|-----------------|-------------------------------|----------|---------|----------|------------------|------------------------|--------------------------|-----------|----------|----------|--------|----------|-------|--|
| 5               | 11/8/2010 (REV. 3) CC/1515/10 | 29290.67 | 5019.47 | 24271.20 | NAME OF BUILDING | NO OF FLOORS           | HEIGHT OF BUILDING (MTR) | TENAMENTS | 18562.32 | 12183.48 | 3873.2 | 16056.68 | 34619 | 3RD REVISED INCLUDING REQ PARKING A BUILDG FOR PMC ALSO INCLUDES OTHER AREAS NOT MENTIONED IN SANCTIONED NON FSI |
|                 |                               |          |         |          | A (PMC)          | G+6                    | 20.55                    | 129       |          |          |        |          |       |  |
|                 |                               |          |         |          | B                | P+9                    | 29                       | 73        |          |          |        |          |       |  |
|                 |                               |          |         |          | C1               | P+9                    | 29                       | 36        |          |          |        |          |       |  |
|                 |                               |          |         |          | C2               | P+9                    | 29                       | 36        |          |          |        |          |       |  |
|                 |                               |          |         |          | C3               | P+9                    | 29                       | 36        |          |          |        |          |       |  |
|                 |                               |          |         |          | C4               | P+11                   | 34.8                     | 43        |          |          |        |          |       |  |
|                 |                               |          |         |          | D                | P+1                    | 5.8                      | 4         |          |          |        |          |       |  |
|                 |                               |          |         |          | E1               | P+11                   | 34.8                     | 43        |          |          |        |          |       |  |
|                 |                               |          |         |          | E2               | PARKING SLAB (2.9MTRS) |                          |           |          |          |        |          |       |  |
| TOTAL TENAMENTS |                               |          |         |          |                  |                        |                          | 400       |          |          |        |          |       |  |

|                 |                                    |          |         |          |                  |              |                          |           |          |          |        |          |          |  |
|-----------------|------------------------------------|----------|---------|----------|------------------|--------------|--------------------------|-----------|----------|----------|--------|----------|----------|--|
| 6               | 8/11/2012 (REV. 4) 1/17 CC/2311/12 | 29290.67 | 5019.47 | 24271.20 | NAME OF BUILDING | NO OF FLOORS | HEIGHT OF BUILDING (MTR) | TENAMENTS | 19619.22 | 12700.39 | 4150.1 | 16850.49 | 36469.71 | 4TH REVISED SANCTIONED FSI INCREASE D WITH INTRODUCTION TO A1 BUILDING OCCUPANCY CERTIFICATE ISSUED DATED 29/12/2012, OCC NO/1219/12, FOR BUILDING - A(PMC), TOTAL TENAMENTS 126, OCCUPANCY CERTIFICATE BUILDINGS B1,B2,C1,C2,C3mC4 ISSUED DATED 29/12/2012, OCC NO/1219/12, TOTAL TENAMENTS 224 |
|                 |                                    |          |         |          | A(PMC)           | G+5          | 17.7                     | 126       |          |          |        |          |          |  |
|                 |                                    |          |         |          | A1(PMC)          | P+4          | 14.5                     | 50        |          |          |        |          |          |  |
|                 |                                    |          |         |          | B                | P+9          | 29                       | 73        |          |          |        |          |          |  |
|                 |                                    |          |         |          | C1               | P+9          | 29                       | 36        |          |          |        |          |          |  |
|                 |                                    |          |         |          | C2               | P+9          | 29                       | 36        |          |          |        |          |          |  |
|                 |                                    |          |         |          | C3               | P+9          | 29                       | 36        |          |          |        |          |          |  |
|                 |                                    |          |         |          | C4               | P+11         | 34.8                     | 43        |          |          |        |          |          |  |
|                 |                                    |          |         |          | D                | P+1          | 5.8                      | 4         |          |          |        |          |          |  |
|                 |                                    |          |         |          | E1               | P+11         | 34.8                     | 43        |          |          |        |          |          |  |
| E2              | PARKING SLAB (2.9MTRS)             |          |         |          |                  |              |                          |           |          |          |        |          |          |  |
| TOTAL TENAMENTS |                                    |          |         |          |                  |              |                          | 447       |          |          |        |          |          |  |



**AMALGAMATION  
SUBDIVISION AS PLOT 1 & PLOT 2**

GROSS PLOT 1 AREA 19833.33 SQMTR - GROSS PLOT 2 AREA 14027.12 SQMTR

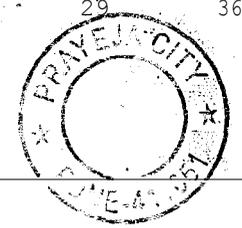
| PLOT 1             |                 | PLOT 2             |                 |
|--------------------|-----------------|--------------------|-----------------|
| GROSS AREA         | 19833.33        | GROSS AREA         | 14027.12        |
| DEDUCTION          | 2333.33         | DEDUCTION          | 6131.78         |
| NET PLOT           | 17500.00        | NET PLOT           | 7895.34         |
| SANCTIONED FSI     | 24185.96        | SANCTIONED FSI     | 10309.38        |
| SANCTIONED NON FSI | 11782.66        | SANCTIONED NON FSI | 5220.16         |
| PARKING            | 6066.1          | PARKING            | 2139.2          |
| TOTAL NON FSI      | 17848.76        | TOTAL NON FSI      | 7359.36         |
| <b>TOTAL BUA</b>   | <b>42034.72</b> | <b>TOTAL BUA</b>   | <b>17668.74</b> |

3/5/2013  
(DPO)CC/1446/13

40549.1  
3      6683.66      33860.4  
5

| NAME OF BUILDING       | NO OF FLOORS             | EIGHT OF BUILDING (MTR) | TENAMENTS  |
|------------------------|--------------------------|-------------------------|------------|
| A(PMC)                 | G+5                      | 17.7                    | 126        |
| A1(PMC)                | P+10                     | 34.8                    | 108        |
| B                      | P+9                      | 29                      | 73         |
| C1                     | P+9                      | 29                      | 36         |
| C2                     | P+9                      | 29                      | 36         |
| C3                     | P+9                      | 29                      | 36         |
| L1                     | P+11                     | 34.8                    | 43         |
| E2                     | PARKING SLAB (3.05 MTRS) |                         |            |
| D                      | PARKING SLAB (3.05 MTRS) |                         |            |
| F                      | P+11                     | 34.75                   | 86         |
| <b>TOTAL TENEMENTS</b> |                          |                         | <b>587</b> |

| NAME OF BUILDING       | NO OF FLOORS | HEIGHT OF BUILDING (MTR) | TENAMENTS  |
|------------------------|--------------|--------------------------|------------|
| G3                     | P+11         | 34.8                     | 43         |
| G1                     | P+9          | 29                       | 36         |
| G2                     | P+9          | 29                       | 36         |
|                        | P+9          | 29                       | 36         |
| <b>TOTAL TENEMENTS</b> |              |                          | <b>151</b> |



|    |                               |          |                    |                  |              |                          |           |          |          |         |          |          |   |
|----|-------------------------------|----------|--------------------|------------------|--------------|--------------------------|-----------|----------|----------|---------|----------|----------|---|
| 10 | 10/7/2017 (REV. 7) CC/1001/17 | 19833.33 | 17500.00           | NAME OF BUILDING | NO OF FLOORs | HEIGHT OF BUILDING (MTR) | TENAMENTS | 27871.63 | 21490.97 | 6929.44 | 28420.41 | 56292.04 | 7TH REVISED EXCESS INCLUDES 400 SQMTR OF CLUB HOUSE & REFUGE, Fire Staircase area, OHT slab area, UGWT slab area, Ground Floor slab area and Podium slab between the buildings WHICH ARE NOT CALCULATED IN THE SANCTIONED NON FSI |
|    |                               |          |                    | A(PMC)           | G+5          | 17.7                     | 126       |          |          |         |          |          |   |
|    |                               |          |                    | A1(PMC)          | P+10         | 34.8                     | 108       |          |          |         |          |          |   |
|    |                               |          |                    | B                | P+9          | 29                       | 73        |          |          |         |          |          |   |
|    |                               |          |                    | C1               | P+9          | 29                       | 36        |          |          |         |          |          |   |
|    |                               |          |                    | C2               | P+9          | 29                       | 36        |          |          |         |          |          |   |
|    |                               |          |                    | C3               | P+9          | 29                       | 36        |          |          |         |          |          |   |
|    |                               |          |                    | C4               | P+11         | 34.8                     | 43        |          |          |         |          |          |   |
|    |                               |          |                    | E1               | P+11         | 34.8                     | 43        |          |          |         |          |          |   |
|    |                               |          |                    | E2               | P+6          | 20.3                     | 24        |          |          |         |          |          |   |
|    |                               |          |                    | D                | P+6          | 20.3                     | 36        |          |          |         |          |          |   |
|    |                               |          |                    | F1+F2            | P+ST+6       | 23.75                    | 56        |          |          |         |          |          |   |
|    |                               |          |                    | TOTAL TENAMENTS  |              |                          |           |          |          |         |          |          |   |
| G  | G+1                           | 7.73     | 6 SHOPS + 1 OFFICE |                  |              |                          |           |          |          |         |          |          |   |

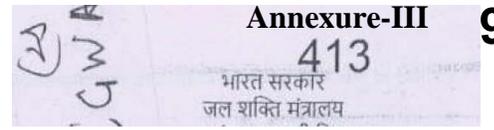
**That the construction work at above mentioned site is initiated and completed as per sanctioned plan, and completed area details of the same are given as below:-  
Total Built-up area = 562 92.04(FSI+NON-FSI) on site as on today.**

This is to state that the derived area of 56292.04 sq.mt is including Sanctioned FSI & NON FSI against the area calculated by the PMC authority which is 48694.03 sq.mt. The basic difference is due to the NON FSI area calculation that is built on site as per sanction drawing but not calculated in sanctioned NON FSI area such as Fire Staircase area, OHT slab area, UGWT slab area, Ground Floor slab area and Podium slab between the buildings. We have considered the Above area as per the Total Built Up Area considered under EIA notification 2.006.

ALL COMMENCEMENT CERTIFICATES ATTACHED HEREWITH

DATE — 24TH JJ B 2022,





Government of India  
Ministry of Jal Shakti  
Department of Water Resources,  
River Development & Ganga Rejuvenation  
Central Ground Water Authority

(भूजल निकासी हेतु अनापत्ति प्रमाण पत्र)

## NO OBJECTION CERTIFICATE (NOC) FOR GROUND WATER ABSTRACTION

|                                   |   |        |             |
|-----------------------------------|---|--------|-------------|
| Project Name:                     | Prayeja City Plot 1 A Jv Bhandari Gelada Associates Llp And Prayeja Developers Llp  |        |             |
| Project Address:                  | S.no. 71/5(pt),71/6a/1 To71/6a/13, 71/6b/1 To 71/6b/6, 71/7b, 71/9a/1, 71/3/1 To 71/3/6, Plot No.1,, Wadgaon(bk), Sinhgad Road,taluka:-haveli, District:- Pune, Pincode:- 411041. |        |             |
| Town:                             | Pune  | Block: | Pune City   |
| District:                         | Pune  | State: | Maharashtra |
| Pin Code:                         |   |        |             |
| Communication Address:            | hrée'l'4'64,"s"ād"asbiv Peth',"Purie 4.1'1:0030.), Havel.Pune, 'Maharashtra . 4Jn03   |        |             |
| Address of CGWB Regional Office : | Central Ground Water Board Central Region, N.s. Building, Civil Lines, Nagpur, Maharashtra - 440001   |        |             |

|  |                             |                      |                     |                      |
|--|-----------------------------|----------------------|---------------------|----------------------|
| 1. NOC No.:                            | CGWA/NOC/INF/ORIG/2021/9868 | 3. Category:         | Safe                |                      |
| 2. Application No.:                    | 21-4/4713/MH/INF/2020       | (GWRE 2017)          |                     |                      |
| 4. Project Status:                     | New Project                 | 5. NOC Type:         | New                 |                      |
| 6. Valid from:                         | 06/01/2021                  | 7. Valid up to:      | 05/01/2026          |                      |
| 8. Ground Water Abstraction Permitted: |                             |                      |                     |                      |
|  | Fresh Water                 | Saline Water         | Dewatering          | Total                |
|  | m <sup>3</sup> /day         | m <sup>3</sup> /year | m <sup>3</sup> /day | m <sup>3</sup> /year |
|  | 9:00.1                      | 3285.00              |                     |                      |

## 9. Details of ground water abstraction /Dewatering structures

| Abstraction Structure* | Total Existing No.:2 |     |    |    |    |     | Total Proposed No.:0 |     |    |    |    |     |
|------------------------|----------------------|-----|----|----|----|-----|----------------------|-----|----|----|----|-----|
|                        | DW                   | DCB | BW | TW | MP | MPu | DW                   | DCB | BW | TW | MP | MPu |
|                        | 0                    | 0   | 2  | 0  | 0  | 0   | 0                    | 0   | 0  | 0  | 0  | 0   |

DW :-"D.ug" Well;. DCtB..-D.o i xJm-Bore WAIT; BW.-Bore Well'.TW-'Tube'.WéI:MP-Mine;Pil:MPu-Mine-F'umps.

## 10. Ground Water Abstraction/Restoration Charges paid (Rs.):

16425.00

(Compliance Conditions given overleaf)

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

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

Phone: (011) 23383561 Fax: 23382051, 23386743

Website: cgwa-noc.gov.in

पाना बचाय - जावन बचाय  
SAVE WATER - SAVE LIFE

Validity of this NOC shall be subject to compliance of the following conditions.

Mandatory conditions:

- 1) Installation of digital water flow meter (conform to IS 9000 / BIS/IS standards; having telemetry system in the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate and information regarding their installation shall be communicated to the CGWA within 30 days of grant of No Objection Certificate through the web-portal.
  - 2) Proponent shall mandatorily get water flow meter calibrated from an authorized agency once in a year.
  - 3) Construction of pre-constructed observation wells (piezometers) for ground water level monitoring shall be mandatory, as per Section 14 of Guidelines. Water level data shall be made available to CGWA through web-portal. Detailed guidelines for construction of piezometers are given in Annexure-II.
  - 4) Proponents shall monitor quality of ground water from the abstraction structure(s) once in a year. Water samples from bore wells/ tube wells / dug wells shall be collected during April/May every year and analysed in NABL accredited laboratories for basic parameters (cations and anions), heavy metals, pesticides/ organic compounds etc. Water quality data shall be made available to CGWA through the web portal.
  - 5) In case of mining projects, additional key wells shall be established in consultation with the Regional Director, CGWB for ground water level monitoring four (4) times a year (January, May, August and November) in core as well as buffer zones of the mine.
  - 6) In case of mining project the firm shall submit water quality report of mine discharge/ seepage from Govt. approved/ NABL accredited lab.
  - 7) The firm shall report compliance of the NOC conditions online in the website (www.cgwa-noc.gov.in) within one year from the date of issue of this NOC.
  - 8) The firm shall submit the water audit report in case of water requirement is in excess of 100 m<sup>3</sup>/day through certified auditors within three months of completion of the same to CGWA.
  - 9) Application for renewal can be submitted online from 90 days before the expiry of NOC. Ground water withdrawal, if any, after expiry of NOC shall be illegal & liable for legal action as per provisions of Environment (Protection) Act, 1986.
  - 10) This NOC is subject to prevailing Central/State Government rules/laws/norms or Court orders related to construction of tube well/ground water abstraction structure / recharge or conservation structure/discharge of effluents or any such matter as applicable.
- General conditions:**
- 11) No additional ground water abstraction and/or de-watering structures shall be constructed for this purpose without prior approval of the Central Ground Water Authority (CGWA).
  - 12) The proponent shall seek prior permission from CGWA for any increase in quantum of groundwater abstraction (more than that permitted in NOC for specific period).
  - 13) Proponents shall install roof top rain water harvesting in the premise as per the existing building bye laws in the premise.
  - 14) The project proponent shall take all necessary measures to prevent contamination of ground water in the premises failing which the firm shall be responsible for any consequences arising thereupon.
  - 15) In case of industries that are likely to contaminate the ground water, no recharge measures shall be taken up by the firm inside the plant premises. The runoff generated from the rooftop shall be stored and put to beneficial use by the firm.
  - 16) Wherever feasible, requirement of water for greenbelt (horticulture) shall be met from recycled / treated waste water.
  - 17) Wherever the NOC is for abstraction of saline water and the existing wells (s) is /are yielding fresh water, the same shall be sealed and new tubewell(s) tapping saline water zone shall be constructed within 3 months of the issuance of NOC. The firm shall also ensure safe disposal of saline residue, if any.
  - 18) Unexpected variations in inflow of ground water into the mine pit, if any, shall be reported to the concerned Regional Director, Central Ground Water Board.
  - 19) In case of violation of any NOC conditions, the applicant shall be liable to pay the penalties as per Section 16 of Guidelines.
  - 20) This NOC does not absolve the proponents of their obligation / requirement to obtain other statutory and administrative clearances from appropriate authorities.
  - 21) The issue of this NOC does not imply that other statutory / administrative clearances shall be granted to the project by the concerned authorities. Such authorities would consider the project on merits and take decisions independently of the NOC.
  - 22) In case of change of ownership, new owner of the industry will have to apply for incorporation of necessary changes in the No Objection Certificate with documentary proof within 60 days of taking over possession of the premises.
  - 23) This NOC is being issued without any prejudice to the directions of the Hon'ble NGT/court orders in cases related to ground water or any other related matters.
  - 24) In case, Impact Assessment Report is required as per criteria mentioned in the guidelines, the firm shall submit it in the prescribed format before 31st December 2020 (applicable for Semi Critical and Critical Category) failing which this NOC will be treated as cancelled/invalid and Penalty/EC shall be imposed as per the guidelines.
  - 25) In case, Hydrogeological Report is required as per criteria mentioned in the guidelines, the firm shall submit it in the prescribed format before 31st December 2020 (in case of Mining) failing which this NOC will be treated as cancelled/invalid and Penalty/EC shall be imposed as per the guidelines.
- (Non-compliance of the conditions mentioned above is likely to result in The cancellation of NOC and legal action against the proponent)

True Copy

IN THE SUPREME COURT OF INDIA CIVIL  
APPELLATE JURISDICTION

CIVIL APPEAL NO.4/2021

M/S PRAYEJA CITY

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s) O R

D E R

This appeal is substantially covered by an order passed by this Court in Civil Appeal No.3893 of 2020 titled M/s Sai Baba Sales Pvt. Ltd. vs. Union of India and Ors.

We record the undertaking given by Mr.Huzefa Ahmadi that the appellant shall proceed with the construction only after complying with the statutory norms. Subject to the above, the order impugned in this appeal is set aside and the matter is remitted back to the Tribunal with the direction to afford an opportunity of hearing to the appellant and pass appropriate orders.

The appeal is, accordingly, allowed. Pending application(s), if any, shall stand disposed of.

.....J (L.NAGESWARA  
RAO)

.....J (VINEET SARAN)

NEW DELHI;  
12<sup>th</sup> JANUARY,2021

ITEM NO.10

Court 8 (Video Conferencing)

SECTION XVII

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Civil Appeal

No(s).4/2021

M/S PRAYEJA CITY

Appellant(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With applns for exemption from filing c/c of impugned judgment, stay application)

Date : 12-01-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE VINEET SARAN

For Appellant(s)

Mr. Huzefa Ahmadi, Sr Adv  
Mr. Ninad Laud, Adv  
Mr. Saurabh Kulkarni, Adv Mr. Ivo  
D'Costa, Adv  
Ms. Anshula Vijay Kumar Grover, AOR

For Respondent(s)

Mr. Mukesh Verma, Adv  
Mr. Yash Pal Dhingra, AOR  
  
Mr. Nitin Lonkar, Adv.  
Ms. Sonali Suryawanshi, Adv. Ms. Sakshi  
Banga, Adv.  
Mr. Shankey Agrawal, AORUPON hearing the counsel the Court made the following  
O R D E R

The appeal is allowed in terms of the signed order. Pending  
application(s), if any, shall stand disposed of.

(B.Parvathi)  
Court Master(Beena Jolly)  
Court Master

(Signed order is placed on the file)

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

Phone No. 020-25811701

Fax No. 020-25811701

e-mail: ropune@mpcb.gov.in



Jog Centre, 3<sup>rd</sup> Floor,  
Wakdevadi,  
Old Pune Mumbai Road,  
Pune- 411003

BY R.P.A.O./FAX/HAND DELIVERY

MPCB/ROP/

220223-FIS-0049

Date: Wednesday

To

M/s Bhandari Gelada Associates LLP & M/s Prayēja Developers LLP  
M/s Prayēja City - I at S. No. 71/5(p),  
71/6A/1 to 71/6A/13, 71/6B/1 to 71/6B/6, 71/7B  
71/9A/1, 71/3/1 to 71/3/6 Prayēja City - II  
At S. No. 71(PT) and 72/20A to 27A,  
Village Vadgaon Bk, Sinhgad Road,  
Pune - 411051

Sub: Prosecution Notice under Section 43, 44 r.w. Section 24, 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974

Ref: 1. Visit of the officials of the Board at Pune on 20/08/2020.  
2. Directions issued by the Regional Officer, Pune on 25/08/2020  
3. Show Cause Notice issued by M.P.C. Board on 06/11/2020  
4. Refusal of Consent under Section 27 of the Water (P & CP) Act, 1974 and under Sec. 21 of the Air (P & CP) Act, 1981 dated 10/12/2020

**WHEREAS**, it was obligatory on your part to obtain the Environment Clearance from the competent Authority i.e. SEIAA and Consent to Establish from the M. P. C. Board prior to start the construction of the project viz. mentioned in the address.

**AND WHEREAS** the Maharashtra Pollution Control Board Officials carried out the visit at the address mentioned above in compliance of the NGT order passed in Original Application No. 33/2020 filed against you before Hon'ble National Green Tribunal, Pune Bench and reported that you have completed construction work of 56,292.04 Sq M without obtaining Consent to Establish from Board and prior Environment Clearance from SEIAA.

**AND WHEREAS** the officials of the Board at Pune have also reported that you are not operating all units of Sewage Treatment Plant regularly and observed poor operation and maintenance of Sewage Treatment Plant.

**AND WHEREAS** you have not obtained NOC from Central Ground Water Authority but you are extracting ground water through bore well.

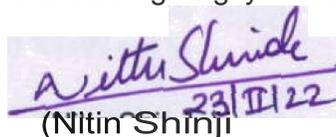
: 2

**AND WHEREAS** the M. P. C. Board issued Stop Work Order to you on 25/08/2020; Show Cause Direction on 06/11/2020 also refused your Consent to Establish on 10/12/2020.

**AND WHEREAS** after examining the record of your case, the reports of the officers of the Board, I am satisfied that even after sufficient time given to you; you have failed to comply the show cause notice and the directions issued by the Regional Officer, Puno. This shows your negligent attitude towards Environment protection and compliance of directions and thus you have violated provisions of environmental laws and caused damage to environment.

**AND WHEREAS** you are hereby called upon to show cause as to why prosecution shall not be launched against you and persons who are responsible for day to day affairs of the Council under Sections 43, 44 r. w. Sections 24, 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974.

Your reply to the said show cause notice shall reach this office within a period of 10 days from the date of receipt of this notice, failing which, necessary further legal action shall be initiated against you without giving you further opportunity, which please note.

  
(Nitin Shinji)  
23/II/22

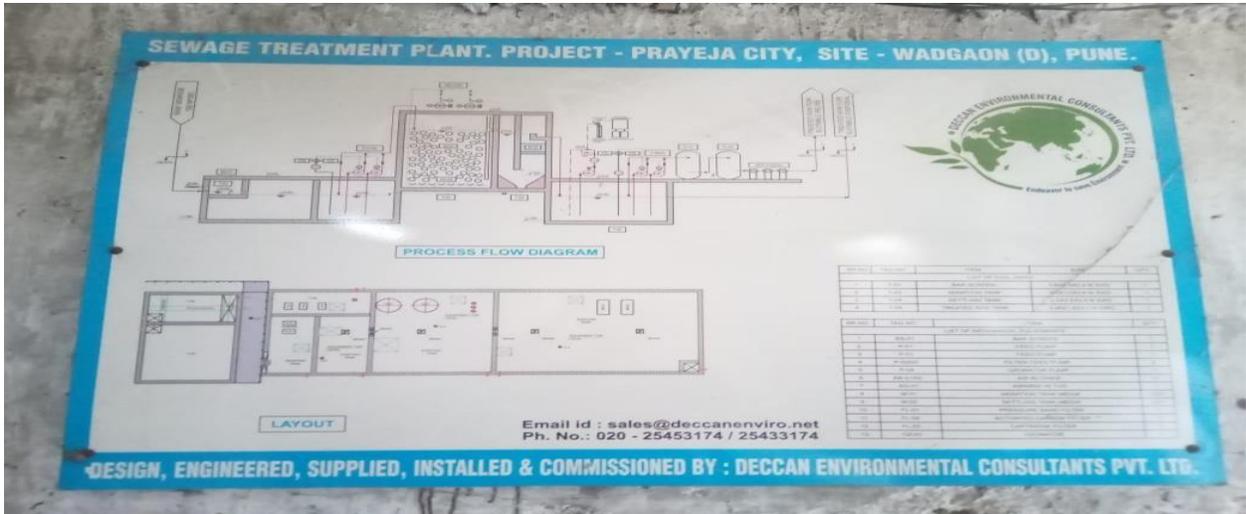
I/c Regional Officer, MPCB - Pune

Copy to'

1. Joint Director (WPC) / Asstt. Secretary(Tech.) / Law Officer (P&L Divn.), MPCB, Mumbai - for information and necessary follow up.
2. Sub Regional Officer, MPCB, Pune -1 - for information and necessary follow up action.

STP 260 CMD Cap.





**Biodegradable waste treatment**



Shredder



Composting Containers



DG Sets:-



### Solar Energy System



### Borewell used for domestic purpose





Bore well used for rainwater harvesting



**Rain Water Harvesting System**



**RWH Pits**



**Fire Hydrant System with Jockey Pump**





**Plantation**

