

**REPORT OF THE JOINT COMMITTEE IN COMPLIANCE WITH ORDER DATED 23/07/2021 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN THE MATTER OF OA NO 51 OF 2021 (SAYYED MOHAMMED SABIR USMAN VS THE PRINCIPAL SECRETARY, DOE-GOM & ORS)**

### **1.0 Background**

Grievance in the Original Application No. 51 of 2021 (WZ), titled Sayyed Mohammed Sabir Usman vs The Principal Secretary, DoE-GoM & Ors., as per order dated 23/07/2021 of the Hon'ble NGT, is against violation of environmental norms by the project proponent (PP) Respondent No. 7 - M/s Dudhwala Real Estate and Investment, Mumbai in developing a housing project – 'Dudhwala Aquapearl' at City Survey (CTS) No. 226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Near ST Depot, Mumbai Central, District Mumbai City, Mumbai, Maharashtra.

The applicant has alleged that Environmental Clearance (EC) was taken first on 30/06/2012 which was modified by 20/05/2016, with violations of EC conditions. No CTE and CTO has been granted by the State PCB nor permission granted by CGWA for extraction of ground water. The other violations alleged include non-installation of pollution control devices, non-plantation of tree, non-installation of STP, non-installation of solid waste treatment unit, non-installation of rain water harvesting systems, non-Installation of storm water system, illegal operation of 4 DG Sets at site, no soil preservation, no soil and ground water test, no use of eco-friendly building material for construction, air and noise pollution from traffic congestion, no marginal space for fire tender movement etc. Hon'ble NGT directed vide order dated 23/07/2021 (copy of Hon'ble NGT order, dated 22/07/2021 is given at **Annexure-I**) and relevant paragraph of the order is reproduced as below:

*“6. In view of above, we adopt similar approach to the present case and direct that a four Member Joint Committee comprising CPCB, SEIAA, Maharashtra, Maharashtra State PCB and District Magistrate, Mumbai City 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. The joint Committee may file its report before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF (and not in the form of Image PDF). If report is adverse to the PP, a copy thereof be served on it to enable response being filed before this Tribunal.*

*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), Municipal Corporation of Greater Mumbai (MCGM), Integrated Regional Office of Ministry of Environment, Forest & Climate Change-Nagpur and Central Ground Water Authority. These organisations were requested to send the relevant information. Further, another follow-up virtual meeting was convened on 02/09/2021 to discuss the way forward and progress of submission of relevant information from various organizations. Subsequently, rigorous follow-ups were made during August, 2021 to November, 2021 for seeking relevant information. Upon receipt of desired information and nominee officials, the joint committee carried-out inspection of the said housing project i.e. "Dudhwala Aquapearl" developed by M/s Dudhwala Real Estate and Investment, Mumbai at City Survey (CTS) No. 226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Near ST Depot, Mumbai Central, District Mumbai City, Mumbai, Maharashtra on 01/12/2021. The following committee members were present during the inspection.

- i. Shri Nishchal C., Scientist 'D', CPCB, Regional Directorate, Pune
- ii. Shri Jayant Hajare, I/C Regional Officer, MPCB, Mumbai
- iii. Shri Pankaj Joshi, Member, SEIAA, Maharashtra
- iv. Smt Shilpa Kanthe, Tahsildar as Representative of District Magistrate, Govt. of Maharashtra, Mumbai

Also, Shri Tanaji Yadav, Sub-Regional Officer, MPCB-Mumbai and Shri A. M. Chaunpunge, Asst. Engineer, Municipal Corporation of Greater Mumbai accompanied the joint committee during the inspection. Shri Sajid Patel from M/s Dudhwala Real Estate and Investment was present and provided the visit coordination.

## 3.0 Observations and findings

This report is outcome containing factual and action taken report of the said joint committee based on the preliminary information received from various organisations, inspection of the joint committee, information given by the MCGM through MPCB and subsequent discussions of the joint committee.

Further, the Hon'ble Supreme Court vide order dated 04/01/2022 in Civil Appeal No. 7773 of 2021 with 7779 of 2021, directed the joint committee to issue notice of hearing and hear from the appellants before finalization of joint committee report (Copy of Hon'ble Supreme Court order is given at **Annexure-II**). In compliance with the aforesaid Hon'ble Supreme Court order, the nodal agency i.e. MPCB has issued notice of hearing to the appellants. Accordingly, the appellants made submission before the joint committee on 12/02/2022 that necessary representation shall be made through the appellant's counsel for submission of recent

information/documents for consideration before the joint committee. The information was received through MPCB vide email communication dated 25/03/2022. The joint committee examined the information submitted by the appellant/PP vide email dated 25/03/2022. 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 Dudhwala Real Estate and Investment has been granted EC by SEIAA Maharashtra vide dated 30/12/2012 for total plot area of 4,994 sq. m. for the project - "Dudhwala Aquapearl" at City Survey (CTS) No. 226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Near ST Depot, Mumbai Central, Mumbai stipulating Layout Sanction details granted by MCGM, total built up area and building configuration therein.

As per the information provided by MCGM vide e-mail communication dated 17/01/2022 (**Annexure-III**), the PP has obtained Plinth Check Certificates vide dated 09/04/2009 for Building No. 2, Wing-A & B (part); 21/09/2012 for Building No. 2, Wing-A & B (part) and 03/10/2012 for Building No. 1, which are as per the Layout Sanction vide no. EB/2397/E/A, dated 28/09/2007 granted by MCGM.

Thereafter, the PP has obtained amendment in the said EC vide SEAC-2015/CR-199 (I)/TC-1, dated 20/05/2016 for the total built-up area of 42,565.53 sq-m. However, the reference of Layout Sanction has not mentioned in said amended EC vide dated 20/05/2016. Copy of the said EC dated 30/06/2012 and amendment EC dated 20/05/2016 are given at **Annexure-III**.

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).

As per the information provided by MCGM vide email dated 17/01/2022 (**Annexure-IV**) that the total built-up area of the completed project i.e. building no. 1 (B+G+ 1<sup>st</sup> podium + 2<sup>nd</sup> to 16<sup>th</sup> floors) is 4,994.99 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. Also, it is observed that configuration of the completed project i.e. building no. 1 is same as that of the configuration mentioned in the amended EC dated 20/05/2016.

MCGM vide email dated 17/01/2022 also provided the current status of construction for the building no. 2 (Wing-A) and building no. 2 (Wing-B) wherein it is mentioned that the total built-up area of the completed project i.e. aforesaid building no. 2 (Wing-A & B) is 35,365.01 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. Also, it is observed that configuration of the completed project i.e. building no. 2 (Wing-A) is same as that of the configuration mentioned in the amended EC dated 20/05/2016.

From the aforesaid statement provided by MCGM vide email dated 17/01/2022 that as on dated 12/01/2022 that total built-up area in sq-m of the aforesaid project i.e. building no.1, building no. 2 (Wing-A) and building no. 2 (Wing-B) is 40,360 sq-m, which is as per sanctioned plan EB/2397/E/A. However, MCGM has not mentioned the date of revised sanction plan on which the present status of total built-up area (sq.m.) of the project has been completed.

In addition to the aforesaid statement provided by MCGM vide email dated 17/01/2022, the PP also supplemented the architect certificate vide dated 03/11/2021, wherein it is mentioned that the project proponent has constructed residential project "Dudhwala Aquapearl" within the sanctioned total built-up area of 42,565.53 sq-m as granted in the amended EC vide dated 20/05/2016 from SEIAA. Relevant paragraphs of the aforesaid architect letter dated 03/11/2021 is reproduced as below;

*"Building No 1, is comprising of Basement+part ground +part stilt+1<sup>st</sup> level podium+2<sup>nd</sup> to upper 16<sup>th</sup> floors for resident purpose & Building No 2having two wings i.e. wing 'A' & 'B', wing 'A', comprising of stlit +1<sup>st</sup>& 2<sup>nd</sup> podium floor+3<sup>rd</sup> to 30<sup>th</sup> residential floors & wing 'B', comprising of 1<sup>st</sup>& 2<sup>nd</sup> podium floor +3<sup>rd</sup> to 30<sup>th</sup>& 31<sup>st</sup> (pt.) residential floors & part basement below internal driveway & ramp adjoining to east side of building and the RCC construction work is completed as per approved plans issued by MCGM for construction built-up area of 40360 sq.meters, in respect of the property bearing C.S. No. 226 of Byculla Division at 258 Bellasis Road, Mumbai."*

During the visit on 01/12/2021, the committee observed that apparently majority of the project was completed & occupied. Details of EC, sanctioned plans, plinth certificate, completion certificate and current status of the project are given in Table No. 1.

**Table No 1: Details of EC, Sanctioned Plans, Plinth Certificate, Completion Certificate and Current Status of the project**

S. No.	Particulars	Configuration	Total Built-up Area
1	Sanctioned Plan EB/2397/E/A dated 28.09.2007	<ul style="list-style-type: none"> <li>• Bldg. No.1-Basement + part stilt + part ground floor +1st (podium) + 2nd to 16th upper floors</li> <li>• Bldg. No.2 (Wing A)- G+1st to 3rd podium floors + 4th to 23rd</li> </ul>	<ul style="list-style-type: none"> <li>• Bldg. No.1-2182.68 Sq.m+1961.26 Sq.m=4143.94 Sq.m</li> <li>• Bldg. No.2-10092.27 Sq.m+13671.9 Sq.m=23764.18 Sq.m</li> <li>• Total BUA= 4143.94 Sq.m+23764.18 Sq.m=27908.12 Sq.m</li> </ul>

		<p>floors</p> <ul style="list-style-type: none"> <li>• Bldg. No.2 (Wing B)- G+1st to 3rd podium floors + 4th to 23rd floors</li> </ul>	
2	Plinth Check Certificate for Bldg. No.2, Wing -A & B (part) dated 09.04.2009 as per sanctioned plan EB/2397/E/A, dated 28.09.2007 (As per phase program dated 06.04.2009)		
3	EC vide letter dated 30.06.2012 granted by SEIAA	<ul style="list-style-type: none"> <li>• Building 1-(Tenanat) Basement + Ground Floor +Stilt +Podium+15 Floors (1 shop at gr. Floor)</li> <li>• Building 2 (Wing A)- Gr+2 level podium +23 floors</li> <li>• Building 2(Wing B)- Gr+2 level podium +23 floors</li> </ul>	<ul style="list-style-type: none"> <li>• Total BUA=29576 Sq.m (FSI-12485.45 sq.m)</li> </ul>
4	Plinth Check Certificate for Bldg. No.2, Wing -A & B (part) dated 21.09.2012 as per sanctioned plan EB/2397/E/A, dated 28.09.2007 (As per phase program dated 06.04.2009)		
5	Plinth Check Certificate for Bldg. No.1dated 03.10.2012 as per sanctioned plan EB/2397/E/A, dated 28.09.2007 (As per phase program dated 06.04.2009)		
6	Sanctioned Plan EB/2397/E/A dated 04.04.2015	<ul style="list-style-type: none"> <li>• Bldg. No.1-Basement + part stilt + part ground floor +1st (podium) + 2nd to 16th upper floors</li> <li>• Bldg. No.2 (Wing A)- Stilt + 1st &amp; 2nd podium floors + 3rd to 20th floors + Fire check floor + 21st floor to 25th floor, part basement below internal driveway &amp; ramp adjoining to east side</li> <li>• Bldg. No.2 (Wing B)- Stilt + 1st &amp; 2nd podium floors + 3rd to 20th floors + Fire check floor + 21st floor to 25th floor, part basement below internal driveway &amp; ramp adjoining to east side</li> </ul>	<ul style="list-style-type: none"> <li>• Bldg. No.1- 2365.99Sq.m+2629Sq.m=4994.99Sq.m</li> <li>• Bldg. No.2- 13763.1Sq.m+16701.9Sq.m=30465.01Sq.m</li> <li>• Total BUA= 4994.99 Sq.m+30465.01Sq.m=35,460Sq.m</li> </ul>

7	EC vide letter dated 20.05.2016 granted by SEIAA	<ul style="list-style-type: none"> <li>• Building 1-(Tenanat) Basement + Ground Floor (Part Stilt+Podium+15 Floors</li> <li>• Building 2 (Wing A)- Gr. (Stilt) +2 level podium +30upper floors</li> <li>• Building 2 (Wing B)- Gr. (Stilt) +2 level podium +30 upper floors+Basement</li> </ul>	<ul style="list-style-type: none"> <li>• Total FSI-14982.54 Sq.m + 5243.89 Sq.m (Fungible)= 20217.43 Sq.m</li> <li>• Total Non FSI-22348.10 Sq.m</li> <li>• TBUA-42565.53 Sq.m</li> </ul>
8	Part Occupation Certificate dated 27.07.2017 for Bldg. No.1 as per sanctioned plan dated 04.04.2015 having basement + part ground & part stilt + 1st podium floor + 2nd to 16th upper floors (except Flat Nos. 201 & 202 on 2nd floor, Flat No.301 on 3rd floor, Flat Nos. 401 & 402 on 4th floor, FlatNo.501 on 5th floor, Flat No.601 on 6th floor, Flat No.802on 8th floor and flat Nos.1201 & 1202 on 12th floor & 2Nos. of lifts)		
9	Part Occupation Certificate dated 27.07.2017 for Bldg. No.2 (Wing A & B) as per sanctioned plan dated 04.04.2015 having Stilt floor + 1st Podium+ 3rd to 20th upper floors(except 2 Nos. of staircase & 2 Nos. of lifts),		
10	Sanctioned Plan EB/2397/E/A, dated 31.07.2018 (Core Approval)	<ul style="list-style-type: none"> <li>• Bldg. No.1-Basement + part stilt + part ground floor +1st(podium) + 2nd to 16th upper floors</li> <li>• Bldg. No.2 (Wing A)- Stilt + 1st &amp; 2nd podium floors + 3rd to 20th floors + Fire check floor + 21st floor to 25th floors&amp; (Core Approval) for staircase, lift, &amp; lift lobby area with overhead water tank &amp; lift machine room for 26th floor to 30th floor along with part basement below internal driveway &amp; ramp adjoining to east side</li> <li>• Bldg. No.2 (Wing B)- Stilt + 1st &amp; 2nd podium floors + 3rd to 20th floors + Fire check floor + 21st floor to 25th floors&amp; (Core Approval) for staircase, lift, &amp; lift lobby area with overhead water tank &amp;</li> </ul>	<ul style="list-style-type: none"> <li>• Bldg. No.1- 2365.99 Sq.m+ 2629 Sq.m= 4994.99 Sq.m</li> <li>• Bldg. No.2- 13822.68 Sq.m+ 18245.4 Sq.m= 32068.06 Sq.m</li> <li>• Total BUA= 4994.99 Sq.m+32068.06Sq.m=37603.05 Sq.m</li> </ul>

		lift machine room for 26th floor to 31st floors along with part basement below internal driveway & ramp adjoining to east side	
11	Sanctioned Plan EB/2397/E/A dated 03.03.2020	<ul style="list-style-type: none"> <li>• Bldg. No.1-Basement + part stilt + part ground floor +1st(podium) + 2nd to 16th upper floors</li> <li>• Bldg. No.2 (Wing A)- Stilt + 1st &amp; 2nd podium floor + 3rd to 20th floors+ Fire check floor + 21st floor to 30th floors, part basement below internal driveway &amp; ramp adjoining to east side</li> <li>• Bldg. No.2 (Wing B)- Stilt + 1st &amp; 2nd podium floor + 3rd to 20th floors+ Fire check floor + 21st floor to 30th &amp; 31stfloor, part basement below internal driveway &amp; ramp adjoining to east side</li> </ul>	<ul style="list-style-type: none"> <li>• Bldg. No.1- 2365.99 Sq.m+ 2629 Sq.m= 4994.99 Sq.m</li> <li>• Bldg. No.2- 17119.63Sq.m+ 18245.4 Sq.m= 35365.01 Sq.m</li> <li>• Total BUA= 4994.99 Sq.m+35365.01 Sq.m=40360 Sq.m</li> </ul>
12	Current Status of project as on date 12.01.2022	<ul style="list-style-type: none"> <li>• Bldg. No.1- Completed</li> <li>• Bldg. No.2 (Wing A)- Entire building is completed in all respect as per approved plans except some finishing work is under progress from 28th to 30th floor. OC granted upto 20th floors</li> <li>• Bldg. No.2 (Wing B)- Entire building is completed in all respect as per approved plans except some finishing work is under progress from 28th to 31stfloor. OC granted up to 20th floors</li> </ul>	<ul style="list-style-type: none"> <li>• Bldg. No.1= 4994.99 Sq.m</li> <li>• Bldg. No.2= 35365.01 Sq.m</li> <li>• Total BUA= 4994.99 Sq.m+35365.01 Sq.m=40360 Sq.m</li> </ul>

**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 obtained Consent to Establish (CTE), from MPCB vide No. BO/RO(P&P)/EIC No. MU-1195-09/E/CC-393 dated 05/11/2009, which was valid till commissioning of the project or five years (05/11/2014) whichever is earlier. Further, PP has obtained CTE (Revalidation with expansion), vide No.Format1.0/CC/UAN No.0000116015/CE 2110000353, dated 07/10/2021 for redevelopment of construction project of total plot area of 4,994 sq-m for total construction area of 42,565.53 sq-m, which is valid till the commissioning of project or co-terminus with the validity of EC dated 20/05/2016 i.e. till 20/05/2023. Subsequently, the PP has obtained Consent to Operate (CTO) – part I, vide No.Format1.0/CC/UAN No. 0000108772/CO dated 20/10/2021 for part construction BUA of 24,392 sq-m out of total BUA of 42,565.53 sq-m, which is valid till 30/06/2022. Copies of CTE, revalidated CTE and CTO-part-I are given at **Annexure-V**.

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-2.

**Table-2: Point-wise compliance of the alleged issues as mentioned in the Hon'ble NGT order.**

<b>S. no.</b>	<b>Allegations of the applicant as mentioned in the Hon'ble NGT Order, dated 23/07/2021</b>	<b>Present status as on joint committee inspection dated 01/12/2021</b>
1.	PP has started use of premises without consent to operate and PP has not installed STP.	During joint committee visit dated 01/12/2021 the PP has provided STP based on MBBR technology of reported capacity of 175 & 75 CMD as per the CTO vide dated 20/10/2021, Schedule-I, s no. 1 i.e. terms & conditions for compliance of water pollution control. It is observed that the said STP was found operational.
2.	PP has not obtained permission for ground water extraction and PP is extracting huge quantity of ground water for construction.	<p>As per the information provided by MCGM vide email dated 10/12/2021 that PP has obtained no objection certificate for commissioning of 01 no. of bore well from MCGM (Hydraulic Engineers Dept.). Relevant extract from the said letter dated 23/12/2014 from MCGM (Hydraulic Engineer's Department) is reproduced below;</p> <p><i>“On-site inspection and based on the site shown on plan it was found that, as far as this department is concerned, there is no existing /proposed water supply main /tunnel in the subject site. Hence, there is no objection to take 1 (One) no. of bore well in the premises of C.S.No.226, 258 Bellasis Road, Byculla Division in ‘E’ Ward.”</i></p> <p>Copy of the aforesaid letter from Hydraulic Engineer's Department, MCGM vide dated 23/12/2014 given at <b>Annexure-VI</b>.</p> <p>Further, PP has been granted permission to retain a</p>

		<p>bore well for construction purpose. Such permission has been granted by MCGM, Public health department vide dated 20/03/2015. Relevant extract from the said letter dated 23/12/2014 from MCGM (Hydraulic Engineer's Department) is reproduced below;</p> <p><i>"Permission to retain a borewell and the use of water from the borewell for construction &amp; after it for flushing &amp; gardening purpose at the above place is hereby granted to you subject to the compliance with the conditions mentioned in the memo of condition duly signed by you. A board prohibiting the use of water for drinking, bathing, cooking purpose shall be exhibited at a conspicuous place."</i></p> <p>Copy of the aforesaid letter from Public Health Department, MCGM vide dated 20/03/2015 is given at <b>Annexure-VII</b>.</p> <p>Besides, utilization of bore well water; the PP has submitted only the details of water supply challans for water utilized during operation stage aforesaid project i.e. Feb, 2019 to Dec, 2020.</p>
3.	<p>PP has not made any transplant as mandated in EC for 30 trees and also not made compensatory plantation against the cutting of 48 trees and also not planted 174 number of trees as disclosed in EC dated 30.06.2012.</p>	<p>As per the information provided by MCGM vide email dated 10/12/2021 that PP has obtained permission from MCGM, Tree Authority vide letter dated 25/04/2008 for removal of 48 no. of trees and transplanting 30 no. of trees. Also, vide said letter dated 25/04/2008 the PP has been directed to plant 96 trees in the said property. Copy of the said letter vide dated 25/04/2008 is given at <b>Annexure-VIII</b>. Further, the PP vide letter dated 25/09/2008 submitted reply to the Tree Authority, MCGM regarding transplantation of trees on plot bearing CS no. 266, the relevant extract from the said letter is reproduced as below;</p> <p><i>"The transplanting trees as on the same site is not possible due to excavation on site &amp; material dumping on site &amp; as there will be labour on site. So we transplanting at our another site at Village Marol, Andheri (E), CTS No. 1651-B."</i></p> <p>Copy of the aforesaid letter dated 25/09/2008 given at <b>Annexure-IX</b>.</p> <p>Also, MCGM vide email dated 16/02/2022 supplemented information w.r.t. above communication. Wherein it is mentioned that the PP has transplanted 30 no. of trees at Village Marol, Andheri (E), CTC no. 1651-B and mentioned that PP has not submitted survival report of transplanted trees. Also, mentioned that plantation of new trees in lieu of trees permitted to cut is not yet done by</p>

		<p>the PP.</p> <p>Further, as per the e-mail communication from MCGM vide dated 10/12/2021 informed that <i>“..balance no. of trees will be planted before full OC. Concerned department i.e. (S.G.) has informed that site under reference will be verified on site by SG department. On receipt of remarks of SG department the same will be forwarded.”</i></p> <p>As per s. no. 20 of the amended EC dated 20/05/2016, the PP has submitted to carryout plantation of 174 no. of new trees besides transplantation of 30 no. of trees. However, as per the information received from MCGM that PP has proposed to carryout plantation of 98 no. of new trees, which is observed to be non-compliance by the PP w.r.t. amended EC dated 20/05/2016. Hence, concerned department of MCGM may verify the compliance w.r.t. transplantation of 30 no. of trees and plantation of 174 no. of trees as per the conditions of amended EC dated 20/05/2016, before issuing full occupancy certificate to the PP.</p>
<p>4.</p>	<p>PP has not provided requisite Open Space for recreational ground as per the DC Rules on virgin land as directed by Hon'ble Supreme Court.</p>	<p>As per the information provided by MCGM vide email dated 10/12/2021 that PP has provided 8% RG area. Relevant extract of the said communication from MCGM is reproduced below; <i>“PP showing 8% RG is attached herewith. PP has stated that same will be complied before asking full OC, as construction activity is not yet complete.”</i></p> <p>As per the approved plan for RG area by MCGM it is observed that the PP has submitted total 388.94 sq-m (199.64 sq-m + 189.30 sq-m) for RG area on ground floor. In addition to the said RG area of 388.94 sq-m on the ground floor, the PP has proposed additional RG area of 386.45 sq-m on the podium. Hence, as per the said approved plan for RG area, the PP has submitted total proposed RG area of 775.39 sq-m, which is greater than minimum required 10% RG area i.e. 486.02 sq-m as per DCPR-2034. However, the development of such RG area of 775.39 sq-m may be verified by MCGM before issuing full occupancy certificate to the PP. Further, it is observed that PP has obtained their first sanctioned plan in 2007 for TBA of 27,908.12 Sq.m. Accordingly, EC was granted on 30/06/2012 for the said area. Thereafter, the PP has obtained amendment in EC on 20/05/2016 for TBA of 42,565.53 Sq-m subsequently, the PP has obtained revised sanctioned plans vide dated 2015, 2018 and 2020 for TBA of; 35,460Sq.m, 37603.05 Sq.m and 40360 Sq.m respectively. Hence, the joint committee is of the opinion that since the PP has obtained amended EC in 20/05/2016 for the total</p>

		<p>TBA from existing 27,908.12 Sq.m to 42,565.53 Sq-m, the Hon'ble Supreme Court judgment vide dated 17/12/2013, in Civil Appeal No. 11150/2013 in Special Leave Petition Civil No.33402/2012 might be applicable i.e. the minimum recreational space as laid down under Regulation 23, shall be provided at ground level only. Relevant paragraph from the aforesaid judgment of Hon'ble Supreme Court of India is reproduced as below;</p> <p><i>“The minimum recreational space as laid down under Regulation 23, shall be provided at ground level only. The recreational space, if any, provided on the podium under this regulation shall be in addition to that provided as per regulation 23.”</i></p> <p>Further, the aforesaid order mentions that the above directives shall apply to those developments where building plans were not approved, or where the Commencement Certificate (CC) had not been issued on 17/12/2013 i.e. the date of the aforesaid order passed by Hon'ble Supreme Court. All the authorities concerned shall ensure strict compliance of the aforesaid directives.”</p>
5.	PP has not preserved top soil and not obtained permission for ground water extraction and due to basement construction ground water level is depleted.	<p>It is observed that the PP has almost completed the project as per the amended EC dated 20/05/2016 and obtained part occupation certificate 27/07/2017 for Bldg. No.1 and Bldg. No. 2 (Wing A &amp; B) as per sanctioned plan dated 04/04/2015 respectively. Since the said project is almost completed during 2017 as per the amended EC dated 20/05/2016 and also the construction of remaining project as per the amended EC dated 20/05/2016 is in completion stage, the joint committee is unable to offer comments in this regard.</p> <p>Whereas, information and compliance w.r.t. ground water extraction is already provided at s. no. 2, as above.</p>
6.	PP has not installed Rain Water Harvesting System (RWH) as mandated in EC dated 30.06.2012.	<p>As per the Environment Clearance application, the project proponent had proposed to install rainwater harvesting system as a water conservation measure. It is observed during joint committee visit dated 01/12/2021 that rainwater harvesting system has been provided. Rainwater is collected through roof drain pipes and down-take pipes, and channelized to 02 no. of collection tanks with reported design capacity of 30 &amp; 50 m<sup>3</sup>.</p>
7.	PP has not installed Storm Water Drainage System as mandated in EC dated 30.06.2012.	<p>As per the information provided by MCGM vide email dated 10/12/2021 that PP has obtained NOC to carry-out the works of storm water drain as per the approved plans. Relevant extract of the said communication from MCGM vide dated 10/12/2021 is reproduced below;</p>

		<p><i>“Project Proponent has obtained the remarks from Executive Engineer (Storm Water Drain) Planning Cell, City, u/no. DyChE/SWD/1940/PC dtd 11.10.2007 and u/no.DyChE/SWD/2546/PC dtd 12.10.2015 and part completion certificate thereon u/no. DyChE/SWD/3472/PC dtd 24.10.2016.”</i></p> <p>Copy of such NOC letters vide dated 11/10/2007, 12/10/2015 and 24/10/2016 granted by MCGM, Dy. CH. Eng. (Storm Water Drains) to the PP are given at <b>Annexure-X.</b></p>
8.	PP has not installed Solid Waste Composting System for treatment of biodegradable waste as mandated in EC dated 30.06.2012.	As per amended EC dated 20/05/2016, s. no. ii of the general conditions for post-construction/operation phase; and also during joint committee inspection dated 01/12/2021 the project proponent has installed organic waste converter of reported capacity of 300 Kg/day for processing of wet garbage. During the joint committee inspection, the organic waste converter was in found in operation. The manure generated from the organic waste converter is filled in HDPE bags. The PP has not submitted disposal/utilization details of manure obtained from organic waste convertor.
9.	PP has installed exceeding 4 number of DG Sets against the permissible 2 DG Sets as mandated in EC dated 30.06.2012	As per the CTE issued by MPCB vide No. BO/RO(P&P)/EIC No. MU-1195-09/E/CC-393 dated 05/11/2009 and CTE (Revalidation with expansion), vide No.Format1.0/CC/UAN No.0000116015/CE 2110000353, dated 07/10/2021 that PP has obtained CTE for installation of one DG set of 250 KVA. Further, as per CTO part-I, vide No.Format1.0/CC/UAN No. 0000108772/CO dated 20/10/2021 for part construction BUA of 24,392 sq-m out of total BUA of 42,565.53 sq-m; PP has obtained CTO for operation of one DG set of 250 KVA. During joint committee inspection dated 01/12/2021 it is observed that one DG set of 250 KVA has been installed as per the part CTO – part-I.
10.	PP has caused traffic congestion in the area due to this project and cause to air pollution on account of emission from the vehicles.	PP has provided copy of certified parking arrangement and its maneuverability plan for the aforesaid project site. Copy of plan is given at <b>Annexure-XI.</b>
11.	PP has made change in scope of the project by increasing the total BUA of the project by increasing in the FSI & loading of TDR and carried out the construction more than 50000 m <sup>2</sup> .	As per the information provided by MCGM vide email dated 17/01/2022 that total built-up area defined under notification no. S.O. 695 (E) dated 04.04.2011 issued by MOEF & CC (sq.m.) for Bldg. No.1= 4,994.99 Sq.m, and for Bldg. No.2= 35,365.01 Sq.m. Hence, the total BUA = 4,994.99 Sq.m + 35,365.01 Sq.m=40, 360 Sq.m, which is less than the total built-up area of 42,565.53 sq-m as per amended EC vide dated 20/05/2016. Also, please refer <b>s.no. 12 of Table-1</b> , above.

12.	PP has not provided Marginal Space as per the DC Rules	<p>As per the information provided by MCGM vide email dated 10/12/2021 that PP has provided marginal open space as per approved plan. Relevant extract of the said communication from MCGM vide dated 10/01/2022 is reproduced below;</p> <p><i>“Marginal Open spaces are provided as per approved plan.”</i></p> <p>Whereas the details of such marginal space area mentioned in the approval plan is not been made available by MCGM.</p>
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#### 4.0 Conclusions

- i. It is observed from the first plinth checking certificate that the PP has started the construction of the project without obtaining prior EC which is required as per S. no. 2 of the Notification no S.O. 1533 (E) dated 14/9/2006 related to the requirements of prior environmental clearance notified under the Environment (Protection) Act, 1986. i.e. the PP has obtained first plinth check certificate vide dated 09/04/2009 for Building No. 2, Wing-A & B (part) as per the Layout Sanction vide no. EB/2397/E/A, dated 28/09/2007 granted by MCGM. Whereas, the PP has obtained EC from SEIAA vide dated 30/06/2012 (Please refer s.no.2 of Table-1, as above).

Further, it is also mentioned in the s.no. 3 (iii) of the EC vide dated 30/06/2012 issued to PP that PP has to obtain CTE from MPCB before start of any construction works. Relevant extract of the aforesaid EC vide dated 30/06/2012 is reproduced below;

*“Consent To 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.”*

It is observed that without obtaining EC and CTE, the PP has started construction activities as it is evident from the date of 1<sup>st</sup> plinth check certificate issued by MCGM vide dated 28/09/2007. Hence, the PP has violated the provisions of EC as per S. no. 2 of the Notification no S.O. 1533 (E) dated 14/9/2006 related to the requirements of prior EC notified under the Environment (Protection) Act, 1986.

- ii. The PP has started construction of the project i.e. building No. 2, Wing-A & B (part) without obtaining CTE from MPCB required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 which was also one of the pre-phase construction conditions stipulated in the s.no. 3 (iii) of the EC vide dated 30/06/2012. Further, continued the construction of project after expiry of CTE i.e. on 05/11/2014 and subsequent CTE taken on 07/10/2021 till such time

period, the PP has already completed the project i.e. building no.1 and building no. 2 (Wing- A & B) which is evident from completion certificate vide CC no. EB/2397/E/A, dated 27/07/2017 wherein the total BUA of the project i.e. building no. 1 and building no.2 (Wing-A & B) is 4,994.99 Sq.m + 35,365.01 Sq.m = 40, 360 Sq.m against the sanctioned TBA of 42,565.53 Sq-m as per EC dated 20/05/2016.

- iii. As per the information provided by MCGM vide email dated 17/01/2022 building no. 1 and building no. 2 (Wing-A & B) has been completed. The total built-up area of the completed project i.e. building no. 1 (B+G+ 1<sup>st</sup> podium + 2<sup>nd</sup> to 16<sup>th</sup> floors) is 4,994.99 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. Also, it is observed that configuration of the completed project i.e. building no. 1 is same as that of the configuration mentioned in the amended EC dated 20/05/2016.

Further, the total built-up area of the completed project i.e. aforesaid building no. 2 (Wing-A & B) is 35,365.01 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. Also, it is observed that configuration of the completed project i.e. building no. 2 (Wing-A) is same as that of the configuration mentioned in the amended EC dated 20/05/2016. Whereas, it seems that configuration of the completed project i.e. building no. 2 (Wing-B) is not same as that of the configuration mentioned in the amended EC dated 20/05/2016, wherein the PP has constructed additional one floor extra i.e. constructed 31 floors instead of 30 floors as per amended EC dated 20/05/2016.

- iv. The PP has not obtained CTO from MPCB after completing the project wherein PP has obtained completion certificate vide no. EB/2397/E/A, dated 27/07/2017 for building no. 1 and no. 2 (Wing-A & B) and also obtained part occupation certificates. The said buildings were completed as per amended sanctioned plan vide EB/2397/E/A, dated 04/04/2015 of TBA of 35,460 sq-m. Whereas, PP has obtained CTO from MPCB vide dated 20/10/2021 for the entire project i.e. for the TBA of 42,565.53 sq-m, which is as per amended EC dated 20/05/2016.
- v. As per the information provided by MCGM vide email dated 17/01/2022 that total built-up area defined under notification no. S.O. 695 (E) dated 04.04.2011 issued by MOEF & CC (sq.m.) for Bldg. No.1 = 4,994.99 Sq.m, and for Bldg. No.2 = 35,365.01 Sq.m. Hence, the total BUA = 4,994.99 Sq.m + 35,365.01 Sq.m = 40, 360 Sq.m, which is less than the total built-up area of 42,565.53 sq-m as per amended EC vide dated 20/05/2016. However, MCGM

has not mentioned the date of revised sanction plan on which the present status of total built-up area (sq.m.) of the project has been completed.

- vi. The PP has complied regarding installation of STP, permission to extract ground water, installation of rain water harvesting system & collection tank, NOC to carry-out the works of storm water drain, installation of organic waste convertor for processing of wet garbage, installation of DG set as per CTE/CTO.
- vii. The PP has non-complied regarding plantation of new trees i.e. as per s. no. 20 of the amended EC dated 20/05/2016, the PP has submitted to carryout plantation of 174 no. of new trees besides transplantation of 30 no. of trees. However, as per the information received from MCGM vide e-mail dated 17/12/2021 that PP has proposed to carryout plantation of only 98 no. of new trees, which is observed to be non-compliance by the PP w.r.t. amended EC dated 20/05/2016. Hence, concerned department of MCGM may verify the compliance w.r.t. plantation of 174 no. of trees as per the conditions of amended EC dated 20/05/2016 before issuing full occupancy certificate to the PP.

#### **5.0 Approach for environmental compensation and remedial measures for prior environmental clearance (EC) violation**

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

The project proponent were required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification were to be recommended by State Expert Appraisal Committee (SEAC) and finalised by State Environmental Impact Assessment Authority (SEIAA) as per the aforesaid

notification dated 14/3/2017 and subsequent notification dated 08/3/2018 issued by MoEF&CC. The bank guarantee were to be deposited prior to the grant of environmental clearance and to be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the MoEF&CC, SEAC and approval of the SEIAA.

In view of the above notifications, a committee was constituted (constituting Ex. Expert Member, NGT; members of SEIAA and SEAC for Maharashtra and advocate) in Maharashtra for evaluation process to evolve uniform guidelines to deal with the cases of violations under the chairmanship of Chairman, SEIAA, Maharashtra and submitted its report to the Department of Environment, Govt. of Maharashtra. After due consultation with stakeholders in a round table workshop, the Department of Environment (DoE) and SEIAA Maharashtra decided to follow the provisions of MoEF&CC notification dated 14.03.2017 as per the report submitted by the committee. Copy of the "Approach for the said Assessment for Environmental Damage And Estimation of Remediation Costs For Building Construction Projects initiated without obtaining mandatory Environmental clearance (Violation Cases)" decided to be followed by the DoE and SEIAA Maharashtra vide SEIAA letter no. SEIAA-2018/CR-150/SEIAA dated 30/1/2019 is available at [https://www.ecmpcb.in/login/download\\_ec\\_document/QjAwN0E4NkZDM0I2NDY4Mzk3QzUxOEVCQURGNzIGOTcucGRm](https://www.ecmpcb.in/login/download_ec_document/QjAwN0E4NkZDM0I2NDY4Mzk3QzUxOEVCQURGNzIGOTcucGRm)

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

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

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

project to gain commercial gains. The same have been considered as 10% of Ready reckoner cost of the construction under violation if it is already occupied (fully or partially) or reasonably in advance stage of completion (more than 50%). In case, the construction is still not in advance stage of completion (less than 50%) and no occupation is given, then the benefits can be taken as 5% of the Ready reckoner cost for the construction in violation;

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

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

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

5	Urban air/noise pollution control initiatives	10	Local Body	
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- (v) The assessment of above mentioned environmental damage cost and economic benefits and preparation of remediation plan and natural and community resource augmentation plan as environmental management plan (EMP) to be prepared as an independent chapter in the environment impact assessment report by the consultants duly recognised by NABET (National Accreditation Board for Education and Training) while seeking grant of environmental clearance. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or an environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.
- The SEAC will prescribe a specific Terms of Reference for the project on assessment of the above plans.
- (vi) The cases of violation will be appraised by SEAC with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the SEAC is negative, closure of the project will be recommended along with other actions under the law.
- (vii) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.
- (viii) The project proponent will submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with Maharashtra Pollution Control Board (MPCB) and the quantification will be recommended by SEAC Committee and finalized by SEIAA and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the said plans, and after the recommendation by regional office of the MoEF&CC, SEAC and approval of the SEIAA.
- (ix) With regard to implementation of the aforesaid EMP, the project proponent will be required to deposit such proportionated funds of the

EMP with concerned authorities and the confirmation of deposit of such funds will be the compliance of such EMP efforts at the project proponents end. Still however, he needs to get engaged with concerned departments to ensure that the amount is effectively spent in time bound manner.

The outer limit for execution of the projects could be maximum 2 years, and if any amount still remains unspent then the same will be reverted back to DoE by concerned department which can conduct specific state level programs from such funds.

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

Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that *"...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country"*.

In compliance to the directions of the Hon'ble NGT, a Standard Operating Procedure (SoP) for dealing with violation cases were issued by the MoEF&CC vide Office Memorandum (OM) F. No. 22-21/2020-IA.III dated 07/07/2021. It outlines penalties including closure of operations that are operating without prior environment clearance including demolition of projects (where the project is built on prohibited area, notified by Central/State Govt.). It also outlines a procedure for the grant of Environmental Clearance to projects that have come up without obtaining prior environment clearance required under the Environmental Impact Assessment (EIA) Notification, 2006. As per the said SOP, the different approaches for dealing the violation cases are summarised as follows;

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

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

The PP will be required to submit a bank guarantee equivalent to the amount of Remediation Plan and Natural and Community Resource Augmentation Plan with Central/State Pollution Control Board (depending on whether the project under reference is appraised at MoEF&CC or by SEIAA) prior to the grant of EC. The quantification of such liability will be recommended by EAC and finalized by the Regulatory Authority and the bank guarantee will be released after successful implementation of the Remediation Plan & Natural and Community Resource Augmentation Plan.
- iv. Penalty provisions for violation cases and applications
  - a. For new projects;
    - Where operation has not commenced: 1% of the total project cost incurred up to date of filing of application along with EIA/EMP report.
    - When operations have commenced without EC: 1% of the total project cost incurred up to the date of filing application along with EIA/EMP report PLUS 0.25% of the total turnover during period of violation)
  - b. For expansion projects;
    - When operation/production with expanded capacity has not commenced: 1% of the project cost, attributable to the

expansion, incurred up to date of filing application along with EIA/EMP report.

- When operation/production with expanded capacity have commenced: 1% of project cost (attributable to the expansion activity) incurred up to the date of filing application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

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

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

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

"Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" outlines a formula for imposing environmental compensation on industrial units for violation of directions issued by regulatory bodies listing the instances for taking cognizance of cases fit for violation and levy environmental compensation. The same has also been referred by the Hon'ble NGT in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled ParyavaranSurakshaSamiti&Anr. Versus Union of India & Ors. The instances considered for levying Environmental Compensation (EC) in the said report are:

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

Though such listed instances may not be directly applicable in the current matter for arriving at the damages amount (in addition to the environmental compensation as given at para 4) for contravening mandatory provisions of environmental laws (w.r.t. starting construction without CTE, continued construction without renewing CTE & completed most of the project), an attempt is being made by this joint committee to assess the environmental compensation using the formula prescribed in the said CPCB report which may be taken as damages amount for contravening mandatory provisions of environmental laws. The formula takes into account of number of days violation took place, pollution index of unit, scale of operation, location factor based on population and an amount factor in Rupees.

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

*Where,*

*EC is Environmental Compensation in Rupees*

*PI = Pollution Index of industrial sector/Project*

*N = Number of days of violation took place*

*R = A factor in Rupees for EC*

*S = Factor for scale of operation*

*LF = Location factor*

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

*Considering the project under Red category as per CPCB modified directions no. B-29012/ESS/(CPA)/2015-16 dated 07/3/2016, if the wastewater generation is more than 100 KLD (as per EC dated, 30/06/2012, total wastewater generation is 145 KLD). Hence, as per aforesaid CPCB report,  $PI = 80$ .*

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

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

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

For small S = 0.5, For medium S = 1 and larger unit S = 1.5. The scale of operation was considered as 1.5, As per CTE issued by MPCB, it is large scale industry (LSI). The unit being LSI, S=1.5.

**LF = Location factor.**

It is based on the population of the city/town and location of the industrial unit on the location of the industrial unit. Since the population is more than 12 Million, LF=2.0 (As per provisional reports of Census India, population of Mumbai in 2011 is 12,442,373)

Considering the period when the project proponent has started construction activities without obtaining CTE from MPCB w.e.f. 09/04/2009 (as per the information provided by MCGM vide email dated 17/01/2022 that 1<sup>st</sup> plinth checking certificate was issued vide no. EB/2397/E/A by MCGM for Bldg. No. 2, Wing-A & B (part), till the PP has obtained CTE from MPCB i.e. on 05/11/2009) without obtaining mandatory consent to establish from MPCB, the number of days violation (N) took place comes out to be **210** days.

Further, the PP has not obtained CTO from MPCB after completing the project wherein PP has obtained completion certificate vide no. EB/2397/E/A, dated 27/07/2017 for building no. 1 and no. 2 (Wing-A & B) and also obtained part occupation certificates. The said buildings were completed as per amended sanctioned plan vide EB/2397/E/A, dated 04/04/2015 of TBA of 35,460 sq-m. Whereas, PP has obtained CTO from MPCB vide dated 20/10/2021 for the entire project i.e. for the TBA of 42,565.53 sq-m, which is as per amended EC dated 20/05/2016. In view of above, total no. of days of violation is; from the date of obtaining completion & part occupation certificate, 27/07/2017 till the date of Hon'ble NGT order dated 23/07/2021 or till the PP has obtained CTO (1<sup>st</sup> part) for development of construction project from MPCB i.e. on 20/10/2021) without obtaining mandatory CTO from MPCB for the said of project, the number of days violation (N) took place comes out to be **1,457** days (no. of days considered till the date of NGT order) . Hence, total number of days violation (N) took place comes out to be **210 + 1,457** days = **1,667** days.

Based on consideration of above, the environmental compensation calculation is depicted as below.

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

PI	N	R	S	LF	EC (in Rs.)
80	1667	250	1.5	2	10,00,20,000

Based on above, the environmental compensation as damages for contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 i.e. without obtaining CTO is worked-out to be Rs. **10,00,20,000/-** (Rupees Ten Crore and Twenty Thousand Only).

## 7.0 Recommendations

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

In view of the aforesaid violations of:

(i) Started construction of the project i.e. building No. 2, Wing-A & B (part) without obtaining prior EC from SEIAA;

(iii) Started construction of the project i.e. building No. 2, Wing-A & B (part) without obtaining CTE from MPCB required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 which was also one of the pre-phase construction conditions stipulated in the s.no. 3 (iii) of the EC vide dated 30/06/2012; Further, the total sanctioned built-up area obtained by PP, of 35,460 sq-m dated 04/04/2015 for building no. 1 & 2 (Wing-A & B) which is greater than sanctioned total built-up area of 29,576 sq-m as per EC dated 30/06/2012;

the committee recommends that SEIAA, Maharashtra, may proceed for closure or revision of project; taking action under section 15 read with section 19 of the Environment (Protection) Act, 1986; penalty for violations of EIA Notification, 2006; permissibility/demolition of the project; appraisal of the project including Damage Assessment, Remediation Plan and Community Augmentation Plan and their implementation in accordance with the MoEF&CC's OM dated 28/01/2022 as outlined under para 5.0 (page 19-21) of this report. Damage Assessment, Remediation Plan and Community Augmentation Plan may be derived as per SEIAA Maharashtra's approach paper dated 30/01/019, as also outlined under para 5.0 (page 15-19) of this report.

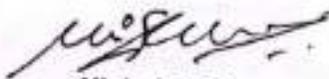
### (b) For contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981

In view of the aforesaid violations of:

(i) Started construction of the project i.e. building No. 2, Wing-A & B (part) without obtaining CTE from MPCB required under the Water (Prevention and

Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981;

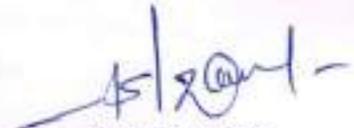
- (ii) Not obtained CTO from MPCB after completing the project wherein PP has obtained completion certificate vide no. EB/2397/E/A, dated 27/07/2017 for building no. 1 and no. 2 (Wing-A & B) and also obtained part occupation certificates, as per amended sanctioned plan vide EB/2397/E/A, dated 04/04/2015 of TBA of 35,460 sq-m; Rs. 05 Crore **OR** Rs. 10,00,20,000/- (Rupees Ten Crore and Twenty Thousand 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 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, prior EC requirement notified under the Environment (Protection) Act, 1986 and one of the pre-phase construction conditions stipulated in EC dated 30/06/2012.
- (iii) PP may be directed to comply with the Hon'ble Supreme Court judgment vide dated 17/12/2013 i.e. the project proponent has to provide the minimum recreational space as laid down under Regulation 23, at ground level only in addition to the existing open space provided on the podium. Also, the concerned department of MCGM may verify the compliance of provision of RG area as per aforesaid Hon'ble supreme Court directives before issuing full occupancy certificate to the PP.
- (iv) PP may be directed to comply w.r.t. plantation of 174 no. of trees as per the conditions of amended EC dated 20/05/2016 against the proposed 98 no. of new trees, which is observed to be non-compliance by the PP w.r.t. amended EC dated 20/05/2016. Also, the concerned department of MCGM may verify the compliance of tree plantation of 174 no. of trees before issuing full occupancy certificate to the PP.



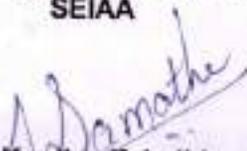
**Nishchal C.**  
Scientist 'D'  
CPCB, RD - Pune



**Pankaj Joshi, Member,**  
SEIAA



**Jayant Hazare**  
Sub-Regional Officer  
MPCB - Mumbai



**Shilpa Kanthe, Tahsildar as**  
Representative of District  
Magistrate - Mumbai

Item No. 02

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 51/2021(WZ)  
(I.A. No. 50/2021)

Sayyed Mohammed Sabir Usman

Applicant

Versus

The Principal Secretary, DoE-GoM &amp; Ors.

Respondent(s)

Date of hearing: 23.07.2021

**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 the project proponent (PP) Respondent No. 7 - M/s Dudhwala Real Estate and Investment, Mumbai in developing a housing project – 'Dudhwala Aquapearl' at City Survey (CTS) No. 226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Near ST Depot, Mumbai Central, District Mumbai City, Mumbai, Maharashtra.

2. Violations alleged inter-alia are that though Environmental Clearance (EC) was taken first on 30.06.2012 which was modified by 20.05.2016, there is violations of EC conditions. No CTE and CTO has been granted by the State PCB nor permission granted by CGWA for extraction of ground water. Other violations include non-installation of pollution control devices, non-plantation of tree, non-installation of STP, non-installation of Solid waste treatment unit, non-installation of Rain

Water Harvesting Systems, non-Installation of Storm Water System, illegal operation of 4 DG Sets at site, no soil preservation, no soil and ground water test, no use of eco-friendly building material for construction, air and noise pollution from traffic congestion, no marginal space for fire tender movement etc.

3. The applicant has set out the precise violations as follows:-

*a. PP has procured first Environment clearance dated 30.06.2012 and modified/ amended Environment clearance vide no. SEAC-2015/CR-199(I)/TC-1 dated 20.05.2016, but not complied with condition of both EC and its amounts to serious violation.*

*b. PP has not obtained mandatory Consent to Establish and Consent to Operate obtained from MPCB.*

*c. PP has started use of premises without consent to operate and PP has not installed STP.*

*d. PP has not obtained permission for Ground Water Extraction and PP is extracting huge quantity of ground water for construction.*

*e. PP has not made any transplant as mandated in EC for 30 trees and also not made compensatory plantation against the cutting of 48 trees and also not planted 174 number of trees as disclosed in EC dated 30.06.2012.*

*f. PP has not provided requisite Open Space for recreational ground as per the DC Rules on virgin land as directed by Hon'ble Supreme Court.*

*g. PP has not preserved top soil and not obtained permission for ground water extraction and due to basement construction ground water level is depleted.*

*h. PP has not installed Rain Water Harvesting System (RWH) as mandated in EC dated 30.06.2012.*

*i. PP has not installed Storm Water Drainage System as mandated in EC dated 30.06.2012.*

*j. PP has not installed Solid Waste Composting System for treatment of biodegradable waste as mandated in EC dated 30.06.2012.*

*k. PP has installed exceeding 4 number of DG Sets against the permissible 2 DG Sets as mandated in EC dated 30.06.2012.*

*l. PP has caused traffic congestion in the area due to this project and cause to air pollution on account of emission from the vehicles.*

*m. PP has violated the conditions imposed in SEAC & SEIAA meetings.*

*n. PP has made change in scope of the project by increasing the total BUA of the project by increasing in the FSI & loading of TDR and carried out the construction more than 50000 M<sup>2</sup>.*

*o. PP has not provided Marginal Space as per the DC Rules.*

*p. PP is manipulating government authorities for procuring various permissions.*

*q. PP has violated the principle of sustainable development by not installing pollution control devices.*

*r. PP has not made any environment management plan.*

*s. PP has caused substantial damage to environment and ecology more than Rs. 200 Crores, which shall be recovered from PP.*

*t. PP is unapologetic and PP has adopted careless and reckless attitude towards the environment protection.*

*u. All authorities are allowing PP for further illegal construction without Consents.*

*v. Thus it is mandatory to stop the project construction permanently till the compliance / rectification of the above illegal act and removal of the defects from the construction.”*

4. The applicant has referred to an order of this Tribunal dated 06.07.2021 in O.A. No. 38/2020, *Tanaji B. Gambhire v. Union of India & Ors.* raising somewhat similar issues in respect of another housing project at Pune. The Tribunal passed following order therein:

*“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](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF (and not in the form of Image PDF).”*

5. Further reference has been made to order dated 22.7.2021 in OA No. 49/2021, *Sayyed Mohammed Sabir Usman v. Union of India & Ors.*

6. In view of above, we adopt similar approach to the present case and direct that a four Member Joint Committee comprising CPCB, SEIAA, Maharashtra, Maharashtra State PCB and District Magistrate, Mumbai City 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. The joint Committee may file its report before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF (and not in the form of Image PDF). If report is adverse to the PP, a copy thereof be served on it to enable response being filed before this Tribunal.

List for further consideration on 23.11.2021.

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

The applicant may serve a set of papers on the CPCB, SEIAA, Maharashtra, Maharashtra State PCB and District Magistrate, Mumbai City and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

July 23, 2021  
Original Application No. 51/2021(WZ)  
A

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7773 OF 2021

M/S DUDHWALA REAL ESTATE AND INVESTMENT ...Appellant(s)

Vs.

SAYYED MOHAMMED SABIR USMAN & ORS. ...Respondent(s)

WITH

CIVIL APPEAL NO. 7779 OF 2021

O R D E R

We have heard the learned counsel for the appellants and perused the record of these appeals. We do not find any merit in these appeals. The appeals are, accordingly, dismissed.

However, the Joint Committee constituted as per the impugned orders, is directed to issue notice of hearing to the appellants and hear them before finalization of the report.

The appellants are also permitted to participate in the proceedings pending before the National Green Tribunal and to raise all contentions available to them in law.

.....J.  
[S.ABDUL NAZEER]

.....J.  
[KRISHNA MURARI]

New Delhi;  
January 4, 2022.

**S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS**

**Civil Appeal No(s). 7773/2021**

**M/S DUDHWALA REAL ESTATE AND INVESTMENT**

**Appellant(s)**

**VERSUS**

**SAYYED MOHAMMED SABIR USMAN & ORS.**

**Respondent(s)**

**(IA No.166651/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.166650/2021-STAY APPLICATION)**

**WITH C.A. No. 7779/2021**

**(IA No.166961/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.166960/2021-STAY APPLICATION)**

**Date : 04-01-2022 These appeals were called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE KRISHNA MURARI**

**For Appellant(s)**

**Mr. Ninad Laud, Adv.  
Mr. Saket Mone, Adv.  
Mr. Ivo D'Costa, Adv.  
Mr. Avinash Mathews, Adv.  
Mr. Abhishek Mathews, Adv.  
Ms. Anshula Vijay Kumar Grover, AOR**

**For Respondent(s)**

**Mr. Chirag M.Shroff, AOR  
  
Mr. Mukesh Verma, Adv.  
Mr. Yash Pal Dhingra, AOR**

**UPON hearing the counsel the Court made the following  
O R D E R**

**The appeals are dismissed in terms of the signed  
order.**

**Pending applications also stand disposed of.**

**(ANITA MALHOTRA)  
COURT MASTER**

**(KAMLESH RAWAT)  
COURT MASTER**

**(Signed order is placed on the file.)**

Government of Maharashtra

Environment department,  
Room No. 217, 2<sup>nd</sup> floor,  
Mantralaya Annexe,  
Mumbai 400 032  
Date: 30<sup>th</sup> June, 2012

To,

M/s. Dudhwala Real Estate & Investment,  
CS No. 226 of Byculla Division at 258, Retreat Compound,  
Bellasis Road, Mumbai 400 008

**Subject: Redevelopment project at Mumbai Central by M/s. Dudhwala Real Estate & Investment - Environmental clearance regarding.**

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, Maharashtra in its 27<sup>th</sup> meeting and decided to 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 29<sup>th</sup> & 48<sup>th</sup> Meetings.

2. It is noted that the proposal is for grant of Environmental Clearance for Redevelopment project at Mumbai Central by M/s. Dudhwala Real Estate & Investment. SEAC considered the project under screening category 8(a) B2 as per EIA Notification 2006.

**Brief Information of the project is summarized during SEAC & SEIAA Meetings as:**

<b>Name of the Project</b>	:	Redevelopment project
<b>Project Proponent</b>	:	M/s. Dudhwala Real Estate & Investment
<b>Location of the project</b>	:	CS No. 226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Mumbai 400 008.
<b>Type of Project</b>	:	Construction Project
<b>Plot Area</b>	:	4,994 sq. m
<b>built up area</b>	:	As per FSI: 12,485.45 sq. m. Total construction area: 29,576.00 sq. m.
<b>Estimated cost of the project</b>	:	Rs. 49 Cr
<b>No. of Buildings</b>	:	<ul style="list-style-type: none"> <li>• Building 1 – (Tenant) Basement + Ground Floor + Stilt + Podium + 15 upper floors (1 shop at gr. Floor) ;</li> <li>• Building 2 – Wing A : Gr. + 2 level podium + 23 upper floors ; Wing B : Gr. + 2 level podium + 23 upper floors</li> </ul>
<b>Water requirement</b>	:	<ol style="list-style-type: none"> <li>1. Fresh water: 114 CMD from BMC</li> <li>2. Recycled water: 73.40 CMD from STP</li> <li>3. Wastewater generated: 145 CMD; Wastewater will be treated in STP</li> </ol> <p><b>Capacity of STP:</b> 160 CMD; 73.4 CMD Treated water will be used for flushing, car washing &amp; gardening. Excess treated water</p>

-1-



		will be disposed at municipal drain.
<b>Rain water harvesting</b>	:	<ul style="list-style-type: none"> <li>• 2 rain water harvesting tanks : size : Building 1 – (Tenant) : 30,000 LIT Building 2 – (Sale + Tenant + MHADHA): 50,000 Lit.</li> <li>• Rain water harvesting recharge pits of 1m x 1m 2 m deep provided at every 10 m distance along the periphery of the plot</li> <li>• Ring well will be provided</li> </ul>
<b>Storm Drainage</b>	<b>water</b>	<ul style="list-style-type: none"> <li>• Natural water drainage pattern : east to west</li> <li>• Quantity of storm water : 0.1125 m<sup>3</sup>/sec</li> <li>• size of SWD: 450 mm wide &amp; 600 mm depth at the end</li> </ul>
<b>Solid Generation</b>	<b>Waste</b>	<p>a) Biodegradable waste: 315.81 kg/day b) Non biodegradable waste: 211.59 kg/day c) STP Sludge: 11 kg/day</p> <p><b>Disposal:</b></p> <ul style="list-style-type: none"> <li>• Biodegradable waste will be treated by composting.</li> <li>• Non biodegradable waste: will be disposed through authorized agency.</li> <li>• STP Sludge will be used as manure for landscaping.</li> </ul>
<b>Energy:</b>	:	<p><b>Power Requirement:</b> Construction phase: 100 KW; Source: BEST Operation phase: 2112 KW; DG sets: Construction phase : 1 x 125 KVA Operation phase: 1 No. x 200 KVA, 1 No. x 315 KVA will be provided</p>
<b>Energy Conservation:</b>	:	<ul style="list-style-type: none"> <li>• power capacitors are proposed for the project</li> <li>• All lifts and pumps are proposed on VFD drives which results in 20 % saving in power consumption and approx. 20 % savings in general consumption.</li> <li>• Use of CFL lamp</li> <li>• Provision for Solar Street lightings</li> </ul>
<b>Green Belt Development:</b>	:	Area for green belt: 671 sq. m. existing trees: 78 Nos. Trees to be cut: 48; trees to be transplant: 30 nos. & 174 Nos. of new trees will be planted
<b>Traffic Management:</b>	:	Parking area: 2,805.00 sq. m. Building 1: 25 nos. Building 2 : 191 nos All internal roads will be 6m wide.
<b>Environmental Management Plan:</b>	:	<p><b>Operation Phase:</b> Total capital cost for EMP shall be Rs. 62.5 Lakhs and O &amp; M for EMP shall be Rs. 17.5 lakhs. Corpus fund will be generated by project proponent for O &amp; M.</p>

3. The proposal has been considered by SEIAA in its 48<sup>th</sup> 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 :-

- (i) This environmental clearance is issued subject to land use verification. Local authority / planning authority should ensure this with respect to Rules, Regulations, Notifications, Government Resolutions, Circulars, etc. issued if any. This



environmental clearance issued with respect to the environmental consideration and it does not mean that State Level Impact Assessment Authority (SEIAA) approved the proposed land use.

- (ii) 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.
- (iii) "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.
- (iv) All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
- (v) Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. 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.
- (vi) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche and First Aid Room etc.
- (vii) 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.
- (viii) 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
- (ix) 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.
- (x) Arrangement shall be made that waste water and storm water do not get mixed.
- (xi) All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- (xii) 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.
- (xiii) Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
- (xiv) 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.
- (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) The approval of competent authority shall be obtained for structural safety of the buildings due to any possible earthquake, adequacy of fire fighting equipments etc. as per National Building Code including measures from lighting.
- (xxv) Storm water control and its re-use as per CGWB and BIS standards for various applications.
- (xxvi) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- (xxvii) The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- (xxviii) 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 Ministry before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/refused to the maximum extent possible. Treatment of 100% gray water by decentralized treatment should be done. Necessary measures should be made to mitigate the odour problem from STP.
- (xxix) Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
- (xxx) Permission to draw ground water shall be obtained from the competent Authority prior to construction/operation of the project.
- (xxxi) Separation of gray and black water should be done by the use of dual plumbing line for separation of gray and black water.
- (xxxii) 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.
- (xxxiii) 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.
- (xxxiv) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement
- (xxxv) 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.

- (xxxvi) Diesel power generating sets proposed as source of back up 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.
- (xxxvii) 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.
- (xxxviii) 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.
- (xxxix) 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 aspirational for non-air-conditioned spaces by use of appropriate thermal insulation material to fulfill requirement
- (xl) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation
- (xli) 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.
- (xlii) 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.
- (xliii) Six monthly monitoring reports should be submitted to the Department and MPCB.
- (xliv) A complete set of all the documents submitted to Department should be forwarded to the MPCB
- (xlv) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
- (xlvi) A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
- (xlvii) 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.
- (xlviii) 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>.
- (xlix) 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 1<sup>st</sup> June & 1<sup>st</sup> December of each calendar year.
- (l) 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.

- (ii) 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<sub>2</sub>, NO<sub>x</sub> (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.
  - (iii) 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.
  - (iii) The environmental statement for each financial year ending 31<sup>st</sup> 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 Environmental 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 for a period of 5 years.
  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 environmental clearance shall lie with the National Green Tribunal, Van Vigyan Bhawan, Sec- 5, R.K. Puram, New Dehli – 110 022, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.



(Valsa R Nair Singh)  
Secretary, Environment  
department & MS, SEIAA

**Copy to:**

1. Shri. P.M.A Hakeem, IAS (Retd.), Chairman, SEIAA, 'Jugnu' Kottaram Road, Calicut- 673 006 Kerala.
2. Shri. Dr. S. Devotta, Chairman, SEAC, T2/302 Sky City, Vanagaram –Ambattur Road, Chennai – 600 095
3. Additional Secretary, MOEF, 'Paryavaran Bhawan' CGO Complex, Lodhi Road, New Delhi – 110510
4. Member Secretary, Maharashtra Pollution Control Board, with request to display a copy of the clearance.
5. The CCF, Regional Office, Ministry of Environment and Forest (Regional Office, Western Region, Kendriya Paryavaran Bhavan, Link Road No- 3, E-5, Ravi-Shankar Nagar, Bhopal- 462 016), (MP).
6. Regional Office, MPCB, Mumbai.
7. Collector, Mumbai (Sub-urban).
8. Commissioner, Brihan Mumbai Municipal Corporation, Mumbai.
9. CEO, Slum Rehabilitation Authority, Bandra.
10. IA- Division, Monitoring Cell, MoEF, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110003.
11. Director (TC-1), Dy. Secretary (TC-2), Scientist-1, Environment Department.
12. Select file (TC-3).

## STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

SEAC-2015/CR-199 (I)/TC-1  
 Environment department  
 Room No. 217, 2<sup>nd</sup> floor,  
 Mantralaya Annexe,  
 Mumbai- 400 032.  
 Dated: 20<sup>th</sup> May, 2016

To,  
 M/s Dudhwala Real Estate & Investment.  
 Dudhwala House, 292, Bellasis Road,  
 Mumbai Central. Mumbai- 400 008..

Subject: Amendment in Environment clearance for proposed redevelopment project on plot bearing S.No.226 of Byculla division at 258, Retreat compound, Bellasis road, Mumbai by M/s Dudhwala Real Estate & Investment

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-II, Maharashtra in its 39<sup>th</sup> 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 93<sup>rd</sup> & 96<sup>th</sup> meetings.

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

Brief Information of the project submitted by you is as-

Sr. No.	Details	As per EC Received	Proposed Amendment	Remarks
1	Name of Proponent	M/s. Dhudhwala real estate and investment	M/s. Dhudhwala real estate and investment	No change
2	Address	S. No. 226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Mumbai: 400008	S. No. 226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Mumbai: 400008	No change
3.	Name of the Project	Redevelopment Project	Redevelopment Project	No change
4.	Plot Area	4,994 m <sup>2</sup>	4,994 m <sup>2</sup>	No change
5.	FSI area	12,485.45 m <sup>2</sup>	14,982.54 m <sup>2</sup> FSI 5,243.89 m <sup>2</sup> FUNGIBLE	Increase in FSI from 2.50 to 3.00 + Fungible FSI

			Total = 20,217.43 m <sup>2</sup>	
6.	Non FSI area	17,090.55 m <sup>2</sup>	22348.10 m <sup>2</sup>	Increase in non FSI area due to increase in seven number of floors + Fire check floor + Basement
Sr. No.	Details	As per EC Received	Proposed Amendment	Remarks
7.	Total Built up area (FSI+Non-FSI)	29,576.00 m <sup>2</sup>	42565.53 m <sup>2</sup>	Increase in non FSI area due to increase in number of floors due to increase FSI from 2.50 to 3.00 + Fungible FSI
8.	Building Configuration	Building No.1 (Tenant Building) Basement + Ground floor + Stilt + Podium + 15 upper floors (1 Shop at Gr floor) No of Flats : 25 Building No.2 ( Sale + Tenant + MHADA Building ) Wing A - Ground floor + 2 level podium + 23 upper floors Wing B - Ground floor + 2 level podium + 23 upper floors	Building 1 : (Tenant) Basement + Ground floor (Part Stilt) + Podium + 15 upper floors Building 2 : Wing A : Gr. (Stilt) + 2 level Podium + 30 upper floors, Wing B; Gr. (Stilt) + 2 level podium + 30 upper floors + Basement	Increase in seven number of floors + Fire Check Floor + Basement

Sr. No.	Details	As per EC Received	Proposed Amendment	Remarks
17	Solid waste generation	Biodegradable waste: 315.8 Kg/day Non Biodegradable waste: 211.59 kg/day	Total waste: 666 Kg/day Biodegradable waste: 400 kg/day Non Biodegradable waste: 266 kg/day	Increase in solid waste due to increase in occupancy
18	No. of Parking	Building 1 : 25 Numbers	Building 1 : 25 Numbers	No change

		Building 2 : 191 Numbers	Building 2 : 280 Numbers	
19	Parking Area	5840.00 m <sup>2</sup>	7040.00 m <sup>2</sup>	Increase in parking area due to addition of basement car parking near bldg. 2
20	Green Belt Development	Area: 671.00 m <sup>2</sup> Existing trees: 78 Nos. Trees to be cut: 48 Numbers Trees to be transplant: 30 Nos. New tree plantation: 174 numbers	Area: 671.00 m <sup>2</sup> Existing trees: 78 Nos. Trees to be cut: 48 Numbers Trees to be transplant: 30 Nos. New tree plantation: 174 Numbers	No change

3. The proposal has been considered by SEIAA in its 93<sup>rd</sup> & 96<sup>th</sup> meetings & 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 :

**General Conditions for Pre- construction phase:-**

- (i) This environment clearance is issued subject to Court Order passed by Hon'ble High Court Bombay dated 11.03.2016 in the application Writ Petition No. 1740/1998 & PIL No. 217 of 2013.
- (ii) STP capacity to be increased up to 200 KLD.
- (iii) This environmental clearance is issued subject to land use verification. Local authority / planning authority should ensure this with respect to Rules, Regulations, Notifications, Government Resolutions, Circulars, etc. issued if any. Judgments/orders issued by Hon'ble High Court, Hon'ble NGT, Hon'ble Supreme Court regarding DCR provisions, environmental issues applicable in this matter should be verified. PP should submit exactly the same plans appraised by concern SEAC and SEIAA. If any discrepancy found in the plans submitted or details provided in the above para may be reported to environment department. This environmental clearance issued with respect to the environmental consideration and it does not mean that State Level Impact Assessment Authority (SEIAA) approved the proposed land use.
- (iv) E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2011.
- (v) 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.
- (vi) PP has to abide by the conditions stipulated by SEAC & SEIAA.

- (vii) 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.
- (viii) "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.
- (ix) All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.

**General Conditions for Construction Phase-**

- (i) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche and First Aid Room etc.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) Arrangement shall be made that waste water and storm water do not get mixed.
- (vi) All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- (vii) 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.
- (viii) Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
- (ix) 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.

- (x) 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.
- (xi) 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.
- (xii) 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.
- (xiii) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.
- (xiv) 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.
- (xv) 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.
- (xvi) 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).
- (xvii) Ready mixed concrete must be used in building construction.
- (xviii) The approval of competent authority shall be obtained for structural safety of the buildings due to any possible earthquake, adequacy of fire fighting equipments etc. as per National Building Code including measures from lighting.
- (xix) Storm water control and its re-use as per CGWB and BIS standards for various applications.
- (xx) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- (xxi) The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- (xxii) 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/reused 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.

- (xxiii) 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.
- (xxiv) Separation of gray and black water should be done by the use of dual plumbing line for separation of gray and black water.
- (xxv) 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.
- (xxvi) 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.
- (xxvii) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.
- (xxviii) 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.
- (xxix) Diesel power generating sets proposed as source of back up 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.
- (xxx) 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.
- (xxxi) 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.
- (xxxii) 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.

- (xxxiii) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.
- (xxxiv) 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.
- (xxxv) 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.
- (xxxvi) Six monthly monitoring reports should be submitted to the Regional office MoEF, Bhopal with copy to this department and MPCB.

**General Conditions for Post- construction/operation phase-**

- (i) 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.
- (ii) 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.
- (iii) Local body should ensure that no occupation certification is issued prior to operation of STP/MSW site etc. with due permission of MPCB.
- (iv) A complete set of all the documents submitted to Department should be forwarded to the Local authority and MPCB.
- (v) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
- (vi) A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
- (vii) 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 environmental protection measures shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.
- (viii) 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://epc.maharashtra.gov.in>.

- (ix) 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 1<sup>st</sup> June & 1<sup>st</sup> December of each calendar year.
  - (x) 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.
  - (xi) 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<sub>2</sub>, NO<sub>x</sub> (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.
  - (xii) 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.
  - (xiii) The environmental statement for each financial year ending 31<sup>st</sup> 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 Environmental 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 for a period of 7 years as per MoEF&CC Notification dated 29<sup>th</sup> 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 environmental clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune), New Administrative Building, 1<sup>st</sup> Floor, D-5, Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

  
 (S. M. Gavai)  
 Member Secretary, SEIAA

**Copy to:**

1. Shri. Johnny Joseph, Chairman, IAS (Retd.), SEAC-II, office of the Lokayukta and New Up- Lokayukta, New Administrative Building, 1<sup>st</sup> floor, Madam Cama Road, Mumbai.
2. Additional Secretary, MOEF, MoEF & CC, Indira Paryavaran Bhavan, Jorbagh Road, Aliganj, New Delhi-110003.
3. The CCF, Regional Office, Ministry of Environment and Forest (Regional Office, Western Region, Kendriya Paryavaran Bhavan, Link Road No- 3, E-5, Ravi-Shankar Nagar, Bhopal- 462 016), (MP).
4. IA- Division, Monitoring Cell, MoEF & CC, Indira Paryavaran Bhavan, Jorbagh Road, Aliganj, New Delhi-110003.
5. Managing Director, MSEDCL, MG Road, Fort, Mumbai
6. Collector, Mumbai.
7. Commissioner, Municipal Corporation of Greater Mumbai (M.C.G.M.)
8. Member Secretary, Maharashtra Pollution Control Board, with request to display a copy of the clearance.
9. Regional Office, MPCB, Mumbai
10. Select file (TC-3)

(EC uploaded on 23/05/16 )

## Email

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**Fwd: Information in respect of Hon'ble NGT order vide O.A 51/2021 in the matter of M/s Dudhwala Aquapearl , CTS No.226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Near ST Depot, Mumbai Central, Mumbai.**

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**From:** dycebpcity@gmail.com

**To:** sromumbai1@mpcb.gov.in

**Cc:** "che dp" <che.dp@mcgm.gov.in>, "dyche01bpcity dp" <dyche01bpcity.dp@mcgm.gov.in>, pjarchco@gmail.com, "NISHCHAL C" <nischal.cpcb@nic.in>, romumbai@mpcb.gov.in, lo@mpcb.gov.in

**Sent:** Friday, December 10, 2021 5:23:58 PM

**Subject:** Re: Information in respect of Hon'ble NGT order vide O.A 51/2021 in the matter of M/s Dudhwala Aquapearl , CTS No.226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Near ST Depot, Mumbai Central, Mumbai.

 [\\_Dyche office reply.pdf](#)

Sir,

This office reply is attached herewith, for C.s. No 226, Byculla Division, E ward.  
(Dudhwala Aquapearl)

Regards,  
Dy.Ch.E.(B.P.)City

On Tue, Dec 7, 2021 at 10:03 PM SRO Mumbai 1 <[sromumbai1@mpcb.gov.in](mailto:sromumbai1@mpcb.gov.in)> wrote:

Reminder-1

Sir

Please refer this office mail dated 2.12.2021 regarding submission of information in respect of Hon'ble NGT order vide OA 51/2021 and OA 49/2021. It was expected to submit said information within 5 to 6 days from date of committee visit, from your end as decided during visit. The committee visit was scheduled on 1/12/2021. However this office has not yet received the information.

You are once again requested to submit information concern with your department, on priority so as to submit the detailed report to Hon'ble NGT well within time.

**Regards**  
**Sub Regional Officer,**  
**Mumbai-I**  
**GO WILD FOR LIFE**

---

**From:** SRO Mumbai 1

**Sent:** 02 December 2021 17:44

**To:** [dycebpcity@gmail.com](mailto:dycebpcity@gmail.com) <[dycebpcity@gmail.com](mailto:dycebpcity@gmail.com)>; [che.dp@mcgm.gov.in](mailto:che.dp@mcgm.gov.in) <[che.dp@mcgm.gov.in](mailto:che.dp@mcgm.gov.in)>; [dyche01bpcity.dp@mcgm.gov.in](mailto:dyche01bpcity.dp@mcgm.gov.in) <[dyche01bpcity.dp@mcgm.gov.in](mailto:dyche01bpcity.dp@mcgm.gov.in)>

**Cc:** [pjarchco@gmail.com](mailto:pjarchco@gmail.com) <[pjarchco@gmail.com](mailto:pjarchco@gmail.com)>; NISHCHAL C <[nischal.cpcb@nic.in](mailto:nischal.cpcb@nic.in)>; RO Mumbai <[romumbai@mpcb.gov.in](mailto:romumbai@mpcb.gov.in)>; Netra Chaphekar <[lo@mpcb.gov.in](mailto:lo@mpcb.gov.in)>

**Subject:** Information in respect of Hon'ble NGT order vide O.A 51/2021 in the matter of M/s Dudhwala Aquapearl , CTS No.226 of Byculla Division at 258, Retreat Compound, Bellasis Road, Near ST Depot, Mumbai Central, Mumbai.

Sir,

Please find attached herewith draft of the information to be sought from concern department, as per site visit and discussion had with committee members . You are requested to submit information concern with your department, on priority so as to submit the detailed report to Hon'ble NGT well within time.

**Regards**  
**Sub Regional Officer,**  
**Mumbai-I**  
**GO WILD FOR LIFE**



 **Permission for retain borewell 20.3.2015.PDF**

363 KB

 **S.W.D Remarks with plan 2015.pdf**

6 MB

 **SWD Remarks 11-10-2007.pdf**

9 MB

 **SWD completion With plan 25-01-2016.pdf**

2 MB

 **Six Month reports.pdf**

4 MB

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MUNICIPAL CORPORATION OF GREATER MUMBAI

**Sub: Proposed redevelopment of building on plot bearing C S no. 226 of Byculla division, E ward.**

**Ref:** 1) File no EB/2397/E/A

2) Hon'ble NGT order dtd.23.07.2021

3) **DudhwalaAquapearl**

Hon'ble NGT Original application no 51/2021(WZ)

(I.A. No. 50/2021)

Sayyed Mohammed Sahir Usman-----Applicant

Versus

The Principal Secretary, DoE- GoM & Ors. -----Respondent(s)

4) Site visited along with the representative of SEIAA, CPCB, MPCB, District Magistrate and this office.

With reference to above subject matter and joint site visit dtd 01.12.2021, this office is in receipt of email dt 03.12.2021. As mentioned in the same, this office remarks are as follow,

Sr. No	Objection raised by complainant	Discussion and information to be submitted	Authority to Submit the information	Submission by Dy.Ch.E.(B.P.) City's office
a.	PP has procured first Environment clearance dated 30.06.2012 and modified/ amended Environment Clearance vide no. SEAC-2015/CR-199(I)/TC-1 dated 20.05.2016, but not complied with condition of both EC and its amounts to serious violation.	1.PP to also submit compliance report submitted to 6 Monthly to till date. 2. PP to submit copies of E C -2012 & 2016 including their application for EC.	MCGM	Project Proponent has submitted reply on dtd 09.12.2021 with Acknowledgement of submission of report to The CCF, Regional office upto Dec-2015.
b.	PP Has not obtained mandatory Consent to Established and Consent to Operate obtained from MPCB	MCGM directed to submit project IOD, Plinth certificate, concession Certificate from Municipal Commissioner, commencement certificate, further CC & O C and completion certificates	MCGM	1) Concession report u/no. MCP/2546 dtd 24.09.2007 2) IOD issued u/no. EB/2397/E/A dtd 28.09.2007 3) Plinth CC issued u/no. EB/2397/E/A dtd 07.08.2008 4) Phase Programme approved u/no. EB/2397/E/A dtd 06.04.2009 5) FCC issued u/no. EB/2397/E/A dtd 15.04.2009, 21.02.2012 and 03.10.2012. 6) Concession report u/no. MCP/1095 dtd 18.12.2014

Sr. No	Objection raised by complainant	Discussion and information to be submitted	Authority to Submit the information	Submission by Dy.Ch.E.(B.P.) City's office
				<p>7) Amended approval issued u/no. EB/2397/E/A dtd 04.04.2015</p> <p>8) FCC endorsed and extended as per amended plans dtd 04.04.2015 u/no. EB/2397/E/A dtd 10.04.2015 and 02.05.2015 resp.</p> <p>9) Part OC issued u/no. EB/2397/E/A dtd 27.07.2017.</p> <p>10) Amended approval issued u/no. EB/2397/E/A dtd 31.07.2018</p> <p>11) FCC extended as per amended plans dtd 31.07.2018 u/no. EB/2397/E/A dtd 07.08.2018</p> <p>12) Amended approval issued u/no. EB/2397/E/A dtd 03.03.2020</p> <p>13) FCC endorsed and extended as per amended plans dtd 03.03.2020 u/no. EB/2397/E/A dtd 17.03.2020</p> <p>14) FCC extended as per amended plans dtd 03.03.2020 u/no. EB/2397/E/A dtd 18.08.2021</p>
c.	PP has started use of premises without consent to operate and PP has not installed STP.	PP to confirm STP provision and MPCB to verify operational status.	MPCB	Matter pertains to MPCB
d.	PP has not obtained permission for Ground Water Extraction and PP is Extracting huge quantity of ground water for construction.	1.PP to confirm Bore well status and MCGM to verify the same. 2.PP to submit details of water supply challan and quantity of water and MCGM to verify the challan and certificate of supplier.	PP/MCGM	<p>1) Project Proponent has obtained the permission for Bore well from Assistant Engineer (Water Works) E ward, u/no. ACE/35195/WW dtd 23.12.2014 and PCO/E/590/SR dt 20.03.2015.</p> <p>2) Project Proponent has not submitted yet.</p>

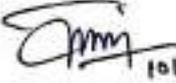
Sr. No	Objection raised by complainant	Discussion and information to be submitted	Authority to Submit the information	Submission by Dy.Ch.E.(B.P.) City's office
e.	PP has not made any transplant as mandated in EC for 30 trees and also not made compensatory plantation against the cutting of 48 trees and also not planted 174 number of trees as disclosed in EC dated 30.06.2012.	PP shall submit the tree transplantation status and compensatory plantation as per EC. It is to verified by MCGM concern department.	PP/MCGM	Project Proponents has submitted the Tree NOC issued u/no. DYSG/TA/MC/1371 dt 24.05.2008. And Acknowledgement of submission of letter for transplanting trees to the concerned department. Balance no. of trees will be planted before full OC. Concerned department i.e. (S.G.) has informed that site under reference will be verified on site by SG department. On receipt of remarks of SG department the same will be forwarded.
f.	PP has not provided requisite Open Space for recreational ground as per the DC Rules on virgin land as directed by Hon'ble Supreme Court.	MCGM to confirm RG is provided as per approval and open spaces provided.	MCGM	Plan showing 8% RG is attached herewith. PP has stated that same will be complied before asking full OC, as construction activity is not yet completed.
g.	PP has not preserved top soil and not obtained permission for ground water extraction and due to basement construction ground water level is depleted.	MCGM shall confirm about provided bore well and basement is constructed as per approved plans.	MCGM	Project Proponent has obtained the permission for Bore well from Assistant Engineer (Water Works) e'ward, u/no. ACE/35195/WW dtd 23.12.2014 and PCO/E/590/SR dt 20.03.2015. Construction of basement is under progress.
h.	PP has not installed Rain Water Harvesting System (RWH) as mandated in EC dated 30.06.2021.	MPCB to verify the functionality of RWH.	MPCB	Matter pertains to MPCB

Sr. No	Objection raised by complainant	Discussion and information to be submitted	Authority to Submit the information	Submission by Dy.Ch.E.(B.P.) City's office
i.	PP has not installed Storm Water Drainage System as mandated in EC dated 30.06.2012.	MCGM shall confirm provision of Storm Water Drain and compliance of same	MCGM	Project Proponent has obtained the remarks from Executive Engineer (Storm Water Drain) Planning Cell, City, u/no. DyChE/SWD/1940/PC dtd 11.10.2007 and u/no. DyChE/SWD/2546/PC dtd 12.10.2015. And part completion Certificate thereon u/no. u/no. DyChE/SWD/3742/PC dtd 25.10.2016.
j.	PP has not installed Solid Waste Composting System for treatment of biodegradable waste as mandated in EC dated 30.06.2012.	MPCB to verify the installation of OWC and STP.	MPCB	Matter pertains to MPCB
k.	PP has installed exceeding 4 number of DG Sets against the permissible 2 DG Sets as mandated in EC dated 30.06.2012.	PP to submit compliance of provision of DG sets	PP	Construction/ installation of two no of DG sets are under the progress.
l.	PP has caused traffic congestion in the area due to this project and cause to air pollution on account of emission from the vehicles.	PP should submit report through Environmental consultant of Level Of Services proposed/provided and MCGM to verify the same by their traffic department.	PP/MCGM	Report through Environmental consultant of Level Of Services proposed from PP is awaited.
m.	PP has violated the conditions imposed in SEAC & SEIAA meetings.	PP to submit compliance of EC and MCGM should confirm the compliance of approval	PP/MCGM	Full OC is not yet issued and compliance of the part OC are complied as per DCPR 2034.

Sr. No	Objection raised by complainant	Discussion and information to be submitted	Authority to Submit the information	Submission by Dy.Ch.E.(B.P.) City's office
n.	PP has made change in scope of the projects by increasing the total BUA of the projects by increasing in the FSI & loading of TDR and carried out the construction more than 50000 M <sup>2</sup> .	Registered architect to confirm A.Total construction area statement as per EC of MoEF CC. B.Total construction with EC permitted area C.The configuration of building confirming by registered architect	PP/MCGM	PP has submitted the copy of registered architect stating details of constructed area.
o.	PP has not provided Marginal Space as per the DC Rules.	MCGM to confirming Open space to concession report	MCGM	Marginal open spaces are provided as per approved plan.
p.	PP is manipulating government authorities for procuring various permission.	Legal Reply	PP	PP's reply is attached
q.	PP has violated the principle of sustainable development by not installing pollution control devices.	MPCB to submit Summary of implementation of STP, OWC, solar Planal, DG Set, RWH and other Environmental Scheme	MPCB	Matter pertains to MPCB
r.	PP has not made any environment management plan.	PP to submit EMP through their environmental consultant.	PP	PP has stated that they have already complied the conditions of EC and if anything is balance, they assure the authority to comply the same before Full OC
s.	PP has caused substantial damage to environment and ecology more than Rs 200 Crores, which shall be recovered from PP.	PP to reply.	PP	PP's reply is attached
t.	PP is unapologetic and PP has adopted careless and reckless attitude towards the environment protection.	PP to reply	PP	PP's reply is attached

Sr. No	Objection raised by complainant	Discussion and information to be submitted	Authority to Submit the information	Submission by Dy.Ch.E.(B.P.) City's office
u.	All authorities are allowing PP for further illegal construction without Consents.	PP to reply	pp	PP's reply is attached
v.	Thus it is mandatory to stop the project construction permanently till the compliance/ rectification of the above illegal act and removal of the defects from the construction.	PP to reply	pp	PP's reply is attached

Submitted please.

  
 101/12/2024  
 Executive Engineer (Building Prposal) City-II

## Email

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**Fwd: Format for obtaining data from MCGM.pdf**

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**From:** dycebpcity@gmail.com  
**To:** sromumbai1@mpcb.gov.in  
**Cc:** "che dp" <che.dp@mcbgm.gov.in>, "dyche01city pd" <dyche01city.pd@mcbgm.gov.in>, romumbai@mpcb.gov.in, pjarchco@gmail.com, lo@mpcb.gov.in, "sajid patel" <sajid.patel@dudhwalas.com>, "sayyed najeeb" <sayyed.najeeb@ndw.group>, "firdaus khan" <firdaus.khan@ndw.group>, "NISHCHAL C" <nischal.cpcb@nic.in>, eebpcity02@mcbgm.gov.in  
**Sent:** Monday, January 17, 2022 3:04:28 PM  
**Subject:** Re: Format for obtaining data from MCGM.pdf

Respected Sir,

With reference to this office earlier mail sent on dt. 10/12/2021 and your email received in this office on dt. 10/01/2022 (with no attachment) and dt. 11/01/2022, the information as required by you in prescribed format, as received from project proponent is attached herewith please.

Submitted Please.

Regards,  
Dy.Ch.E.(B.P.)City

On Mon, Jan 17, 2022 at 1:51 PM SRO Mumbai 1 <[sromumbai1@mpcb.gov.in](mailto:sromumbai1@mpcb.gov.in)> wrote:

Sir,  
Please refer trailing mail of this office regarding submission of information in respect of Hon'ble NGT OA 49/2021 & OA51/2021 in prescribed format. However, this office has not received said information till date. Once again you are requested to submit said information immediately.

**Regards**

**Sub Regional Officer,  
Mumbai-I  
GO WILD FOR LIFE**

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**From:** SRO Mumbai 1 <[sromumbai1@mpcb.gov.in](mailto:sromumbai1@mpcb.gov.in)>

**Sent:** 11 January 2022 16:42

**To:** [che.dp@mcgm.gov.in](mailto:che.dp@mcgm.gov.in) <[che.dp@mcgm.gov.in](mailto:che.dp@mcgm.gov.in)>; DeputyChiefEngineer BPCity <[dycebpcity@gmail.com](mailto:dycebpcity@gmail.com)>; [dyche01city.pd@mcgm.gov.in](mailto:dyche01city.pd@mcgm.gov.in) <[dyche01city.pd@mcgm.gov.in](mailto:dyche01city.pd@mcgm.gov.in)>

**Cc:** [pjarchco@gmail.com](mailto:pjarchco@gmail.com) <[pjarchco@gmail.com](mailto:pjarchco@gmail.com)>; RO Mumbai <[romumbai@mpcb.gov.in](mailto:romumbai@mpcb.gov.in)>;

NISHCHAL C <[nischal.cpcb@nic.in](mailto:nischal.cpcb@nic.in)>; Netra Chaphekar <[lo@mpcb.gov.in](mailto:lo@mpcb.gov.in)>;

[sajid.patel@dudhwalas.com](mailto:sajid.patel@dudhwalas.com) <[sajid.patel@dudhwalas.com](mailto:sajid.patel@dudhwalas.com)>; sayyed.najeeb@ndw.group <[sayyed.najeeb@ndw.group](mailto:sayyed.najeeb@ndw.group)>; firdaus.khan@ndw.group <[firdaus.khan@ndw.group](mailto:firdaus.khan@ndw.group)>

**Subject:** Re: Format for obtaining data from MCGM.pdf

Sir,

Please find attached herewith the format for submission of information in the matter of OA 49/2021 & OA51/2021 of Hon'ble NGT order. . You are aware that next hearing is scheduled on 17/01/2022. Therefore, you are requested to submit said information in prescribed format till 13/01/2022 for onward submission to Hon'ble NGT well within time.

**Regards  
Sub Regional Officer,  
Mumbai-I  
GO WILD FOR LIFE**



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 **Mazgaon Division Annexure-1 to 4.pdf**  
171 KB

 **Byculla Division ANNEXURE - 1 to 4.pdf**  
2 MB

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## Annexure -1

160

Sr. No.	Layout / Sanctioned & date	Gross Plot Area (sq. mtrs.)	Deduction of FSI	Net Plot Area	Name of Building	No. of floors	height of building	FSI	Total FSI	Non- FSI	parking	Total Non- FSI	Total Built-up area	Remarks
1	EB/2397/E/A, dated 28.09.2007	4994.18	0	4994.18	Bldg. No.1	Basement + part stilt + part ground floor +1st (podium) + 2nd to 16th upper floors	51.05 M.	2182.68	2182.68	415.26	1546	1961.26	4143.94	Total Tenements - 143
					Bldg. No.2, Wing -A	G+1st to 3rd podium floors + 4th to 23rd floors	69.90 M.	10092.27	10092.27	4850.91	8821	13671.9	23764.18	
					Bldg. No.2, Wing -B	G+1st to 3rd podium floors + 4th to 23rd floors	69.90 M.							
2	EB/2397/E/A, dated 04.04.2015	4994.18	0	4994.18	Bldg. No.1	Basement + part stilt + part ground floor +1st (podium) + 2nd to 16th upper floors	63.75 M.	2365.99	2365.99	1083	1546	2629	4994.99	Total Tenements - 225
					Bldg. No.2, Wing -A	Stilt + 1st & 2nd podium floors + 3rd to 20th floors + Fire check floor + 21st floor to 25th floor, part basement below internal driveway & ramp adjoining to east side	87.30 M.	13763.1	13763.1	9179.91	7522	16701.9	30465.01	
					Bldg. No.2, Wing -B	Stilt + 1st & 2nd podium floors + 3rd to 20th floors + Fire check floor + 21st floor to 25th floor, part basement below internal driveway & ramp adjoining to east side	87.30 M.							
3	EB/2397/E/A, dated 31.07.2018  (Core Approval)	4994.18	0	4994.18	Bldg. No.1	Basement + part stilt + part ground floor +1st (podium) + 2nd to 16th upper floors	63.75 M.	2365.99	2365.99	1083	1546	2629	4994.99	Total Tenements - 225
					Bldg. No.2, Wing -A	Stilt + 1st & 2nd podium floors + 3rd to 20th floors + Fire check floor + 21st floor to 25th floors & (Core Approval) for staircase, lift, & lift lobby area with overhead water tank & lift machine room for 26th floor to 30th floor alongwith part basement below internal driveway & ramp adjoining to east side	103.30 M.	13822.68	13822.68	10723.38	7522	18245.4	32068.06	
					Bldg. No.2, Wing -B	Stilt + 1st & 2nd podium floors + 3rd to 20th floors + Fire check floor + 21st floor to 25th floors & (Core Approval) for staircase, lift, & lift lobby area with overhead water tank & lift machine room for 26th floor to 31st floors alongwith part basement below internal driveway & ramp adjoining to east side	106.50 M.							
4	EB/2397/E/A, dated 03.03.2020	4994.18	0	4994.18	Bldg. No.1	Basement + part stilt + part ground floor +1st (podium) + 2nd to 16th upper floors	63.75 M.	2365.99	2365.99	1083	1546	2629	4994.99	Total tenements - 275
					Bldg. No.2, Wing -A	Stilt + 1st & 2nd podium floor + 3rd to 20th floors + Fire check floor + 21st floor to 30th floors, part basement below internal driveway & ramp adjoining to east side	103.30 M.	17119.63	17119.63	10723.38	7522	18245.4	35365.01	
					Bldg. No.2, Wing -B	Stilt + 1st & 2nd podium floor + 3rd to 20th floors + Fire check floor + 21st floor to 30th & 31st floor, part basement below internal driveway & ramp adjoining to east side	106.50 M.							

## Annexure -2

PLINTH CHECKING TILL DATE FOR			
Building	Plinth Checking	Date	As per Sanctioned Plan
Bldg. No.1	EB/2397/E/A	03.10.2012	EB/2397/E/A, dated 28.09.2007
Bldg. No.2, Wing -A & B (part)	EB/2397/E/A	09.04.2009	(As per phase program dated 06.04.2009)
Bldg. No.2, Wing -A & B (part)	EB/2397/E/A	21.09.2012	

## Annexure -3

COMPLETION TILL DATE FOR			
Building	Completion Certificate	Date	As per Sanctioned Plan
Bldg. No.1	EB/2397/E/A, Dt. 27.07.2017	27-07-2017	As per amended plans, dated 04.04.2015, bearing No. EB/2397/E/A, Part Occupation Certificate granted on 27.07.2017 for Building No.1, having basement + part ground & part stilt + 1st podium floor + 2nd to 16th upper floors (except Flat Nos. 201 & 202 on 2nd floor, Flat No. 301 on 3rd floor, Flat Nos. 401 & 402 on 4th floor, Flat No.501 on 5th floor, Flat No.601 on 6th floor, Flat No.802 on 8th floor and flat Nos.1201 & 1202 on 12th floor & 2 Nos. of lifts)
Bldg. No.2, Wing -A & B	EB/2397/E/A, Dt. 27.07.2017	27-07-2017	As per amended plans, dated 04.04.2015, bearing No. EB/2397/E/A, Part Occupation Certificate granted on 27.07.2017 for entire Wing A & Wing B of Building No 2 having Stilt floor + 1st Podium+ 3rd to 20th upper floors (except 2 Nos. of staircase & 2 Nos. of lifts),

## Annexure -4

<b>WORK IN PROGRESS REPORT TILL DT. 12.01.2022, AS PER SANCTIONED PLAN - EB/2397/E/A, DATED</b>			
<b>Building</b>	<b>Floors</b>	<b>Total Built-up area defined under notification no. S.O. 695 (E) dated 04.04.2011 issued by MOEF &amp; CC (sq.m.)</b>	<b>Present Status</b>
Bldg. No.1	B+G+1st (Pod.) + 2nd to 16th floors	4994.99	Completed
Bldg. No.2, Wing -A	Stilt + 1st & 2nd podium floor + 3rd to 20th floors + Fire check floor + 21st floor to 30th floors, part basement below internal driveway & ramp adjoining to east side	35365.01	Entire building is completed in all respect as per approved plans except some finishing work is under progress from 28th to 30th floor. OC granted upto 20th floors
Bldg. No.2, Wing -B	Stilt + 1st & 2nd podium floor + 3rd to 20th floors + Fire check floor + 21st floor to 30th & 31st floor, part basement below internal driveway & ramp adjoining to east side		Entire building is completed in all respect as per approved plans except some finishing work is under progress from 28th to 31st floor. OC granted upto 20th floors

# MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 2402 0781 / 2401 0437

Fax : 2402 4068

Visit us at :

Website : <http://mpcb.mah.nic.in>

E-mail : [InfrastructureProject@LSI](mailto:InfrastructureProject@LSI)



Kalpataru Point,  
2nd, 3rd & 4th floor,  
Opp. Cineplanet,  
Near Sion Circle, Sion (E),  
Mumbai - 400 022.

Consent No. BO/RO (P&P)/EIC No. MU-1195-09/E/CC-393 Date: 05/11/2009  
Consent to Establish is granted to M/s. Dudhwala Real Estate & Investment

CS no. 226, Byculla Division situated at 258,  
Retreat Compound, Bellasis Road,  
Mumbai Central, Mumbai 400 008

located in the area declared under the provisions of Water Act (P&CP) 1974, Air Act (P&CP), 1981 and Authorization under the provisions of H.W (M & H) Rules and amendments thereto subject to the provisions of the Acts and the Rules and the Orders that may be made further and subject to the following terms and conditions :-

1. **The Consent to Establish is valid up to Commissioning of the Project or five years whichever is earlier.**

For development of land/plot as new construction activities for construction of Residential project named as M/s. Dudhwala Real Estate & Investment, CS no. 226, Byculla Division situated at 258, Retreat Compound, Bellasis Road, Mumbai Central, Mumbai 400 008, on total plot area of 4994 Sq mtrs, total Built up area of 13613.49 Sq mtrs & construction built up area 28024.53 Sq. mtrs including utilities for residential project and services as per construction commencement certificate issued by local body.

2. **CONDITIONS UNDERT WATER (Prevention & Control of Pollution) ACT, 1974: -**

- (i) The quantity of sewage effluent from above construction project shall not exceed **151 M<sup>3</sup>/Day**

- (ii) **Sewage Effluent Treatment:** The Applicant shall provide a comprehensive sewage treatment plant and treatment as is warranted with reference to influent quality and corresponding mode of disposal and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards: -

(1)	pH	Not to exceed	6.5 to 9.0	
(2)	Suspended Solids	Not to exceed	100	mg/l.
(3)	BOD 3 days 27 CC.	Not to exceed	20	mg/l.
(4)	Fecal Coliform	Not to exceed	500/100l	ml.
(7)	Residual Chlorine	Not to exceed	01	mg/l.
(8)	Detergent	Not to exceed	01	mg/l.
(9)	Floating matters	Not to exceed	10	mg/l.
(10)	COD	Not to exceed	50	mg/l.

- (iii) **Sewage effluent Disposal: -**

The treated domestic effluent shall be 80% recycled and reused for flushing, fire fighting and cooling of Air conditioners and remaining shall be discharged to Municipal sewer. In no case, effluent shall find its way to any water body directly/indirectly at any time.

- (iv) **Non-Hazardous Solid Waste: -**

The total quantity shall be segregated and treated as follows: -

Sr	Type of Segregated solid waste	Quantity	Treatment	Disposal
1	Biodegradable	561.68	Composting	Used as Manure
2	Non Biodegradable	Kg/Day		MCGM site

*[Signature]*



*EC-2012  
ATPCC EC  
21,576 Sq m*

2.

**3. Other Conditions (During Construction Phase): -**

1. All activities shall be in resonance with the provisions of Indian Forest Act, 1927 (16 of 1927), Forest (Conservation) Act, 1980 (69 of 1980) and Wildlife (Protection) Act, 1972 (53 of 1972), and special notification published for area wherever applicable and all the Environmental Statutes and Instruments
2. This Consent to Establish is issued only for New Construction/Developing Construction Project purposes.
3. No quarrying activities shall be commenced in the area unless appropriate permissions are obtained for a limited quarrying material required for construction of local residential housing and traditional road maintenance work, provided that such quarrying is not done on Forest Lands and the material is not exported to the outside area.
4. There shall be no felling of trees whether on Forest, Government, Revenue or Private lands except as per prevailing Rules.
5. Extraction of Groundwater for the project shall require prior permission of the State Ground Water Authority or other relevant authorities, as applicable;
6. Near the activities that are related to water (like activity of water parks, water sports) and/or in the vicinity of lake, Dissolved Oxygen shall not be less than 5 mg/liter.
7. In order to ensure that the water from this project do not enter into outside environment, the nallas crossing the township/complex premises, shall be lined, covered and made water tight by the applicant within the premises with intermittent inspection of chambers following good engineering practices as per the regulations of local body.
8. The Applicant shall prepare management plan for water harvesting, roof-water reclamation, water/storm water conservation and implement the same before handling over of complex for occupation.
9. Applicant shall provide 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.
10. The Applicant shall draw plans for the segregation of solid wastes into biodegradable and non-biodegradable components. The biodegradable material shall be recycled through scientific in-house composting (i.e vermi-composting facility within premises) with the approval of local body. The proper demarked area shall be identified for collection & storage of MSW properly which, shall be finally disposed off at approved Municipal Solid Waste landfill site of local body environmentally acceptable location and method. It is clarified that the term solid waste includes domestic, commercial, and garden wastes, but does not include hazardous and bio-medical wastes. The activities of bio-composting and engineered landfill shall be as per the Municipal Solid Waste (M&H) Rules, 2000.
11. Applicant shall be responsible to take adequate precautionary measures as detailed in this consent.
12. The applicant/generator shall be responsible for safe and scientific collection, transportation, treatment and disposal of Bio-Medical Waste as per the provisions made under the Bio-Medical Waste (Management & Handling) Rules, 1998. Any activity as defined under BMW (M & H) Rules has to obtain a separate Authorization from Maharashtra Pollution Control Board.
13. For disinfections of waste water ultra violet radiation shall be used in place of chlorination
14. Vehicles hired for construction activities should be operated only during non peak hours.

*RM* →



3

15. Ready mixed concrete used in building construction should apply separately for consent from the Board
16. The applicant, during the construction stage shall provide
- Septic tank and soak pit of adequate capacity for the domestic effluent generated due to workers residing at site.
  - Proper loading and unloading of construction material, excavated material and its proper disposal as per MSW (M&H) Rules 2000.
  - Cutting of trees is not permitted, however in unavoidable conditions necessary permission from the local body shall be obtained.
  - Green belt of 33% of the open space shall be developed.

4. The Applicant shall comply with all the provisions of, the Water (Prevention and Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and Rules as Amended, 2003 and Rules there under :-

The daily water consumption for the following categories shall not exceed, as under

	(In CMD)
(i) Domestic	172
a) Domestic	172
b) Fire Fighting	--
c) Swimming	--
d) Flushing	--
e) Agriculture/Gardening	02

5. **CONDITIONS UNDER AIR (Prevention & Control of Pollution) ACT, 1981: -**

- (i) The Applicant may install 01 no. of diesel generating sets (DG Sets), of capacity 01 x 250 KVA and shall be equipped with comprehensive control system as is warranted with reference to generations of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards: -

**Standards for emissions of air Pollutants**

i)	SPM/TPM	Not to Exceed	150	mg/Nm <sup>3</sup>
ii)	SO <sub>2</sub> (DG set)	Not to Exceed	20	Kg/day

- (ii) **The following measure shall be taken.**

- a) Adequate mitigation measures shall be taken to control emissions of SO<sub>2</sub>, NO<sub>x</sub>, SPM, RSPM.

- b) Applicant shall achieve following Ambient Air Quality standards.

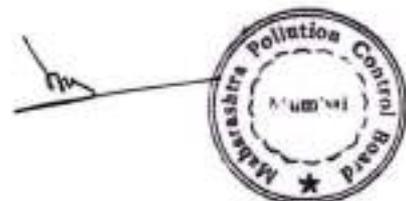
1	SPM	Not to Exceed (Annual Average)	140	µg/ m <sup>3</sup>
		Not to Exceed (24 hours)	200	µg/ m <sup>3</sup>
2	SO <sub>2</sub>	Not to Exceed (Annual Average)	60	µg/ m <sup>3</sup>
		Not to Exceed (24 hours)	80	µg/ m <sup>3</sup>
3	NO <sub>x</sub>	Not to Exceed (Annual Average)	60	µg/ m <sup>3</sup>
		Not to Exceed (24 hours)	80	µg/ m <sup>3</sup>
4	RSPM	Not to Exceed (Annual Average)	60	µg/ m <sup>3</sup>
		Not to Exceed (24 hours)	100	µg/ m <sup>3</sup>

- (iii) **The Applicant shall observe the following fuel patterns**

No	Type of Fuel	Quantity
01	Diesel	40 Lit/Hr

- (iv) **The Applicant shall erect the Chimney (s) of the following specifications**

No	Chimney attached to DG	Height above roof of Bldg
1	DG set 1 x 250 KVA	3.5 mtrs



4.

**(V) Conditions for DG Sets: -**

1. Noise from DG Sets shall be controlled by providing acoustic enclosure or by treating the room acoustically.
2. Applicant should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room shall be designed for minimum 25 dB(A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB(A) shall also be provided. The measurement of insertion loss shall be done at different points at 0.5 meters from acoustic enclosure/ room and then average.
3. The Applicant should make efforts to bring down noise level due to DG Set, outside the premises, with ambient noise level requirements by proper setting and control measures.
4. Installation of DG Set must be strictly in compliance with recommendations of DG set manufacturer.
5. A proper routine and preventive maintenance procedure for DG Set shall be set and followed in consultation with the DG manufacturers, which would help to prevent noise levels of DG Sets from deteriorating with use.
6. The DG set shall be operated only in case of power failure. The applicant shall make arrangement for regular electrical power.
7. The Applicant shall not cause any nuisance in the surrounding area due to operation of DG sets.
8. In case of problems, the D.G. set shall not be operated until it is set back to satisfactory position.

**(VI) Other Conditions:**

- a) The Applicant shall provide ports in the chimney and facilities such as ladder, platform etc for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's staff. The chimneys shall be numbered, as S-1, S-2 etc and these shall be painted/ displayed to facilitate identification.
- b) Water spraying shall be done on ground to avoid fugitive emissions.
- c) Construction material shall be carried in enclosed vehicles during construction activities.

**(VII) Conditions for Utilities like Kitchen, Eating Places etc: -**

1. The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
2. The toilet shall be provided with exhaust system connected to chimney through ducting.
3. The air conditioner shall be vibration proof and the noise shall not exceed 68 dB (A).
4. The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such way that no nuisance is caused to neighbors.

(VIII) The Applicant shall take adequate measures for control of noise levels from its own sources within the complex (residential cum Commercial) in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Daytime is reckoned as between 6 a.m. to 10 p.m. and Nighttime is reckoned between 10 p.m. to 6 a.m.

(IX) Construction equipments generating noise of less than 65/90 db(A) are permitted.

(X) No construction work is permitted during nighttime.

**6. CONDITIONS UNDER HW (Management, Handling & Transboundry) RULES 2008**

(i) The applicant shall handle hazardous wastes as specified below:

Sr. No.	Item No. of Process generating HW as per Schedule-I	Type of Waste	Quantity	Disposal
1]	5.1	Used Oil	5 Litrs/M	Authorized reprocessor
2]	33.3	Barrels/drums	12 Nos./Y	

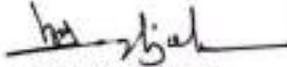
(ii) The authorization is hereby granted to operate a facility for collection, storage, transport and disposal of hazardous waste.



7. The applicant shall certify that the bricks used in construction are manufactured using the ash from Thermal Power stations if it is within a radius of 100 km. from Thermal Power Plant and submit the names of bricks manufacturer. The applicant shall use fly ash based material/products as per the provisions of fly ash Notification of 14.09.1999 and as amended on 27.08.2003.
8. The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.
9. The applicant shall adopt environment friendly technology in development of the project.
10. The applicant shall take the proper remediation measures to ensure that the ground water and soil contamination is prevented and follow due diligence at the construction stage.
11. Energy conservation measures like installation of solar panels for lighting the area outside the building should be integrated part of the project design.
12. The applicant should not take any effective steps for implementation of the project before obtaining Environmental Clearance as per EIA Notification 2006 and amendments thereto.
13. This Board reserves the right to amend or add any conditions in this consent and the same shall be binding on the Applicant;
14. The capital investment of the project is Rs. 49/- Crores.

To  
**M/s. Dudhwala Real Estate & Investment**  
 CS no. 226, Byculla Division situated at 258,  
 Retreat Compound, Bellasis Road,  
 Mumbai Central, Mumbai 400 008

For and on behalf of the  
 Maharashtra Pollution Control Board

  
 (V. B. Waghjale)  
 Regional Officer (P&P)

Copy forwarded with compliments to  
 The Collector, Mumbai  
 Copy to  
 1. Regional Officer, Mumbai, MPCB,  
 2. Sub Regional officer, Mumbai-I, MPCB,  
 3. Chief Accounts Officer, Mumbai, MPCB.



Received consent fee of

Amount	DD No.	Date	Drawn on
Rs 50000/-	029449	11 09 2009	Union Bank of India

4. Cess Branch, MPCB, Mumbai.
5. Master file.

## MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437  
 Fax: 24044532/4024068/4023516  
 Website: <http://mpcb.gov.in>  
 Email: [jdwater@mpcb.gov.in](mailto:jdwater@mpcb.gov.in)



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

Infrastructure/RED/L.S.I

No:- Format1.0/CC/UAN No.0000116015/CE 2110000353

Date: 07/10/21

To,  
 Dudhwala Real Estate & Investment  
 C.S. No 226 of Byculla Division at  
 258,Retreat Compound, Bellasis Road  
 Mumbai Central, Mumbai



Your Service is Our Duty

**Sub: Revalidation of Consent to Establish with expansion for redevelopment construction project in Red Category**

- Ref:**
1. consent to Establish granted vide No BO/RO(P&P)/EIC No. MU-1195-09/E/CC-393 dtd 05.11.2009
  2. Minutes of 7th Consent Committee Meeting held on 03.09.2021 & 09.09.2021

Your application NO. MPCB-CONSENT-0000116015

For: grant of Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I,II,III & IV annexed to this order:

1. **The consent is granted for period upto commissioning of the project or co terminus with the validity of EC dtd 20.05.2016 whichever is earlier**
2. **The capital investment of the project is Rs.96.0 Cr. (As per undertaking submitted by pp).**
3. **The Consent to Establish-revalidation with expansion is valid for redevelopment construction project named as M/s Dudhwala Real Estate & Investment, at C.S. No 226 of Byculla Division at 258,Retreat Compound, Bellasis Road, Near ST Depo, Mumbai Central, Mumbai on Total Plot Area of 4994 SqMtrs for total construction BUA of 42565.53 SqMtrs as per EC granted dated 20.05.2016 including utilities and services**
4. **Conditions under Water (P&CP), 1974 Act for discharge of effluent:**

Sr No	Description	Permitted (in CMD)	Standards to	Disposal
1.	Trade effluent	Nil	NA	NA
2.	Domestic effluent	175	As per Schedule - I	The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be connected to the sewerage system provided by local body

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

Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
S-1	DG Set-250 KVA	01	As per Schedule -II

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

Sr No	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Biodegradable Waste	315 Kg/Day	OWC and Composting	As Manure
2	Non-Biodegradable	211.59 Kg/Day	Segregation	To Local Body
3	STP Sludge	15 Kg/Day	Dewatering	As Manure

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

Sr No	Category No.	Quantity	UoM	Treatment	Disposal
1	5.1 Used or spent oil	60	Ltr/A	Reprocessing	To Authorized Reprocessor

8. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
10. Project Proponent shall install online monitoring system for the parameter pH, SS, BOD and flow at the outlet of STP.
11. Project Proponent shall comply the Construction and Demolition Waste Management Rules, 2016 which is notified by Ministry of Environment, Forest and Climate Change dtd.29/03/2016.
12. Project Proponent shall provide the Organic waste digester with composting facility or biodigester with composting facility effectively.
13. The project proponent shall make provision of charging of electric vehicles in atleast 30 % of total available parking area.
14. The Project Proponent shall submit Bank Guarantee of Rs 9.6 Lakhs (amounting 0.1 % of Capital investment). The same shall be forfeited as PP has not obtained revalidation of consent to establish dtd 05.11.2009, thus violated the consent conditions.
15. The Project proponent shall submit Board Resolution in prescribed format within 15 days as PP has not obtained revalidation of consent to establish after 05.11.2014, thus violated the consent conditions. PP shall submit Bank guarantee of Rs 2.0 lakhs towards submission of Board Resolution.
16. The project proponent shall take adequate measures to control dust emission and noise level during construction phase.
17. PP shall submit an affidavit in Board's prescribed format within 15 days regarding compliance of C to E & Environmental Clearance conditions.

18. The Project Proponent shall comply with the Environmental Clearance obtained vide No SEAC-2015/CR-199(I)/TC-1 dtd 20.05.2016 for construction project having total plot area of 4994.0 Sqm and total construction BUA of 42565.53 Sqm.

For and on behalf of the  
Maharashtra Pollution Control Board.

  
(Ashok Shingare IAS),  
Member Secretary

**Received Consent fee of -**

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	248000.00	TXN2105001365	19/05/2021	Online Payment
2	500.00	MPCB-DR-6858	09/07/2021	NEFT
3	1500.00	MPCB-DR-7238	30/07/2021	NEFT
4	75000.00	MPCB-DR-8123	29/09/2021	RTGS

**Copy to:**

- Regional Officer, MPCB, Mumbai and Sub-Regional Officer, MPCB, Mumbai I
  - They are directed to ensure the compliance of the consent conditions.
  - They are directed to obtain and forfeit the bank guarantee of Rs 9.6 lakh from the Project Proponent
- Chief Accounts Officer, MPCB, Sion, Mumbai



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

- 1) A) As per your application, you have proposed to provide Two Sewage Treatment Plant (STP) with design capacity of 175 CMD & 75 CMD capacity based on MBBR
- B) The Applicant shall operate the sewage treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

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

- C) The treated domestic effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and connected to the sewerage system provided by local body.
- 2) The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto.
- 3) The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 4) **The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act,1974 and as amended, and other provisions as contained in the said act.**

<b>Sr. No.</b>	<b>Purpose for water consumed</b>	<b>Water consumption quantity (CMD)</b>
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	172.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00

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

**SCHEDULE-II****Terms & conditions for compliance of Air Pollution Control:**

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

Stack No.	Stack Attached To	APC System	Height in Mtrs.	Type of Fuel	Quantity & UoM
S-1	DG Set-250 KVA	Acoustic Enclosure	3.5	Diesel	40 Ltr/Hr

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

Total Particular matter	Not to exceed	150 mg/Nm <sup>3</sup>
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- 3) The Applicant shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement well before its life come to an end or erection of new pollution control equipment.
- 4) The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).
- 5) **Conditions for utilities like Kitchen, Eating Places, Canteens:-**
- The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
  - The toilet shall be provided with exhaust system connected to chimney through ducting.
  - The air conditioner shall be vibration proof and the noise shall not exceed 68 dB(A).
  - The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such a way that no nuisance is caused to neighbors.

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

Sr. No.	Consent(C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Consent to Establish (Revalidation)	Rs 10 Lakhs	15 Days	Compliance of Consent Conditions	Continious	5 Yrs
2	Consent to Establish (Revalidation)	Rs 2 Lakhs	15 Days	Towards submisison of Board Resolution	Continious	30.06.2022
3	Consent to Establish (Revalidation)	Rs 9.6 Lakhs	15 Days	Compliance of Consent Conditions	Continious	30.06.2022

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

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

#### BG Forfeiture History

Srno.	Consent (C2E/C2O/C2R)	Amount of BG imposed	Submission Period	Purpose of BG	Amount of BG Forfeiture	Reason of BG Forfeiture
1	Consent to Establish (Revalidation)	Rs 9.6 Lakhs	15 Days	Compliance of Consent Conditions	Rs 9.6 Lakhs	violation of consent condition

#### BG Return details

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

#### SCHEDULE-IV

##### Conditions during construction phase

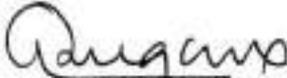
<b>A</b>	During construction phase, applicant shall provide temporary sewage and MSW treatment and disposal facility for the staff and worker quarters.
<b>B</b>	During construction phase, the ambient air and noise quality shall be maintained and should be closely monitored through MoEF approved laboratory.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

#### General Conditions:

- 1 The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- 2 The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act 1986 and Solid Waste Management Rule 2016, Noise (Pollution and Control) Rules, 2000 and E-Waste (Management & Handling Rule 2011.
- 3 Drainage system shall be provided for collection of sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No sewage shall be admitted in the pipes/sewers downstream of the terminal manholes. No sewage shall find its way other than in designed and provided collection system.
- 4 Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.

- 5 Conditions for D.G. Set
  - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
  - b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
  - c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
  - d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
  - e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
  - f) D.G. Set shall be operated only in case of power failure.
  - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
  - h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
- 6 Solid Waste - The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rule 2016 & E-Waste (M & H) Rule 2011.
- 7 Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
- 8 Applicant shall submit official e-mail address and any change will be duly informed to the MPCB.
- 9 The treated sewage shall be disinfected using suitable disinfection method.
- 10 The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-V as per the provision of rule 14 of the Environmental (Protection) Second Amended rule 1992.
- 11 The applicant shall obtain Consent to Operate from Maharashtra Pollution Control Board before commissioning of the project.

For and on behalf of the  
Maharashtra Pollution Control Board.

  
(Ashok Shingare IAS)  
Member Secretary

# MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010706/24010437  
 Fax: 24044532/4024068/4023516  
 Website: <http://mpcb.gov.in>  
 Email: [jdwater@mpcb.gov.in](mailto:jdwater@mpcb.gov.in)



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

Infrastructure/RED/L.S.I

No:- Format1.0/CC/UAN No.0000108772/CO 2110000866

Date: 20/10/21

To,  
 Dudhwala Real Estate & Investment  
 C.S. No 226 of Byculla Division at  
 258,Retreat Compound, Bellasis Road  
 Mumbai Central, Mumbai



Your Service is Our Duty

## Sub: Consent to Operate(1st part) for redevelopment construction project in Red Category

- Ref:**
1. consent to Establish granted vide No BO/RO(P&P)/EIC No. MU-1195-09/E/CC-393 dtd 05.11.2009
  2. Revalidation of consent to Establish granted vide No Format1.0/CC/UAN No 0000116015/CE/2110000353 dtd 07.10.2021
  3. Minutes of 7th Consent Committee Meeting held on 03.09.2021 & 09.09.2021

Your application NO. MPCB-CONSENT-0000108772

For: grant of Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I,II,III & IV annexed to this order:

1. **The consent is granted for period upto 30.06.2022**
2. **The capital investment of the project is Rs.67.0 Cr. (As per C.A Certificate submitted by industry).**
3. **The Consent to Operate (part-I) is valid for redevelopment construction project named as M/s Dudhwala Real Estate & Investment, at plot bearing No C.S. No 226 of Byculla Division at 258,Retreat Compound, Bellasis Road, Mumbai Central, Mumbai on Total Plot Area of 4994.0 SqMtrs for part construction BUA of 24392.0 SqMtrs out of Total Construction BUA of 42565.53 SqMtrs as per EC granted dated 20.05.2016 including utilities and services**
4. **Conditions under Water (P&CP), 1974 Act for discharge of effluent:**

Sr No	Description	Permitted (in CMD)	Standards to Disposal	
1.	Trade effluent	Nil	NA	NA

Sr No	Description	Permitted	Standards to	Disposal
2.	Domestic effluent	175	As per Schedule - I	The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be connected to the sewerage system provided by local body

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

Stack No.	Description of stack / source	Number of Stack	Standards to be achieved
S-1	DG Set-250 KVA	01	As per Schedule -II

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

Sr No	Type Of Waste	Quantity & UoM	Treatment	Disposal
1	Biodegradable Waste	315 Kg/Day	OWC and Composting	As Manure
2	Non-Biodegradable	211.59 Kg/Day	Segregation	To Local Body
3	STP Sludge	15 Kg/Day	Dewatering	As Manure

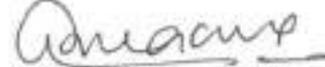
7. **Conditions under Hazardous & Other Wastes (M & T M) Rules 2016 for treatment and disposal of hazardous waste:**

Sr No	Category No.	Quantity	UoM	Treatment	Disposal
1	5.1 Used or spent oil	60	Ltr/A	Reprocessing	To Authorized Reprocessor

8. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
10. Project Proponent shall install online monitoring system for the parameter pH, SS, BOD and flow at the outlet of STP.
11. Project Proponent shall operate the Organic waste digester with composting facility or biodigester with composting facility effectively.
12. The project proponent shall make provision of charging of electric vehicles in atleast 30 % of total available parking area.
13. The Project Proponent shall submit Bank Guarantee of Rs 6.7 Lakhs (amounting 0.1 % of Capital investment). The same shall be forfeited as PP has not obtained revalidation of consent to establish dtd 05.11.2009 and given possession of part completed project since 2017 without consent to operate.
14. The Project proponent shall submit Board Resolution in prescribed format within 15 days as PP has not obtained revalidation of consent to establish after 05.11.2014 and given possession of part completed project since 2017 without consent to operate, thus violated the consent conditions. PP shall submit Bank guarantee of Rs 2.0 lakhs towards submission of Board Resolution.
15. This consent is issued without prejudice to order passed or being passed in OA No 51/2021(WZ) filed before Hon'ble National Green Tribunal, Principal Bench, New Delhi.

16. The Project Proponent shall comply with the Environmental Clearance obtained vide No SEAC-2015/CR-199(I)/TC-1 dtd 20.05.2016 for construction project having total plot area of 4994.0 Sqm and total construction BUA of 42565.53 Sqm.

For and on behalf of the  
Maharashtra Pollution Control Board.

  
(Ashok Shingare IAS),  
Member Secretary

**Received Consent fee of -**

Sr.No	Amount(Rs.)	Transaction/DR.No.	Date	Transaction Type
1	496000.00	MPCB-DR-4519	23/02/2021	RTGS
2	4000.00	MPCB-DR-7239	30/07/2021	NEFT

**Copy to:**

1. Regional Officer, MPCB, Mumbai and Sub-Regional Officer, MPCB, Mumbai I  
- They are directed to ensure the compliance of the consent conditions.
2. Chief Accounts Officer, MPCB, Sion, Mumbai



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

- 1) A) As per your application, you have provided Two Sewage Treatment Plant (STP) with design capacity of 175 CMD & 75 CMD capacity based on MBBR
- B) The Applicant shall operate the sewage treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

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

- C) The treated domestic effluent shall be 60% recycled for secondary purposes such as toilet flushing, air conditioning, cooling tower make up, firefighting etc. and remaining shall be utilized on land for gardening and connected to the sewerage system provided by local body.
- 2) The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto.
- 3) The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 4) **The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, and other provisions as contained in the said act.**

<b>Sr. No.</b>	<b>Purpose for water consumed</b>	<b>Water consumption quantity (CMD)</b>
1.	Industrial Cooling, spraying in mine pits or boiler feed	0.00
2.	Domestic purpose	172.00
3.	Processing whereby water gets polluted & pollutants are easily biodegradable	0.00
4.	Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic	0.00

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

**SCHEDULE-II****Terms & conditions for compliance of Air Pollution Control:**

- 1) As per your application, you have provided the Air pollution control (APC) system and erected following stack (s) and to observe the following fuel pattern-

Stack No.	Stack Attached To	APC System	Height in Mtrs.	Type of Fuel	Quantity & UoM
S-1	DG Set-250 KVA	Acoustic Enclosure	3.5	Diesel	40 Ltr/Hr

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

Total Particular matter	Not to exceed	150 mg/Nm <sup>3</sup>
-------------------------	---------------	------------------------

- 3) The Applicant shall obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement well before its life come to an end or erection of new pollution control equipment.
- 4) The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).
- 5) **Conditions for utilities like Kitchen, Eating Places, Canteens:-**
- The kitchen shall be provided with exhaust system chimney with oil catcher connected to chimney through ducting.
  - The toilet shall be provided with exhaust system connected to chimney through ducting.
  - The air conditioner shall be vibration proof and the noise shall not exceed 68 dB(A).
  - The exhaust hot air from A.C. shall be attached to Chimney at least 5 mtrs. higher than the nearest tallest building through ducting and shall discharge into open air in such a way that no nuisance is caused to neighbors.

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

Sr. No.	Consent(C2E/C2O/C2R)	Amt of BG Imposed	Submission Period	Purpose of BG	Compliance Period	Validity Date
1	Consent to Operate(1st Part)	Rs 10 Lakhs	15 Days	Operation & Maintenance of Pollution Control Systems	Continuous	30.06.2022
2	Consent to Operate(1st Part)	Rs 2 Lakhs	15 Days	Towards submission of Board Resolution	Continuous	30.06.2022
3	Consent to Operate(1st Part)	Rs 6.7 Lakhs	15 Days	Compliance of Consent Conditions	Continuous	30.06.2022

<b>Consent</b>						
<b>Sr. No.</b>	<b>(C2E/C2O/C2R)</b>	<b>Amt of BG Imposed</b>	<b>Submission Period</b>	<b>Purpose of BG</b>	<b>Compliance Period</b>	<b>Validity Date</b>

\*\* The above Bank Guarantee(s) shall be submitted by the applicant in favour of Regional Officer at the respective Regional Office within 15 days of the date of issue of Consent.

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

#### BG Forfeiture History

<b>Srno.</b>	<b>Consent (C2E/C2O/C2R)</b>	<b>Amount of BG imposed</b>	<b>Submission Period</b>	<b>Purpose of BG</b>	<b>Amount of BG Forfeiture</b>	<b>Reason of BG Forfeiture</b>
1	Consent to Operate(1st Part)	Rs 6.7 Lakhs	15 Days	Compliance of Consent Conditions	Rs 6.7 Lakhs	violation of consent condition

#### BG Return details

<b>Srno.</b>	<b>Consent (C2E/C2O/C2R)</b>	<b>BG Imposed</b>	<b>Purpose of BG</b>	<b>Amount of BG Returned</b>
NA				

#### SCHEDULE-IV

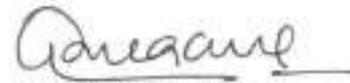
#### General Conditions:

- 1 The applicant shall provide facility for collection of samples of sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- 2 The firm shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act 1986 and Solid Waste Management Rule 2016, Noise (Pollution and Control) Rules, 2000 and E-Waste (Management & Handling Rule 2011).
- 3 Drainage system shall be provided for collection of sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No sewage shall be admitted in the pipes/sewers downstream of the terminal manholes. No sewage shall find its way other than in designed and provided collection system.
- 4 Vehicles hired for bringing construction material to the site should be in good condition and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- 5 Conditions for D.G. Set
  - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
  - b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
  - c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.

- d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
  - e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
  - f) D.G. Set shall be operated only in case of power failure.
  - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
  - h) The applicant shall comply with the notification of MoEFCC, India on Environment (Protection) second Amendment Rules vide GSR 371(E) dated 17.05.2002 and its amendments regarding noise limit for generator sets run with diesel.
- 6 Solid Waste - The applicant shall provide onsite municipal solid waste processing system & shall comply with Solid Waste Management Rule 2016 & E-Waste (M & H) Rule 2011.
  - 7 Affidavit undertaking in respect of no change in the status of consent conditions and compliance of the consent conditions the draft can be downloaded from the official web site of the MPCB.
  - 8 Applicant shall submit official e-mail address and any change will be duly informed to the MPCB.
  - 9 The treated sewage shall be disinfected using suitable disinfection method.
  - 10 The firm shall submit to this office, the 30th day of September every year, the environment statement report for the financial year ending 31st march in the prescribed Form-V as per the provision of rule 14 of the Environmental (Protection) Second Amended rule 1992.
  - 11 The applicant shall make an application for renewal of the consent at least 60 days before date of the expiry of the consent.



For and on behalf of the  
Maharashtra Pollution Control Board.

  
(Ashok Shingare IAS),  
Member Secretary

Annexure- VI

**183**  
MUNICIPAL CORPORATION OF GREATER MUMBAI  
(Hydraulic Engineer's Department)

ACB/35195/WW  
23/12/2014

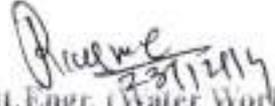
Office of Asstt. Engineer (Water Works)  
'E' Ward, 2<sup>nd</sup> floor,  
10, Sk. Hafizuddin Marg,  
Byculla, Mumbai 400 008  
Tel. No. 022-23081471, Ext.- 205  
aeww\_eward@yahoo.in

To,  
M/s Modern Tech  
Mr. Imamuddin F. Khan,  
Licence Plumber & Civil Contractor,  
100, opp. BMC Colony,  
Ram Mandir Lane, Andheri (W),  
Mumbai - 400 058,  
Call: 9769929290  
9930052504

Sub:- N.O.C. for 1 no. of bore well in redevelopment of property bearing C.S.No.226 of Byculla Division, 258 Bellasis Road in 'E' Ward Mumbai-400008.

Ref:- 1) Your letter dated 12.12.2014.  
2) IOD No. EEBPC/2397/E/A date 07.08.2008.

With reference to the above said subject matter, the site was inspected by this office staff. On site inspection and based on site shown on plan it was found that, as far as this department is concerned, there are no existing / proposed water supply main / tunnel in the subject site. Hence there is no objection to take 1 (One) no. of bore well in the premises of C.S.No.226, 258 Bellasis Road, Byculla Division in 'E' Ward.

  
Asstt. Engt. (Water Works)  
'E' Ward



# BRIHANMUMBAI MAHANAGAR PALIKA

## WARD

WATER OPERATION DEPARTMENT

Page: 1 of 1

Receipt/SAP Doc No : 1001990617

Date: 17.01.2015

Reference No :

Collection at: 4020(B Ward)

Received From : M/S DUDHWALAREAL ESTATE &amp; INVESTMENT

TOWARDS	AMOUNT (Rs.)	CHQ/DB/PO DT	CH/DB/POND	BANK NAME
Scrutiny Fees 40	7,600.00 ..			

TOTAL : 7,600.00

( SEVEN THOUSAND SIX HUNDRED RUPEES ONLY )

Remarks: HES NOC BLDG EEBPC/2397/E/A DT 07.08.2008 APP D.T.



Received By  
Cash Receiving Clerk

**MUNICIPAL CORPORATION OF GREATER MUMBAI  
PUBLIC HEALTH DEPARTMENT  
INSECTICIDE BRANCH**

*Office of - Pest Control Office  
B.M.C. 'E' Ward Offices Bldg.,  
10, Shaikh Hafizuddin Marg,  
Byculla, Mumbai-400008.*

Office of Pest Control Officer  
'E' Ward, Ground floor,  
10, S.K. Hafizuddin Marg,  
Byculla, Mumbai- 400 008.  
**No. PCO / E / 590 /SR.**  
**Date: 20 / 02 / 2015**

To,  
Nisar I. Patel. (C.A. to Owner).  
Dudhwala House, 292 Belasis Road,  
Mumbai Central, Mumbai- 400 008.

**Sub:** - Permission to retain a Bore well and the use of water from the Bore well for Construction & after it for flushing & gardening purpose on plot bearing CS No. 226 of Byculla Division at 258, Belasis Road, Mumbai Central, Mumbai- 400 008.

**Ref:** -1) Application under PCO/ E / 590 /SR of 20 / 02 /2015 & undertaking submitted by you.

2) IO's Sanction Vide No. IO/2865 /SR, dtd. 18/02/2015

Sir,

Permission to retain a bore well and the use of water from the Bore well for construction & after it for flushing & gardening purpose at the above place is hereby granted to you subject to the compliance with the conditions mentioned in the memo of conditions duly signed by you. A board prohibiting the use of the well water for drinking, bathing, cooking purpose shall be exhibited at a conspicuous place.

The permission is liable to be summarily revoked, if any of the conditions in the memo of conditions is not found to have been complied with or breached, in that case you will be liable to legal action as provided under Mumbai Municipal Corporation Act.

*[Signature]*  
20/02/2015  
Pest Control Officer  
'E' Ward

**MUNICIPAL CORPORATION OF GREATER MUMBAI**  
**TREE AUTHORITY**

(PT)

Office of the Supdt. of Gardens  
Veermata Jijabai Bhosale Udyan,  
Dr. Ambedkar Road Byculla (East),  
Mumbai-400 027.

No. DYSG/TA/MCI 1371

Date: 25/4/08

435  
2008

To,  
Shri. Nisay I. Patel  
CA to owner  
Udhwala House  
292 Bellary Road,  
Mumbai (South) Mumbai - 8

**Sub :** Permission for removal/removal by transplanting of trees coming in the prop. construction of building under D.C.R. 33(2) in PWD bearing C.S. No. 226 of Byculla Div. at 255 Bellary Road. Retreat compound 'E' Ward

**Ref :** 1) Your proposal dt. 3.10.2007  
2) Tree Authority's Resolution No. \_\_\_\_\_ Dt. \_\_\_\_\_  
/M.C./Chairman (Tree Authority)'s sanction under  
No. MDG/653 dt. 12.3.08.

Sir/Madam,

With reference to above it is to inform that your request for removal of trees coming in the work of proposed development has been considered by the Tree Authority under section 8(3) of The Maharashtra (Urban Areas) Protection & Preservation of Trees Act 1975, as modified upto 9th June 2004. The permission for cutting of 48 trees (bearing tree Sr.No. 1, 2, 3, 6, 7, 8, 19, 13, 15, 17 to 20, 22 to 25, 27, 30, 32, 34, 35, 37 to 40, 42 to 46, 47 to 49, 49A, 50, 51, 53 to 56, 59, 61, 62, 63, 64, 65, 66, 68, 69, 70, 74, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100) and transplanting of 30 trees (bearing tree Sr.No. 4, 5, 9, 11, 12, 14, 16, 21, 26, 28, 29, 31, 36, 41, 44A, 52, 57, 58, 60, 62, 63, 64, 65, 66, 68, 69, 70, 74, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100) is given by the Tree Authority vide its Resolution No. \_\_\_\_\_ dt. \_\_\_\_\_ /M.C./Chairman, Tree Authority's Sanction No. MDG/653 dt. 12.3.08.

The remaining 02 trees (bearing tree Sr.No. 33, 75)

\_\_\_\_\_ ) should be retained as it is.

As per the provision under section 8(3)(a) of the said Act, you are hereby directed that no tree shall be cut/transplanted until fifteen days (15) after the permission is given by the Tree Authority.

You are directed to plant 96 trees in the said property within 30 days in accordance with the provision under section 8(5) of the said Act and intimate to the Tree Officer about the action taken thereto.

Further in accordance with the provision under section 11(1) of the said Act, you are hereby directed to plant requisite number of trees as per the norms of the Tree Authority i.e. in open spaces two (2) trees per 100 sq.mtr. and in R.G.Area Five(5) trees per 100 sq.mtr. and care should be taken so that tree grows properly and give a report to the Tree Officer about the condition of these trees once in six months for a period of 3 years.

As per provision under section 19(b), you are directed to obtain the N.O.C. of the Tree Officer for planting of trees in open spaces as well as in R.G.Area as per the norms of Tree Authority before getting occupation / completion certificate of the newly constructed building.

Your attention is kindly drawn to the provisions under section of 21 of The Maharashtra (Urban Areas) Protection & Preservation of Trees Act 1975, as modified on 9th June 2004.

- 21(1) Whoever fells any tree or causes any tree to be felled in contraventions of the provisions of the Act or without reasonable excuse fails to comply with any order issued or condition imposed by the Tree Officer or the Tree Authority or voluntarily obstructs any member of the Tree Authority or the Tree Officer or any Officers and Servants subordinate to him in the discharge of their functions under this Act, shall, on conviction, be punished with the fine of not less than one thousand rupees which may extend upto five thousand rupees for every offence and also with imprisonment for a term of not less than one week, which may extent upto one year.
- (2) The felling or causing of felling of each tree without the permission of the Tree Authority shall constitute a separate offence.

As per direction of the Tree Authority, you are hereby directed to submit the photographs taken while transplanting of trees and the C.D. of the transplantation of the trees, so as to ensure proper transplantation of the trees.

Thanking you.

Yours faithfully,

Supdt. of Gardens  
& Tree Officer.

Copy to :-

1) M/S. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For information with reference to your application vide No. \_\_\_\_\_ dt. \_\_\_\_\_

- 2) Asstt. Commissioner ( \_\_\_\_\_ ) Ward.  
3) DySG ( City / WS / ES ) with a copy of the plan.

For information and necessary action please.





shaikh & associates  
Architects, Engineers & Interior Designers

382-B Pavwala Building, Room No. 4, Gr. Floor  
Opp. Metro Shoes, Grant Road, Mumbai - 400 007  
Tel : 2301 0346 / 2309 2912 • Fax : 2309 3359

Annexure- IX

Date:- 25/9/08

To,  
Deputy Supdt.of Gardens  
Veer Jijabai Bhaosale Udyan,  
Dr. Ambedkar Road, Byculla (E),  
Mumbai-400027.

Sub:- Photographs of transplanting trees on plot bearing C.S. No.266 of Byculla  
Division,at Bellasis Road, Mumbai Central.

Ref:- NO- DYSG/TA/MC/1371 dated 25/4/08

Dear Sir,

As per the N.O.C. Issued by your office dated 25/4/08 we have to cut 48 Nos. trees cutting and 30 Nos. trees are transplanting as per your Office N.O.C.

The transplanting trees as on the same site is not possible due to excavation on site & material dumping on site & as there will be labour on site. So we are transplanting at our another site at Village Marol, Andheri (E), CTS No. 1651 - B.

Copy of the location plan at our Andheri site is attached herewith and copies of photographs showing the trees already transplanting at our Andheri site and plan enclosed here with for your information and record.

You are requested to acknowledge the same.

Thanking you.

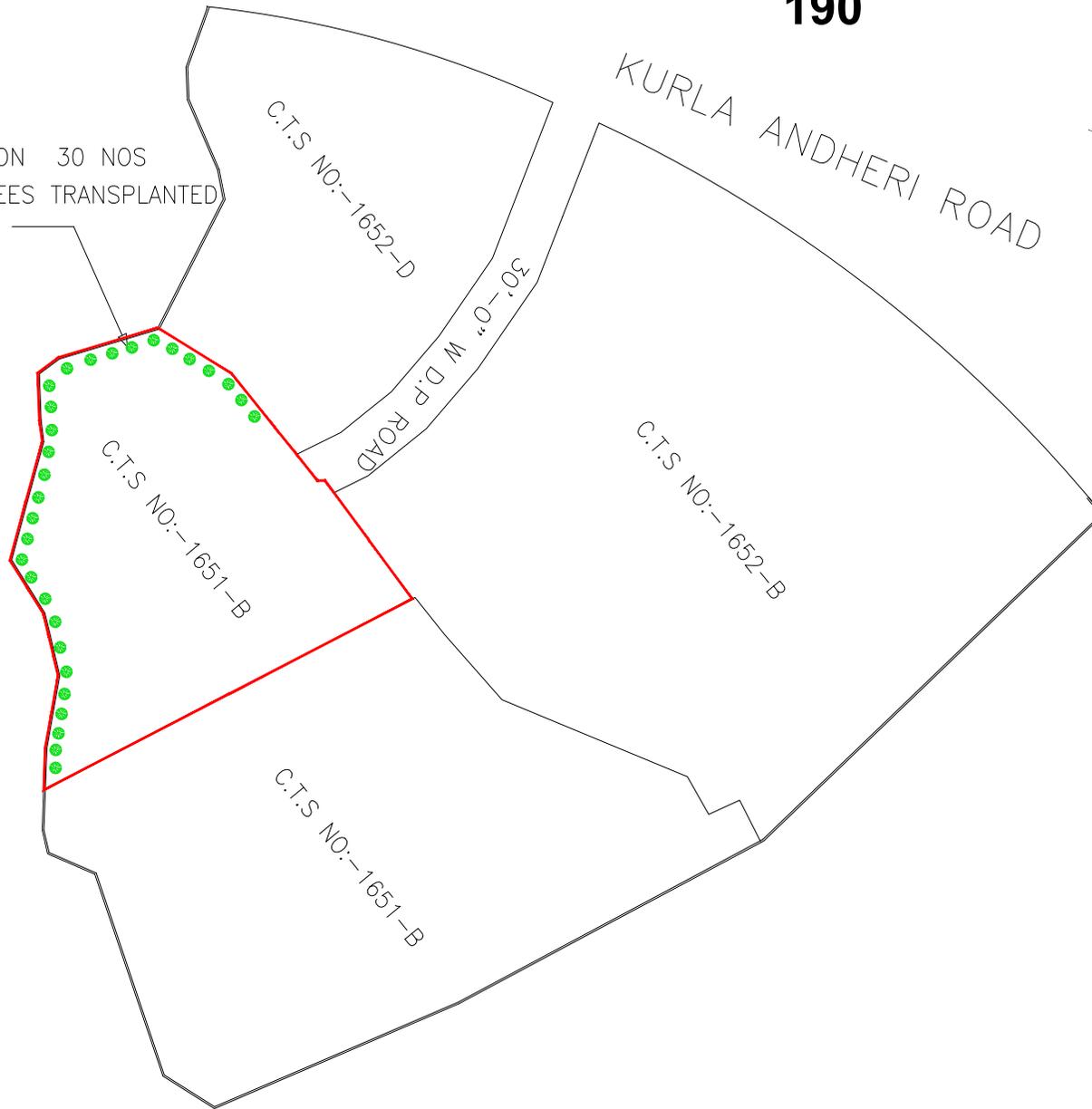


Yours faithfully

For M/s. Shaikh & Associate  
(Architect)

190

LOCATION 30 NOS  
OF TREES TRANSPLANTED  
HERE



PLAN SHOWING THE BLOCK & LOCATION PLAN OF PLOT BEARING C.T.S. NO-1651 B.SITUATED AT VILLAGE MAROL AT ANDHERI-(E) WHERE 30 NOS OF TREES ARE TRANSPLANTED OF PLOT BEARING C.S.NO-226 OF BYCULLA DIVISION MUMBAI-

## BRIHANMUMBAI MAHANAGARPALIKA

No. Ch E / SWD / 1440 / Planning Dt. 11 OCT 2007  
Cell

Office of the  
Dy.Ch. Eng. ( Storm Water Drains) City  
Engineering Services & Project Bldg.,  
3rd Floor, N.M. Joshi Marg,  
Byculla, **MUMBAI-400 011**

To,  
M/s. Shaikh & Associates,  
Architects,  
382/B, Pavwala Bldg.,  
Room No. 4, Ground floor,  
Near Nagina Restaurant,  
Grant Road, Mumbai-400 007.

Sub: Storm Water Drains Remarks for proposed redevelopment of property bearing C.S. No. 226 of Byculla Division, at 258, Retreat Compound, J.B. Behram Marg, Mumbai Central in E-Ward.

Ref: Your letter under No. -- dtd. 01.10.2007.

Gentlemen,

With reference to above I have to inform you that there is no objection to carry out the work of Storm Water Drain as per accompanying approved plan, subject to the following conditions: -

1. The minimum formation / ground level of plot under reference shall be at least (92'-00') 28.04 M. THD or 15 cm. (6") above the formation level of raised footpath, existing access abutting / proposed road, whichever is higher.
2. The Storm Water Drain suggested in approved plan shall be laid as per Municipal Specifications using R.C. C. pipes \ NP2 class (I.S. Mark only) duly encased with 15 cm. thick M. 10 cement concrete all around. Built up drain covered with prestressed R.C.C./ C.I. grating for entire length as such that the velocity of flow is maintained at 1.2M. / Sec. (4' / sec.) while the drain is running full.
3. The access / internal layout roads / D.P. Roads shall be provided with closed Storm Water Drain as shown in the accompanying plan with regular water entrances at 15 M. (50') and manholes at 30 M. (100') C/c at developer's cost.
4. Two catch pit chambers shall be provided at points K & G by providing 60 Cm (2') pit below the invert level of chambers as shown on the accompanying plan. The internal S.W. Drain arrangement shall be provided as follows.
  - a) 300 mm. dia R.C.C. pipe (Slope 1:150) from points -- A-B-C-D-E-F-G-H, K-F, L-M-N-O-P-G.
  - b) 300 mm. wide built up drain in cement concrete of Grade M-20 having minimum thickness of walls 20 cm. covered with C.I. / R.C.C. gratings from points -- J-K with minimum depth of 300 mm. at starting point and @ slope 1:400.

- d) Down take pipes of 100 mm. dia. from podium level upto ground level shall be provided, (which shall be connected to nearest W.E. on ground level) slope to the surface of podium shall be given in such way that all the storm water shall flow towards down take pipe without stagnation.
5. The side / marginal open spaces shall be leveled, consolidated and/or paved with cement concrete with proper slope and drained in such a way to discharge the storm water into proposed storm water entrances.
6. Before starting of the work Invert level of manhole on Municipal storm water drain to which internal S. W. Drain is to be connected shall be confirmed on site with respect to invert level of last catch pit chamber.
7. You shall carry out the entire S.W.D. work through licensed plumber. His name, address (office and residential) Tel. No. License No., etc., shall be intimated to this office in advance before carrying out the work.

REGARDING STREET CONNECTION :

8. a) You shall make one connections of 300 mm. dia. R.C.C. pipes NP2 class (I.S.Mark only) i.e. from point G-H duly encased with 15 cm. Thick M-10 grade cement concrete all around from last catch pit chamber to Municipal S.W. Manhole at Developer's cost and risk. The connection shall be made only after the necessary permission for road opening is obtained from A.E (Maint) of E-Ward.
- b) The work of providing S.W. Drain from last catch pit chamber to Municipal S.W. Drain shall be carried out under the supervision and as per suggestions of A.E (Maint.) of 'E' Ward.
- c) In case if it is not possible to connect internal S.W. Drain to existing manhole on Municipal Storm Water Drain due to site conditions / difficulties or if the existing manhole is away from the plot, then, internal S.W. Drain shall be connected to Municipal S.W. Drain by constructing additional manhole on Municipal S.W. Drain at developer's cost.

REGARDING COMPLETION CERTIFICATE :

9. You shall approach to this office for completion certificate after actual street connection is done alongwith following papers.
- a) Certificate along with completion plan of S.W. Drains as carried out on site as per Municipal specifications duly signed by you, and also from Licensed Plumber.
- b) Remarks and sketch from office of the concerned ward about actual street connection from last catch pit chamber to Manhole.
- c) Plan showing ground level of connecting manhole with respect to THD, depth of manhole along with depth of connection shall be submitted.
10. Completion certificates will be issued, to you if the work of Storm Water Drains is carried out satisfactorily and as per approved plan.

## 11. Other conditions :-

- a) As regards road and footpath work in setback portion you are requested to obtain remarks from E.E.(Road)City.
- b) In setback portion after construction of footpath if required water entrance should be shifted from point Q to R i.e. to new portion by extending existing 300 mm dia. R.C.C. pipe (NP2 class) lateral connecting to existing Municipal manhole as per Municipal Specifications and Drawings in consultation with Deputy Chief Engineer (Storm Water Drain) Planning Cell and under supervision of Asstt.Engr.(Maint.) 'E' Ward at developer's cost. Please note that if shifting of W.E. will not be possible by extending the existing pipes then you will have to provide new water entrance at suitable places at your cost.
- c) Necessary arrangement shall be provided in basement in accordance with I.S.12251 - 1987 for proper collection and disposal of storm water. The arrangement shall also be made to pump out / drain out the water of the basement to the nearest water entrance by providing sump well.
- d) An indemnity bond on stamp paper of Rs.100/- shall be submitted to Executive Engineer (Storm Water Drain) Const. City indemnifying M.C.G.M. against any losses, damages, etc. if occurred due to flooding in the plot under reference and stating that the same is binding on you and your heir / successor or whomsoever deriving title through them.
- e) These remarks are valid for one year from the date of issue of this letter within which period completion certificate should be obtained failing which the remarks will attract revalidation. Charges / fee of Rs. 200/- or prevailing fee will be charged for each revalidation / revision at the time of revalidation.
- f) These remarks are given from the point of views for disposal of storm water only, without prejudice to the boundaries of the plot shown, ownership status of existing structures on it, if any and use of the land under reference.

Yours faithfully,

st/-  
Executive Engineer  
(Storm Water Drains) City Z-I

Copy to: E.E.B.P.(City)

Ref : EB/2397/E/A dtd. 28.09.2007.

Copy forwarded for information. Occupation certificate shall not be granted unless completion certificate for SWD work is granted by this office.

Dy. Ch E / SWD / Planning Cell DL 11 OCT 2007

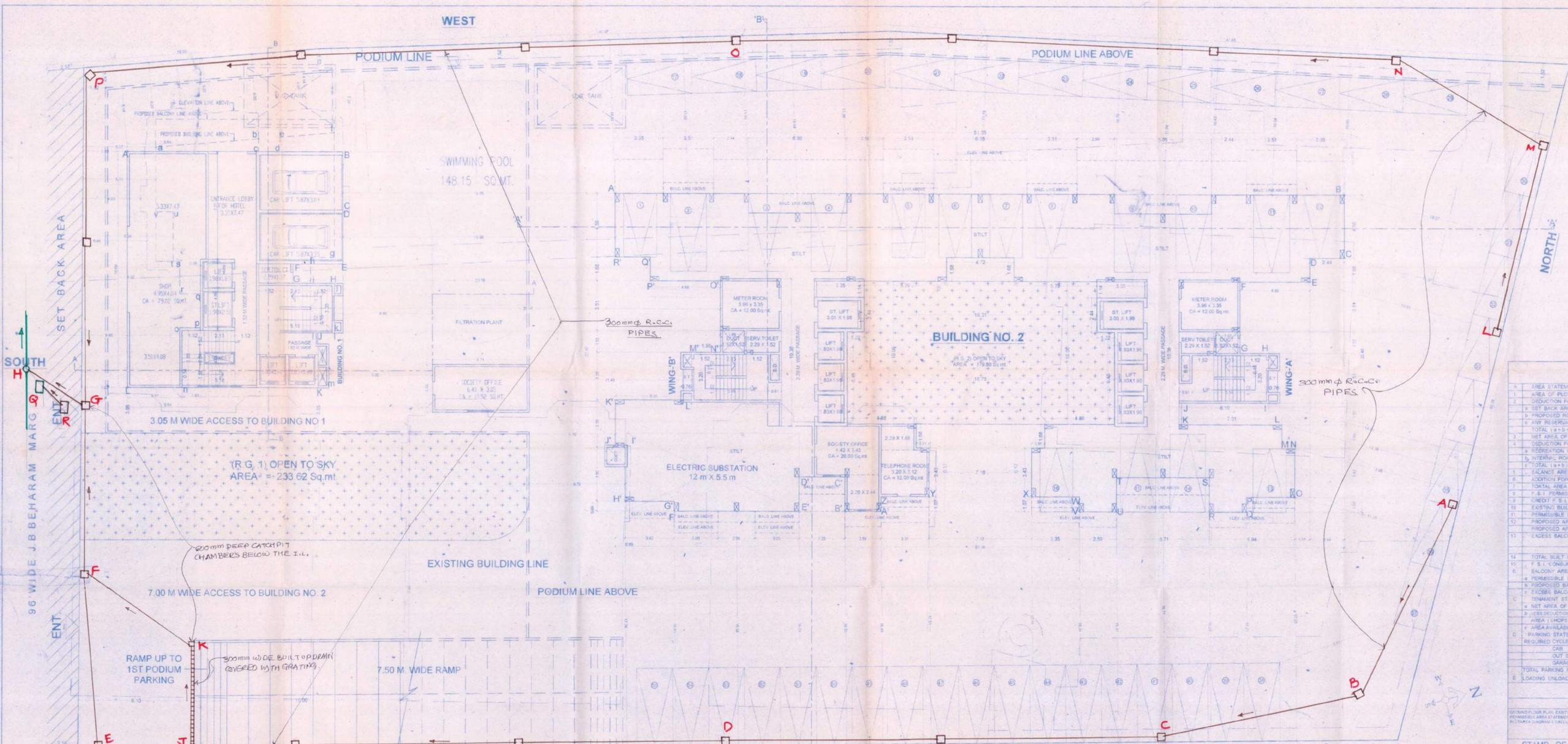
st/-  
E.E.(S.W.D.) City Z-I

✓ Copy to: A.E. (Environment) 'E' Ward

Copy for information please.

st/-  
E.E.(S.W.D.) City Z-I

Issued subject to the conditions mentioned in the accompanying letter under No. 194/2007  
By Ch. E. S. W. D. Planning Cell Dt. 11/11/2007  
Shoikh & Associates  
P. No. 4, Ground Floor, 322 J.B. Beharam Marg, Mumbai - 400 033  
El. Eng. (S.W.D.) City - 24



**PROFORMA - A**

1. AREA OF STATEMENT	50.00
2. DEDUCTION FOR SET BACK AREA OF ROAD	1.00
3. DEDUCTION FOR SET BACK AREA OF PLOT (1.1.2)	1.00
4. DEDUCTION FOR RECREATION GROUND (DEDUCTIBLE) IN R.G. AREA	1.00
5. DEDUCTION FOR INTERNAL ROADS	1.00
6. TOTAL (1+2+3+4+5)	4.00
7. BALANCE AREA OF PLOT (3.4C)	46.00
8. ADDITION FOR P.S.I. PURPOSE	1.00
9. TOTAL AREA	47.00
10. EXISTING BUILT UP AREA (TO BE DEMOLISHED)	1.00
11. PERMISSIBLE FLOOR AREA	46.00
12. PROPOSED AREA (BUILDING NO. 1)	218.23
13. PROPOSED AREA (BUILDING NO. 2)	1066.11
14. ACCESS BALCONY AREA TAKEN IN P.S.I. (AS PER B.O.)	105.00
15. TOTAL BUILT UP AREA PROPOSED (12+13+14)	1329.34
16. P.S.I. CONSUMED (14/17)	2.40
17. BALCONY AREA STATEMENT	
18. PERMISSIBLE BALCONY PER FLOOR	AS PER AREA STATEMENT
19. PROPOSED BALCONY PER FLOOR	
20. EXCESS BALCONY AREA (TOTAL)	
21. TENANT STATEMENT	
22. NET AREA OF ITEM A (7) ABOVE	TENANT PERMISSIBLE
23. LESS DEDUCTIONS OF NON RESIDENTIAL	TENANT PROHIBITED
24. AREA (CHIPS, ETC.)	TENANT EXCLUDED
25. AREA AVAILABLE FOR TENANTS	TOTAL TENANTS
26. PARKING STATEMENT	
27. REQUIRED CYCLE, SCOOTER	PROHIBITED (FOR 3-WHEELER)
28. OUT RIDERS	OUTSIDERS
29. GARAGE PERMISSIBLE	GARAGE PERMISSIBLE
30. TOTAL PARKING PERMISSIBLE	TOTAL PARKING REQUIRED
31. LOADING UNLOADING REQUIRED	PROHIBITED

**PROFORMA - B**

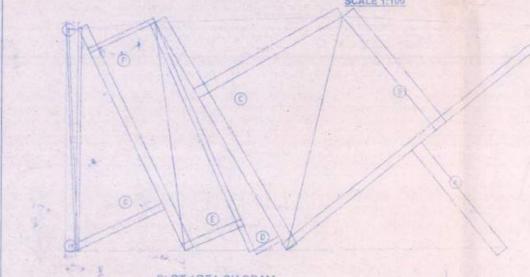
**CONTENT OF SHEETS**

GROUND FLOOR PLAN, EXISTING BLOCK PLAN, PROPOSED BLOCK PLAN, LOCATION PLAN, PERMISSIBLE AREA STATEMENT, BALCONY PER FLOOR, PERMISSIBLE FLOOR AREA, FLOOR AREA SUMMARY & CALCULATION, HISTORY (HARD COPY) VALIDATION OF PUMP ROOM.

**STAMP OF DATE OF RECEIPT OF PLAN**

**STAMP OF DATE OF APPROVAL OF PLAN**

**GROUND FLOOR LAYOUT PLAN**  
SCALE: 1:100



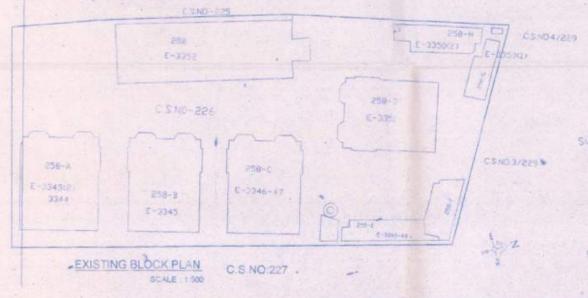
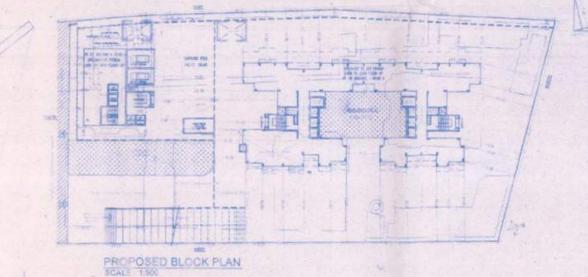
**BUILT UP AREA CALCULATION FOR PLOT AREA**

A	12	476.48	420.48	110	1120.16	80	800.00
B	12	476.48	431.77	110	1214.98	80	800.00
C	12	450.79	435.37	110	1004.33	80	800.00
D	12	450.79	430.06	110	1172.07	80	800.00
E	12	450.79	415.71	110	1065.35	80	800.00
F	12	450.79	415.42	110	1064.11	80	800.00
G	12	450.79	421.12	110	1061.06	80	800.00
TOTAL ADDITION					4880.24	80	800.00

**BUILT UP AREA CALCULATION FOR SETBACK AREA**

H	12	148.15	2.19	110	62.58	80	80.00
I	12	463.50	2.56	110	81.28	80	80.00
TOTAL ADDITION					143.86	80	80.00

**EAST**



**R.G. AREA CALCULATION**

**R.G. 1**

1	0.50	3.23	7.30	110	117.64	80	80.00
2	0.50	3.10	6.82	110	106.68	80	80.00
3	0.50	3.10	1.88	110	6.50	80	80.00
4	0.67	4.24	0.88	110	2.50	80	80.00
TOTAL ADDITION					233.62	80	80.00

**R.G. 2**

1	16.31	3.50	110	58.50	80	80.00	
2	18.75	6.48	110	121.50	80	80.00	
TOTAL ADDITION					179.99	80	80.00
TOTAL R.G. AREA (233.62 + 179.99)					413.61	80	80.00
8% R.G. AREA REQUIRED					399.51	80	80.00
PROPOSED R.G. AREA					413.61	80	80.00

**BUILT UP AREA CALCULATION**

**FOR GROUND FLOOR**

A	5.84	10.89	110	94.13	80	80.00	
TOTAL ADDITION					94.13	80	80.00

**DEDUCTIONS**

1	3.38	4.88	110	1.85	80	80.00	
2	1.83	4.04	110	7.39	80	80.00	
TOTAL DEDUCTION					9.24	80	80.00
TOTAL PROPOSED BUILT UP AREA GROUND FLOOR					84.89	80	80.00

**REFUGUE AREA CALCULATION (BUILDING NO. 1)**

**9th FLOOR AREA** = 62.30 x 8 = 1297.99 SQ.MT

**10th to 14th FLOOR AREA** = 58.55 x 5 = 2927.50 SQ.MT

**REFUGUE AREA REQUIRED ON 8TH FL.** = 51.50 SQ.MT

**REFUGUE AREA PROVIDED ON 8TH FL.** = 49.84 SQ.MT

**REFUGUE AREA CALCULATION (BUILDING NO. 2)**

**9th FLOOR AREA** = 604.27 x 1 = 604.27 SQ.MT

**10th to 14th FLOOR AREA** = 2677.85 SQ.MT

**REFUGUE AREA REQUIRED ON 8TH FL.** = 127.38 SQ.MT

**REFUGUE AREA PROVIDED ON 8TH FL.** = 145.09 SQ.MT

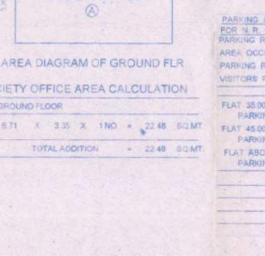
**B.U. AREA SUMMARY (BUILDING NO. 1)**

FLOOR	B.U.A.	EXCESS BALC.	TOTAL AREA
9th	115.50	1.57	117.07
10th	115.50	1.57	117.07
11th	115.50	1.57	117.07
12th	115.50	1.57	117.07
13th	115.50	1.57	117.07
14th	115.50	1.57	117.07
TOTAL	604.27	9.52	613.79

**B.U. AREA SUMMARY (BUILDING NO. 2)**

FLOOR	B.U.A.	EXCESS BALC.	TOTAL AREA
9th	485.89	0.00	485.89
10th	485.89	0.00	485.89
11th	485.89	0.00	485.89
12th	485.89	0.00	485.89
13th	485.89	0.00	485.89
14th	485.89	0.00	485.89
TOTAL	2927.85	0.00	2927.85

**SOCIETY OFFICE**



**PARKING AREA STATEMENT**

**FOR N.R. USER**

PARKING REQUIRED ONE PER 80.00 SQ.MT

AREA OCCUPIED BY N.R. USER = 4.89 SQ.MT

VISITOR PARKING: 25% = 1.09

TOTAL = 5.98

**FLAT: 30.00 SQ.MT TO 45.00 SQ.MT. PARKING ONE PER 4 FLATS**

PARKING REQUIRED = 4.54

**FLAT: 45.00 SQ.MT TO 70.00 SQ.MT. PARKING ONE PER 2 FLATS**

PARKING REQUIRED = 2.80

**FLAT ABOVE 70.00 SQ.MT. PARKING ONE PER 1 FLATS**

PARKING REQUIRED = 4.11

TOTAL = 11.45

**VISITORS PARKING: 50% = 3.03 Nos.**

**PARKING REQUIRED (TOTAL) = 11.45 + 3.03 = 14.48**

**PARKING PROVIDED = 207 Nos.**

**PERMISSIBLE AREA STATEMENT**

**CARPET AREA TO BE ALLOTTED** = 3632.79 SQ.MT

**BUILT UP AREA OF REHAB** = 4359.35 SQ.MT

**PERMISSIBLE FLOOR AREA** = 4359.35 SQ.MT

**PILOT AREA** = 2.59

**PERMISSIBLE FLOOR AREA** = 4361.94 SQ.MT

**4364.10 x 2.50** = 10910.25 SQ.MT

**SINCE B IS GREATER THAN A, PERMISSIBLE (P.S.)** = 10910.25 SQ.MT

EXISTING S.W. DRAIN SHOWN THUS  
PROPOSED S.W. DRAIN SHOWN THUS

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. Dy. Ch. Eng./SWD/ 2546 / P.C. dtd. 12/10/18

Office of the :  
 Dy.Ch.Eng.(Storm Water Drains) P.C.  
 Engineering Hub Bldg.,  
 Dr. E. Moses Road,  
 Acharya Atre Chowk, Worli Naka,  
 Worli, Mumbai- 400 018  
 Tel No 022-24955059 / 24955229  
 Fax No 022-24980097

✓ To,  
 M/s.Shaikh & Associates,  
 Architects,  
 Rubberwala House,  
 Dr. A.R. Nair Road,,  
 Agripada,Mumbai- 400 011

Sub : Revised Storm Water Drain Remarks for redevelopment on property bearing C.S. No. 226 of Byculla Division at Belasis Road, Mumbai Central in 'E' Ward, Mumbai.

Ref : 1) Licensed Plumber M/s. Modern Tech's letter under No.- Nil dtd. 22.09.2015.  
 2) EB/2397/E/A dtd. 04.04.2015.  
 3) This office earlier remarks u/no. Dy.Ch.E/SWD/1940/P.C. dtd. 11.10.2007.

Gentlemen,

Reference to the above, you are requested to carry out the work of Storm Water Drain as per accompanying plan, subject to the following conditions :-

1. The minimum formation / ground level of plot under reference shall be at least 28.04 M. (92.00') THD or 15 cm. (6") above the formation level of proposed footpath, if any, raised footpath / existing access, abutting / proposed road, whichever is higher.
2. The Storm Water Drain suggested in the accompanying plan shall be laid as per Municipal Specifications using R.C.C. pipes NP2 class below 450 mm. dia. and NP3 class pipe for 450 mm. dia. and above pipes, (I.S.I. Mark only) duly encased with 15 cm. thick M-15 cement concrete all around alongwith provision of water entrances having minimum size of 450mm. x 450mm. covered with M.S. / C.I. gratings. The built up drain shall be covered with prestressed R.C.C. / C.I. grating for entire length. The velocity of flow shall be maintained at 1.2M. / Sec. (4' / sec.) while the drain is running full.
3. Four catch pit chambers shall be provided at points 'G', 'L', 'Y' and 'W' which shall be 60 cm (2') below the invert of pipes, as shown in the accompanying plan. The internal S. W. Drain arrangement shall be provided as follows :-
  - a) 300 mm. dia. R.C.C. pipes ( slope 1:150) from points : A-B-C-D-E-F-G-H, J-K-L-G, P-Q-R-S-T-G, W-R, Y-F.
  - b) 300 mm. wide built up drain shall be in cement concrete of Grade M-20 having minimum thickness of walls of 20 cm. which shall be covered with gratings from points M-N-O-L, U-V-W and X-Y with minimum depth of 300 mm. at starting point @ slope 1:400.
  - c) The down take pipes of 100 mm. dia. from parking/ terrace level up to ground level shall be provided which shall be connected to the water entrance on ground level within property. The slope to the surface of parking/ terrace shall be given in such a way that all the storm water from parking / terrace will flow towards down take pipes without stagnation.

4. The side / marginal open spaces shall be levelled, consolidated and paved with cement concrete with proper slope in such a way to discharge the storm water into proposed storm water entrances.
5. Before starting of the work, invert levels of manhole on Municipal storm water drain to which internal S. W. Drain is to be connected shall be confirmed on site with respect to invert level of last catch pit chamber.
6. You shall carry out the entire S.W.D. work through the Licensed Plumber and under supervision of Licensed Supervisor. Their names, address (office and residential) Tel. No. License No., etc., shall be intimated to this office in advance before carrying out the work.

REGARDING STREET CONNECTION :

7. a) You shall make one connection of 300 mm. dia. R.C. pipe NP2 class (I.S.I. Mark only) from point 'G' to 'H' duly encased with 15 cm. Thick M-15 grade cement concrete all around from last catch pit chamber to Municipal S.W. Manhole, along with shifting of any utilities if necessary, at Developer's risk and cost. The connection shall be made only after the necessary permission for road opening is obtained from A.E. (Maint) of 'E' Ward.
- b) The work of providing S.W. Drain from last catch pit chamber to Municipal S.W. Drain shall be carried out under the supervision and as per suggestions of A.E. (Env.) of 'E' Ward.
- c) In case, if it is not possible to connect internal S.W. Drain to existing manhole on Municipal Storm Water Drain due to site conditions / difficulties or if the existing manhole is far away from the plot, then the internal S.W. Drain shall be connected to Municipal S.W. Drain by constructing additional manhole on Municipal S.W. Drain at developer's cost.

REGARDING COMPLETION CERTIFICATE :

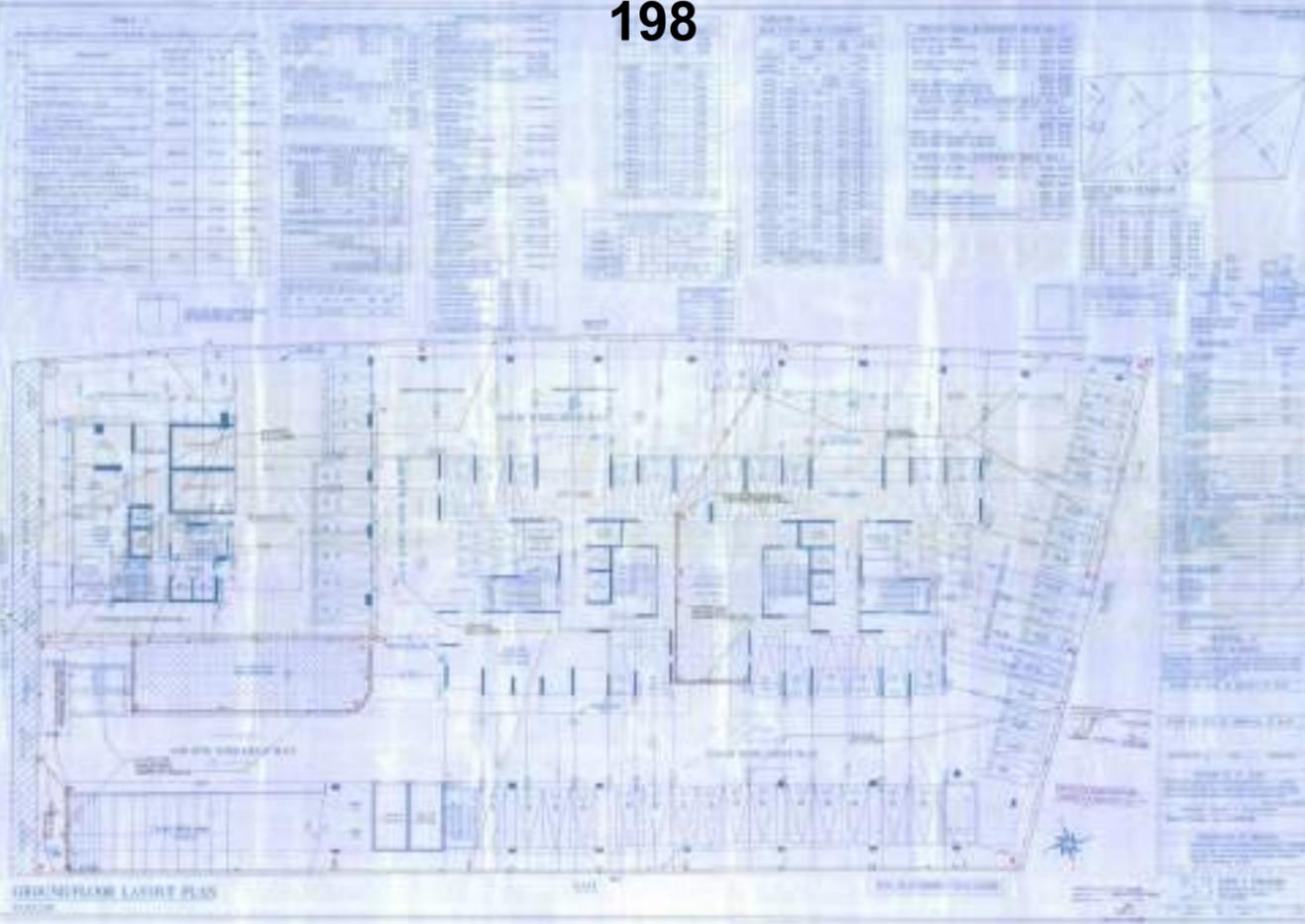
8. You shall approach to this office for Completion Certificate after actual street connection is done along with following papers :-
  - a) Certificate along with Completion plan of S.W. Drains as carried out on site as per Municipal specifications duly signed by you and also by the Licensed Plumber on their own letter head.
  - b) Remarks and sketch from office of the concerned ward about actual street connection from last catch pit chamber to Municipal S.W. Drain.
9. The Completion Certificate shall be obtained on completion of the work of internal Storm Water Drain as per Municipal specifications and as per accompanying plan, from this office.
10. Other Conditions.
  - a) As regards road and footpath work in setback portion, you are requested to obtain remarks from E.E.(Road)City. / E.E.(T.&C.) City / A.E.(Survey) City.
  - b) The necessary arrangement shall be provided in basement in accordance with I.S. 12251-1987 (Re-affirmed) for proper collection and disposal of storm water. The arrangement shall also be made to pump out / drain out the water of the basement to the nearest water entrance within the property by providing sump well.
  - c) An Indemnity Bond on stamp paper of Rs. 200/- shall be submitted to the Ex. Eng. (S.W.D.) Planning Cell indemnifying M.C.G.M. against any losses, damages, etc., if occurred, due to flooding in the basement under reference and stating that the same will be binding on Owner / Developer and their legal heirs / successors or whosoever deriving title through them.

11. These remarks are valid for one year from the date of issue of this letter, within which period Completion Certificate shall be obtained, failing which the remarks will have to be revalidated. The prevailing fees / charges will be charged for each revalidation / revision.
12. These remarks are given from the point of view of disposal of storm water only, without prejudice to the boundaries of the plot shown, ownership of plot, status of existing structures on it, if any, and use of the land under reference.
13. That during the execution work of the proposed building, if any Storm Water Drain, other than shown on accompanying plan, is found existing within the plot, the work of proposed building shall be stopped and the same shall be brought to the notice of this office immediately. No further work shall be commenced unless the remarks regarding the same are obtained from this office.
14. These remarks are offered without taking into consideration the system of Rain Water Harvesting, as the same is not shown by the Architect. If the Rain Water Harvesting system is proposed in future, then revised SWD remarks shall be obtained.
15. These revised SWD remarks supersedes the earlier SWD remarks issued by this office.

Yours faithfully,

Acc. : Plan

  
Executive Engineer  
(Storm Water Drains) Planning Cell.(City)



GROUND FLOOR LAYOUT PLAN

SCALE

DATE: 10/10/2010

**MUNICIPAL CORPORATION OF GREATER MUMBAI**

No. Dy. Ch. Eng./SWD/3742 / P.C. dtd. 25/11/2016

Office of the :  
 Dy.Ch.Eng.(Storm Water Drains) P.C.  
 Engineering Hub Bldg.,  
 Dr. E. Moses Road,  
 Acharya Atre Chowk, Worli Naka,  
 Worli, Mumbai- 400 018  
 Tel No 022-24955059 / 24955229  
 Fax No 022-24980097

To,  
 Ms. Sheikh & Associates  
 Architects,  
 Rubbenwala House,  
 Dr. A.R. Neir Road, Agripada,  
 Mumbai-400011.

Sub : Part Completion Certificate for Storm Water Drain proposed redevelopment of property bearing C.S. No. 226 of Byculla Division at 258, Belasis Road, Mumbai Central, Mumbai.

Ref : 1. Your L.P.s Ms. Modern Tech's letter dtd. 24.12.2015.  
 2. This office SWD remarks wtr. Dy.Ch.E./SWD/2546/PC dtd. 12.10.2015.  
 3. Letter from A.E. (SWM) 'E' Ward wtr. AE/E/5975/SWM dtd. 03.08.2015.

Gentlemen,

Reference to your above referred letter at Sr.No.1 and letter from Asstt. Engineer (Env.) 'E' Ward referred at Sr. No. 3 the internal Storm Water Drain Part Completion Certificate submitted by you in compliance with reference at Sr.No.2 above, is hereby accepted.

Yours faithfully,

Acc : Plan

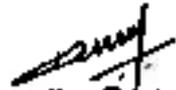
  
 Executive Engineer  
 (Storm Water Drains) Planning Cell (City)

TABLE - II  
DETAILS OF FUNGIBLE B.U.A. FOR REHAB / SALE & PREMIUM CALCULATIONS

Table with 4 columns: Sr.No, Description, Residential in Sq.Mt, Commercial in Sq.Mt, Total in Sq.Mt. It lists 12 items including permissible B.U.A., fungible B.U.A. for rehab, and ready reckoner rates.

REFUGEE AREA STATEMENT BULD. NO.-1. Table showing floor area, typical floor area, and total area for various floors.

REFUGEE AREA STATEMENT BULD. NO.-1. Table showing floor area, typical floor area, and total area for various floors.

PARKING AREA STATEMENT. Table showing area, as per regulation, and total area for different parking categories.

FUNGIBLE B.U.A. STATEMENT. Table showing area, as per regulation, and total area for different categories.

BUILT UP AREA CALCULATION FOR GROUND FLOOR (METER ROOMS & B). Table showing total area and additional area.

BUILD. NO.-1 BUILT-UP AREA STATEMENT. Table showing floor, area, and total area for various floors.

BUILD. NO.-1 BUILT-UP AREA STATEMENT. Table showing floor, area, and total area for various floors.

PROPOSED PARKING STATEMENT. Table showing floor, area, and total area for different parking types.

TOTAL PROPOSED FUNGIBLE BUILT UP AREA. Summary table for buildings 1, 2, and 3.

BUILD. NO.-2 BUILT-UP AREA STATEMENT. Table showing floor, area, and total area for various floors.

BUILD. NO.-2 BUILT-UP AREA STATEMENT. Table showing floor, area, and total area for various floors.

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BUILD. NO.-2 BUILT-UP AREA STATEMENT. Table showing floor, area, and total area for various floors.

REFUGEE AREA STATEMENT BULD. NO.-2. Table showing floor area, typical floor area, and total area.

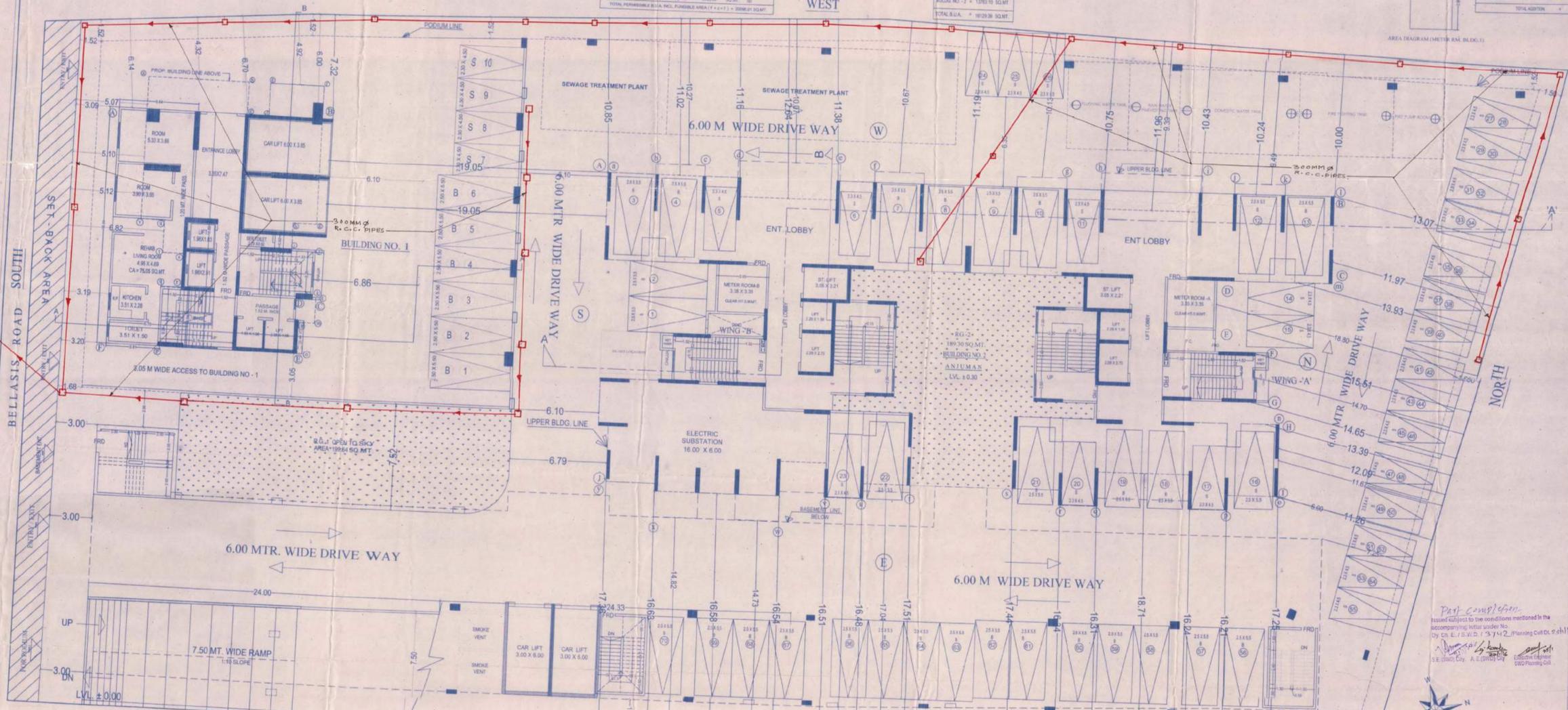
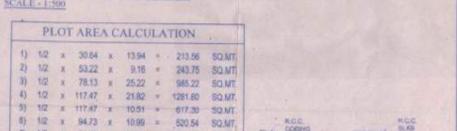
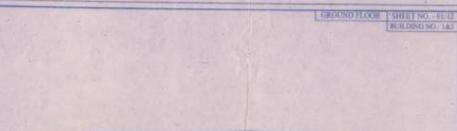
REFUGEE AREA STATEMENT BULD. NO.-2. Table showing floor area, typical floor area, and total area.

REFUGEE AREA STATEMENT BULD. NO.-2. Table showing floor area, typical floor area, and total area.

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REFUGEE AREA STATEMENT BULD. NO.-2. Table showing floor area, typical floor area, and total area.



PROFORMA - A AREA STATEMENT. Table with columns for area, total area, and remarks. It details the area for various parts of the building.

PROFORMA - B CONTENT OF SHEETS. Table listing the contents of the submitted sheets.

STAMP OF DATE OF RECEIPT OF PLAN and STAMP OF DATE OF APPROVAL OF PLAN.

CERTIFICATE OF AREA. Text block certifying the area of the plot and building.

OWNERS NAME & SIGNATURE. Section for the owner's signature and name.

DESCRIPTION OF PROPOSAL. Text block describing the proposed development.

GROUND FLOOR LAYOUT PLAN SCALE 1:100. Includes a north arrow and scale information.

EXISTING S.W. DRAIN SHOWN THUS COMPLETED S.W. DRAIN SHOWN THUS. Legend for drain symbols.

TOTAL NO OF PARKING = 70+10 = 80 NOS.

Professional signatures and stamps, including a date stamp and a signature block.



# SAURABH S. JADHAV

**CIVIL ENGINEER, LICENSED SURVEYOR  
& MUNICIPAL CONSULTANTS**

**U/No. Parking Layout consultant/2605/revised dated 26.05.2021**

To,  
**Owner,**  
**M/s. Dudhwala Real Estate & Investment**  
**(Developer)**

**Sub:** "Parking arrangement and its Maneuverability" plan for proposed redevelopment of property bearing C.S. No. 226, of Byculla Division situated at 258, Retreat Compound, Bellasis Road, Mumbai Central, Mumbai - 400 008.

**Ref:** File under no. **EB/2397/E/A**

Sir,

In this case, Traffic Department has already granted approval to the parking layout plans (Total 258 nos. of parking spaces) vide no.Dy.Ch.E/P-730/Traffic dated 14.11.2013. Further remarks are issued U/No. Parking Layout consultant/003/ dated 21.11.2019 for parking arrangement and its maneuverability point of view. Now L.S. has submitted revised parking layout. The building under reference is a residential building proposed to be having Basement, Ground floor, First podium & Second podium as parking floors.

- It is proposed to have 4 nos. of gates having width 3.80 mt., 3.05 mt., 6.00 mt. & 7.50 mt. wide entry / exit gates from 96'00" wide Bellasis Road as shown on plan.
- As per the parking statement prepared by Architect, **346 nos.** of parking spaces are required as per Regulation.36 of D.C.R.1991 & Regn.44 of D.C.P.R.2034 and proposed parking spaces are **346 nos.** including 25% & 50% additional parking spaces as per D.C.R.1991 & D.C.P.R.2034 respectively. However E.E.(B.P.)City shall verify the number of parking spaces required as per Regn.36 of D.C.R.1991 & Regn.44 of D.C.P.R.2034.
- Architect has proposed 57 nos. of parking spaces in Basement, 136 nos. of parking spaces on Ground floor, 104 nos. of parking spaces on First Podium floor and 49 Nos. of parking spaces on Second Podium floor of the proposed building.
- From the maneuverability point of view 346 Nos. car parking spaces provided as shown on plan are in order as detailed here under.
  - a) **142 Nos.** of car parking spaces are proposed in mechanized stack parking system and **204 Nos.** of car parking spaces are proposed as surface parking.



# SAURABH S. JADHAV

**CIVIL ENGINEER, LICENSED SURVEYOR  
& MUNICIPAL CONSULTANTS**

- b) The size of parking space provided is **2.5 m x 5.5 m (Big parking)** or **2.3 m x 4.5 m (Small parking)** as per provisions of Regulation no.44 of D.C.P.R.2034.
- c) Parking spaces provided at Basement are accessible through 4 nos. of car lifts and parking spaces provided at 1<sup>st</sup> & 2<sup>nd</sup> Podium are accessible through 7.50 mt. wide two-way driveway.
- It is to clarify that the parking arrangement shown is scrutinized purely from traffic maneuvering point of view. The necessary approval / permission from concerned Ex.Eng.(B.P.)City / Competent authority shall be obtained regarding the permissibility in the matter of allowing erection of mechanized stack parking system as shown on plan.
  - The area reserved for the parking shall be used / utilized for the purpose of parking only and a registered undertaking to this effect shall be submitted to E.E.B.P.(City).
  - L.S. has proposed some of the parking spaces directly one behind the other as shown in the plans for flats having requirement of more than one parking space. Same may be allowed as per Circular issued u/no. CHE/DP/110/Gen dated 2019-20 (C-8) clause 3.3.
  - Special parking attendants shall be deployed round the clock to control the maneuvering & the movement of cars between entry / exit gates, at the junction and the places where mechanized stack parking are provided so as to avoid traffic congestion during peak hours.
  - That the registered undertaking from owner indemnifying the M.C.G.M. against any litigation / accidents arising in case of the failure of proposed mechanized stack parking / car lifts in the building under reference shall be submitted to E.E.B.P.(City).
  - Mechanized stack parking shall be equipped with electric sensor devices and also proper precaution & safety measures shall be taken to avoid any mishap.
  - Installation of Mechanized Stack parking system is responsibility of Developer/Owner & concerned parking system provider/installer Company strictly.
  - That this parking layout is approved subject to confirming the permissibility of building under reference including allowing Mechanized stack parking system & surface parking at basement, ground, 1<sup>st</sup> podium & 2<sup>nd</sup> podium floor, vehicle maneuvering & movement of vehicles as per the provision of Regn.44 of D.C.P.R.2034.
  - Traffic Operation as indicated in red arrows is shown on plan and shall be maintained.
  - Parking slots proposed are in order from maneuvering point of view.



# SAURABH S. JADHAV

**CIVIL ENGINEER, LICENSED SURVEYOR  
& MUNICIPAL CONSULTANTS**

- Parking Spaces provided floor wise are as per following.

Sr. no.	Floor Designation	Surface Parking		Stack Parking		Total
		Big Car	Small Car	Big Car	Small Car	
1	Basement	16	07	17 x 2 = 34	-	57 nos.
2	Ground floor	10	48	17 x 2 = 34	22 x 2 = 44	136 nos.
3	1 <sup>st</sup> Podium floor	24	80	-	-	104 nos.
4	2 <sup>nd</sup> Podium floor	06	13	15 x 2 = 30	-	49 nos.
	<b>Total</b>	<b>56</b>	<b>148</b>	<b>98</b>	<b>44</b>	<b>346 Nos.</b>

### After the analysis following results obtained.

1. From the queue length calculation as per queuing theory the queue length at each car parking will be 1 car at evening peak hour and provision for the same is done on the plan.
2. At evening peak hour, if the security checking is introduced for all the car entering, with 1 security check posts at every gate, then 1 car will wait in queue at each entry gate at evening peak hour time. The average security checking time is considered as per 25 sec per car on the basis of traffic surveys conducted earlier and calculations.
3. In case of deviation as per the DCPR and Traffic Department guidelines the same shall be subject to approval of M.C. and subject to payment of premium as per policy.
4. Standby Arrangement of generator/alternative electric supply of requisite capacity shall be made in case of failure of electric supply.
5. This parking layout is analyzed considering location of structural members shown on the respective plans by the architect.

### You are requested to note the following additional conditions of Traffic Dept. of M.C.G.M.:

- 1) The minimum 2.40 mt. head room shall be kept in driveway at Ground floor as well as stilt floor and podiums.
- 2) The Ground floor/Stilt floor area shall be adequately lighted ventilated and drained properly.
- 3) Edges of the column shall be round in shape in the parking floors.
- 4) The parking spaces shall be paved & clearly marked, painted and numbered.
- 5) The traffic operation shall be marked in Thermoplastic road marking paint.



# SAURABH S. JADHAV

**CIVIL ENGINEER, LICENSED SURVEYOR  
& MUNICIPAL CONSULTANTS**

- 6) Arrows and traffic amenities such as Retro Reflective Road studs shall be provided to guide the motorists.
- 7) Anti-skid finish (Surface) shall be provided at the parking floors.
- 8) Cautionary / Informatory Signage's shall be provided in the drive ways to guide the motorists.
- 9) The entire drive-way as well as parking spaces shall be kept free of obstructions.
- 10) Adequate no. of parking attendants shall be employed.
- 11) Necessary care shall be taken to abate the nuisance or car exhaust / smoke / lights / noise in parking floor area.
- 12) The parking layout shall also meet the requirements of C.F.O.

**It is certified that the proposed parking layout is approved with respect to the parking arrangement and maneuverability of vehicles.**

The above remarks have been offered only and purely from traffic operation & maneuvering point of view, without any prejudice to the status of structures, ownership of the plot under reference and R.L. abutting the road if any & without reference to the ownership and without carrying out actual site inspection, and without reference agreement/ power of attorney for development if any.

Thanking You,  
Yours faithfully,  
**Licensed Surveyor**

**Saurabh S. Jadhav**  
**(Lic. No. J/188/LS)**

**Copy to:**

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