

**HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

**ORIGINAL APPLICATION NO.38/2020 (WZ)
IA No. 48/2020**

Tanaji B. Gambhire **Applicant**

Versus

Union of India & Ors. **Respondent**

**SUBMISSION OF ADDITIONAL DOCUMENTS
BY RESPONDENT NO. 12
PARANJAPE SCHEMES (CONSTRUCTION) LTD**

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Date: **21/04/2023**

Place: **Thane**



Filed by: **Adv. Raghunath Mahabal**

Advocate R. B. Mahabal रघुनाथ भालचंद्र महाबळ

BE(Mech), ME(Prod)VJTI, CE, FIE, LLM, IIE Arbitrator, [MAH/349/2012]

Home: A-202, Chandravijay Society, Opp. Bansuri Hotel,
Phule Road, Mulund East, Mumbai-400081, Maharashtra.

Email: adv.rbmahabal@gmail.com Cell: 7400116222 

along with associate Advocate Sachin Subhash Gore

MOST RESPECTFULLY SUBMITTED:

1. Respondent No.12 M/s Paranjape Schemes (Construction) Ltd. - Project proponent (PP) submitted an application for the corrigendum (correction) in the EC dated 20/09/2019.

2. Application to SEIAA Maharashtra was for the difference of the 12,313 m² in the 'total covered built-up construction area' on-site as per the earlier EC. This error happened on 30/07/2018 at the time of the application for the expansion in the existing Environmental Clearance. To clarify this issue, PP has already submitted the parking and other non-FSI area details to SEIAA. After this submission, SEAC-3 appraised and recommended the project on 10/01/2023 in its 161st meeting. Subsequently, SEIAA also took note of the submission made by the PP and the recommendation made by SEAC-3.

3. SEIAA Maharashtra granted the **corrigendum** as sought in the application of the PP in its 257th meeting dated 10/03/2023.

4. Parallely as a part of the procedure of EC expansion, PP has submitted a separate request to MOEFCC RO Nagpur for the Certified Compliance Report (CCR) and a visit related to it. Accordingly, Scientist -'E' of MOEFCC RO Nagpur visited the site on 09/02/2023 and submitted his report on

20/03/2023. After consideration of this report and the certified compliance by MOEFCC RO Nagpur office, SEIAA granted the corrigendum.

5. MOEFCC, SEAC-3 and SEIAA have checked each and every document and fact of the case. Neither MOEFCC RO Nagpur in his report nor SEAC or SEIAA in its appraisal process/MOM has mentioned that there is any kind of damage caused to the Environment due to this error of area mentioned.

6. The correction was sought in the figures mentioned in the EC and the area shown, appraised, deliberated, granted in the first EC of 25/06/2007 itself and completed in the year 2009.

7. PP has enclosed the Certified Compliance Report by MoEFCC EC [Ax. A] ■ and the EC (Corrigendum) [Ax. B] ■.

8. Furthermore, PP has also filed an appeal in the Supreme Court against the order dated 23/02/2023 of the National Green Tribunal, Western Zone Bench, Pune.

Thane, 21 April 2023



Advocate for Respondent No. 12

936

Ax.A



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE
एकीकृत क्षेत्रीय कार्यालय, पूर्व खंड, नया सचिवालय
भवन, सिविल लाइन्स, नागपुर
INTEGRATED REGIONAL OFFICE, EAST WING,
NEW SECRETARAT BUILDING, CIVIL LINES, NAGPUR -
440001.

F. No. EC- 1994/RON/2023-NGP | 11333

Dated: 20.03.2023

To

M/s. Paranjape Schemes (Construction) Limited.
PSC House, CTS 111+111/2, Anand Colony
Off Prabhat Road, Dr. Ketkar Marg
Erandawane, Pune 411004.

Subject: Residential & Commercial project 'Magnolia' at S.No. 136/2 at Village Baner - Pashan Link Road, Baner, Taluka Haveli, District Pune, Maharashtra by M/s. Paranjape Schemes (Construction) Limited. -Issue of Certified Compliance Report- Reg.

Sir,

This has reference to your request for the issue of CCR for the above project. In this regard, the above said project was inspected by this office. After the site visit and review of additional documents submitted, the implementation of environmental safeguards status in the project is prepared. Copy of the Inspection report is enclosed. **PP should ensure the compliance on the observations made in the report.**

This issues with the approval of Competent Authority.

Yours faithfully

Surender Gugloth
Scientist-E

Encl: As above

Copy to:

1. Member Secretary- SEIAA Environment & Climate Change Department, Room No. 217, 2nd floor Mantralaya, Mumbai-400032.



4

T.C

GOVERNMENT OF INDIA
Ministry of Environment, Forest and Climate Change
Integrated Regional Office, Nagpur

INSPECTION REPORT

F. No. EC- 1994/RON/2022-NGP

- | | | |
|----|--|---|
| 1. | Name of the project and location | Residential & Commercial project 'Magnolia' at S.No. 136/2 at Village Baner - Pashan Link Road, Baner, Taluka Haveli, District Pune, Maharashtra by M/s. Paranjape Schemes (Construction) Limited. |
| 2. | Address for Correspondence | Name: Apoorv Ranade
Designation: Environment Manager
Address: Paranjape Schemes (Construction) Limited, PSC House, CTS 111+111/2, Anand Colony, Off Prabhat Road, Dr. Ketkar Marg, Erandawane, Pune 411004. |
| 3. | Clearance letter No.& Date | 1 st EC letter No. 21-670/2006-IA.III dated 25.06.2007
2 nd EC letter No. SEIAA-EC-0000002017 dated 20.09.2019. |
| 4. | Date of site visit | The project was inspected on 09.02.2023 During the visit, Shri. Apoorv Ranade, Environment Manager were present. |
| 5. | Date of previous visit(s) & observation if any | - |
| 6. | One-page brief summary of the project - along with project details, date of commencement of construction activities, present status etc, | 1 st EC was granted by MOEF on 25.06.2007 for construction of 4 residential buildings with parking & clubhouse in plot area of 17,400 sqm with total built up area of 22,592.86 sqm (FSI). The said construction was completed and completion certificates granted on 09.09.2009, 05.11.2009 and 17.12.2009 respectively.

2 nd EC was granted by SEIAA on 20.09.2019 for construction of 1 additional commercial building (F) for total BUA 36,756 sqm (25,064 sqm FSI & 11,692 sqm Non FSI) |

The total project consists of 4 Existing Residential

- Buildings with parking & clubhouse, constructed and handed over to society as per 1st EC, and one ongoing commercial building as per 2nd EC is currently under construction. Construction activity commenced in May 2020. The project is under construction phase, About 80% of work have been completed.
7. Consent from MPCB
PP has obtained CTE vide number- Format 1.0/BO/JD (WPC) /UAN-067422/ CE/CC-1912000907 dated 17.12.2019 which is valid till 16.12.2024. Copy of the consent order is enclosed at **Annexure-I**.
 8. Details on sanitation facilities provided at labour camp, if provided within the site,-
1. Sewage treatment and disposal, Adequate drinking water and temporary sanitation facilities are provided.
The waste generated from the labour is collected and handed over to Pune Municipal Corporation.
2. Solid waste collection and disposal Provisions have been made for the solid waste generated to be properly collected and segregated. Wet garbage will be treated in OWC provided onsite and Dry/inert solid waste will be handed over to SWACH.
 9. Water usage, source and quantity
The water requirement for the construction activity is about 10 KLD and it is met through tanker water Supply.
PP has obtained Water NOC dated 10.06.2019 from Pune Municipal Corporation for the operation phase. Copy of the permission is submitted.
 10. Permission to draw ground water if any shall be obtained from the competent Authority prior to construction /operation of the project
According to the PP, there are no bore wells and PP is meeting the water for construction through water tankers.
 11. Water conservations measures-
Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred
Dual plumbing line for separation of gray and black water, Low flow
Water demand during construction is reduced by use of pre-mixed concrete, curing agents and other best practices.
PP has provided separate lines for storm water and sewage water, as well as separate water

- | | |
|---|--|
| Fixtures for showers, toilet flushing and drinking. | supply lines for fresh water and treated water from STP. PP has also provided low flow fixtures in toilets. |
| Recycling of treated sewage | The sewage treatment plant of 35 KLD is provided for the treatment of sewage expected from Operation Phase. The treated sewage is proposed to be reused for flushing, gardening etc.,. |
| 12. Energy conservation as per Energy Conservation Building Code | PP informed that project is designed as per ECBC norms and following energy conservation measures will be implemented:
LED Lighting
Occupancy Sensors & controls
Solar PV |
| 13. Usage of Fly ash in the construction | - |
| 14. Topsoil management. | Reported that excavated soil is used for backfilling and leveling of the plot and remaining shall be used within site for landscaping. |
| 15. Details of DG set [numbers and Capacity] | 1 x 62.5KVA DG set is used for construction phase and 1 x 500KVA DG set is installed at site for operation phase. The height of the DG set is installed as per the Central Pollution Control Board (CPCB). |
| 16. Pollution abatement measures: | PP informed that vehicles with PUC only are hired for bringing construction material to the site. Copy of the PUC certificates verified during the inspection. |
| Vehicular pollution | |
| Dust control | PP informed that water sprinkling is being carried out to suppression of dust. |
| Noise Control | PP informed that construction activity is restricted to day time only, tall barricades have been provided on all sides, DG is provided with acoustic enclosure. |
| 17. Latest Monitoring reports on Ambient air, Soil, Ground water, Noise, DG set etc., | The environmental monitoring is regularly carried out for various parameters by approved MOEFCC lab and copy of the latest monitoring reports are enclosed at Annexure –II .
Ground water quality not monitored within the site as there is no bore well. Groundwater from surrounding area is monitored to ensure there is no |

- contamination.
18. Construction Spoils, muck, including bituminous material and other hazardous materials management
All construction waste gets collected and segregated properly. Most of that is reused for the construction activity.
There is no bituminous waste.
Used oil would be generated from the site, will be disposed through Authorized vendor of MPCB.
 19. Amount earmarked for Environmental Management
PP informed that Rs 74 Lakhs has been allocated for EMP and assured that the same will be utilised only for EMP.
 20. Green Belt
PP has submitted green belt development plan. According to Plan, proposed to carry out plantation in an area of 1461 sqm., 184 trees have been planted previously in residential portion whereas 9 additional trees are to be planted near commercial building. **PP should ensure plantation as per the green belt development plan submitted.**
 21. CER/EMP
PP informed that according to the OM dated 25.02.2021 of the Ministry, the building projects to carry out all activities proposed under EMP as well any additional activities that may either be committed by them or prescribed by SEAC. Accordingly, Rs 13lakhs /year has been earmarked for EMP during construction phase for EMP activities as STP, OWC, Rain water harvesting, plantation etc.,.
 22. Details of Environment Management Cell
Details of Environment Management Cell viz. Organizaition chart, Qualification & salary of personnel provided by PP.
 23. Submission of six monthly reports on the status of compliance
PP has submitted six-monthly report.
 24. Submission of the environmental statement
PP has submitted the copy of the Statement.
 25. Uploading of the EC, compliance report, Environmental statement on the Company Website
PP has uploaded copy of EC, compliance report, Environmental statement on the Company Website
at –

<https://www.pscl.in/pro-psclin/wp-content/uploads/2020/07/Magnolia-EC-Compliance-report.pdf>

26. Advertisement about the grant of EC **Not complied**
PP has not submitted the copy of advertisement
27. Details of areas like Forest, Eco-Sensitive Zone, wildlife sanctuary etc. and the distance from the project There is no forest area near to the project site.
28. Details of Show Cause Notice/ direction issued, if any by the State PCB and details of remedial action taken/proposed. NIL
29. Details of Show Cause Notice/ direction issued, if any from the Department of Mines and Geology and details of remedial action taken/proposed. NIL
30. Details of pending Court Cases (If any) **Original Application No. 38/2020(WZ) in National Green Tribunal (Pune Bench).**
Applicant has alleged that the Respondent no.12 (Project Proponent – Paranjape Schemes (Construction) Ltd) has violated EC dated 25.06.2007 which was granted for built-up area 22,593 sq.m.,

Applicant has further alleged that the additional BUA over and above the 22,593 sq.m. has been granted with post facto EC by respondent no.45 (SEIAA Maharashtra) vide letter dated 20.09.2019.

PP informed that the first EC dated 25.06.2007 was granted for the entire project but the builtup area mentioned on the EC letter is on the basis of 'FSI area' as per the prevailing practice. As per PP, the FSI area constructed in the project was 21003 sq.m. only, which was within the permissible area of 22,593 sq.m. as per EC. PP has completed the construction of the said scope of the project within the validity period of the said EC

and also obtained Occupancy Certificate from Municipal Corporation as well as Consent to Operate from MPCB. There was no change in the scope of the project beyond the limits prescribed in the said EC i.e., 4 Residential Buildings with 22592.86 sq.m 'FSI' Area. PP stated that the clarification regarding FSI area & built-up area was given by the MOEF vide the Notification 04.04.2011, the said project was already completed and granted with Occupancy Certificate, Consent to Operate before the said notification was issued.

Further, PP informed that in the year 2019, due to recent revision of PMC Development Control rules, additional FSI was allotted by the municipal corporation. Therefore, PP proposed an additional commercial building in the project and obtained EC dated 20.09.2019 for the additional building only, which is still under construction as per the said EC.

Matter was heard by NGT on 12.01.2023. Advocate for respondent no.12 (PP) pressed that the issue of limitation is to be decided as a preliminary issue. Adv for Respondent no.4 & 5 (SEAC & SEIAA) as well as Original Applicant sought additional time for submission. Accordingly, additional time was granted.

Matter was then heard on 23.02.2023 on the preliminary issue of Limitation only. Matter is now listed for next hearing on 24.04.2023.

Copy of the NGT order is placed as **Annexure. III**

31. Proposal

PP has submitted a proposal for Corrigendum of EC for correction of BUA mentioned on the EC letter dated 20.09.2019. Hence, PP requested for CCR.

Conclusion: After the site visit and review of additional documents submitted, the implementation of environmental safeguards status in the project is prepared.

Following Non-compliance observed during site visit.

Condition no. (26)

PP has not submitted the copy of advertisement

Court case: Original Application No. 38/2020(WZ) in National Green Tribunal (Pune Bench). Matter was heard on 23.02.2023 on the preliminary issue of Limitation only. Matter is now listed for next hearing on 24.04.2023.

PP should ensure the implementation of Green belt development plan and CSR/CER/EMP activities 30% funds should be earmarked for Water Conservation and Seedling plantation/distribution related works.



Fig: Google Imagery



Fig: Construction at the site


(Surender Gugloth)
Scientist 'E'

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 24010437/24020781
/24037124/24035273
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Email : jdwater @mpcb.gov.in
Visit At : <http://mpcb.gov.in>



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

Infrastructure /Orange/LSI

Consent order No: Format1.0/BO/JD (WPC)/UAN-067422/CE/CC-1912000907 Date 17/12/2019

To,
M/s. "Mangnoila" by Paranjape Schemes Ltd,
S. No. 136/2, Baner Pashan Link Road,
VIII: Pashan Tal: Haveli, Dist: Pune.

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

Ref: 1. Your Application vide UAN No. -0000067422 Dated: 20/02/2019.
2. Minutes of 7th Consent Committee Meeting held on 24/10/2019.

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

- Consent to Establish is granted for a period up to commissioning of the project or of 5 years whichever is earlier.
- The proposed capital investment of the project is Rs. 19.75 Cr. (As per undertaking submitted by project proponent)

The Consent to Establish with expansion is valid for construction of Residential & Commercial Project named as M/s. "Mangnoila" by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road, VIII: Pashan Tal: Haveli, Dist: Pune, for total plot area of 17,400.00 Sqm and total construction built up area 36,756.00 Sqm including utilities and services as per Construction Commencement Certificate issued by local body.

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

Sr. No.	Description	Permitted quantity of discharge (CMD)	Standards to be achieved	Disposal
1.	Trade effluent	NIL	NA	NA
2.	Domestic effluent	33.00	As per Schedule -I	60% should be reused & recycled and remaining should be discharged in municipal sewer

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

Sr. No.	Description of stack/ source	Capacity	Number Of Stack	Standards to be achieved
1	DG Set	500 KVA		As Per Schedule -II

5. Conditions under Solid Waste Management Rules, 2016:

Sr. no.	Type Of Waste	Quantity & UOM	Treatment	Disposal
1	Wet garbage	39.00 Kg/Day	Organics waste Converter with composting facility / Biogas digester with composting facility	Used as Manure
2	Dry garbage	116.0 Kg/Day	--	Segregate and Hand over to Local Body for recycling
3.	STP sludge	03.0 Kg/day	STP	Used as manure

6. Conditions under Hazardous and Other Wastes (M & TM) Rules, 2016 for treatment and disposal of hazardous waste; NIL.
7. The Board reserves the right to review, amend, suspend, revoke etc. this consent and the same should be binding on the industry.
8. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government authorities.
7. Project Proponent shall comply the Construction and Demolition Waste Management Rules, 2016 which is notified by Ministry of Environment, Forest and Climate Change dtd.29/03/2016.
10. Project Proponent shall submit an affidavit in Board's prescribed format within 15 days regarding the compliance of conditions of EC/CRZ clearance and C to E.
11. Project Proponent shall install online monitoring systems for BOD, TSS and flow at the outlet of STP.
12. Project Proponent shall provide Organic waste digester with composting facility or Biogas digester with composting facility.
13. The applicant should comply with the conditions stipulated in Environmental Clearance Obtained from SEIAA, Environment Department, Government of Maharashtra, dt.20/09/2019 for total plot area 17,400.00 Sqm and total construction BUA 36,756.00 Sqm.

For and on behalf of the
Maharashtra Pollution Control Board

(E. Ravendiran, IAS)
Member Secretary

Received Consent fee of -

Sr. No.	Amount (Rs.)	Transaction . No.	Date	Drawn On
1	50,000/-	N114190808285838	24/04/2019	HDFC Bank

Copy to:

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

Schedule-ITerms & conditions for compliance of Water Pollution Control:

- 1) A] As per your application, you have proposed to install of Sewage Treatment Plants (STP) with the design capacity of 35.00 CMD
- B] The Applicant shall operate the effluent treatment plant (STP) to treat the sewage so as to achieve the following standards prescribed by the Board or under EP Act, 1986 and Rules made there under from time to time, whichever is stringent.

Sr No.	Parameters	Standards prescribed by Board
		Limiting Concentration in mg/l, except for PH
01	BOD (3 days 27°C)	10
02	Suspended Solids	20
03	COD	50
04	Residual chlorine	1 PPM

- C) The treated effluent shall be 60% recycled for secondary purposes such as toilet flushing air conditioning, firefighting, on land for gardening etc and remaining shall be discharged in to the municipal sewerage system.
- D] Project proponent shall operate STP for five years from the date of obtaining occupation certificate.
- The Board reserves its rights to review plans, Specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant should obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or and extension or addition thereto
- 2) The industry should ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.
- 3) The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and as amended, by installing water meters and other provisions as contained in the said act.

Sr. no.	Purpose for water consumed	Water consumption quantity (CMD)
1.	Domestic purpose	35.00

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

Schedule-IITerms & conditions for compliance of Air Pollution Control:

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

Sr. No.	Stack Attached To	APC System	Height in Mtrs.	Type Of Fuel	Quantity	UOM	S%	SO ₂
1.	DG Set (500 KVA)	Acoustic enclosure	4.47	Diesel	70	Lit/Hr	--	--

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

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

Particulate matter	Not to exceed	150 mg/Nm ³ .
--------------------	---------------	--------------------------

3. The Applicant should obtain necessary prior permission for providing additional control equipment with necessary specifications and operation thereof or alteration or replacement alteration well before its life come to an end or erection of new pollution control equipment. The Board reserves its rights to vary all or any of the condition in the consent, if due to any technological improvement or otherwise such variation (including the change of any control equipment, other in whole or in part is necessary).

Maharashtra Pollution Control Board

Schedule-III
Details of Bank Guarantees

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

Maharashtra Pollution Control Board

Schedule-IVGeneral Conditions:

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

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



Mahabal Enviro Engineers Pvt. Ltd.

Engineer, Consultant, Environmental Monitoring Laboratory & Contractor

Plot Nos. 13,14,17,18, Grampanchayat Bokhara, 8 km from Nagpur City,
Opp. Patel Petrol Pump, Chhindwara Road, Koradi, Dist.Nagpur-441111

Phone : 91-712-2612162, 2612212, Cell:9326279040

Email: mahabal.nagpur@gmail.com, mahabal.laboratory@gmail.com



Test Report

Report No.: ME-NG14401-221004- SA-MANGNOLIA-PUNE		Date: 04.10.2022	
Name and address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road, Vill: Pashan Tal: Haveli, Dist: Pune.		Order Reference
			Verbal discussion
Sample Description/Type	Stack Emission Monitoring	Sample Collected by	Laboratory
Sampling Location	D. G. Set 62.5 kVA	Sample Quantity/Packing	Thimble:1 X 1 No. SO ₂ :30mL X 1 No. PVC Can NO _x :25mL X1No. PVC Bottle
Date of Sampling	24.09.2022	Date of Receipt of Sample	26.09.2022
Sampling Procedure	As Per Method Reference		
Date of Start of Analysis	27.09.2022	Date of Completion of Analysis	29.09.2022

Discipline: Chemical Testing; Product Group: Atmospheric Pollution (Stack Emission)

Stack Details

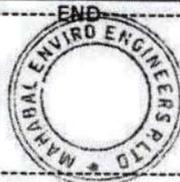
Stack Identity	D. G. Set 62.5 kVA
Stack attached to	D. G. Set
Material of construction	M. S.
Stack height above ground level (Meter)	1.5
Stack diameter (Meter)	0.10
Stack shape at top	Round
Type of fuel	Diesel
Fuel Consumption (L/h)	-

Parameter	Unit	Result	Method Reference
Flue gas Temperature	°C	102	IS 11255 (Part 3):2008; RA 2018
Flue gas Velocity	m/s	5.84	IS 11255 (Part 3):2008; RA 2018
Total gas quantity	Nm ³ /h	129	IS 11255 (Part 3):2008; RA 2018
Particulate Matter (PM)	mg/Nm ³	33	IS 11255 (Part 1):1985; RA 2019
Sulphur Dioxide (SO ₂)	mg/Nm ³	24	IS 11255 (Part 2):1985; RA 2019
Oxides of Nitrogen (NO _x)	mg/Nm ³	160	IS 11255 (Part 7): 2005; RA 2017

Remarks:

FOR MAHABAL ENVIRO ENGINEERS PVT. LTD.

Harish Mendhi
TECHNICAL MANAGER



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(Turn Opp Toyota Show Room 600 m from Hotel Rukhmini Palace. Next to Ashida Electrical. Near J B Sawant Bus Stop)
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Engineer, Consultant, Environmental Monitoring Laboratory & Contractor

Plot Nos. 13,14,17,18, Grampanchayat Bokhara, 8 km from Nagpur City,

Opp. Patel Petrol Pump, Chhindwara Road, Koradi, Dist. Nagpur-441111

Phone : 91-712-2612162, 2612212, Cell:9326279040

Email: mahabal.nagpur@gmail.com, mahabal.laboratory@gmail.com

Test Report

Report No.: ME-NG14401N-221004- SA-MANGNOLIA-PUNE		Date: 04.10.2022	
Name and address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road, Vill: Pashan Tal: Haveli, Dist: Pune.		Order Reference
			Verbal discussion
Sample Description/Type	Stack Emission Monitoring	Sample Collected by	Laboratory
Sampling Location	D. G. Set 62.5 kVA	Sample Quantity/Packing	SO ₂ :30mL X 1 No. PVC Can
Date of Sampling	24.09.2022	Date of Receipt of Sample	26.09.2022
Sampling Procedure	As Per Method Reference		
Date of Start of Analysis	27.09.2022	Date of Completion of Analysis	29.09.2022
Discipline: Chemical Testing; Product Group: Atmospheric Pollution (Stack Emission)			
Stack Details			
Stack Identity		D. G. Set 62.5 kVA	
Stack attached to		D. G. Set	
Material of construction		M. S.	
Stack height above ground level (Meter)		1.5	
Stack diameter (Meter)		0.10	
Stack shape at top		Round	
Type of fuel		Diesel	
Fuel Consumption (L/h)		-	
Parameter	Unit	Result	Method Reference
Sulphur Dioxide (SO ₂)	kg/day	0.074	IS 11255 (Part 2):1985; RA 2019
Remarks:			

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Test Report

Report No.: ME-NG14402-221004-SA-MAGNO-PUNE		Date: 04.10.2022
Name and Address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road, Vill: Pashan Tal: Haveli, Dist: Pune.	Order Reference
		Telephonic Discussion
Sample Description/Type	Noise Level Monitoring	
Date of Sampling	24.09.2022	
Sampling Procedure	IS 9876:1981	

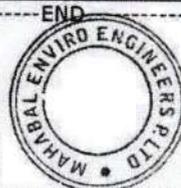
**Discipline: Chemical Testing; Product Group: Atmospheric Pollution
 (Source Noise Excluding Vibrations)**

Sr. No	Location	Unit	Result			Limit as per EPA Rule 1986
			Inside	Outside	Insertion loss	
1	D G Set (180 KVA)	dB(A)	93.6	68.3	25.3	1) For rated capacity more than 1000 KVA, insertion loss of Min. 25dB(A) or meeting the ambient noise standards whichever is on the higher side at different points at 0.5 m from the acoustic enclosure and averaged. 2) For rated capacity up to 1000 KVA, manufactured on or after the 1 st January 2005, the maximum permissible sound pressure level shall be 75 dB(A) at 1 metre from the enclosure surface.
2	D G Set (62.5 KVA)	dB(A)	91.8	66.5	25.3	

Remark:

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Test Report

Report No.: ME-NG14399-221004-SA-MAGNO-PUNE		Date: 04.10.2022
Name and Address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road, Vill: Pashan Tal: Haveli, Dist: Pune.	Order Reference
		Telephonic Discussion
Sample Description/Type	Ambient Noise Level	
Date of Sampling	24.09.2022	
Sampling Procedure	IS 9876:1981	

Discipline: Chemical Testing; Product Group: Atmospheric Pollution (Ambient Noise)

Sr. No.	Location	Time	Sound Level dB(A) Fast Response	Sound Level dB(A) Slow Response
1	Near Main Gate	08:05	54.6	53.2
		22:00	43.7	43.1
2	Near Building A	08:20	53.2	52.4
		22:10	42.6	41.9
2	Near Building B	08:35	53.9	53.2
		22:25	44.0	43.4

THE NOISE POLLUTION (REGULATION AND CONTROL) RULES, 2000

Area Code	Category of Area /Zone	Limit in dB(A) weighted scale	
		Day Time (6:00a.m. to 10:00 p.m.)	Night Time (10:00 p.m. to 6:00 a.m.)
A	Industrial Area	75	70
B	Commercial Area	65	55
C	Residential Area	55	45
D	Silence Zone	50	40

FOR MAHABAL ENVIRO ENGINEERS PVT. LTD.

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Test Report

Report No.: ME-NG14351-221004-SA-MANGNOLIA-PUNE		Date: 04.10.2022	
Name and Address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road,Vill: Pashan Tal: Haveli, Dist: Pune.		Order Reference
			Telephonic Discussion
Sample Description/Type	Ground Water	Sample Collected by	Laboratory
Sampling Location	Surrounding Area	Sample Quantity/Packing	2L X 1 No. PVC Can 500mL X 1 No. PVC Can 250 mL X 1No. Sterilised Glass Bottle
Date of Sampling	24.09.2022	Date of Receipt of Sample	25.09.2022
Sampling Procedure	IS:3025(Part I):1987 RA 2019; IS 1622:1981 RA 2019; APHA 23 rd Ed. 2017, 1060-B, 1-40; 9060 A, 9-36		
Date of Start of Analysis	25.09.2022	Date of Completion of Analysis	04.10.2022

Sr. No.	Parameter	Unit	Result	Method Reference
Discipline: Chemical Testing; Product Group: Water (Ground Water)				
1	Colour	Hazen	BQL (LOQ:1)	APHA 23 rd Ed. 2017, 2120-B, 2-6
2	Odour	-	Agreeable	IS 3025 (Part 5):1984, Reaffirmed 2018
3	Turbidity	NTU	1.6	APHA 23 rd Ed. 2017, 2130-B, 2-13
4	pH	-	7.5	APHA 23 rd Ed. 2017, 4500-H ⁺ -B, 4-95
5	Total Dissolved Solids	mg/L	606	IS 3025 (Part 16):1984 Reaffirmed 2017, Ed.2.1(1999-12)
6	Total Hardness (as CaCO ₃)	mg/L	386	APHA 23 rd Ed. 2017, 2340-C, 2-48
7	Calcium (as Ca)	mg/L	112	APHA 23 rd Ed. 2017, 3500-Ca-B, 3-69
8	Magnesium (as Mg)	mg/L	25.8	APHA 23 rd Ed. 2017, 3500-Mg- B, 3-86
9	Alkalinity Total (as CaCO ₃)	mg/L	368	IS 3025 (Part 23):1986 RA 2019 Amds 1
10	Chloride (as Cl)	mg/L	53.0	APHA 23 rd Ed. 2017, 4500-Cl-B, 4-75
11	Sulphate (as SO ₄)	mg/L	38.0	APHA 23 rd Ed. 2017, 4500- SO ₄ -E, 4-199
12	Nitrate (as NO ₃)	mg/L	45.4	APHA 23 rd Ed. 2017, 4500-NO ₃ , B, 4-127



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Continuation Sheet



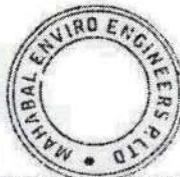
Report No. 14351 Cont...

Sr. No.	Parameter	Unit	Result	Method Reference
13	Fluoride (as F)	mg/L	0.513	APHA 23 rd Ed. 2017, 4500-F, D, 4-90
14	Cyanide (as CN)	mg/L	BQL (LOQ:0.001)	APHA 23 rd Ed. 2017, 4500-CN, C & E, 4-44 & 4-46
15	Anionic detergents as MBAS	mg/L	BQL (LOQ:0.1)	APHA 23 rd Ed. 2017, 5540-C, 5-55
16	Phenolic compounds (as C ₆ H ₅ OH)	mg/L	BQL (LOQ:0.001)	APHA 23 rd Ed. 2017, 5530- B & C, 5-49, 5-50
Residues in water (Trace metal Element)				
17	Chromium Hexa (as Cr ⁶⁺)	mg/L	BQL (LOQ:0.02)	APHA 23 rd Ed. 2017, 3500- Cr-B, 3-71
18	Mercury (as Hg)	mg/L	BQL (LOQ:0.0005)	APHA 23 rd Ed. 2017, 3112-B, 3-25
19	Iron (as Fe)	mg/L	0.257	IS 3025 (Part 2) 2019
20	Manganese (as Mn)	mg/L	BQL (LOQ:0.01)	IS 3025 (Part 2) 2019
21	Cadmium (as Cd)	mg/L	BQL (LOQ:0.0027)	IS 3025 (Part 2) 2019
22	Copper (as Cu)	mg/L	0.012	IS 3025 (Part 2) 2019
23	Lead (as Pb)	mg/L	BQL (LOQ:0.008)	IS 3025 (Part 2) 2019
24	Zinc (as Zn)	mg/L	0.065	IS 3025 (Part 2) 2019
25	Arsenic (as As)	mg/L	BQL (LOQ:0.007)	IS 3025 (Part 2) 2019
Discipline: Biological Testing; Product Group: Water (Ground Water)				
26	Total Coliforms	MPN/ 100mL	2.2	APHA 23 rd Ed. 2017, 9221-B, 9-69
27	E-Coli	MPN/ 100mL	Absent	APHA 23 rd Ed. 2017, 9221-B, E & G, 9-69, 9-77,9-80
Remark : BQL: Below Quantification Limit; LOQ: Limit of Quantification				

-END-

FOR MAHABAL ENVIRO ENGINEERS PVT. LTD.

Harish Mendhi
TECHNICAL MANAGER
(Chemical Testing)



Shital N. Lakhorkar
GROUP INCHARGE
(Biological Testing)



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Test Report

Report No.: ME-NG14350-221004-SA-MANGNOLIA-PUNE		Date: 04.10.2022	
Name and Address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road,Vill: Pashan Tal: Haveli, Dist: Pune.		Order Reference
			Telephonic Discussion
Sample Description/Type	Drinking Water	Sample Collected by	Laboratory
Sampling Location	Project Site	Sample Quantity/Packing	2L X 1 No. PVC Can 500mL X 1 No. PVC Can 250 mL X1 No. Sterilised Glass Bottle
Date of Sampling	24.09.2022	Date of Receipt of Sample	25.09.2022
Sampling Procedure	IS:3025(Part I):1987 RA 2019; IS 1622:1981 RA 2019; APHA 23 rd .Ed. 2017, 1060-B, 1-40; 9060 A, 9-36		
Date of Start of Analysis	25.09.2022	Date of Completion of Analysis	04.10.2022

Sr. No.	Parameter	Unit	Result	Method Reference
Discipline: Chemical Testing; Product Group: Water (Drinking Water)				
1	Colour	Hazen	BQL (LOQ:1)	APHA 23 rd Ed. 2017, 2120-B, 2-6
2	Odour	-	Agreeable	IS 3025 (Part 5):1984, Reaffirmed 2018
3	Taste	-	Agreeable	IS 3025 (Part 7 & 8):1984, Reaffirmed 2017
4	Turbidity	NTU	0.2	APHA 23 rd Ed. 2017, 2130-B, 2-13
5	pH	-	7.9	APHA 23 rd Ed. 2017, 4500-H ⁺ -B, 4-95
6	Total Dissolved Solids	mg/L	58	IS 3025 (Part 16):1984 Reaffirmed 2017, Ed.2.1(1999-12)
7	Total Hardness (as CaCO ₃)	mg/L	44	APHA 23 rd Ed. 2017, 2340-C, 2-48
8	Calcium (as Ca)	mg/L	12.8	APHA 23 rd Ed. 2017, 3500-Ca-B, 3-69
9	Magnesium (as Mg)	mg/L	2.9	APHA 23 rd Ed. 2017, 3500-Mg- B, 3-86
10	Alkalinity Total (as CaCO ₃)	mg/L	40	IS 3025 (Part 23):1986 RA 2019 Amds 1
11	Chloride (as Cl)	mg/L	6.0	APHA 23 rd Ed. 2017, 4500-Cl-B, 4-75
12	Sulphate (as SO ₄)	mg/L	2.6	APHA 23 rd Ed. 2017, 4500- SO ₄ -E, 4-199

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Engineer, Consultant, Environmental Monitoring Laboratory & Contractor

Continuation Sheet



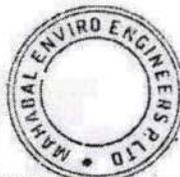
Report No.14350 Cont...

Sr. No.	Parameter	Unit	Result	Method Reference
13	Nitrate (as NO ₃)	mg/L	0.88	APHA 23 rd Ed. 2017, 4500-NO ₃ , E 4-131
14	Fluoride (as F)	mg/L	0.260	APHA 23 rd Ed. 2017, 4500-F, D, 4-90
15	Cyanide (as CN)	mg/L	BQL (LOQ:0.001)	APHA 23 rd Ed. 2017, 4500-CN, C & E, 4-44 & 4-46
16	Anionic detergents as MBAS	mg/L	BQL (LOQ:0.1)	APHA 23 rd Ed. 2017, 5540-C, 5-55
17	Phenolic compounds (as C ₆ H ₅ OH)	mg/L	BQL (LOQ:0.001)	APHA 23 rd Ed. 2017, 5530- B & C, 5-49, 5-50
Residues in water (Trace metal Element)				
18	Chromium Hexa (as Cr ⁶⁺)	mg/L	BQL (LOQ:0.02)	APHA 23 rd Ed. 2017, 3500- Cr-B, 3-71
19	Mercury (as Hg)	mg/L	BQL (LOQ:0.0005)	APHA 23 rd Ed. 2017, 3112-B, 3-25
20	Iron (as Fe)	mg/L	0.340	IS 3025 (Part 2) 2019
21	Manganese (as Mn)	mg/L	0.032	IS 3025 (Part 2) 2019
22	Cadmium (as Cd)	mg/L	BQL (LOQ:0.0027)	IS 3025 (Part 2) 2019
23	Copper (as Cu)	mg/L	BQL (LOQ:0.01)	IS 3025 (Part 2) 2019
24	Lead (as Pb)	mg/L	BQL (LOQ:0.008)	IS 3025 (Part 2) 2019
25	Zinc (as Zn)	mg/L	0.082	IS 3025 (Part 2) 2019
26	Arsenic (as As)	mg/L	BQL (LOQ:0.007)	IS 3025 (Part 2) 2019
Discipline: Biological Testing; Product Group: Water (Drinking Water)				
27	Total Coliforms	P-A/ 100 mL	Absent	IS 15185: 2016
28	E-Coli	P-A/ 100 mL	Absent	IS 15185: 2016
Remark : BQL: Below Quantification Limit; LOQ: Limit of Quantification				

END

FOR MAHABAL ENVIRO ENGINEERS PVT. LTD.

Harish Mendhi
TECHNICAL MANAGER
(Chemical Testing)



Shital N. Lakhorkar
GROUP INCHARGE
(Biological Testing)



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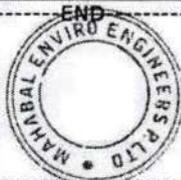
Test Report

Report No.: ME-NG14398-221004- SA-MANGNOLIA-PUNE		Date: 04.10.2022			
Name and address of Customer	"Mangnolia", by Paranjape Schemes Ltd,		Order Reference		
	S. No. 136/2, Baner Pashan Link Road, Vill: Pashan Tal: Haveli, Dist: Pune.		Verbal discussion		
Sample Description/Type	Ambient Air Quality Monitoring	Sample Collected by	Laboratory		
Sampling Location	Near Building B	Sample Quantity/Packing	PM ₁₀ : Filter paper: 1 X 1 No. PM _{2.5} : Filter paper: 1 X 1 No. SO ₂ : 30 mL X 2 No. PVC Bottle NO ₂ : 30 mL X 2 No. PVC Bottle CO: Bladder: 2L X 1 No.		
Date of Sampling	24.09.2022	Date of Receipt of Sample	26.09.2022		
Sampling Procedure	As per Method reference				
Date of Start of Analysis	27.09.2022	Date of Completion of Analysis	30.09.2022		
Sr. No.	Parameter	Unit	Result	#NAAQM Standard	Method Reference
Discipline: Chemical Testing; Product Group: Atmospheric Pollution (Ambient Air)					
Location	Near Building B		Duration of Survey	8 hours	
1	Sulphur Dioxide (SO ₂)	µg/m ³	9.0	80	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.1-6
2	Nitrogen Dioxide (NO ₂)	µg/m ³	11.4	80	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.7-10
3	Particulate Matter (size less than 10µm) or PM ₁₀	µg/m ³	41	100	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.11-14
4	Particulate Matter (size less than 2.5µm) or PM _{2.5}	µg/m ³	16	60	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.15-30
5	Carbon Monoxide (CO)	mg/m ³	0.96	4	CPCB Guidelines for the Measurement of Ambient Air Pollutants Volume-II, 2012-13, Page No. 16-22, (NDIR method)
Remarks: TWA - Time Weighted Average, #- NAAQS specified as: 24 h. TWA in case of SO ₂ , NO ₂ , PM ₁₀ , PM _{2.5} ; 1 h. Standard in case of Carbon Monoxide					

FOR MAHABAL ENVIRO ENGINEERS PVT. LTD.

Harish Mendhi

TECHNICAL MANAGER



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Test Report

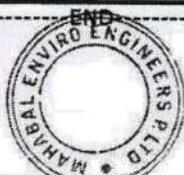
Report No.: ME-NG14397-221004- SA-MANGNOLIA-PUNE		Date: 04.10.2022	
Name and address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road, Vill: Pashan Tal: Haveli, Dist: Pune.	Order Reference	
		Verbal discussion	
Sample Description/Type	Ambient Air Quality Monitoring	Sample Collected by	Laboratory
Sampling Location	Near Building A	Sample Quantity/Packing	PM ₁₀ : Filter paper: 1 X 1 No. PM _{2.5} : Filter paper: 1 X 1 No. SO ₂ : 30 mL X 2 No. PVC Bottle NO ₂ : 30 mL X 2 No. PVC Bottle CO: Bladder: 2L X 1 No.
Date of Sampling	24.09.2022	Date of Receipt of Sample	26.09.2022
Sampling Procedure	As per Method reference		
Date of Start of Analysis	27.09.2022	Date of Completion of Analysis	30.09.2022

Sr. No.	Parameter	Unit	Result	#NAAQM Standard	Method Reference
Discipline: Chemical Testing; Product Group: Atmospheric Pollution (Ambient Air)					
Location	Near Building A		Duration of Survey	8 hours	
1	Sulphur Dioxide (SO ₂)	µg/m ³	8.1	80	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.1-6
2	Nitrogen Dioxide (NO ₂)	µg/m ³	10.8	80	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.7-10
3	Particulate Matter (size less than 10µm) or PM ₁₀	µg/m ³	37	100	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.11-14
4	Particulate Matter (size less than 2.5µm) or PM _{2.5}	µg/m ³	12	60	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.15-30
5	Carbon Monoxide (CO)	mg/m ³	0.73	4	CPCB Guidelines for the Measurement of Ambient Air Pollutants Volume-II, 2012-13, Page No. 16-22, (NDIR method)
Remarks: TWA - Time Weighted Average, #- NAAQS specified as: 24 h. TWA in case of SO ₂ , NO ₂ , PM ₁₀ , PM _{2.5} ; 1 h. Standard in case of Carbon Monoxide					

FOR MAHABAL ENVIRO ENGINEERS PVT. LTD.

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Note:

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QF/SALE/03/Issue No 03 Dt 05.12.2019, Amd 01 Dt 01.03.2020

Plot No. F-7, Road No. 21, MIDC Wagle Estate, Thane West - 400604, Maharashtra
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Test Report

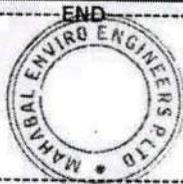
Report No.: ME-NG14396-221004- SA-MANGNOLIA-PUNE		Date: 04.10.2022			
Name and address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road, Vill: Pashan Tal: Haveli, Dist: Pune.	Order Reference			
		Verbal discussion			
Sample Description/Type	Ambient Air Quality Monitoring	Sample Collected by	Laboratory		
Sampling Location	Near Main Gate	Sample Quantity/Packing	PM ₁₀ :Filter paper: 1 X 1 No. PM _{2.5} :Filter paper:1 X 1 No. SO ₂ :30 mL X 2 No. PVC Bottle NO ₂ :30 mL X 2 No. PVC Bottle CO: Bladder: 2L X 1 No.		
Date of Sampling	24.09.2022	Date of Receipt of Sample	26.09.2022		
Sampling Procedure	As per Method reference				
Date of Start of Analysis	27.09.2022	Date of Completion of Analysis	30.09.2022		
Sr. No.	Parameter	Unit	Result	#NAAQM Standard	Method Reference
Discipline: Chemical Testing; Product Group: Atmospheric Pollution (Ambient Air)					
Location	Near Main Gate		Duration of Survey	8 hours	
1	Sulphur Dioxide (SO ₂)	µg/m ³	7.5	80	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.1-6
2	Nitrogen Dioxide (NO ₂)	µg/m ³	10.1	80	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.7-10
3	Particulate Matter (size less than 10µm) or PM ₁₀	µg/m ³	58	100	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.11-14
4	Particulate Matter (size less than 2.5µm) or PM _{2.5}	µg/m ³	22	60	CPCB Guidelines for the Measurement of Ambient Air Pollutants, Volume I, 2012-13, Page No.15-30
5	Carbon Monoxide (CO)	mg/m ³	0.81	4	CPCB Guidelines for the Measurement of Ambient Air Pollutants Volume-II, 2012-13, Page No. 16-22, (NDIR method)
Remarks: TWA - Time Weighted Average, #- NAAQS specified as: 24 h. TWA in case of SO ₂ , NO ₂ , PM ₁₀ , PM _{2.5} ; 1 h. Standard in case of Carbon Monoxide					

ULR-TC748722000013363F

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Test Report

Report No.: ME-NG14907-221013-SA-MANGNOLIA-PUNE		Date: 13.10.2022	
Name and Address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road,Vill: Pashan Tal: Haveli, Dist: Pune.		Order Reference
			As per verbal discussion
Sample Description/Type	Soil	Sample Collected by	Laboratory
Sampling Location	Project Site	Sample Quantity/Packing	1 kg X 1No. Polyethene bag
Date of Sampling	30.09.2022	Date of Receipt of Sample	03.10.2022
Sampling Procedure	Manual of Soil Testing, Department of Agriculture & Cooperation, Ministry of Agriculture, Govt. India		
Date of Start of Analysis	06.10.2022	Date of Completion of Analysis	13.10.2022

Sr. No.	Parameter	Unit	Result	Method Reference
Discipline: Chemical Testing; Product Group: Pollution & Environment (Soil)				
1	pH (1:5 Suspension)	-	10.2	FAO 1976, Sec.III,1, Page No. 65
2	Moisture Content	%	13.0	IS 2720 (Part II): 1973, RA 2020, Ed. 3.1
3	Organic Carbon	%	BQL (LOQ:0.2)	Manual of Soil Testing, Department of Agriculture & Cooperation, Ministry of Agriculture, Govt. India, Sec.4-17, Page No 83.
4	Available Nitrogen (as N)	mg/kg	BQL (LOQ:20)	Manual Of Soil Testing, Department of Agriculture, & Cooperation, Ministry of Agriculture, Govt. India, Sec 4-17, Page No. 89
5	Available Phosphate (as P)	mg/kg	4.88	FAO 1976, Sec. III, 12-1, Page No. 157
6	Total Cadmium (as Cd)	mg/kg	BQL (LOQ:2)	USEPA/SW 846 Method 3050B, Rev.2: Dec.1996 and 7000B, Rev.2, Feb 2007
7	Total Chromium (as Cr)	mg/kg	24.9	USEPA/SW 846 Method 3050B, Rev.2: Dec.1996 and 7000B, Rev.2, Feb 2007
8	Total Copper (as Cu)	mg/kg	102	USEPA/SW 846 Method 3050B, Rev.2: Dec.1996 and 7000B, Rev.2, Feb 2007
9	Total Lead (as Pb)	mg/kg	8.43	USEPA/SW 846 Method 3050B, Rev.2: Dec.1996 and 7000B, Rev.2, Feb 2007

ULR- TC748721000013860F



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Continuation Sheet



TC-7487

Report No.14907 Continued...

Sr. No.	Parameter	Unit	Result	Method Reference
10	Total Zinc (as Zn)	mg/kg	55.1	USEPA/SW 846 Method 3050B, Rev.2: Dec.1996 and 7000B, Rev.2, Feb 2007

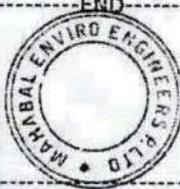
Remarks: All results are on as received basis. BQL: Below Quantification Limit; LOQ: Limit of Quantification

FOR MAHABAL ENVIRO ENGINEERS PVT. LTD.

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Test Report

Report No.: ME-NG014907N-221013-SA-MANGNOLIA-PUNE		Date: 13.10.2022	
Name and Address of Customer	"Mangnolia", by Paranjape Schemes Ltd, S. No. 136/2, Baner Pashan Link Road, Vill: Pashan Tal: Haveli, Dist: Pune.		Order Reference
			As per verbal discussion
Sample Description/Type	Soil	Sample Collected by	Laboratory
Sampling Location	Project Site	Sample Quantity/Packing	1 kg X 1No. Polyethene bag
Date of Sampling	30.09.2022	Date of Receipt of Sample	03.10.2022
Sampling Procedure	Manual of Soil Testing, Department of Agriculture & Cooperation, Ministry of Agriculture, Govt. India		
Date of Start of Analysis	06.10.2022	Date of Completion of Analysis	13.10.2022

Sr. No.	Parameter	Unit	Result	Method Reference
Discipline: Chemical Testing; Product Group: Pollution & Environment (Soil)				
1	Chloride (as Cl)	mg/kg	30.0	USEPA / SW 846/ 9253
2	Sulphate (as SO ₄)	mg/kg	43.8	IS 2720 (Part XXVII):1977, RA 2001.
3	Oil & Grease	mg/kg	BQL (LOQ:5)	CPCB (HW) manual, Page No. 156
Remarks: All results are on as received basis. BQL: Below Quantification Limit; LOQ: Limit of Quantification				

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Item No. 2

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 38/2020(WZ)
I.A. No. 48/2020(WZ)

Tanaji B. Gambhire

.....Applicant

Versus

Union of India & Ors.

....Respondent(s)

Date of hearing: 23.02.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant in-person along-with Mr. Vijay Mhaske, Advocate
 Respondent(s) : Mr. Rahul Garg, Advocate for R-1/MoEF&CC &
 R-9 & 10/PMC
 Mr. Aniruddha Kulkarni, Advocate for R-3/Envt. Deptt. &
 R-4/SEIAA & R-5/SEAC-III
 Ms. Manasi Joshi, Advocate for R-6 & 7/MPCB
 Mr. R. B. Mahabal along-with Mr. Sachin S. Gore,
 Advocates for R-12/PP

ORDER

1. As per our previous order dated 12.01.2023, we have to hear this matter only on the preliminary issue of limitation. There is no separate application filed from the side of Respondent No. 12/Project Proponent in respect of rejecting the present application on the ground of being barred by limitation but in the counter affidavit dated 07.01.2023 filed by the Respondent No. 12/Project Proponent, which is annexed at page nos. 332 to 379 of the paper book, in para no. 6, it is stated that the first Environmental Clearance was granted to the Answering Respondent on 25.06.2007. The construction was completed as per the sanctioned plans, including the parking floors in the year 2009, which included basement parking floors of an area of 12,110 m². The date on which the cause of

action first arose is 09.09.2009, when the 1st part of the Completion Certificate of PMC was given and from that date, there is 3953 days delay in filing the present Original Application i.e. on 06.07.2020.

2. From the side of Applicant, it is mentioned in relevant para no. 30 sub-clause (b) of the Original Application that the present application has been filed raising substantial questions relating to environment and this application is filed within five years from the cause of action first arose on 17.12.2019, when the Project Proponent procured the Consent to Establish and initiated construction for expansion. The present application is filed within six months from 17.12.2019 (excluding the period from 23.03.2020 to 08.06.2020 of Lockdown due to COVID-19, which is exempted by the Hon'ble Supreme Court of India).

3. Heard the arguments of the learned Counsel for the Applicant as well as learned Counsel for the Respondent No. 12/Project Proponent.

4. The learned Counsel for the Respondent No. 12 has argued that the land was purchased for the project in question in the year 2005 and the building plan was got sanctioned from the PMC on 12.07.2006, which was prior to come into force of EIA Notification dated 14.09.2006. Therefore, no area was required to be considered while granting the EC because the said provision came into force only after 14.09.2006. The Project Proponent has been granted EC under the EIA Notification, 2004, which provided that if footfall exceeded 1000 persons or it exceeded effluent of 50 cubic meters per day or the investment exceeded Rs. 50 crores, the EC would be required. The Project Proponent did not raise any construction between the period from the year 2009 to 2019. As on 20.09.2019, the EC for expansion was granted for the project in question (commercial project). The Applicant could not have challenged the earlier

constructions/work done by the Project Proponent, which was completed prior to 17.12.2019. It is further argued by him that the part of the project, which was completed earlier i.e. Building A, B, C & D of the residential projects, were handed over and the residents have also formed their association. He has also drawn our attention to the definition provided under Section 2 (d) of the Water (Prevention and Control of Pollution) Act, 1974, which says as follows:-

“ occupier”, in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;”

5. Therefore, it is argued by the learned Counsel for the Respondent No. 12/Project Proponent that since the building has been handed over to the occupants and it was the responsibility of the occupiers to operate the STP and OWC etc. and that it was no longer the burden of the Project Proponent/Developer.

6. Thereafter, the learned Counsel for the Respondent No. 12/Project Proponent has drawn our attention to page no. 419 of the paper book, which is a Judgment dated 03.10.2012 passed by the Principal Bench of this Tribunal in *Appeal No. 37 of 2012 (Real Gem Buildtech Pvt. Ltd. vs. State of Maharashtra)* and reliance is placed at para no. 5 of the said Judgment, which is quoted herein below:-

“Upon hearing learned Counsel for the parties, it is amply clear that the impugned order does not reflect as to whether rejection of the EC for three basements was done on ground of any adverse environmental impact. In fact, we find that no environmental issue is involved in the matter. The material on record does not show that the third basement is likely to cause any serious impact on the environment. The Counsel for the respondent submits that the question of proper muck disposal, the disposal of debris and the disposal of earth excavation from the building and basement is also required to be considered. He submits that proper disposal of such waste material has to be ensured from the appellant. He further submits that if the third basement has been constructed without the EC then the

appellant is liable for appropriate penalty under Section 15 of The Environment (Protection) Act, 1986."

7. Having relying upon the above ruling, it is argued that in the present case as well, no environmental issue is involved. Thereafter, he has drawn our attention to page no. 610 of the paper book, which is a Judgment dated 10.02.2022 delivered by the Tribunal in *Original Application No. 31/2020 (WZ) (Shashikant Kamble vs. M/s. Embassy Property Developers Pvt. Ltd.)*, where-in in part no. 5, following is held:

"The PP has filed a reply inter alia raising the plea of limitation. It is submitted that no part of cause of action has arisen within five years prior to filing of the OA. No continued violation pointed out. Thus, the Tribunal cannot entertain the application beyond statutory limitation."

8. We do not find the facts of this case narrated in this Original Application, therefore, we cannot compare the facts in the present case with the facts of Original Application No. 31/2022 and hence, under what circumstances, it was held by the Tribunal that the application was beyond statutory limitation, cannot be appreciated by us.

9. Much emphasis was laid down by the Respondent No. 12/Project Proponent that the present project is a different one than the project, which has already been completed earlier i.e. Building A, B, C & D on the ground that the buildings which were permitted to be constructed in accordance with the DCR of the year 1989, under that full utilization had been made of the Floor Space Index (FSI). The present project is allowed under DCR of 2015, which has given additional FSI, which could not have been done earlier. Therefore, the two projects should be treated to be separate and not one. Hence, present application deserves to be dismissed being time barred.

10. On the other hand, learned Counsel for the Applicant has drawn our attention to page no. 279 of the paper book, where-in the Applicant

has challenged the Consent to Establish and Consent to Operate and the present petition has been filed under Section 15 of the National Green Tribunal Act, 2010. He has drawn our attention to page no. 282 of the paper book, where-in following is held by the Joint Committee:-

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

11. Having drawn our attention to the above, it is argued that the Joint Committee itself has recommended that the expanded project be treated in holistic manner rather than be treated as a separate component. Thereafter, our attention is drawn to page no. 382 of the paper book, which is the Sanction Plan of the project and it is indicated by him that in this plan, the area which is shown as podium level, is forming part of the original plan, which is said to have been completed earlier i.e. Building A, B, C & D and that above podium, now fresh construction is being made, which should be treated to be one project as a whole, rather than a different project. Besides that, it is further argued by him that at

page no. 279 of the paper book, it is recorded in the Joint Committee report that BOD and COD were found to be exceeding the prescribed discharge standards, which clearly indicated of the fact that the STP was not in operation. It is further pointed out by him that he has challenged all the violations, which are narrated by him in the application, which pertain to Consent to Establish and Consent to Operate and it is apparent that there were gaps in obtaining the Consent to Operate by the Project Proponent. Therefore, in the light of the law laid down in *The Forward Foundation & Others vs. State of Karnataka & Others*, this should be treated to be the recurring cause of action and should not be treated to be time barred. The relevant portion of the said case law is reproduced here-in below for the sake of convenience:-

"24. For a dispute to culminate into a cause of action, actionable under Section 14 of the NGT Act, 2010, it has to be a 'composite cause of action' meaning that, it must combine all the ingredients spelled out under Section 14(1) and (2) of the NGT Act, 2010. It must satisfy all the legal requirements i.e. there must be a dispute. There should be a substantial question relating to environment or enforcement of any legal right relating to environment and such question should arise out of the implementation of the enactments specified in Schedule I. Action before the Tribunal must be taken within the prescribed period of limitation triggering from the date when all such ingredients are satisfied along with other legal requirements. Accrual of 'cause of action' as afore-stated would have to be considered as to when it first arose.

*25. In contradistinction to 'cause of action first arose', there could be 'continuing cause of action', 'recurring cause of action' or 'successive cause of action'. These diverse connotations with reference to cause of action are not synonymous. They certainly have a distinct and different meaning in law, 'Cause of action first arose' would refer to a definite point of time when requisite ingredients constituting that 'cause of action' were complete, providing applicant right to invoke the jurisdiction of the Court or the Tribunal. The 'Right to Sue' or 'right to take action' would be subsequent to an accrual of such right. The concept of continuing wrong which would be the foundation of continuous cause of action has been accepted by the Hon'ble Supreme Court in the case of *Bal Krishna Savalram Pujari & Ors. v. Sh. Dayaneshwar Maharaj Sansthan & Ors.*, AIR 1959 SC 798.*

26. In the case of *State of Bihar v. Deokaran Nenshi and Anr.*, (1972) 2 SCC 890, Hon'ble Supreme Court was dealing with the provisions of Section 66 and 79 of the Mines Act, 1952. These provisions prescribed for a penalty to be imposed upon guilty, but provided that no Court shall take cognizance of an offence under Act unless a complaint thereof has been made within six months from the date on which the offence is alleged to have been committed or within six months from the date on which the alleged commission of the offence came to the knowledge of the Inspector, whichever is later. The Explanation to the provision specifically provided that if the offence in question is a continuing offence, the period of limitation shall be computed with reference to every point of time during which the said offence continues. The Hon'ble Supreme Court held as under:

"5. A continuing offence is one which is susceptible of continuance and is distinguishable from the one which is committed once and for all. It is one of those offences which arises out of a failure to obey or comply with a rule or its requirement and which involves a penalty, the liability for which continues until the rule or its requirement is obeyed or complied with. On every occasion that such disobedience or non-compliance occurs and recurs, there is the offence committed. The distinction between the two kinds of offences is between an act or omission which constitutes an offence once and for all and an act or omission which continues and therefore, constitutes a fresh offence every time or occasion on which it continues. In the case of a continuing offence, there is thus the ingredient of continuance of the offence which is absent in the case of an offence which takes place when an act or omission is committed once and for all."

27. Whenever a wrong or offence is committed and ingredients are satisfied and repeated, it evidently would be a case of 'continuing wrong or offence'. For instance, using the factory without registration and licence was an offence committed every time the premises were used as a factory. The Hon'ble Supreme Court in the case of *Maya Rani Punj v. Commissioner of Income Tax, Delhi*, (1986) 1 SCC 445, was considering, if not filing return within prescribed time and without reasonable cause, was a continuing wrong or not, the Court held that continued default is obviously on the footing that non-compliance with the obligation of making a return is an infraction as long as the default continued. The penalty is imposable as long as the default continues and as long as the assessee does not comply with the requirements of law he continues to be guilty of the infraction and exposes himself to the penalty provided by law. Hon'ble High Court of Delhi in the case of *Mahavir Spinning Mills Ltd. v. Hb Leasing And Finances Co. Ltd.*, 199 (2013) DLT 227, while explaining Section 22 of the Limitation Act took the view that in the case of a continuing breach, or of a continuing tort, a fresh period of limitation begins to run at every moment of

time during which the breach or the tort, as the case may be, continues. Therefore, continuing the breach, act or wrong would culminate into the 'continuing cause of action' once all the ingredients are satisfied. Continuing cause of action thus, becomes relevant for even the determination of period of limitation with reference to the facts and circumstances of a given case. The very essence of continuous cause of action is continuing source of injury which renders the doer of the act responsible and liable for consequence in law.

Thus, the expressions 'cause of action first arose', 'continuing cause of action' and 'recurring cause of action' are well accepted canons of civil jurisprudence but they have to be understood and applied with reference to the facts and circumstances of a given case. It is not possible to lay down with absolute certainty or exactitude, their definitions or limitations. They would have to be construed with

reference to the facts and circumstances of a given case. These are generic concepts of civil law which are to be applied with acceptable variations in law. In light of the above discussed position of law, we may revert to the facts of the case in hand.

28. The settled position of law is that in law of limitation, it is only the injury alone that is relevant and not the consequences of the injury. If the wrongful act causes the injury which is complete, there is no continuing wrong even though the damage resulting from the act may continue. In other words distinction must be made between continuance of legal injury and the continuance of its injurious effects. Where a wrongful act produces a state of affairs, every moment continuance of which is a new tort, a fresh cause of action for continuance lies. Wherever a suit is based on multiple cause of action, period of limitation will begin to run from the date when the right to sue first accrues and successive violation of the right may not give rise to a fresh cause of action. [Ref: *Khatri Hotels Private Limited and Anr. v. Union of India (UOI) and Anr.*, (2011) 9 SCC 126, *Bal Krishna Savalram Pujari & Ors. v. Sh. Dayaneshwar Maharaj Sansthan & Ors*, AIR 1959 SC 798, *G.C. Sharma v. Municipal Corporation of Delhi*, (1979) ILR 2 Delhi 771, *Kuchibotha Kanakamma and Anr. v Tadepalli Ptanga Rao and Ors.*, AIR 1957 AP 419].

29. A cause of action which is complete in all respects gives the applicant a right to sue. An applicant has a right to bring an action upon a single cause of action while claiming different reliefs. Rule 14 of the National Green Tribunal (Practise and Procedure) Rules, 2011, shows the clear intent of the framers of the Rules that multiple reliefs can be claimed in an application provided they are consequential to one another and are based upon a single cause of action. Different causes of action, thus, may result in institution of different applications and therefore, there is exclusion of the concept of the 'joinder of causes of action' under the Rules of 2011. The multiple cause of action again would be of two kinds. One, which arise simultaneously and other, which arise at a different or successive point of time.

In first kind, cause of action accrues at the time of completion of the wrong or injury. In latter, it may give rise to cause of action or if the statutes so provide when the 'cause of action first arose' even if the wrong was repeated. Where the injury or wrong is complete at different times and may be of similar and different nature, then every subsequent wrong depending upon the facts of the case may give rise to a fresh cause of action.

To this general rule, there could be exceptions. In particular such exceptions could be carved out by the legislature itself. In a statute, where framers of law use the phraseology like 'cause of action first arose' in contradistinction to 'cause of action' simpliciter. Accrual of right to sue means accrual of cause of action for suit. The expressions 'when right to sue first arose' or 'cause of action first arose' connotes date when right to sue first accrued, although cause of action may have arisen even on subsequent occasions. Such expressions are noticed in Articles 58 of the Limitation Act, 1963. We may illustrate this by giving an example with regard to the laws that we are dealing here. When an order granting or refusing Environmental Clearance is passed, right to bring an action accrues in favour of an aggrieved person. An aggrieved person may not challenge the order granting Environmental Clearance, however, if on subsequent event there is a breach or non-implementation of the terms and conditions of the Environmental Clearance order, it would give right to bring a fresh action and would be a complete and composite recurring cause of action providing a fresh period of limitation. It is also for the reason that the cause of action accruing from the breach of the conditions of the consent order is no way dependent upon the initial grant or refusal of the consent. Such an event would be a complete cause of action in itself giving rise to fresh right to sue. Thus, where the legislature specifically requires the action to be brought within the prescribed period of limitation computed from the date when the cause of action 'first arose', it would by necessary implication exclude the extension of limitation or fresh limitation being counted from every continuing wrong, so far, it relates to the same wrong or breach and necessarily not a recurring cause of action.

30. Now, we would deal with the concept of recurring cause of action. The word 'recurring' means, something happening again and again and not that which occurs only once. Such reoccurrence could be frequent or periodical. The recurring wrong could have new elements in addition to or in substitution of the first wrong or when 'cause of action first arose'. It could even have the same features but its reoccurrence is complete and composite. The recurring cause of action would not stand excluded by the expression 'cause of action first arose'. In some situation, it could even be a complete, distinct cause of action hardly having nexus to the first breach or wrong, thus, not inviting the implicit consequences of the expression 'cause of action first arose'. The Supreme Court clarified the distinction between continuing and recurring cause of action with some

finesse in the case of M. R. Gupta v. Union of India and others, (1995) 5 SCC 628, the Court held that:

“The appellant’s grievance that his pay fixation was not in accordance with the rules, was the assertion of a continuing wrong against him which gave rise to a recurring cause of action each time he was paid a salary which was not computed in accordance with the rules. So long as the appellant is in service, a fresh cause of action arises every month when he is paid his monthly salary on the basis of a wrong computation made contrary to rules. It is no doubt true that if the appellant’s claim is found correct on merits. He would be entitled to be paid according to the properly fixed pay scale in the future and the question of limitation would arise for recovery of the arrears for the past period. In other words, the appellant’s claim, if any, for recovery of arrears calculated on the basis of difference in the pay which has become time barred would not be recoverable, but he would be entitled to proper fixation of his pay in accordance with rules and to cessation of a continuing wrong if on merits his claim is justified. Similarly, any other consequential relief claimed by him, such as, promotion etc. would also be subject to the defence of laches etc. to disentitle him to those reliefs. The pay fixation can be made only on the basis of the situation existing on 1.8.1978 without taking into account any other consequential relief which may be barred by his laches and the bar of limitation. It is to this limited extent of proper pay fixation the application cannot be treated as time barred since it is based on a recurring cause of action.

The Tribunal misdirected itself when it treated the appellant’s claim as ‘one time action’ meaning thereby that it was not a continuing wrong based on a recurring cause of action. The claim to be paid the correct salary computed on the basis of proper pay fixation, is a right which subsists during the entire tenure of service and can be exercised at the time of each payment of the salary when the employee is entitled to salary computed correctly in accordance with the rules. This right of a Government servant to be paid the correct salary throughout his tenure according to computation made in accordance with rules, is akin to the right of redemption which is an incident of a subsisting mortgage and subsists so long as the mortgage itself subsists, unless the equity of redemption is extinguished. It is settled that the right of redemption is of this kind. (See Thota China Subba Rao and Ors. v. Mattapalli, Raju and Ors. AIR (1950) F C1.”

31. The Continuing cause of action would refer to the same act or transaction or series of such acts or

transactions. The recurring cause of action would have an element of fresh cause which by itself would provide the applicant the right to sue. It may have even be de hors the first cause of action or the first wrong by which the right to sue accrues. Commission of breach or infringement may give recurring and fresh cause of action with each of such infringement like infringement of a trademark. Every rejection of a right in law could be termed as a recurring cause of action. [Ref: Ex. Sep. Roop Singh v. Union of India and Ors., 2006 (91) DRJ 324, M/s. Bengal Waterproof Limited v. M/s. Bombay Waterproof Manufacturing Company and Another, (1997) 1 SCC 99].

32. The principle that emerges from the above discussion is that the 'cause of action' satisfying the ingredients for an action which might arise subsequently to an earlier event give result in accrual of fresh right to sue and hence reckoning of fresh period of limitation. **A recurring or continuous cause of action may give rise to a fresh cause of action resulting in fresh accrual of right to sue. In such cases, a subsequent wrong or injury would be independent of the first wrong or injury and a subsequent, composite and complete cause of action would not be hit by the expression 'cause of action first arose' as it is independent accrual of right to sue.** In other words, a recurring cause of action is a distinct and completed occurrence made of a fact or blend of composite facts giving rise to a fresh legal injury, fresh right to sue and triggering a fresh lease of limitation. It would not materially alter the character of the preposition that it has a reference to an event which had occurred earlier and was a complete cause of action in itself. In that sense, recurring cause of action which is complete in itself and satisfies the requisite ingredients would trigger a fresh period of limitation. To such composite and complete cause of action that has arisen subsequently, the phraseology of the 'cause of action first arose' would not effect in computing the period of limitation. The concept of cause of action first arose must essentially relate to the same event or series of events which have a direct linkage and arise from the same event. **To put it simply, it would be act or series of acts which arise from the same event, may be at different stages.** This expression would not de bar a composite and complete cause of action that has arisen subsequently. To illustratively demonstrate, we may refer to the challenge to the grant of Environmental Clearance. When an appellant challenges the grant of Environmental Clearance, it cannot challenge its legality at one stage and its impacts at a subsequent stage. But, **if the order granting Environmental Clearance is amended at a subsequent stage, then the appellant can challenge the subsequent amendments at a later stage, it being a complete and composite cause of action that has subsequently arisen and would not be hit by the concept of cause of action first arose."**

12. After having heard the rival contentions, we are of the view that in view of the recommendations made by the Joint Committee, the present project is nothing but an expansion of the earlier project and should be treated in holistic manner. We are of the view that the date which has been mentioned by the Applicant i.e. 17.12.2019 for expansion when the Consent to Establish of the said project was allowed, can be said to be a valid date for calculating of the period of limitation and since this Application has been filed under Section 15 of the National Green Tribunal Act, 2010, which provides 5 years period + 60 days at the discretion of the Tribunal on being shown satisfactory ground for the delay, we find that taking into consideration the recurring cause of action, the principle of which has been laid down by this Tribunal in *Forward Foundation v. State of Karnataka case (supra)*, this application is not found to be time barred. This issue is decided accordingly.

Put up this matter on 24.04.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 23, 2023
Original Application No. 38/2020(WZ)
I.A. No. 48/2020(WZ)
P.Kr

Minutes of 257th Day - 4 (Part C) meeting of SEIAA held on 10th March, 2023

Item no. 31

Proposal No.:- SIA/MH/MIS/251752/2022

Type of Project: Corrigendum

Subject- Corrigendum in EC for Magnolia by Paranjape Schemes (Construction) Limited

Project Details-

Representative of PP Mr. Yash was present during the meeting along with environmental consultant M/s. Mahabal Enviro Engineers Pvt. Ltd.

It is noted that, the PP has submitted the application for corrigendum in EC received for proposed residential and commercial project.

SEAC Deliberation –

PP stated that, they have received an expansion in Environment Clearance vide letter dated 20.09.2019. PP further stated that, the said EC was obtained for the construction of one additional building to an existing project, which was completed as per previous EC received on 25.06.2007. PP informed that, the same fact was also mentioned in the revised EC which was received vide letter dated 20.09.2019.

PP further stated that, while applying expansion of EC on the EC MPCB Portal vide application No-UAN No.SEIAASTATEMENT-0000001583 dated 30.07.2018, they had erred to separately mention the built-up area of the older residential buildings, which were already completed as per the earlier sanction plans, EC, and Consent. PP further stated that, an area of 13,904 m² of NON-FSI area (parking, services & balconies) was not included, whereas, an excess area of 1,591m² of FSI was included in the overall built-up area mentioned in the consolidated statement. Thus, resulting in a net difference of 12,313 m² in the overall built-up area in their application. PP informed that, this happened because these are considered as NON-FSI area and were not mentioned separately in the earlier EC as per prevailing practice while obtaining the earlier EC in 2007. However, these details were indicated in the PMC Sanctioned Plans submitted at the time of obtaining the EC. PP informed that, it was mentioned in the PMC Sanctioned plan No.CC/0319/19 dated 17.05.2019 which was submitted to SEIAA during the meeting dated 29.08.2019. The said PMC sanction plan is referred in the EC letter also. However, since they had not separately mentioned the above-mentioned area in our EC application / Consolidated Statement, it was not included in the total built up area mentioned on the final EC letter dated 20.09.2019.

PP informed that, the project has the plot area 17,400 m², FSI area 23,803m², non FSI area 25,266 m² and total construction area 49,069m² and the construction work completed on site. PP further stated that, there is no additional construction proposed OR being done and there is no change in the environmental parameters also.

PP informed that, the project was considered in 137th meeting & the application was forwarded to SEIAA for further necessary action. PP further informed that, the project was considered in 243rd SEIAA meeting & SEIAA decided to refer back the proposal to SEAC-III, seeking 'Appraisal Specific' recommendations. Accordingly, the proposal was considered in 147th SEAC-3 meeting & deferred with observations viz...: 1) to submit Certified Compliance report from Regional Office MoEFCC Nagpur. 2) to submit the details chronology of the project. 3) It is noted that NGT case no. OA 38/2020 (Western Zone) is pending for final decision. PP to submit the current status of the same along with requisite documents. Accordingly, PP submitted that documents which was taken on record.

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

With respect to CCR, PP stated that, they have done all the communication with Regional Office MoEF & CC, Nagpur but site visit for the same is awaited. PP further stated that, with respect to court case, the Joint committee conducted field visit on 08.12.2021 and they have



Member Secretary



Chairman

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submitted point-wise reply to the Joint Committee through its nodal agency (MPCB) vide letter dated 29.12.2021.

During discussion following points emerged:

1. PP to submit Certified Compliance report from Regional Office MoEFCC Nagpur.
2. PP to provide minimum 30% of total parking arrangement with electric charging facility by providing charging points at suitable places. PP to ensure that this should be provided in AC/DC combination.
3. PP to ensure that, the water proposed to use for construction phase should not be drinking water. They can use recycled water or tanker water for proposed construction.

Recommendations of SEAC-

After deliberation, Committee decided to recommend the proposal for Corrigendum in Environmental Clearance to SEIAA, subject to compliance of above points and outcome of the aforesaid matter pending at Hon'ble National Green Tribunal.

Deliberation in SEIAA-

Proposal is for corrigendum in Environmental Clearance vide letter no. SEIAA-EC-000002017 dated 20.09.2019 for correction in FSI, NON FSI Area & Total BUA. SEAC-3 in its 161st meeting, recommended for correction in FSI & NON FSI Area mentioned in earlier EC dated: 20.09.2019.

At the outset, SEIAA asked PP whether they are in receipt of Certified Compliance Report (CCR) as mandated by MoEF&CC Office Memorandum dated 26.09.2022. PP submitted that, site visit held on 09.02.2023 and report is not received. SEIAA asked PP to submit CCR. Accordingly they have obtained the same dated 20.03.2023. SEIAA noted the same and asked PP to strictly comply with the points raised in the Certified Compliance Report (CCR) dated 20.03.2023

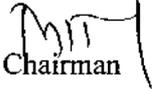
PP submitted that, while applying for revised EC for the said commercial building on 30.07.2018, we inadvertently forgot to separately mention the non-FSI area of 13,904 sq.m. towards the parking, services & balconies of the residential buildings, whereas, the FSI area of the existing residential buildings was mentioned higher than the actual FSI by 1591 sq.m.

The BUA which was not mentioned in the application was already appraised in the first EC dated 25.06.2007 as it pertains to the residential buildings, which were already constructed as per the earlier sanctioned plans, EC and granted with completion certificates in the year 2009 Further, these areas were also mentioned in the PMC Sanctioned plan No.CC/319/19 dated 17.05.2019, under 'Existing' areas. The said sanction plan was submitted to SEIAA during the 174th meeting dated 29.08.2019. The reference of the sanction plan is reflected in the minutes of the said meeting as well as the final EC letter dated 20.09.2019. SEIAA asked PP to submit undertaking to that effect. PP submitted the same dated 20.03.3023

SEIAA noted that the FSI, Non-FSI & total BUA mentioned in the EC letter dated 20.09.2019 need to be corrected as below —

Sr. No.	Details	As per Application	As per EC dated 20.09.2019	As per plan approval no. CC0319119, Date-17.05.2019	Correction required
1	Total Plot area	17,400 m ²	17,400 m ²	17,400 m ²	17,400 m ²
2	FSI area	25,064 m ²	24,274.35 m ²	21,002.29 m ² (Existing Buildings) + 2,801.15 m ² (Proposed Building F) = 23,803.44 m ² (Total)	23,803.44 m ²


Member Secretary


Chairman

3	Non FSI area	11,692 m ²	11,692.00 m ²	24130.60 m ² (Existing Buildings including parking) + 1135.57 m ² (Proposed Building F) = 25266.17 m ² (Total)	25,266.17 m ²
4	Total BUA	36,756 m²	35966.35 m²	49,069.61 m²	49,069.61 m²

SEIAA observed that earlier EC issued for FSI: 24274.35 m², Non-FSI:11692.00 m² and Total BUA: 35966.35 m² as per Plan Approval no-CC/0319/19, Date-17.05.2019 and same plan approval also mentioned the Existing parking which need to incorporate in EC.

SEIAA after deliberation decided to correct the FSI area as 23,803.44 m², Non-FSI area as 25,266.17 m² and Total BUA as 49,069.61 m² in Environmental Clearance vide letter no. SEIAA-EC-0000002017 dated 20.09.2019.

SEIAA Decision-

SEIAA after deliberation decided to grant corrigendum.


Member Secretary


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