

REPORT OF THE JOINT COMMITTEE IN COMPLIANCE WITH ORDER DATED 06/07/2021 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN THE MATTER OF OA NO 38 OF 2020 (TANAJI BALASAHEB GAMBHIRE VS UNION OF INDIA & ORS.)

1.0 Background

Grievance in the Original Application No. 38 of 2020 (WZ), titled Tanaji Balasaheb Gambhire Vs Union of India & Ors., as per order dated 06/07/2021 of the Hon'ble NGT, is against violation of environmental norms by the project proponent i.e. M/s Paranjape Schemes (Construction) Ltd. developing housing project - "Magnolia" at Survey No. 136/2 on Baner Pashan Link Road, Village Pashan, Taluka Haveli, District Pune, Maharashtra.

The applicant has alleged that PP has raised the aforesaid housing project beyond the permitted limit and failed to follow the EC conditions. Further, mentioned that the PP has obtained ex-post facto EC, CTE, handing over the project without valid CTO and also mentioned about various non-compliances of EC conditions w.r.t. unscientific disposal of the solid waste, illegal extraction of ground water, rain water harvesting system, plantation, recreational space, fire and safety system etc. Hon'ble NGT directed vide Order dated 06/07/2021 (copy of Hon'ble NGT Order, dated 06/07/2021 is given at **Annexure-I**) and relevant Order is reproduced as below:

"4... We consider it appropriate to require a four member joint Committee comprising of CPCB, SEIAA, Maharashtra, District Magistrate, Pune and Maharashtra State PCB to undertake field visit, interact with the stakeholders and give a report to this Tribunal within three months. The joint Committee will be free to take the assistance from any other individual/institution. The State PCB will be the nodal agency for coordination and compliance. Proceedings may be conducted online except for site visit. Based on the facts found, the statutory regulators may take further remedial measures, following due process of law and file 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).

List for further consideration on 23.11.2021..."

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 03/09/2021 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 “Magnolia” developed by M/s Paranjape Schemes (Construction) Ltd., Baner Pashan Link Road, Village Pashan, Taluka Haveli, District Pune, Maharashtra on 08/12/2021. 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 Pramod Bhand, SDO as representative from District Magistrate, Pune
- iv. Shri Kiran Hasabnis, Sub Regional Officer, MPCB, Pimpri Chinchwad
- v. Shri Nithin Shinde, Regional Officer, MPCB, Pune

Also, Ms. Sanjana Jadav, Field Officer, MPCB-Pune and Shri Rupesh Wagh, Junior Engineer (Building Development Zone), Pune Municipal Corporation accompanied the joint committee during the inspection. Shri Yash Paranjape and Shri P. B. Ghanekar, Architect from M/s Paranjape Schemes (Construction) Ltd., 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 assess the various violations mentioned in the aforesaid Hon’ble NGT Order, the observations & findings of the joint committee are given as below:

A. Observations w.r.t Environmental Clearance (EC) and violations thereto, if any

The project proponent i.e. M/s Paranjape Schemes (Construction) Ltd., has been granted EC by Ministry of Environment and Forests (IA Division) vide dated 25/06/2007 for the total plot area of 17,400 sq-m and total built-up area of 22,592.86 sq-m for developing housing project - “Magnolia” at Survey No. 136/2 on Baner Pashan Link Road, Village Pashan, Taluka Haveli, District Pune, Maharashtra stipulating Layout Sanction details granted by PMC vide no. DPO/2795/IV/322, dated 04/07/2006 for total plot area of 17,400 sq-m and total potential FSI with TDR of 20,101.5 sq-m wherein building no. A, B, C & D was sanctioned.

As per the information provided by PMC vide letter dated 09/02/2022 (Copy of PMC letter dated 09/02/2022 is given at **Annexure-II**), subsequent to the said EC, the PP has obtained first building plan sanctioned vide commencement certificate no. CC/1325/06, dated 12/07/2006 granted by PMC for FSI of 8,975.082 sq-m. However, it is inferred that the PP has not obtained any Plinth Check Certificate based on the aforesaid building sanctioned plan dated 12/07/2006. The PP has obtained first Plinth Check Certificate (part-1) vide no. BCO/6/PC, dated 25/05/2007 for Building

no. A & D and part-2 Plinth Check Certificate has obtained vide no. BCO/6/PC/10, dated 06/05/2008 for building no. B & C, which are as per the revised building plan sanctioned vide commencement certificate no. CC/4397/06, dated 16/03/2007 granted by PMC for FSI of 14,937.985 sq-m.

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. (Refer s.no.2 of Table-1).

PP has obtained revised layout sanctioned by PMC vide commencement certificate no. DPO/IV/0437/08/466, dated 12/11/2008 with potential FSI of 23,034.755 Sq-m. Wherein, PP supposed to amend the earlier EC dated 25/06/2007; as the revised layout sanctioned by PMC dated 12/11/2008 with potential FSI of 23,034.755 Sq-m was exceeding the limit of total built-up area of 22,592.86 sq-m as per earlier EC dated 25/06/2007.

PP has obtained Plinth Check Certificate from PMC vide no. BPDP/Zone1/109, dated 05.11.2009 for podium of building A, B, C and D, which are as per the revised building plan sanctioned vide commencement certificate no. CC/3832/08, dated 30/03/2009 for total FSI of 21,002.28 Sq.m. Further, PP has obtained Plinth Check Certificate from PMC vide dated 15/04/2009 for club house and swimming pool in open space vide commencement certificate no. CC/3179, dated 17/01/2008 and CC/1153/09, dated 11/08/2009 for free of FSI of 209.316 sq-m.

PP has obtained part completion certificate from PMC vide no. Part-1 No.BPDP/ Zone1/72, dated 09/09/2009 for 233 flats in 4 buildings with 2 parking floors + 11 upper floors: A (64); B (64); C (41) and D (64). Similarly, obtained completion certificate from PMC vide no. Part-2 No.BPDP/ Zone1/110, dated 05/11/2009 for remaining 05 flats. Further, PP has obtained Part 3 (Final) completion certificate from PMC vide no. BPDP/ Aundh/OC/98, dated 17/12/2009 for clubhouse & swimming pool, which are as per the aforesaid revised layout & building sanctioned plans issued by PMC.

Thereafter, PP has obtained revised layout from PMC vide commencement certificate no. CC/0320/19, dated 17/05/2019 for total FSI of 23,803.43 sq-m and revised building permission vide commencement certificate no. CC/0319/19, dated 17/05/2019. Accordingly, PP further obtained EC for the proposed expansion of the project vide letter dated 20/09/2019 from SEIAA, Maharashtra based on revised layout obtained from PMC plan approval no. CC/0319/19, dated 17/05/2019 for FSI of 24,274.35 sq-m, Non-FSI of 11,692 sq-m and Total BUA of 35,966.35 sq-m. Copy of the aforesaid EC dated 25/06/2007 and EC for the proposed expansion of the project dated 20/09/2019 is given at **Annexure-III**.

PMC vide letter dated 09/02/2022 provided the status of construction of completed building i.e. Wings-A, B, C, D and Club House, wherein it is mentioned that the total built-up area of the completed project i.e. aforesaid building is 45,132.831sq-m and mentioned that the said total built-up area is as per the definition, defined under Notification no. S.O. 695 (E) dated 04/04/2011 issued by MOEF&CC. Also, provided the current status of project under construction i.e. Wing-F (almost completed), wherein it is mentioned that the total built-up area of the project under construction i.e. aforesaid building is 3,936.719 sq-m and mentioned that the said total built-up area is as per the definition, defined under Notification no. S.O. 695 (E) dated 04/04/2011 issued by MOEF&CC.

From the aforesaid statement provided by PMC vide letter dated 09/02/2022 that as on dated 09/02/2022 that total built-up area in sq-m of the aforesaid project i.e. Wings-A, B, C, D, Club House and Wing-F is 49,069.55 sq-m. As per the aforesaid PMC letter dated 09/02/2022, the total built-up area of the project is observed to be more than the sanctioned total built-up area of 35,966.35 sq-m as per EC dated 20/09/2019. Further, it is observed that present total FSI area of the project i.e. 23,803.433 sq-m (as per the PMC letter dated 09/02/2022) is within the sanctioned FSI of 24,274.35 sq-m (as per EC dated 20/09/2019) whereas it is observed that an increase in Non-FSI area of 13,574.171 sq-m was observed (25,266.171 sq-m, as per PMC letter dated 09/02/2022 **Minus** 11,692 sq-m, as per EC dated 20/09/2019) and apparently PP has inadvertently not disclosed/mentioned the Non-FSI area (reportedly of parking & services) of 13,574.171 sq-m while making an application to obtain the recent EC for expansion of the aforesaid project. However, parking area of 12,110.314 sq-m has been mentioned in the revised building sanctioned plan vide commencement certificate no. CC/3832/08, dated 30/03/2009 and also in the revised (latest) layout sanctioned plan vide commencement certificate no. CC/0320/19, dated 17/05/2019.

As per the information provided by PMC vide letter dated 09/02/2022, subsequent to the said EC dated 20/09/2019, the PP has obtained last Plinth Check Certificate vide no. PCC/0138/21, dated 24/06/2021, which is as per the revised layout from PMC vide commencement certificate no. CC/0320/19, dated 17/05/2019 for total FSI of 23,803.43 sq-m.

During the visit on 08/12/2021, the committee observed that the project was completed & occupied except commercial building, which is almost completed. Details of EC and current status of the project as verified and provided by PMC vide letter no. Zone-6/6775, dated 09/02/2022 is given in Table No. 1.

Table No 1: Details of EC and Current Status of the project.

Total Built-up area for Environmental Clearance based on revised layout sanctioned vide CC No. 0319/19, dated 17/05/2019						
I. Total Built-up Area for Existing Constructed Area Wings A, B, C, D, Club House						
Type of Bldg.	Floors	Tenements	FSI Area, Sq-m	Non-FSI Area, Sq-m	Total BUA, Sq-m	Grand Total, Sq-m
Parking	LP+UP	-	-	12110.314	12110.314	Constructed Building No. A, B, C & D-2009 Total Existing B/U Area = 45,132.831
Wing A	11	65	5623.093	2923.905	8547	
Wing B	11	65	5507.734	2788.595	8296	
Wing C	11	43	4248.365	2085.365	6334	
Wing D	11	65	5623.091	2923.906	8547	
Club House	G+1	-	-	209.316	209.316	
Ramp	-	-	-	567	567	
MSEB	-	-	-	350	350	
OHWT	-	-	-	66.59	66.59	
UGWT	-	-	-	105.611	105.611	
	Total	238	21002.283	24130.602	45132.831	
II. Total Built-up Area for Under Construction Area-Wing F						
Type of Bldg.	Floors	Tenements	FSI Area, Sq-m	Non-FSI Area, Sq-m	Total BUA, Sq-m	Grand Total, Sq-m
Parking	Lower	-	-	661.71	661.71	Under Constructed Building No. F-2009, Total B/U Area □ 3,936.719
Wing F	G+4	19	2801.15	324.794	3125.944	
STP & OWC for commercial building F		44		43.6	43.6	
Ramp	-	-	-	21.86	21.86	
OHWT	-	-	-	34.365	34.365	
UGWT	-	-	2801.15	49.24	49.24	
	Total	19	2801.15	1135.569	3936.719	
Total Existing +Under Constructed Built-up Area (I + II)						49,069.55

Details of sanctioned plans, plinth certificate and completion certificate of the project are given in Table No. 2 and Table No. 3 respectively.

Table No. 2: Details of sanctioned plans and plinth certificate of the project.

S. No.	Building	Plinth Checking Certificate Date	As per Sanction plan no.
1.	Buildings A & D (Residential)	25-05-2007	4397/06, dated 16/03/2007
2.	Buildings B & C (Residential)	06-05-2008	4397/06, dated 16/03/2007

3.	Clubhouse (For A,B,C,D)	15-04-2009	3179/07, dated 17/01/2008
4.	Podium for Buildings A,B,C,D	05-11-2009	1325/06, dated 12/07/2006 & 3832/08, dated 30/03/2009
5.	Building F (Commercial)	24-06-2021	CC/319/19, dated 12/06/2019

Table No. 3: Details of completion certificate of the project.

S. No.	Building & No. of Flats	Completion Certificate No.	Date	As per Sanction plan no.
1.	For 233 flats in 4 buildings with 2 parking floors + 11 upper floors A (64); B (64); C (41); D (64)	Part-1 No.BPDP/ Zone1/72	09/09/2009	CC/1325/06, dated 12/07/2006 CC/4397/06, dated 16/03/2007 CC/3832/08, dated 30/03/2009
2.	For 5 remaining flats in above buildings A (1); B (1); C (2); D (1)	Part-2 No.BPDP/ Zone1/110	05/11/2009	CC/1325/06, dated 12/07/2006 CC/4397/06, dated 16/03/2007 CC/3832/08, dated 30/03/2009
3.	For Clubhouse & Swimming Pool	Part 3 (Final) - No. BPDP/ Aundh/OC/98	17/12/2009	CC/3179/07, dated 17/01/2008 CC/1553/09, dated 11/08/2009

B. Compliance of Consent required under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981

PP has applied for Consent to Establish (CTE) to MPCB on 31/07/2008 and granted vide No. BO/RO(P&P)/EIC No. PN-2504-08/E/CC-454, dated 02/12/2009, which was valid till commissioning of the project or five years (02/12/2014) whichever is earlier.

Thereafter, PP obtained Consent To Operate (CTO) from MPCB vide No. BO/RO(P&P)/EIC No. PN-5243-10/O/CC-285, dated 02/08/2010, which was valid till 31/12/2011. Later, PP has applied for auto renewal of CTO vide application dated 16/04/2013, MPCB has informed PP about non consideration of said application on 26/07/2013 and informed to resubmit application. Accordingly, PP has applied for renewal of CTO on 11/10/2013 and granted CTO vide No. BO/RO-HQ/PN-19584-14/CR/CC-6844, dated 21/07/2014, which was valid till 31/12/2014.

PP has applied for renewal of CTO on 04/04/2015 and obtained CTO from MPCB vide no. Format 1.0/BO/ROHQ/PN-25079-15/CR/CC-14323, dated 09/11/2015, which was valid till 31/12/2016. Later, PP has not applied & obtained subsequent CTO from MPCB for the aforesaid residential building project till date of Hon'ble NGT order dated, 06/07/2021 or till the date of joint committee visit dated 08/12/2021.

PP had handed over the completed portion of the project (4 Residential building A, B, C, D) to “Magnolia Apartments” by executing Deed of Declaration vide Registered Doc no. Haveli-4/9009/2009 dated 11/12/2009. After the handover of said completed project, PP has obtained consent to operate till dated 31/12/2016 as per condition no. 2 (III) of CTO granted on 02/08/2010 by MPCB i.e. “*The project proponent shall operate STP for five years from the date of Occupation certificate*”.

Further, during the proposed expansion of project, PP has obtained CTE, vide No. Format1.0/BO/JD (WPC)/UAN-067422/CE/CC-1912000907, dated 17/12/2019 for construction of residential & commercial project of total plot area of 17,400 sq-m for total built-up area of 35,966.35 sq-m (FSI: 24,274.35 sq.m & Non-FSI: 11,692 sq.m, as per the EC dated 20/09/2019) which is valid till the commissioning of project or five years (16/12/2024) whichever is earlier.

Point-wise observation and compliance of the alleged issues as mentioned by the applicant in the Hon’ble NGT order is depicted in the below Table-4. Some of the photographs taken during joint committee inspection dated 08/12/2021 are given at **Annexure-IV**.

Table-4: Point-wise compliance of the alleged issues as mentioned in the Hon’ble NGT order.

S. no.	Allegations of the applicant as mentioned in the Hon’ble NGT Order, dated 06/07/2021	Present status as on joint committee inspection dated 08/12/2021
a	Total completed BUA of project till today is more than 44053.49 sq. Mtrs. Comprising 4 residential building, 238 flats against the permissible BUA of 22592.86 sq. Mtrs. in is Environmental Clearance dated 25.06.2007. This 1s substantial increase in the scope of the project. This 1s violation of the terms and conditions of the EC dated 25.06.2007.	Please refer s. no. A (including Tables-1 to 3) of paragraph 3.0, as above.
b	PP procured the ex-post lacto Environment Clearance dated 20.09.2019 for total BUA of 36756 Sq. Mtrs. for expansion of one additional commercial building and suppressed actual total completed BUA of project till today is more than 44053.49 sq. Mtrs. comprising 4 residential building, 238 flat. This is substantial increase in the scope of the project. This is violation of the terms and conditions of the EC dated 20.09.2019.	
c	Total BUA of the project is more than 48776.01 Sq. Mtrs. (Existing -44053.49 M2 + Proposed-4722.52 M) and this amounts to violation of terms and conditions of Environment Clearance dated 25.06.2007 & 20.09.2019, Consent	

	to Establish dated 02.12.2009 & 17.12.2019 and Consent to operate dated 02.08.2010 & 09.11.2015.	
d	PP has carried out illegal construction of more than 21460.63 Sq. Mtrs. in violation of terms and conditions of Environment Clearance, Consent to Establish and Consent to Operate.	
e	PP has carried out the construction of 44053.49 M2 and have undertaken expansion of 4722.52 M2 having total BUA of the Project 48776.01 Ma therefore PP have carried out the construction beyond permissible limits of EC and Consents.	
f	SEAC-II & SEIAA have not explained the revalidation of EC dated 25.06.2007 after expiry of validity of EC on 24.06.2012.	
g	PP has obtained ex-post facto EC dated 20.09.2019 by Suppressing actual construction total BUA.	
h	PP has obtained ex-post facto Consent to Establish dated 17.12.2019 by suppressing actual construction total BUA.	<p>PP has applied for Consent to Establish (CTE) to MPCB on 31/07/2008 and granted vide No. BO/RO(P&P)/EIC No. PN-2504-08/E/CC-454, dated 02/12/2009, which was valid till commissioning of the project or five years (02/12/2014) whichever is earlier. Thereafter, PP has obtained part completion certificate from PMC vide no. Part-1 No.BPDP/ Zone1/72, dated 09/09/2009 for 233 flats in 4 buildings with 2 parking floors + 11 upper floors: A (64); B (64); C (41) and D (64). Similarly, obtained completion certificate from PMC vide no. Part-2 No.BPDP/ Zone1/110, dated 05/11/2009 for remaining 05 flats. Further, PP has obtained Part 3 (Final) completion certificate from PMC vide no. BPDP/Aundh/OC/98, dated 17/12/2009 for clubhouse & swimming pool, which are as per the aforesaid revised layout & building sanctioned plans issued by PMC. Based on the above completion certificates issued by PMC, it is evident that PP has completed the project before the expiry of CTE, dated 02/12/2009.</p> <p>Further, PP has obtained CTE, vide No.Format1.0/BO/JD (WPC)/UAN-067422/CE/CC-1912000907, dated 17/12/2019 for construction of residential & commercial project of total plot area of</p>

		17,400 sq-m for total proposed built-up area of 35,966.35 sq-m (FSI: 24,274.35 sq.m & Non-FSI: 11,692 sq.m, as per EC dated 20/09/2019) which is valid till the commissioning of project or five years (16/12/2024) whichever is earlier.
i	PP has operated project without Consent to Operate from 01.01.2012 to till 08.11.2015.	<p>PP obtained Consent To Operate (CTO) from MPCB vide No. BO/RO(P&P)/EIC No. PN-5243-10/O/CC-285, dated 02/08/2010, which was valid till 31/12/2011. Later, PP has applied for auto renewal of CTO vide application dated 16/04/2013, MPCB has informed PP about non consideration of said application on 26/07/2013 and informed to resubmit application. Accordingly, PP has applied for renewal of CTO on 11/10/2013 and granted CTO vide No. BO/RO-HQ/PN-19584-14/CR/CC-6844, dated 21/07/2014, which was valid till 31/12/2014.</p> <p>PP has applied for renewal of CTO on 04/04/2015 and obtained CTO from MPCB vide no. Format 1.0/BO/ROHQ/PN-25079-15/CR/CC-14323, dated 09/11/2015, which was valid till 31/12/2016.</p> <p>Later, PP has not applied & obtained subsequent CTO from MPCB for the aforesaid residential building project till date of Hon'ble NGT order dated, 06/07/2021 or till the date of joint committee visit dated 08/12/2021.</p>
j	PP did not installed OWC within three months from consent to operate dated 08.11.2015 as per condition no. 9 imposed by MPCB in CTO dated 08.11.2015.	As per the condition under s.no. 9 of the CTO, dated 08/11/2015 (expired on 08/11/2016) PP has not installed OWC for processing of organic waste. However, as per s. no. iv of first CTO obtained by PP, dated 02/08/2010; PP has installed vermin composting for treatment of organic waste. PP has provided 28 no. of vermicomposting pits.
k	PP is extracting huge quantity of ground water from two have wells without any permission from competitive authority for construction of project as well as domestic use of occupied part and	The PP has not commissioned bore well within the project site. Water supply during operation phase of the project is being met through PMC and PP has obtained NOC from PMC vide letter dated 15/10/2007 for the same.
l	Half-yearly Compliance report dated 10.01.2019 having Photograph of "Solid Waste Management" system at internal Page-33 showing composting pits is totally bogus photographs and having no concern with this project site.	Please refer s. no. j of the Table-4, as above.

m	Half-yearly Compliance report dated 10.01.2019 having Photograph of "Rain Water Harvesting" system at internal Page-33 showing rain water outlets from terrace is clearly showing that there is no rain water harvesting at project site and this photographs is misleading.	It is observed that the PP is submitting Half-yearly environmental compliance reports to MoEF&CC. Violations/non-compliances if any; with the conditions of EC to be dealt appropriately by MoEF&CC. Further, it is observed that the PP has installed rain water harvesting system.
n	Half-yearly Compliance report dated 10.01.2019 having Photograph of "Plantation" system at internal Page-34 Showing plantation is totally bogus photographs and having no concern with this project site.	It is observed that the PP is submitting Half-yearly environmental compliance reports to MoEF&CC. Violations/non-compliances if any; with the conditions of EC to be dealt appropriately by MoEF&CC. Further, it is observed that the PP has obtained NOC dated 05/10/2009 from the Tree Authority of PMC and it is mentioned that total 184 no. of trees are planted and preserved in existing site.
o	Reports on Ambient Air Quality Monitoring, Noise Level, Water Sample Analysis (Drinking & Bore Well), Stack Emission and Effluent Analysis etc. from June-2018 to September -2018 are false and bogus and prepared without collecting samples.	It is observed that the PP is submitting Half-yearly environmental compliance reports w.r.t. ambient air quality monitoring, noise level, water sample analysis (drinking & bore well), stack emission and effluent analysis etc. to MoEF&CC. Violations/non-compliances if any; with the conditions of EC to be dealt appropriately by MoEF&CC.
p	Half-yearly compliance report dated 10.01.2019 is nothing but the compromised statement to overcome the illegality & violations committed by PP. Therefore PP has played fraud and cheating on Authority.	It is observed that the PP is submitting Half-yearly environmental compliance reports to MoEF&CC. Violations/non-compliances if any; with the conditions of EC to be dealt appropriately by MoEF&CC.
q	PP has not made any test for ground water contamination and quality of water and there is serious ground water contamination.	As per the Half-yearly environmental compliance report of April to September, 2021 dated 30/11/2021 the PP has carried-out ground water monitoring of surrounding area of the project site through M/s Mahabal Enviro Engineers Pvt. Ltd., - Engineers, Consultants, Environmental Monitoring Laboratory & Contractors.
r	PP has not provided any solid waste management system like OWS/Compost pits and waste generated is dumped to PMC waste yard creating burden on public systems and solid waste is generating various greenhouse gases and there is no scientific disposal of the solid waste generated from project.	Please refer s. no. j of the Table-4, as above.
s	PP has done concretization of marginal spaces, open spaces	Please refer s. no. w & of the Table-4, as below.
t	PP has used traditional clay bricks and PP has not used any scientific construction method.	It is observed that the PP has completed the project as per the EC dated 25/06/2007 and obtained completion certificates vide no. Part-1 No. BPDP/ Zone1/72, dated

		09/09/2009; Part-2 No. BPDP/ Zone1/110, dated 05/1/2009 and Part 3 (Final) - No. BPDP/ Aundh/OC/98, dated 17/12/2009 respectively. Since the said project is completed during 2009 as per EC dated 25/06/2007 the joint committee is unable to offer comments in this regard. However, as per the information submitted by PP, traditional clay bricks have not used in the project instead they have used fly Ash bricks. Whereas for the on-going commercial building project PP is using AAC cement blocks.
u	PP has not installed solar system for energy conservation system.	As per the condition no. xv of EC dated 25/06/2007 and s. no. 35 of EC dated 20/09/2019, PP has installed solar panels for conservation of energy. Reportedly, about total 88 nos. of solar panels are installed on building terrace to generate approx. 28 KW of energy which is used for lighting of common utilities.
v	PP has not provided any rain water harvesting system for ground water recharge.	Please refer s. no. m of the Table-4, as above.
w	PP has not developed 10% recreational open space as per norms and PP has not made tree plantation of 189 trees as per the norms. PP has made illegal tree cutting.	It is observed that PP has provided recreational open space in accordance with the approved sanction plans. As per the information provided by PMC vide letter dated 09/02/2022, PP has obtained NOC from the Tree Authority vide no. 3160, dated 05/10/2009 wherein it is mentioned that 184 no. of trees are planted at the project site. In addition to this, PP has planted additional 9 no. of trees as per NOC issued by Tree Authority vide no. 8344, dated 27/12/2018.
x	PP has not preserved top layer of fertile soil and there is no X. soil test for contamination.	It is observed that the PP has completed the project as per the EC dated 25/06/2007 and obtained completion certificate vide no. Part-1 No. BPDP/ Zone1/72, dated 09/09/2009; Part-2 No. BPDP/ Zone1/110, dated 05/1/2009 and Part 3 (Final) - No. BPDP/ Aundh/OC/98, dated 17/12/2009 respectively. Since the said project is completed during 2009 as per EC dated 25/06/2007 and also the construction of present project as per EC dated 20/09/2019 is in completion stage the joint committee is unable to offer comments in this regard.
y	PP has provided swimming tank giving additional burden on the ground water consumption.	PP has provided swimming pool as per PMC approval and obtained completion certificate vide no. Part 3 (Final) - No. BPDP/ Aundh/OC/98, dated 17/12/2009,

		which is as per building sanctioned plans no. CC/3179/07, dated 17/01/2008 and CC/1553/09, dated 11/08/2009.
z	Huge quantity of sewage water is generated and there is no scientific treatment of sewage water in STP. It is just scrape skeleton.	As per the EC dated 25/06/2007, total wastewater generation from the said project is 152 m ³ /day. Accordingly, PP has provided STP of reported design capacity of 160 m ³ /day consisting of MBBR technology and also provided tertiary treatment facility with chlorination. During joint committee inspection, all the treatment units of STP were found in operation. As per conditions of CTO, treated wastewater is being used for gardening and flushing purpose. As informed, M/s Magnolia Apartment Society is operating the aforesaid STP. MPCB collected JVS sample (treated effluent sample) from the final outlet of STP on 09/12/2021 and analysed for consented parameters. It is observed from the analysis results that concentration of BOD: (44 > 30 mg/L) and COD: (112 > 100 mg/L) is found to be exceeding the prescribed discharge standards meant for reusing.
aa	PP is creating huge burden on the environment due to day to day waste generation by consumption of natural resources and it is causing huge burden on the public facilities and services on account of environment damage.	Please refer s. no. j of the Table-4, as above.
bb	PP has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.	Please refer s. no. a to z of the Table-4, as above.
cc	PP has not complied with the conditions of commencement certificate related to the installation of environment infrastructure to avoid the degradation.	Please refer s. no. j, m, u & z of the Table-4, as above.
dd	PP has not provided fire and safety system at site and there is no approach road for fire engine.	PP has provided fire hydrant system and also obtained NOC from fire department vide no. FB/1063 dated 18/07/2009.
ee	PP has not provided the ramp slope in the ratio of 1:10	As per the information provided by PMC vide letter dated 09/02/2022 PP has provided slope in the ratio of 1:8, is permissible for vehicles in terms of section 9.12.2 in the UDCPR 2020. Further mentioned that all the ramps existing at project site are as per sanctioned layout plan with a minimum slope 1:10 or above.
ff	PP has not provided site margin as per the DC Rules	As per the information provided by PMC that site margin at project site is provided as per aforesaid sanctioned layout plans

		mentioned in s. no. A of paragraph 3.0, as above.
gg	PP has not provided mandatory 15% amenity space under DC Rules of PMC	As per the information provided by PMC that the provision of amenity space is not applicable for the said project. As the said land comes under Industrial (Brick Klin) Zone. The provisions for residential development in such industrial zones (specifically for brick Klin zone) as per the DCR rules (Appendix R-7: Modifications under Government Gazette, dated 5 th January, 1987) of the DC Rules, it is stated that – <i>Appendix R-7 Serial No.11 (Page 246) - "In according with the sanctioned Regional Plan of Pune it has been devised as a policy to reduce industrial acreage in Pune Metropolitan Region. In view of this owners of all the lands in industrial zone including Brick clin zone shall be allowed to develop such lands for residential uses if they so desire. The Municipal Commissioner shall independently entertain development permission for residential use for such lands".</i> Accordingly, the PP has paid total amount of Rs.43,83,300/- (Rs. 300/sq-m) on 20.07.2006 in lieu of provision of amenity space.

4.0 Conclusions

- i. PP has obtained first Plinth Check Certificate (part-1) vide no. BCO/6/PC, dated 25/05/2007 for Building no. A & D and part-2 Plinth Check Certificate has obtained vide no. BCO/6/PC/10, dated 06/05/2008 for building no. B & C, which are as per the revised building plan sanctioned vide commencement certificate no. CC/4397/06, dated 16/03/2007 granted by PMC for FSI of 14,937.985 sq-m. It is observed from the aforesaid first plinth checking certificates that 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.
- ii. PP has obtained revised layout sanctioned by PMC vide commencement certificate no. DPO/IV/0437/08/466, dated 12/11/2008 with potential FSI of 23,034.755 Sq-m. However, PP has not obtained amendment of earlier EC dated 25/06/2007; as the revised layout sanctioned by PMC, dated 12/11/2008 with potential FSI of 23,034.755 Sq-m was exceeding the limit of total built-up area of 22,592.86 sq-m as per the earlier EC dated 25/06/2007.

- iii. As per the statement provided by PMC vide letter dated 09/02/2022 that as on dated 09/02/2022 total built-up area in sq-m of the aforesaid project i.e. Wings-A, B, C, D, Club House and Wing-F is 49,069.55 sq-m. As per the aforesaid PMC letter dated 09/02/2022, the total built-up area of the project is observed to be more than the sanctioned total built-up area of 35,966.35 sq-m as per EC dated 20/09/2019.

Further, it is observed that present total FSI area of the project i.e. 23, 803.433 sq-m (as per the PMC letter dated 09/02/2022) is within the sanctioned FSI of 24,274.35 sq-m (as per EC dated 20/09/2019) whereas it is observed that an increase in Non-FSI area of 13,574.171 sq-m was observed (25,266.171 sq-m, as per PMC letter dated 09/02/2022 **Minus** 11,692 sq-m, as per EC dated 20/09/2019) and apparently PP has not disclosed/mentioned the Non-FSI area (reportedly of parking & services) of 13,574.171 sq-m while making an application to obtain the recent EC for expansion of the aforesaid project. However, parking area of 12,110.314 sq-m has been mentioned in the revised building sanctioned plan vide commencement certificate no. CC/3832/08, dated 30/03/2009 and also in the revised (latest) layout sanctioned plan vide commencement certificate no. CC/0320/19, dated 17/05/2019.

- iv. PP has obtained Consent to Establish (CTE) from MPCB vide No. BO/RO(P&P)/EIC No. PN-2504-08/E/CC-454, dated 02/12/2009, which was valid till commissioning of the project or five years (02/12/2014) whichever is earlier. Thereafter, PP has obtained part completion certificate from PMC vide no. Part-1 No.BPDP/ Zone1/72, dated 09/09/2009 for 233 flats in 4 buildings with 2 parking floors + 11 upper floors: A (64); B (64); C (41) and D (64). Similarly, obtained completion certificate from PMC vide no. Part-2 No.BPDP/ Zone1/110, dated 05/11/2009 for remaining 05 flats, which are as per the aforesaid revised layout & building sanctioned plans issued by PMC (Kindly refer s. no. A of paragraph 3, as above). Based on the above completion certificates issued by PMC, it is evident that PP has completed the project before obtaining the CTE, dated 02/12/2009 from MPCB.
- v. PP obtained Consent To Operate (CTO) from MPCB vide No. BO/RO(P&P)/EIC No. PN-5243-10/O/CC-285, dated 02/08/2010, which was valid till 31/12/2011. Later, PP has applied for auto renewal of CTO vide application dated 16/04/2013, MPCB has informed PP about non consideration of said application on 26/07/2013 and informed to resubmit application. Accordingly, PP has applied for renewal of CTO on 11/10/2013 and granted CTO vide No. BO/RO-HQ/PN-19584-14/CR/CC-6844, dated 21/07/2014, which was valid till 31/12/2014. PP has applied for renewal of CTO on 04/04/2015 and obtained CTO from MPCB vide no. Format 1.0/BO/ROHQ/PN-25079-15/CR/CC-14323, dated 09/11/2015, which was valid till 31/12/2016. Later, PP has not applied & obtained subsequent CTO from MPCB for the aforesaid residential building project till date of Hon'ble

NGT order dated, 06/07/2021 or till the date of joint committee visit dated 08/12/2021.

Whereas, it is observed that PP had handed over the completed portion of the project (4 Residential building A, B, C, D) to "Magnolia Apartments" by executing Deed of Declaration vide Registered Doc no. Haveli-4/9009/2009 dated 11/12/2009. Further, as per the aforesaid "Deed of Declaration", page no. 11 under s. no. 1) common areas and facilities to the Magnolia apartments, it is mentioned that *"The office bearers/elected committee members shall be responsible for renewal of the said No object Certificates, Licenses, certificates timely, repairs and maintenance of all common amenities..."*.

It is observed that after handing over of the said completed project, PP has renewed CTO from time to time (with gaps of few years) till dated 31/12/2016, as per condition no. 2 (III) of CTO granted on 02/08/2010 by MPCB i.e. *"The project proponent shall operate STP for five years from the date of Occupation certificate"*. However, the joint committee opined that though the PP has made "Deed of Declaration" and mentioned that necessary renewals shall be done by the office bearers/elected committee members. However, the project proponent name, various licenses & clearances (viz. environmental clearance, CTO etc.) in the name of M/s Paranjape Schemes (Construction) Ltd., Pune have not yet been transferred in the name of "Magnolia Apartments". Also, presently (as per expansion EC dated 20/09/2019), the PP is utilizing additional FSI of whole plot area and for which the PP has applied for CTE to MPCB on 17/12/2019 for expansion of residential & commercial project of total plot area of 17,400 sq-m for total proposed built-up area of 35,966.35 sq-m (FSI: 24,274.35 sq.m & Non-FSI: 11,692 sq.m). Hence, the earlier project including the expanded project may be treated in a holistic manner rather treating as a separate component.

5.0 Approach for penalty and remedial measures for prior environmental clearance (EC) violation

Hon'ble NGT 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 aforesaid 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 07/07/202. As per the aforesaid SOP, it outlines the penalties including closure of operations that are operating without prior environment clearance including demolition of projects. 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 aforesaid 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).

The competent authority shall issue directions u/s 5 of The Environment (Protection) Act, 1986 for mandating payment of such amount (based on polluter's pay principle), undertaking activities relating to aforesaid plans and its appraisal by the Central sectoral expert appraisal committee or the State/UT level expert appraisal committee, as the case may be. 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 has 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.

6.0 Approach for damages (in addition to the environmental compensation as given at para 5) for contravening mandatory provisions of environmental laws

MPCB has issued Circular vide letter no. BO/MPCB/AS(T)/Circular/B-220712FTS0047 dated 12/07/2022 to discourage the defaulting industries by adopting "Polluter Pays" principal by imposing appropriate cost of violation of provision of Environment enactments for violation as below: -

- a) To take effective steps towards establishment of project/unit without obtaining Consent to Establish from the Board.
- b) To take effective steps without revalidating Consent to Establish from the Board.
- c) To start Commercial production/to hand over occupancy without obtaining Consent to Operate from the Board.
- d) To carry out expansion activity and applying directly for Consent to Operate without obtaining Consent to Establish of the Board.
- e) To operate the activity without valid consent to operate of the Board and applying after lapse of validity period.

Cost of Violation:-

Red Category- 5 times of one term consent fee X no. of years of violation*

Orange Category- 3 times of one term consent fee X no. of years of violation*

Green Category- 1 times of one term consent fee X no. of years of violation*

* Calculations of number of years shall be calculated on the basis of number of days of non-compliance. Copy of the said circular is attached as **Annexure- V.**

Considering the period when PP has started construction activities without obtaining CTE from MPCB i.e. as it is evident from the 1st plinth checking certificate was issued vide, dated 25/05/2007 by PMC as per the first Layout Sanctioned vide no. DPO/2795/IV/322, dated 04/07/2006 for total potential FSI with TDR of 20,101.5 sq-m, which is beyond 20,000 sq-m issued by PMC till the date of obtaining CTE from MPCB i.e. till 02/12/2009. Besides considering the aforesaid period of violation for starting the construction activities without obtaining CTE from MPCB, the joint committee recommends considering the period of violation for not obtaining valid CTO i.e. when PP has not applied and obtained renewal of CTO from time to time from MPCB. Accordingly, the total period of violation is tabulated as below:

S. no.	Period of violation		No. of days of violation	Remarks	Capital investment (CI) in Crore & consent fees	Penal fees calculation	Penal fees
1	25/05/2007 (date of 1st plinth checking certificate PCC obtained from PMC)	31/07/2008 (till date of application for CTE). Whereas CTE was granted on 02/12/2009	433	Starting construction activities without obtaining CTE from MPCB.	CI- 38 crore Consent Fees- 50000/-	Orange category = 3 times of one term consent fee X no. of years of violation =3 X50000 X433/365	1,77,945.20
2	01-01-2012 (starting date of lapse of CTO, which was valid till 31/12/2011)	11/10/2013 (till date of application for renewal of CTO). Whereas renewal of CTO was granted on 21/07/2014 and valid up to 31/12/2014	649	Operation of the residential building project without valid CTO from MPCB.	CI- 38.19 crore consent Fees- 75000/-	Orange category = 3 times of one term consent fee X no. Of years of violation =3 X75000 X649/365	4,00,068.49

3	01-01-2015 (starting date of lapse of CTO, which was valid till 31/12/2014)	04/04/2015 (till date of application for renewal of CTO). Whereas renewal of CTO was granted on 09/11/2015 and valid up to 31/12/2016)	93	Operation of the residential building project without valid CTO from MPCB.	CI- 61.22 crore Fees- 100000/-	Orange category = 3 times of one term consent fee X no. Of years of violation =3 X100000 X93/365	76,438.35
Total no. of days of violation: 1,175						Total Penal fees	6,54,452.04
4	01-01-2017 (starting date of lapse of CTO, which was valid till 31/12/2016)	06/07/2021 (till date of Hon ^{ble} NGT order dated, 06/07/2021)	1,647	Operation of the residential building project without valid CTO from MPCB.	CI- 61.22 crore Fees- 100000/-	Red category = 5 times of one term consent fee X no. Of years of violation =5 X100000 X1647/365	22,56,164.38
Total no. of days of violation: 1,647						Grand Total Penal fees	29,10,616.42

Thus, the total Penal charges as above as per provisions of penal fees for occupiers violating consent regime prescribed 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 works out to be Rs. 29,10,616/- (Rupees Twenty-nine lakh- Ten Thousand Six Hundred Sixteen Only).

7.0 Recommendations

(a) For violation of EIA Notification dated 14/09/2006 (Kindly refer s. no. i, ii & iii of section 4.0 of the report, as above)

In view of the aforesaid violations of:

- (i) Starting construction of the residential building project "Magnolia" by M/s Paranjape Schemes (Construction) Ltd., Baner Pashan Link Road, Village Pashan, Taluka Haveli, District Pune, Maharashtra as per the Layout Sanctioned no. DPO/2795/IV/322, dated 04/07/2006 for total plot area of 17,400 sq-m and total potential FSI with TDR of 20,101.5 sq-m for building no. A, B, C & D without obtaining prior EC from SEIAA;
- (ii) Revising the earlier layout sanctioned plan vide no. DPO/2795/IV/322, dated 04/07/2006, wherein PP has increased the total built-up area of

22,592.86 sq-m to potential FSI of 23,034.755 sq-m without obtaining amendment of earlier EC dated 25/06/2007;

- (iii) Not disclosing/mentioning the Non-FSI area (reportedly of parking & services) of 13,574.171 sq-m while making an application to SEIAA to obtain the recent EC dated 20/09/2019 for expansion of the aforesaid project;
 - (iv) Action may be taken against M/s Paranjape Schemes (Construction) Ltd., Pune by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986;
 - (v) Appraisal of the project under EIA Notification, 2006 as outlined under s. no. iii (as above, given at paragraph 5.0) **ALONG WITH** penalty for new project (when operations have commenced without EC) i.e. 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, involved during the period of violation may be levied by SEIAA, Maharashtra and be deposited by the PP with the respective State Pollution Control Board.
- (b) For contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981
(Kindly refer s. no. iv & v of section 4.0 of the report, as above)

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, completing the project "Magnolia" M/s Paranjape Schemes (Construction) Ltd., Pune and obtaining completion certificate from PMC vide dated 09/09/2009 & 05/11/2009 before obtaining CTE from MPCB as required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981;
- (ii) Not possessing CTE, renewal/valid CTO from MPCB and not making CTO renewal application also in this regard during the period 25/05/2007 to 31/07/2008; 01/01/2012 to 11/10/2013; and 01/01/2015 to 04/04/2015 and 01/01/2017 to 06/07/2021;

Rs. 29,10,616/- (Rupees Twenty-nine Lakhs Ten Thousand Six Hundred Sixteen Only) as derived under para 6.0 of this report, as deemed fit by the Hon'ble NGT, may also be added in addition to the penalty to be derived by SEIAA, Maharashtra as outlined under para 5.0 of this report as damages for contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974, the Air

(Prevention and Control of Pollution) Act, 1981 and prior EC requirement notified under the Environment (Protection) Act, 1986.

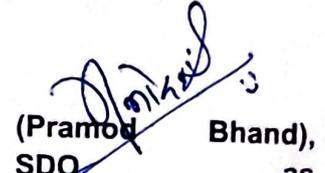
- (c). PP may be directed to expedite to obtain renewal of CTO (expired/valid till 31/12/2016) from MPCB and also to install OWC for processing of organic waste in compliance to the condition issued under s.no. 9 of the earlier CTO, dated 09/11/2015 or as per the conditions to be imposed in the fresh CTO by MPCB.



(Nishchal C.)
Scientist 'D'
CPCB, RD - Pune



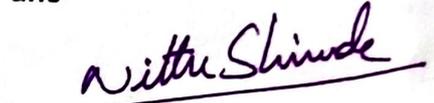
(Pankaj Joshi),
Member, SEIAA



(Pramod Bhand),
SDO as
representative from
District Magistrate,
Pune



(Kiran Hasabnis)
Sub-Regional Officer
MPCB, Pimpri Chinchwad



(Nithin Shinde)
1/2 Regional Officer
MPCB-Pune

Item No. 02

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 38/2020(WZ)

Tanaji B. Gambhire

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 06.07.2021

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

Applicant: Mr. Nitin Lonkar, Advocate

ORDER

1. Grievance in this application is against violation of environmental norms by M/s Paranjape Schemes (Construction) Ltd. developing housing project - "Magnolia" at Survey No. 136/2 on Baner Pashan Link Road, Village Pashan, Taluka Haveli, District Pune. The violations alleged by the applicant are in raising construction beyond the permitted limit and failure to follow the EC conditions. The applicant has set out the violations as follows:

“

- a. *Total completed BUA of project till toady is more than 44053.49 Sq. Mtrs. comprising 4 residential building, 238 flats against the permissible BUA of 22592.86 Sq. Mtrs. in is Environment Clearance dated 25.06.2007. This 1s substantial increase in the scope of the project. This 1s violation of the terms and conditions of the EC dated 25.06.2007.*
- b. *PP procured the ex-post lacto Environment Clearance dated 20,09.2019 for total BUA of 36756 Sq. Mtrs. for expansion of one additional commercial building and suppressed actual total completed BUA of project till toady is more than 44053.49 Sq. Mtrs. comprising 4 residential building, 238*

flats. This is substantial increase in the scope of the project. This is violation of the terms and conditions of the EC dated 20.09.2019.

- c. Total BUA of the Project is more than 48776.01 Sq. Mtrs. (Existing-44053.49 M2 + Proposed-4722.52 M) and this amounts to violation of terms and conditions of Environment Clearance dated 25.06.2007 & 20.09.2019, Consent to Establish dated 02.12.2009 & 17.12.2019 and Consent to operate dated 02.08.2010 & 09.11.2015.*
- d. PP has carried out illegal construction of more than 21460.63 Sq. Mtrs. in violation of terms and conditions of Environment Clearance, Consent to Establish and Consent to Operate.*
- e. PP has carried out the construction of 44053.49 M2 and have undertaken expansion of 4722.52 M2 having total BUA of the Project 48776.01 Ma therefore PP have carried out the construction beyond permissible limits of EC and Consents.*
- f. SEAC-II & SEIAA have not explained the revalidation of EC dated 25.06.2007 after expiry of validity of EC on 24.06.2012.*
- g. PP has obtained ex-post facto EC dated 20.09.2019 by Suppressing actual construction total BUA.*
- h. PP has obtained ex-post facto Consent to Establish dated 17.12.2019 by suppressing actual construction total BUA.*
- i. PP has operated project without Consent to Operate from 01.01.2012 to till 08.11.2015 and 01.01.2017 to till date.*
- j. PP did not installed OWC within three months from Consent to operate dated 08.11.2015, as per condition No. 9 imposed by MPCB in CTO dated 08.11.2015.*
- k. PP is extracting huge quantity of ground water from two bore wells without any permission from competitive authority for construction of project as well as domestic use of occupied part and*
- l. Half-yearly Compliance report dated 10.01.2019 having Photograph of "Solid Waste Management" system at internal Page-33 showing composting pits is totally bogus photographs and having no concern with this project site*
- m. Half-yearly Compliance report dated 10.01.2019 having Photograph of "Rain Water Harvesting" system at internal Page-33 showing rain water outlets from terrace is clearly showing that there is no rain water harvesting at project site and this photographs is misleading.*
- n. Half-yearly Compliance report dated 10.01.2019 having the Photograph of "Plantation" system at internal Page-34*

showing plantation is totally bogus photographs and having no concern with this project site

- o. Reports on Ambient Air Quality Monitoring, Noise Level, o. Water Sample Analysis (Drinking & Bore well), Stack Emission and Effluent Analysis etc. from June-2018 to September-2018 are false and bogus and prepared without collecting samples.*
- p. Half-yearly compliance report dated 10.01.2019 is nothing but the compromised statement to overcome the illegality & violations committed by PP. Therefore PP has played fraud and cheating on Authority.*
- q. PP has not made any test for ground water contamination and quality of water and there is serious ground water contamination.*
- r. PP has not provided any solid waste management system like OWS / Compost pits and waste generated is dumped to PMC waste yard creating burden on public systems and solid waste is generating various greenhouse gases and there is no scientific disposal of the solid waste generated from project.*
- s. PP has done concretization of marginal spaces, open spaces*
- t. PP has used traditional clay bricks and PP has not used any scientific construction method*
- u. PP has not installed solar system for energy conservation system.*
- v. PP has not provided any rain water harvesting system for ground water recharge.*
- w. PP has not developed 10% recreational open space as per norms and PP has not made tree plantation of 189 trees as per the norms. PP has made illegal tree cutting.*
- x. PP has not preserved top layer of fertile soil and there is no X. soil test for contamination.*
- y. PP has provided swimming tank giving additional burden on the ground water consumption*
- z. Huge quantity of sewage water is generated and there is no scientific treatment of sewage water in STP. It is just scrape skeleton.*
- aa. PP is creating huge burden on the environment due to day to day waste generation by consumption of natural resources and it is causing huge burden on the public facilities and services on account of environment damage.*

- bb. PP has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.*
- cc. PP has not complied with the conditions of commencement certificate related to the installation of environment infrastructure to avoid the degradation*
- dd. PP has not provided fire and safety system at site and there is no approach road for fire engine.*
- ee. PP has not provided the ramp slope in the ratio of 1:10*
- ff. PP has not provided site margin as per the DC Rules*
- gg. PP has not provided mandatory 15% amenity space under DC Rules of PMC*
- hh. PP in connivance with PMC officer has violated the provisions of Environment enactment and therefore PMC officers are also equally responsible*
- ii. PP has violated the principle of sustainable development.*
- jj. Involvement of bureaucratic nexus in the illegal act to help PP and Misuse of position by Government officers and thus provisions of EIA Notification-2006 r/w Environment Acts 1986, Water (P & CP) Act-1974 and Air (P & CP) Act-1981 are not complied by PP.*
- kk. PP has caused substantial damage to environment and ecology for more than Rs. 200 Crores, which shall be recovered from PP.*
- ll. PP is unapologetic and adopted careless and reckless attitude towards the environment protection.*
- mm. Thus it is mandatory to demolish the project construction and stop further construction permanently.”*

2. It is stated that initially EC was granted on 25.06.2007 and EC for expansion was granted on 20.09.2019. Consent to establish was granted by the State PCB on 17.09.2019.

3. Learned Counsel for the applicant submitted that to uphold the Rule of Law, the environment conditions must be duly complied with for scientific disposal of the waste, preventing unauthorized extraction of

ground water, setting up of rain water harvesting system, adequate plantations, preventing high noise level, providing recreational open space, fire and safety systems, etc.

4. We consider it appropriate to require a four member joint Committee comprising of CPCB, SEIAA, Maharashtra, District Magistrate, Pune and Maharashtra State PCB to undertake field visit, interact with the stakeholders and give a report to this Tribunal within three months. The joint Committee will be free to take the assistance from any other individual/institution. The State PCB will be the nodal agency for coordination and compliance. Proceedings may be conducted online except for site visit. Based on the facts found, the statutory regulators may take further remedial measures, following due process of law and file 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).

List for further consideration on 23.11.2021

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

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

July 6, 2021
Original Application No. 38/2020(WZ)
AB



कार्यकारी अभियंता कार्यालय
बांधकाम विकास विभाग क्र. ६,
पुणे महानगरपालिका
जा.क्र. १०१/१६७७५
दिनांक - २/२/२०२२

१०१/१६७७५-०२८४

प्रति,

श्री.प्रताप जगताप
उप प्रादेशिक अधिकारी
महाराष्ट्र प्रदुषण नियंत्रण महामंडळ
पुणे-४११००१

यांस...

विषय :- Submission of details as required by the joint committee in the NGT matter
Viz.OAMO 38/2020 (W2)

संदर्भ :- आपले कार्यालयाकडील मेल पत्र दि.१७/१/२०२२.

संदर्भाकित पत्रान्वये आपण मागविलेली माहिती पुढीलप्रमाणे विषयांकित कामी दि. ८/१२/२०२१ रोजीच्या प्रत्यक्ष संयुक्तीक जागा पाहणीच्या अनुषंगाने आमचे कार्यालयाकडे उपलब्ध असलेली कागदपत्रे व ला.आर्किटेक्ट यांनी सादर केलेल्या तपशिलानुसार जागा पाहणी केली असता सदर तपशिलात तफावत असल्याचे आढळून येत नाही. तसेच मुद्दा क्र.६ (i) ते (v) याचा सविस्तर खुलासा सोबत जोडला आहे.

तरी प्रस्तुत प्रकरणी आपले विभागामार्फत पुढील योग्य ती कार्यवाही होणेस विनंती आहे.

मा.स.कळावे,

(Sadhvi)
(समीर गडई) 4/2/22

कनिष्ठ अभियंता
बांधकाम विकास विभाग क्र.६
पुणे महानगरपालिका

(Sadhvi)
(सुनिल कदम) 4/2/22

उप अभियंता
बांधकाम विकास विभाग क्र.६
पुणे महानगरपालिका

(Bipin Shinde)
(बिपिन शिंदे)

कार्यकारी अभियंता
बांधकाम विकास विभाग क्र.६
पुणे महानगरपालिका

नोंदतः १) मुद्दे १ ते ५ रकबायमा

२) आर्किटेक्टर यांचा तपशिल

Total Built Up Area for Environmental Clearance vide CC No.0319/19, Dated - 17/05/2019							
Type of Bldg.	Floors	Tenements	FSI Area	Non-FSI Area	Total BUA	Grand Total	
Parking	L.P. + U.P	-	-	12110.314 /	12110.314 /	Constructed Building No A, B, C, D - 2009, Total Existing B/U Area = 45132.831	
Wing A	11	65	5623.093	2923.905 /	8547.00 /		
Wing B	11	65	5507.734	2788.595 /	8296.00 /		
Wing C	11	43	4248.365	2085.365 /	6334.00 /		
Wing D	11	65	5623.091	2923.906 /	8547.00 /		
Club House	G+1	-	-	209.316 /	209.316 /		
Ramp	-	-	-	567.000 /	567 /		
M.S.F.B	-	-	-	350.000 /	350 /		
OHWT	-	-	-	66.590 /	66.59 /		
UGWT	-	-	-	105.611 /	105.611 /		
Total		238	21002.283	24130.602 /	45132.831 /		
Total Built Up Area for Under Constructed Area - Wings F							
Type of Bldg.	Floors	Tenements	FSI Area	Non-FSI Area	Total BUA	Grand Total	
Parking	Lower	-	-	661.710	661.71	Under Constructed Building No F - 2009, Total B/U Area = 3936.719	
Wing - F	G+4	19	2801.150	324.794	3125.944		
STP & OWC for Commercial building F		44		43.60	43.60		
Ramp	-	-	-	21.860	21.86		
OHWT	-	-	-	34.365	34.365		
UGWT	-	-	2801.15	49.240	49.24		
Total		19	2801.15	1135.569	3936.719		
Total Existing + Under Constructed Built Up Area							
					3936.719		49069.55

296

Swadeshwar
Mr. Sameer Gadhar (Jr Engineer)
 Building Development Dept Zone - 6
 Pune Municipal Corporation

Sunil Kadam
Sunil Kadam (Jr. Engineer)
 Building Development Dept Zone - 6
 Pune Municipal Corporation

Bipin Shinde
Bipin Shinde (Ex Engineer)
 Building Development Dept Zone - 6
 Pune Municipal Corporation

Office of the Executive Engineer
Construction Development Office no 6, Pune Municipal Corporation
Outward no : Zone 6 / 3173 Dated 1st September 2021

Reference : National Green Tribunal civil suit no 38 / 2020 (Western Zone)
Before the National Green Tribunal, New Delhi (Through Video
Conferencing)

Original Application no 38 / 2020 (Western Zone)

Tanaji B Gambhire

Applicant

Versus

Union of India and others

Respondent

Next Date of Hearing : 13th December 2021

Quorum : Honorable Justice ShriAdarsh Kumar Goyal , President
Honorable Justice ShriSudhirAgarwal , Judicial Member
Honorable Justice Shri M Satyanarayanan , Judicial Member
Honorable Justice ShriBrijeshSethi , Judicial Member Honorable
DrNagin Nanda, Expert Member

Applicant : ShriNitinLonkar, Advocate

1. Grievance in this application is against violation of environmental norms by M /s Paranjape Schemes (Construction) Ltd.

Project "Magnolia" at survey number 136 / 2 on Pashan Baner Link Road, Village Pashan, Tehsil Haveli District Pune. The violations alleged by the applicant are in raising construction beyond the permitted limit and failure to follow the EC conditions. The point wise explanation to the violations alleged by the applicant as follows :

Point no A: Total Completed BUA of the Project till today is more than 44053.49 square meters comprising 4 residential buildings, 238 flats against the permissible BUA of 22592.86 square meters in its EC dated 25.6.07. This is substantial increase in the scope of the project. This is violation of the terms and conditions of the EC dated 25.6.07.

Explanation of the Department: Pashan S.No.136/2 Total Plot Area 17400Sq.mt. As per 1992 D.P.Plan The Project Area was shown in Industrial Zone.

Thereafter Pune Municipal Corporation has sanctioned the Proposal of Conversion of Industrial Zone to Residential Zone. Then layout was sanctioned by Pune Municipal Corporation vide Commencement Certificate No.DPO/2795/IV/322, Date -04/07/2006 on Total Plot Area 17400 sq.m. which gross plot area was 17400 sq.m. & Net Plot Area was 12347.72 sq.m. was shown. In this layout building No. A, B, C, D was sanctioned. The total potential F.S.I. with TDR was 20101.50 Sq.m. Thereafter first building permission was sanctioned vide commencement certificate CC/1325/06, Dated- 12/6/2006, in this building plan 8975.082 sq.m F.S.I. was sanctioned.

Thereafter revised building plan was sanctioned vide commencement certificate No.CC/4397/06, Date -16/03/2007. residential F.S.I. 14937.985 sq.m. was sanctioned. Then first plinth checking certificate part-1 was issued vide outward No.BCO/6/PC/, dated - 25/05/2007 for buidling A & D wing

Meanwhile the developer applied for the E.C. & got environment clearance letter dated 25/06/2007 for 22592.86 sq.m. FSI area according to the prevailing practice.

Point no B: PP procured the ex post facto EC dated 20.9.2019 for total BUA of 36756 square meters for expansion of one additional commercial building and suppressed actual total completed BUA of the project till today is more than 44053.49 square meters comprising 4 residential buildings, 238 apartments . This is substantial increase in the scope of the project. This is violation of the terms and conditions of the EC dated 20.9.2019

Explanation of the Department: Pashan S.No.136/2 total plot area 17400 sq.m. as per 1992 D.P.Plan the project area was shown in industrial zone.

There after pune municipal corporation has sanctioned the proposal of conversion zone from industrial to residential. Then original layout was sanctioned by pune municipal corporation vide commencement certificate No.DPO/2795/IV/322, date -04/07/2006 on total plot area 17400 sq.m In which gross plot area was 17400 sq.m. & net plot area was 12347.72 sq.m. was shown. In this layout building No.A, B, C, D was sanctioned. The total potential F.S.I. with TDR was 20101.50 sq.m. was sanctioned after that first building permission was sanctioned vide commencement certificate CC/1325/06, dated-12/6/2006, in this building plan 8975.082 sq.m F.S.I. was sanctioned.

Thereafter revised building plan was sanctioned vide commencement certificate No.CC/4397/06, date -16/03/2007 in which residential F.S.I. 14937.985 sq.m. was sanctioned. Then first plinth checking certificate part-1 was issued vide outward No.BCO/6/PC/, dated - 25/05/2007 for buidling A & D wing & part -2 plinth checking certificate was issued vide outward No.BCO/6/PC/10, dated - 06/05/2008 for buidling B & C only.

Meanwhile the developer applied for the E.C. & got environment clearance letter dated 25/06/2007 for 22592.86 sq.m. FSI area according to the prevailing practice.

After that revised layout was sanctioned vide commencement certificate DPO/IV/0437/08/466, dated 12/11/2008 in which potential FSI is 23034.755 sq.m. was shown. Then after revised building permission was sanctioned vide commencement certificate No.CC/3832/08, dated 30/03/2009. in which total F.S.I. 21002.283 Sq.m. was sanctioned. After that club house & swimming pool in open space with free of FSI area 209.316 sq.m was sanctioned vide commencement certificate No.CC/1553/09, dated 11/08/2009. Therefore total FSI area sanctioned for (Building A,B,C,D with 238 tenements) is 21002.283 sq.m. part - 3 plinth checking certificate was issued vide outward No.BPDP/Zone1/109 dated - 05/11/2009 for podium of buidling A,B, C & D only.

Accordingly part -1 completion issued vide completion certificate No.BPDP/ Zone1/72, date-09/09/2009 for 4 buildings with 2 parking floors and 11 upper floors and 233 flats, part-2 completion issued vide completion certificate No.BPDP/ Zone1/110, date-05/11/2009 for 5 remaining flats. also, next completion certificate for club house & swimming pool issued vide completion certificate No. BPDP/ Aundh/OC/98, dated- 17/12/2009.

After that the revised layout was sanctioned vide commencement certificate No. CC/0320/19, date -12/06/2019. In this layout total F.S.I. area 23803.433 sq.m. was sanctioned & revised building permission was sanctioned vide commencement certificate CC/0319/19, dated- 17/05/2019. Then the developer applied for the E.C. & got E.C. on date -20/09/2019. last plinth checking certificate was issued vide outward No.PCC/0138/21, dated - 24/06/2021 for building F only.

As of today work of building F is going on as per sanctioned plan. building F is commercial building & F.S.I. area is 2801.15 sq.m.

Point no C: Total BUA of the project is more than 48776.01 sq.m.. (existing-44053.49 sq.m + proposed-4722.52 sq.m) and this amounts to violation of terms and conditions of environment clearance dated 25.06.2007 & 20.09.2019, consent to establish dated 2.12.2009 and 17.12.2019, consent to operate dated 02.08.2010 & 09.11.2015.

Explanation of the Department : Same as per explanation of point A & B.

Point no D : P P has carried out illegal construction of more than 21460.63 square meters in violation of the terms and conditions of environmental clearance, consent to establish and consent to operate

Explanation of the Department : Same as per explanation of point A & B.

Point no E : PP has carried out the construction of 44053.49 sq.m and have undertaken expansion of 4722.52 sq.m having the total BUA of the project to 48776.01 sq.m Therefore the PP have carried out the construction beyond the permissible limits set out in the EC and consents.

Explanation of the Department: Same as per explanation of point A & B. The EC dated 20th september 2019 is submitted in the matter.

Point no F : SEAC – III and SEIAA have not explained the revalidation of EC dated 25th June 2007 after expiry of the validity of EC on 24.6.2012.

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no G: PP has obtained ex post facto EC dated 20th September 2019 by suppressing actual construction total BUA .

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no H : PP has obtained ex post facto consent to establish dated 17th December 2019 by suppressing actual construction total BUA .

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no I : PP has operated the project without consent to operate from date 1st January 2012 till date 8th November 2015 and further from date 1st January 2017 till date

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no J : PP has not installed the OWC within three months from consent to operate dated 8.11.2015 as per condition no 9 imposed by the in the M P C B in C T O dated 8.11. 2015.

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no K : PP is extracting huge quantities of ground water from two bore wells without any permission from the competitive authority for construction of the project as well as domestic use of the occupied part

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no L : The half yearly compliance report dated 10.01.2019. having photograph of "Solid waste management" system at internal page-33 showing composting pits is totally bogus photographs and having no concern with this project site

Explanation of the Department : No objection certificate of aundh ward office of PMC vide outward number 4204 dated 26/08/2009 is issued regarding SWM stating that 28 vermiculture pits are at the site.

Point no M : Half-yearly compliance report dated 10.01.2019 having photograph of "Rain Water Harvesting" system at internal Page-33 showing rain water outlets from terrace is clearly showing that there is no rain water

harvesting at project site and this photographs is misleading .

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

The chairman of magnolia apartments has certified that the Rain Water Harvesting projects is completed successfully. also consultant of Rain Water Harvesting shri. Shailendra goverdhan certified the same. Also PMC officer visited the site and checked "Rain Water Harvesting" system & as it is found that "Rain Water Harvesting" is in working condition. Letter issued by PMC vide outward no. Zone6/2408, date-05/08/2017 accordingly.

Point no N :Half-yearly compliance report dated 10.01.2019 having the photograph of "Plantation" system at internal Page-34 showingplantation is totally bogus photographs and having no concern with this project site.

Explanation of the Department :The no objection certificate was issued by tree authority of PMC vide outward No.3160, dated 5/10/2009. In this letter the authority of PMC stated that 184 trees are planted & preserved at the site. Then again the no objection certificate is issued by tree authority of PMC vide outward no.8344, dated 27/12/2018 for (building F). In this letter the authority of PMC stated that 09 additional trees are planted & preserved at the site.

Point no O: Reports on ambient air quality monitoring, noise level, water sample analysis (drinking and borewell) , stack emission and effluent analysis etc from june 2018 to september 2018 are false and bogus and prepared without collecting samples.

Explanation of the Department: The said matter is not related to Pune municipal corporation.

Point no P :Half yearly compliance report dated 10.01.2019 is nothing but the compromised statement to overcome the illegality & violations committed by PP. Therefore pp has played fraud and cheating on authority

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no Q :PP has not made any tests for ground water contamination and quality of ground water and there is serious ground water contamination.

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no R :PP has not provided any solid waste management system such as OWC/ compost pits and waste generated is dumped to PMC waste yard creating burden on the public systems and solid waste is generating various greenhouse gases and there is no scientific disposal of solid wastes generated from the projects.

Explanation of the Department :No objection certificate of aundh ward office of PMC vide outward number 4204 dated 26/08/2009 is issued regarding SWM stating that 28 vermipits are at the site. The PMC letter of drainage connection to A B C and D buildings vide outward letter no AWO / 1819. dated 26/06/2008

Point no S : PP has done concretization of marginal spaces, open spaces.

Explanation of the Department :In marginal spaces, concrete road / paved road is permissible for vehicular movement & pathway. where as club house is permissible in open space. same has been sanctioned vide commencement certificate No.CC/1553/09, dated 11/08/2009. The construction undertaken on site is in accordance with the same.

Point no T :PP has used traditional clay bricks and PP has not used any scientific construction methods.

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no U :PP has not installed solar system for energy conservation system

Explanation of the Department : At that time of obtaining sanction plan & building permission, the installation of solarsystem was not mandatory for the project as per DC Rules. as of now 88 Panals with capacity 28 kw are installed.

Point no V : PP has not provided any rain water harvesting system for ground water recharge.

Explanation of the Department : The chairman of magnolia apartment has certified that the Rain Water Harvesting projects is completed successfully. also consultant of Rain Water Harvesting Shri. shailendra goverdhan certified the same. Also PMC officer visited the site and checked Rain Water Harvesting system &it is found that Rain Water Harvesting is in working condition. Letter issued by PMC vide outward No. Zone6/2408, Date-05/08/2017 accordingly.

Point no W : PP has not developed 10 % recreational open space as per norms and PP has not made tree plantation of 189 trees as per the norms. PP has made illegal trees cutting .

Explanation of the Department : Club house & swimming pool in open space area 209.316 sq.m was sanctioned vide commencement certificate No.CC/1553/09, dated 11/08/2009.

The No objection certificate was issued by tree authority of PMC vide outward No.3160, dated 5/10/2009 for building A,B,C,D. In this letter the authority of PMC stated that 184 trees are planted & preserved at the site. The no objection certificate for (building F) was issued by tree authority of PMC vide outward No.8344, dated 27/12/2018. In this letter the authority of PMC stated that 09 additional trees are planted & preserved at the site.

Point no X :PP has not preserved the top layer of fertile soil and there is no soil test for contamination.

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no Y : PP has provided swimming pool giving additional burden on the ground water consumption

Explanation of the Department : Club house & swimming pool in open space area 209.316 sq.m was sanctioned vide commencement certificate No.CC/1553/09, dated 11/08/2009. The health department of PMC has give NOC for the use of water vide outward No.5698, dated 04/11/2009.

Point no Z :Huge quantity of sewage water is generated and there is no scientific treatment of in sewage water in STP . It is just scraped skeleton.

Explanation of the Department :PP has provided sewage treatment plant of 160 KLD for treatment of sewage water. At present, magnolia apartments' management committee is operating the same.

Point no AA :PP is creating huge burden on the environment due to day to day waste generation by consumption of natural resources and it is causing a huge burden on the public facilities and services on account of environmental damage.

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no BB :PP has committed the illegal activities and given rise to the violation of the environmental protection enactments and further caused the degradation of the environment and ecology intentionally.

Explanation of the Department: The said matter is not concerned with Pune municipal corporation.

Point no CC : PP has not complied with the conditions of commencement certificate related to installation of environmental infrastructure to avoid the degradation.

Explanation of the Department :The said matter is not concerned with Pune municipal corporation. EC is submitted with the matter.

Point no DD : PP has not provided fire and safety system at site Location and there is no approach road for fire engine.

Explanation of the Department : The NOC of Fire department PMC is issued Vide outward no.FB/1063, dated 18/07/2009.

Point no EE : PP has not provided for ramp slope in the ratio of 1 : 10.

Explanation of the Department : Slope in the ratio of 1 : 8 is permissible for vehicles in terms of section 9.12.2 in the UDCPR 2020. All the ramps existing at project site are as per sanctioned layout plan with a minimum slope 1:10 or above.

Point no FF :PP has not provided for site margin as per DC rules.

Explanation of the Department: The side margin is provided on site as per sanctioned layout plan.

Point no GG : PP has not provided for mandatory 15 % amenity space under DC rules of PMC.

Explanation of the Department :The rule for amenity space provision as per PMC's DC rules is 5%. however, in case of this project, since the said property was in brick kiln zone, therefore, approval of honorable municipal commissioner has been obtained to pay Rs.300/- per sq.m. onnet plot area instead of provision of amenity space area. Developer has paid an amount of Rs.43,83,300/- towards the same. Hence, amenity space is not required for the said project.

Point no HH : PP in connivance with the PMC officer has violated the provisions of environmental enactment and therefore PMC officers are also equally responsible.

Explanation of the Department :As explained in above replies, PMC officers have followed the applicable D.C.Rule and accordingly granted sanction layout, building permission and completion certificates from time to time and not violated any rules & regulations.

Point no II :PP has violated the principals of sustainable development.

Explanation of the Department : The said matter is not concerned with Pune municipal corporation.

Point no JJ : Involvement of bureaucratic nexus in illegal acts to help PP and misuse of position by government officer sand thus provsions of EIA notification 2006 r/w environment Act 1986, water (P and C P) Act 1974 and Air Pollution (P and CP) Act 1981 are not complied by PP.

Explanation of the Department : The said matter is not concerned with Pune municipal corporation.

Point no KK :PP has caused substantial damage to the environment and ecology for more than Rs 200 crores, which shall be recovered from the PP

Explanation of the Department : The said matter is not concerned with Pune municipal corporation.

Point no LL : PP is not apologetic and has adopted careless and reckless attitude towards the environmental protection.

Explanation of the Department : The said matter is not concerned with Pune municipal corporation.

Point no MM : Thus It is mandatory to demolish the project construction and stop further construction permanently.

Explanation of the Department : The project construction is as per layout & building plan sanctioned by PMC. There is no violation of DC rules . Hence there is no question of demolition or stopping construction.

Point no.2:It is stated that the EC was initially granted on date 25.6 2007 and EC for expansion was granted on date 20.9.2019. consent to establish was granted by state P C B on date 17.9. 2019.

Explanation of the Department : The said matter is not concerned with

Pune municipal corporation.

Point no.3 : The learned counsel for the applicant submitted that to uphold the rule of law the environment conditions must be duly complied with for scientific disposal of waste, preventing unauthorized extraction of ground water, setting up of rain water harvesting system, adequate plantations, preventing high noise level , providing recreational open space, fire and safety systems etc

Explanation of the Department :No objection certificate of aundh ward office of PMC vide outward number 4204 dated 26/08/2009 is issued regarding SWM stating that 28 vermipits are at the site.

The chairman of magnolia apartment has been certified that the Rain Water Harvesting projects is completed successfully. Also consultant of Rain Water Harvesting shri.shailendra goverdhan certified the same. Also PMC officer visited the site and checked Rain Water Harvesting system & as it is found that Rain Water Harvesting is in working condition letter issued by PMC vide outward no.Zone6/2408, date-05/08/2017 accordingly.

The NOC of fire department PMC is issued vide outward No.FB/1063, dated 18/07/2009.

Club house & swimming pool in open space area 209.316 sq.m was sanctioned vide commencement certificate No.CC/1553/09, dated 11/08/2009.

The no objection certificate is issued by tree authority of PMC vide outward no.3160, dated 5/10/2009 for building A, B,C,D. In this letter the authority of PMC stated that 184 trees are planted & preserved at the site. The no objection certificate for building F. was issued by tree authority of PMC vide outward no.8344, dated 27/12/2018. In this letter the authority of PMC stated that 09 additional trees are planted & preserved at the site.


Sameer Gadhai
Jr.Engineer

Building Development Dept
Zone-6
Pune Municipal Corporation


Sunil Kadam
DY. Engineer

Building Development Dept
Zone-6
Pune Municipal Corporation


BipinShinde
Ex. Engineer

Building Development Dept
Zone-6
Pune Municipal Corporation



Date:-17/01/2022

TO WHOMSOEVER IT MY CONCERN

We, AVA Architects (Architect, Interior Designer and Town Planner) are Liscensed Architect (Licence No.CA/85/8968) engaged in providing Architectural and Liasoning services to the project Magnolia on plots bearing S.No. 136/2, BanerPashan Link Road, Pune ,Maharashtra. We herewith certify below mentioned Built-up Area statement as constructed on site.

A. Builtup Area for Residential Buildings A, B, C, D, Clubhouse (Completed)			
Type of Building	FSI Area(sq.m.)	Non FSI (sq.m.)	Total Builtup Area (sq.m.)
Existing A	5,623.09	2,923.905	8,547
Existing B	5,507.73	2,788.595	8,296
Existing C	4,248.37	2,085.365	6,334
Existing D	5,623.09	2,923.906	8,547
Existing Clubhouse for A,B,C,D	-	209.316	209
Existing Ramps for A,B,C,D	-	567	567
Existing MSEB & STP Area for A,B,C,D	-	350	350
Existing OHWT for A,B,C,D	-	66.59	67
Existing UGWT for A,B,C,D	-	105.611	106
Existing Parking floors (A,B,C,D)	-	12110.314	12,110
Subtotal A (Completed Construction)	21,002	24,131	45,133
B. Builtup Area of Commercial Building F (Under Construction)			
Type of Building	FSI Area(sq.m.)	Non FSI (sq.m.)	Total BuiltupArea (sq.m.)
Commercial building F (Under Construction)	2,801.15	324.794	3,126
Ramp for Commercial building F		21.86	22
STP & OWCfor Commercial building F		43.6	44
OHWTfor Commercial building F		34.365	34
UGWTfor Commercial building F		49.24	49
Parking floor(commercial building)		661.71	662
Subtotal B (Under Construction)	2,801	1,136	3,937
Total BUA Completed Buildings + Under Construction Buildings (Subtotal A+B)			49,069

Thanking you,

FOR ANIRUDDHA VAIDYA & ASSOCIATES

AR. Radhika Vaidya
AR. RADHIKA VAIDYA
PARTNER
(CA/85/8968)

Aniruddha Vaidya & Associates

Architects, Town Planners & Interior Designers

5, Dattaprasad, 1206, B/7, Off J. M. Road, Shivajinagar, Pune 411004

archvaidya@gmail.com www.avaarchitects.in 020 2553 0420 / 2951 3123

BY SPEED POST

No. 21-670/2006-IA .III
Government of India
Ministry of Environment and Forests
(I.A. Division)

Paryavaran Bhawan,
 CGO Complex, Lodhi Road
 New Delhi 110003
 Dated: June 25, 2007

To

M/s. Paranjape Schemes (Construction) Ltd.
 House CTS No. 111+111/2,
 Anand Colony, Near Suwarnarekha Dining Hall,
 Karnataka High School Lane,
 Off Prabhat Road, Pune-411004.

**Subject: Environmental Clearance for construction of Residential Complex
 "Magnolia" at Plot bearing S.No. 136/2, Baner Pashan Link Road,
 Pune, Maharashtra.**

Sir,

I am directed to refer to your application seeking prior environmental clearance for the above project under the EIA Notification 2004 including amendments. The above proposal has been appraised as per prescribed procedure on the basis of the mandatory documents enclosed with the application viz. the Questionnaire, EIA, EMP and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee (EAC) constituted by the competent authority in its 14th meeting held on April 27-29, 2007.

2. The project proponent is proposing for construction of residential complex at Plot bearing S.No. 136/2, Baner Pashan Link Road, Pune. The project involves construction of one building for residential purpose. The total plot area is 17,400 sq. m. The total built up area as indicated is 22,592.86 sq. m. Total water requirement will be 190 cu. m./day (including recycled water). Total wastewater generation from the complex will be 152 cu. m./day. The wastewater generated from the project will be treated in a STP having capacity of 160 cu.m per day. The total solid waste generated will be 540 kg/day. The bio degradable waste will be composted and inert material will be disposed of for land filling.

3. The documents and information submitted along with the application predicts that the impact of the project on the air quality will be confined and for short duration during construction phase. However, there will be negligible adverse impact on air quality during operation phase. There will be minor negative impact on ambient noise levels during construction as well as operation phase. There will be positive impact on water quality of the receiving water body during construction as well as operation phase. There will be positive impact on land use pattern due to landscaping and greenbelt development. Plantation of trees and development of recreational area surrounding area will have positive impact on overall land use.

4. The EAC after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations have recommended the grant of environmental clearance for the project mentioned above subject to compliance with the EMP and other stipulated conditions. Accordingly, the Ministry hereby accords necessary environmental clearance for the project subject to the strict compliance with the specific and general conditions mentioned below:

PART A- SPECIFIC CONDITIONS

I. Construction Phase

- i. All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
- ii. Soil and ground water samples will be tested to ascertain that there is no threat to groundwater quality by leaching of heavy metals and other toxic contaminants.
- iii. A First Aid Room will be provided at the project site both during construction and operation of the project.
- iv. Adequate drinking water and sanitary facilities should be provided for construction workers at the site. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- v. Disposal of muck including excavated material during construction phase should not create any adverse effects on the neighboring communities and be disposed off taking the necessary precautions for general safety and health aspects of people.
- vi. Diesel power generating sets used during construction phase should be of "enclosed type" to prevent noise and should conform to rules made under Environment (Protection) Act 1986, prescribed for air and noise emission standards.
- vii. Ambient noise levels should conform to residential area standards both during day and night when measured at boundary wall of the premises. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase.
- viii. Vehicles hired for bringing construction material at site should be in good condition and should have valid "pollution under check"(PUC) certificate and to conform to applicable air and noise emission standards.
- ix. Construction spoils including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water.
- x. Any hazardous waste generated during construction phase should be disposed of as per applicable Rules & norms with necessary approvals of the Maharashtra State Pollution Control Board

xi Regular supervision of the above and other measures for monitoring should be in place all through the construction phase so as to avoid disturbance to the surroundings.

xii. Under the provisions of Environment (Protection) Act 1986, legal action shall be initiated against the project proponent if it was found that construction of the project had started without obtaining environmental clearance.

II. Operation Phase

The environmental clearance recommended to the project is subject to the specific conditions as follows:

- i. Necessary permission of competent authority shall be taken to store diesel in the premises for operation of DG set.
- ii. Diesel power generating sets proposed as source of back up power for lifts and common area illumination should be of "enclosed type" and conform to rules made under Environment (Protection) Act 1986, prescribed for air and noise emission standards as per CPCB guidelines. Exhausts should be discharged by stack, raised to 4 meters above the rooftop.
- iii. During nighttime the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
- iv. Noise barriers should be provided at appropriate locations so as to ensure that the noise levels do not exceed the prescribed standards.
- v. Weep holes in the compound walls shall be provided to ensure natural drainage of rainwater in the catchment area.
- vi. The sewage treatment plant of adequate capacity should be provided and it should be certified by an independent expert for adequacy as well as efficiency and should submit a report in this regard to the Ministry before the project is commissioned for operation. The wastewater should be treated to tertiary level and after treatment reused for flushing of toilets and gardening. Discharge of treated sewage, if any, shall conform to the norms & standards prescribed by Maharashtra State Pollution Control Board.
- vii. Oil & Grease trap shall be provided to remove oil and grease from the surface run off and suspended matter shall be removed in a settling tank before its utilization for rainwater harvesting.
- viii. The solid waste generated should be properly collected & segregated. Wet garbage should be composted and dry/inert solid waste should be disposed of for land filling.
- ix. Any hazardous waste including biomedical waste should be disposed of as per applicable Rules & norms with necessary approvals of the Maharashtra State Pollution Control Board.
- x. The green belt design along the periphery of the plot shall achieve attenuation factor conforming to the day and night noise standards prescribed for residential land use. The open spaces inside the plot should be suitably landscaped and covered with vegetation of indigenous variety.
- xi. Incremental pollution loads on the ambient air quality, noise and water quality should be periodically monitored after commissioning of the project.
- xii. The ground water levels and its quality should be monitored regularly in consultation with Central Ground Water Authority.

xiii. A Report on the energy conservation measures should be prepared incorporating details about building materials & technology, R & U Factors etc and submitted to the Ministry in three months time.

xiv. The values of R & U for the building envelope should meet the requirements of the hot & humid climatic location. Details of the building envelope should be worked out and furnished in three months time.

xv. Energy conservation measures like installation of solar panels for lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning.

PART – B. GENERAL CONDITIONS

i) The environmental safeguards contained in the documents should be implemented in letter and spirit.

ii) Provision should be made for the supply of kerosene or cooking gas and pressure cooker to the laborers during construction phase.

iii) All the laborers to be engaged for construction works should be screened for health and adequately treated before the issue of work permits.

iv) 6 monthly monitoring reports should be submitted to the Ministry and its Regional Office.

5. Officials from the Regional Office of MOEF, Bhopal who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF should be forwarded to the CCF, Regional office of MOEF, Bhopal.

6. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.

7. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.

8. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department (if required), State Forest Department, Wildlife Act 1972 etc. shall be obtained by project proponents from the competent authorities.

9. A copy of the environmental clearance letter would be marked to the local NGO(s), if any, for their information.

10. The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded environmental clearance and copies of clearance letters are available with the Maharashtra State Pollution Control Board and

may also be seen on the website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>. The advertisement should be made within 7 days from the day of issue of the clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Bhopal.

11. These stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986 and the Public Liability (Insurance) Act, 1991.

12. The project authority will enter in to MOU with all buyers of the property to ensure operation and maintenance of the assets handed over to the society formed by the residents/owners of the buildings.



(K.C. RATHORE)

Additional Director (IA)

rathore27@yahoo.com

Tele: 24360789

Copy to: -

1. The Secretary, Department of Environment, Government of Maharashtra, New Administrative Building, 15th Floor, Opp. Mantralaya, Mumbai.
2. The Member Secretary, Maharashtra State Pollution Control Board, Kalptaru Point, 3rd Floor, Near Sion Circle Opp. Cine Planet Cinema, Sion(E), Mumbai.
3. The CCF, Regional Office, Ministry of Environment & Forests, Bhopal.
4. IA - Division, MOEF, New Delhi - 110001.
5. Guard file.



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

सत्यमेव जयते

Environment department,
Room No. 217, 2nd floor,
Mantralaya, Annexe,
Mumbai- 400 032.
Date: September 20, 2019

To,
Paranjape Schemes (Construction) Limited
at Survey No. 136/2, Baner Pashan Link Road, Pune, Maharashtra

Subject: Environment Clearance for Application for proposed expansion of Residential Complex

Sir,
This has reference to your communication on the above mentioned subject. The proposal was considered as per the EIA Notification - 2006, by the State Level Expert Appraisal Committee-III, Maharashtra in its 90th meeting and recommend the project for prior environmental clearance to SEIAA. Information submitted by you has been considered by State Level Environment Impact Assessment Authority in its 174th meetings.

2. It is noted that the proposal is considered by SEAC-III under screening category 8 (a) B2 as per EIA Notification 2006.

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

1.Name of Project	Magnolia by Paranjape Schemes (Construction) Limited
2.Type of institution	Private
3.Name of Project Proponent	Paranjape Schemes (Construction) Limited
4.Name of Consultant	Mahabal Enviro Engineers Pvt.Ltd. , Thane , Maharashtra
5.Type of project	Residential and Commercial Project
6.New project/expansion in existing project/modernization/diversification in existing project	Expansion in Existing project
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	Yes, We have received Environment Clearance from Ministry of Environment and Forest Govt vide no. 21-670/2006-IA.III Dated 25th June 2007.
8 Location of the project	Survey No. 136/2, Baner Pashan Link Road, Pune, Maharashtra
9.Taluka	Haveli
10.Village	Baner
Correspondence Name:	Paranjape Schemes (Construction) Ltd. Blue Ridge, Near Cognizant, Rajiv Gandhi Infotech Park-Phase I, Hinjawadi, Pune-411057
Room Number:	-
Floor:	-
Building Name:	Blue Ridge
Road/Street Name:	Near Cognizant, Rajiv Gandhi Infotech Park-Phase I
Locality:	Hinjawadi
City:	Pune
11.Whether in Corporation / Municipal / other area	Pune Municipal Corporation (PMC)
12.IOD/IOA/Concession/Plan Approval Number	Sanction plan received from Pune Municipal Corporation vide CC/0319/19 Dated 17.05.2019
	IOD/IOA/Concession/Plan Approval Number: Sanction plan received from Pune Municipal Corporation vide CC/0319/19 Dated 17.05.2019
	Approved Built-up Area: 35966

SEIAA Meeting No: 174 Meeting Date: August 29, 2019 (SEIAA-STATEMENT-0000001583)
SEIAA-MINUTES-0000002458
SEIAA-EC-0000002017

Page 1 of 14


Shri. Anil Diggikar (Member Secretary SEIAA)

13. Note on the initiated work (If applicable)	Completed construction work as per earlier Environment Clearance .
14. LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	Not applicable
15. Total Plot Area (sq. m.)	17,400 m ²
16. Deductions	4,601 m ²
17. Net Plot area	12,799 m ²
18 (a). Proposed Built-up Area (FSI & Non-FSI)	FSI area (sq. m.): 25,064 m ²
	Non FSI area (sq. m.): 11,692 m ²
	Total BUA area (sq. m.): 36756
18 (b). Approved Built up area as per DCR	Approved FSI area (sq. m.): 24,274 m ²
	Approved Non FSI area (sq. m.): 11,692 m ²
	Date of Approval: 17-05-2019
19. Total ground coverage (m ²)	6,214 m ²
20. Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	49%
21. Estimated cost of the project	197500000

22. Production Details

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

23. Total Water Requirement

Dry season:	Source of water	Pune Municipal Corporation (PMC)
	Fresh water (CMD):	19 m3/day
	Recycled water - Flushing (CMD):	16 m3/day
	Recycled water - Gardening (CMD):	0 m3/day
	Swimming pool make up (Cum):	NA
	Total Water Requirement (CMD) :	35 m3/day
	Fire fighting - Underground water tank(CMD):	100 m3
	Fire fighting - Overhead water tank(CMD):	10 m3
	Excess treated water	15 m3/day
Wet season:	Source of water	Pune Municipal Corporation (PMC)
	Fresh water (CMD):	19 m3/day
	Recycled water - Flushing (CMD):	16 m3/day
	Recycled water - Gardening (CMD):	0 m3/day
	Swimming pool make up (Cum):	NA
	Total Water Requirement (CMD) :	35 m3/day
	Fire fighting - Underground water tank(CMD):	100 m3
	Fire fighting - Overhead water tank(CMD):	10 m3
	Excess treated water	15 m3/day
Details of Swimming pool (If any)	NA	

24.Details of Total water consumed

Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

25.Rain Water Harvesting (RWH)	Level of the Ground water table:	22-25 meter
	Size and no of RWH tank(s) and Quantity:	NA
	Location of the RWH tank(s):	NA
	Quantity of recharge pits:	2 Nos.
	Size of recharge pits :	2 m x 2 m x 2 m
	Budgetary allocation (Capital cost) :	Rs. 3 Lakh
	Budgetary allocation (O & M cost) :	Rs. 1 Lakh/year
Details of UGT tanks if any :	Underground tank- 1) Domestic UGT- 37 m3 2) Flushing UGT- 16 m3 3) Fire UGT- 100 m3 Overhead tank- 1) Domestic overhead tank -19 m3 2) Flushing overhead tank - 16 m3 3) Fire overhead tank - 10 m3	

26.Storm water drainage	Natural water drainage pattern:	By gravity
	Quantity of storm water:	70 m3 /hr
	Size of SWD:	300 mm

27.Sewage and Waste water	Sewage generation in KLD:	33 m3/day
	STP technology:	MBBR
	Capacity of STP (CMD):	1 no. x 35 m3/day
	Location & area of the STP:	Stilt Floor
	Budgetary allocation (Capital cost):	Rs. 21 Lakh
	Budgetary allocation (O & M cost):	Rs. 6 Lakh/year

28.Solid waste Management

Waste generation in the Pre Construction and Construction phase:	Waste generation:	3,200 m ³
	Disposal of the construction waste debris:	Top soil will be used for landscaping. The construction debris will be utilized at site for road paving and plinth filling.
Waste generation in the operation Phase:	Dry waste:	116 kg/day
	Wet waste:	39 kg/day
	Hazardous waste:	NA
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	0.3 kg/day
	Others if any:	NA
Mode of Disposal of waste:	Dry waste:	Dry garbage will be segregated and will be handed over to recycler .
	Wet waste:	Wet waste will be composted and used as organic manure for landscaping .
	Hazardous waste:	Not Applicable
	Biomedical waste (If applicable):	Not Applicable
	STP Sludge (Dry sludge):	Dry sludge will be used as manure for landscaping .
	Others if any:	Not Applicable
Area requirement:	Location(s):	Stilt floor
	Area for the storage of waste & other material:	25 m ²
	Area for machinery:	4 m ²
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Rs. 6 Lakh
	O & M cost:	Rs. 1 Lakh/year

29. Effluent Characteristics

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

30. Hazardous Waste Details

Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal
1	Not applicable						

31. Stacks emission Details

Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

32. Details of Fuel to be used

Serial Number	Type of Fuel	Existing	Proposed	Total
1	Not applicable	Not applicable	Not applicable	Not applicable

33. Source of Fuel

Not applicable

34. Mode of Transportation of fuel to site

Not applicable

35. Energy

Power requirement:	Source of power supply :	MSEDCL
	During Construction Phase: (Demand Load)	48 kW
	DG set as Power back-up during construction phase	62.5 kVA
	During Operation phase (Connected load):	600 kW
	During Operation phase (Demand load):	450 kW
	Transformer:	1 no. x 630 kVA
	DG set as Power back-up during operation phase:	1 no. x 500 kVA
	Fuel used:	Diesel
Details of high tension line passing through the plot if any:	NA	

Energy saving by non-conventional method:

1. Installation of Solar PV panels at 1% of Demand Load
2. Use of LED Lights
3. Energy efficient motors and pumps

36. Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
---------------	------------------------------	----------

1	Use of solar PV panels	1%
---	------------------------	----

37.Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Not applicable	Not applicable	Not applicable
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	Rs. 4 Lakh
	O & M cost:	Rs. 1 Lakh/year

38.Environmental Management plan Budgetary Allocation

a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	Air Environment	Water for dust suppression	Rs.1
2	Socio- Economic Environment	Site sanitation, Toilets, STP, safe drinking water	Rs.2
3	-	Disinfection at site	Rs.1
4	-	Health check-up for workers, first aid kit	Rs.1
5	-	Safety net	Rs.1
6	Environment management	For Air, Noise, Water Analysis	Rs.1
7	-	Site fencing & noise barrier	Rs.2
8	-	Traffic management	Rs.1
9	-	Vehicle maintenance, washing area, tyre cleaning	Rs.1
10	-	Tree plantation & water utilization	Rs.1
11	Training and awareness	Safety personal protective equipment & Training programs	Rs.1
12	Total	-	Rs.13

b) Operation Phase (with Break-up):

Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	Water Environment	-	-	-
2	Sewage treatment plant	1 no. of STP having capacity of 35 m3/day	Rs.21	Rs.6
3	Rain Water Harvesting	2 no. of proposed recharge pits of size 2 m x 2 m x 2 m	Rs.3	Rs.1
4	Solid Waste Management	Cost for Treatment of biodegradable garbage in OWC (1 nos.)	Rs.6	Rs.1

5	Landscape development	184 nos. of trees to be planted. Developed and maintained landscape area is 1,461 m ²	Rs.5	Rs.1
6	Air Environment	-	-	-
7	Environmental Monitoring	Monitoring and analysis of Air and Noise, water, soil etc	MoEF Approved Lab	Rs.3
8	Energy Conservation	Solar street lighting	Rs.4	Rs.1
9	Fire Fighting System	-	Rs.35	Rs.4
10	Total	-	Rs.74	Rs.17

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

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

40.Any Other Information

No Information Available

	CRZ/ RRZ clearance obtain, if any:	Not Applicable
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	Not Applicable
	Category as per schedule of EIA Notification sheet	8 (a) B2
	Court cases pending if any	Not Applicable
	Other Relevant Informations	This project has received Environment Clearance from Ministry of Environment and Forest GoI vide no. 21-670/2006-IA.III Dated 25th June 2007. We have completed construction of Residential Project as per given Environmental Clearance. We are applying for expansion of Commercial project.
	Have you previously submitted Application online on MOEF Website.	No
	Date of online submission	-

3. The proposal has been considered by SEIAA in its 174th meeting & decided to accord environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implementation of the following terms and conditions:

Specific Conditions:

I	
II	PP to submit CER plan to Municipal Commissioner/District Collector and submit the acknowledgement to Member Secretary, SEIAA.
III	PP Shall comply with Standard EC conditions mentioned in the Office Memorandum issued by MoEF & CC vide F.No.22-34/2018-IA.III dt.04.01.2019.
IV	SEIAA decided to grant EC for: FSI: 24274.35 m2, Non-FSI:11692.00 m2 and Total BUA: 35966.35 m2 (Approval no-CC/0319/19, Date-17.05.2019)

General Conditions:

I	E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
II	The Occupancy Certificate shall be issued by the Local Planning Authority to the project only after ensuring sustained availability of drinking water, connectivity of sewer line to the project site and proper disposal of treated water as per environmental norms.
III	This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.
IV	PP has to abide by the conditions stipulated by SEAC & SEIAA.
V	The height, Construction built up area of proposed construction shall be in accordance with the existing FSI/FAR norms of the urban local body & it should ensure the same along with survey number before approving layout plan & before according commencement certificate to proposed work. Plan approving authority should also ensure the zoning permissibility for the proposed project as per the approved development plan of the area.
VI	If applicable Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
VII	All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.

VIII	Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
IX	The solid waste generated should be properly collected and segregated. dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
X	Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
XI	Arrangement shall be made that waste water and storm water do not get mixed.
XII	All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
XIII	Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
XIV	Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
XV	Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
XVI	Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dumpsites for such material must be secured so that they should not leach into the ground water.
XVII	Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
XVIII	The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
XIX	The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.
XX	Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
XXI	Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
XXII	Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September 1999 and amended as on 27th August, 2003. (The above condition is applicable only if the project site is located within the 100Km of Thermal Power Stations).
XXIII	Ready mixed concrete must be used in building construction.
XXIV	Storm water control and its re-use as per CGWB and BIS standards for various applications.
XXV	Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
XVI	The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
XXVII	The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the MPCB and Environment department before the project is commissioned for operation. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treated effluent emanating from STP shall be recycled/refused to the maximum extent possible. Discharge of this unused treated effluent, if any should be discharge in the sewer line. Treatment of 100% gray water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP.
XXVIII	Permission to draw ground water and construction of basement if any shall be obtained from the competent Authority prior to construction/operation of the project.
XXIX	Separation of gray and black water should be done by the use of dual plumbing line for separation of gray and black water.
XXX	Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
XXXI	Use of glass may be reduced up to 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows.
XXXII	Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.

XXXIII	Energy conservation measures like installation of CFLs /TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible like installing solar street lights, common solar water heaters system. Project proponent should install, after checking feasibility, solar plus hybrid non-conventional energy source as source of energy.
XXXIV	Diesel power generating sets proposed as source of backup power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
XXXV	Noise should be controlled to ensure that it does not exceed the prescribed standards. During nighttime the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
XXXVI	Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
XXXVII	Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code, which is proposed to be mandatory for all air-conditioned spaces while it is aspiration for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
XXXVIII	The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.
XXXIX	Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.
XL	Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
XLI	Six monthly monitoring reports should be submitted to the Regional office MoEF, Bhopal with copy to this department and MPCB.
XLII	Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement in Para 2. Prior certification from appropriate authority shall be obtained.
XLIII	Wet garbage should be treated by Organic Waste Converter and treated waste (manure) should be utilized in the existing premises for gardening. And, no wet garbage will be disposed outside the premises. Local authority should ensure this.
XLIV	Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
XLV	A complete set of all the documents submitted to Department should be forwarded to the Local authority and MPCB.
XLVI	In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
XLVII	A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
XLVIII	Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.
XLIX	The project management shall advertise at least in two local newspapers widely circulated in the region around the project. one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter. informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at http://ec.maharashtra.gov.in .
L	Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
LI	A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.

LII	The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO ₂ , NO _x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
LIII	The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
LIV	The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

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

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

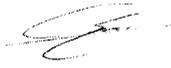
6. The Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter, for any other administrative reason.

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

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

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

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


Shri. Anil Diggikar (Member Secretary SEIAA)

Copy to:

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



Photograph-1: STP installed for treatment of sewage.



Photograph-2: Ramp slope provided near STP area for movement of vehicles.



Photograph-3: Vermi composting pits provided for treatment of organic waste.



Photograph-4: Green belt development along the boundary of project site.

Contd./-



Photograph-5: Ramp slope provided near stilt parking area for movement of vehicles.



Photograph-6: RG area provided on podium.



Photograph-7: Fire-fighting – hydrant line provided at the stilt parking.



Photograph-8: Fire-fighting – hydrant line provided along the periphery of building.

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701		Kalpataru Point, 2nd - 4th Floor
Fax: 24024068 / 24023515		Opp. Cine Planet Cinema,
Website: http://mpcb.gov.in		Near Sion Circle, Sion (E)
E-mail: ast@mpcb.gov.in		Mumbai-400 022.
No. BO/MPCB/AS(T)/Circular/B- 220712FTS0047		Date: 12/07/2022

CIRCULAR

Sub: Provision of penal fess for occupiers violating combine consent regime prescribed under Air/Water Act – reg.

Ref: Minutes of 178th Board Meeting held on 24/02/2022.

...

It is mandatory on the part of industries/entrepreneurs to obtain Consent to Establish and Operate under section 25/26 of the Water (Prevention & Control of Pollution Act) 1974, under section 21 of Air (Prevention & Control of Pollution) Act 1981 and Authorization under Hazardous & Other Waste (Management & Transboundary Movement) Rule 2016. However, it has been noticed that, often industries were found to be violating the aforesaid provisions and the violations noticed are as below:

1. To take effective steps towards establishment of project/unit without obtaining Consent to Establish from the Board
2. To take effective steps without revalidating Consent to Establish from the Board.
3. To start Commercial production/to hand over occupancy without obtaining Consent to Operate from the Board
4. To carry out expansion activity and applying directly for Consent to Operate without obtaining Consent to Establish of the Board.
5. To operate the activity without valid consent to operate of the Board and applying after lapse of validity period.
6. To store and disposal of Hazardous Waste not consistent with provisions of rules

The MPC Board has published Enforcement Policy for issuance of directions on account of degree of violation by imposing/forfeiting proportionate Bank Guarantee. The matter of such violations was discussed during Consent Appraisal Committee/Consent Committee and was decided to formulate the deterrent policy towards above mentioned violations and such other violations. Hence, it is important to discourage the defaulting industries by adopting "Polluter Pays" principal by imposing appropriate cost for violation of provisions of Environment enactments.

The MPC Board in its 178th Board meeting held on 24/02/2022 vide item No. 12 has considered to impose appropriate penal fees towards violation of Environmental enactments, the penal fees shall be imposed as below:

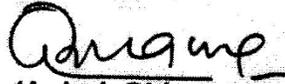
:2:

Sr. No.	Violation	Cost of Violation
01	Taking effective steps towards establishment of project/unit prior to obtain Consent to Establish from the Board	Red Category: 5 times of one term consent fee X no. of years of violation*
02	Taking effective steps without revalidating Consent to Establish of the Board.	
03	Industry: Starting Commercial production prior to obtain Consent to Operate of the Board.	Orange Category: 3 times of one term consent fee X no. of years of violation*
	Infrastructure Project: Handing over possession prior to obtaining Consent to Operate of the Board and Occupancy certificate from Local Body.	
04	Operating the industry/activity without valid consent to operate of the Board and applying after lapse of validity period.	Green Category: 1 time of one term consent fee X no. of years of violation*

* Calculations of number of years shall be calculated on the basis of number of days of non-compliance.

The penal fees amount to be paid by PP through online e-payment gateway.

All the Officers of the Board should implement this circular scrupulously without fail.


(Ashok Shingare, IAS)
Member Secretary

Copy submitted to: The Hon'ble Chairman, MPC Board Mumbai- for favour of information

Copy to:

1. The Assistant Secretary (Tech)/Joint Director (APC)/Joint Director (WPC)/Principal Scientific Officer/Regional Officer (HQ) MPC Board Mumbai
2. Law Officer/Statical Officer, MPC Board Mumbai

Copy to:

1. All Regional Officer, MPC Board
2. All Sub-Regional Officer, MPC Board
3. EIC- He is directed to place the circular on Board's website.