

HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 144/2017 (WZ)

BETWEEN

Umarshad Khan & Ors. Applicant

VERSUS

State of Maharashtra & Ors. Respondents

**SUBMISSION OF ADDITIONAL DOCUMENTS
BY RESPONDENT NO. 7
(RIZVI LAND AND DEVELOPER PVT. LTD.)**

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Date : **24/01/2024**

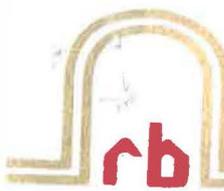
Place : **Pune**

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BE (Mechanical), ME (Industrial Management) VJTI Mumbai
Chartered Engineer, FIE, Arbitrator-IIIE, LLM **ADVOCATE**


RIZVI ESTATES & HOTELS PVT. LTD.

Rizvi House, 1st Floor, Hill Road,
Bandra (W), Mumbai - 400 050.
Tel. : 2642 4961 / 2642 6767 / 69
Fax : 91-22-2643 9977

Date: 09/01/2024

To,
Shri. S.R. Bhosale,
Regional Officer, Maharashtra Pollution Control Board,
Kalpataru Point,
Opp. PVR Theater,
Mumbai, Maharashtra-400022

Subject: Reply to Report of the Joint Committee in Compliance with order dated 10/05/2023 of the Hon'ble National Green Tribunal (NGT) in the matter of OA No. 144 of 2017 (WZ), Umarshad Khan & Ors. Vs State of Maharashtra 7 Ors.

- Ref No.:** 1. Consent Application No. MPCB-CONSENT-0000135567 submitted on 31-03-2022.
2. Show Cause Notice *vide* letter No.BO/JD(WPC)/SCN/TB-2208050023 Dated: 05-08-2022

Respected Sir/Madam,

This is regarding Report of the Joint Committee visited on 31/07/2023 at Residential cum Commercial Project with S.R. Scheme) at CTS No. Plot Bearing CTS No.6422, 6422/1-31, 6423, 6423/1 -6, 6424-A, 6424-B, 6424-B/1-4, 6424-C, 6424-C/1-3, 6426, 6426/1-17, 6427, 6427/1-16, 6429A, 6429A/I-11, 7370, 7374, 7375, 7376A, 7376A/1-16, 7377, 7379, 73791/1-3, 7381, 7381/1-16, 7382, 7382/1-3, 7394,7394/1-6, 7396, 7396/1-6, 7400, 7401 (pt), 7402, 7402/1-17, 7403A, 7403A/1-47, 7403B, 7403D, 7403D/1-20, 7408, 7408/1-6, 7437, 7437/1-53, 7438, 7438/1-7, 7440, 7440/1-14, 7441, 7441/1-14, 7448, 7448/1-17,

R. Shinde
10/1/2024

Maharashtra Pollution Control Board
Regional Office, Mumbai
Kalpataru Point, 1st Floor,
Slon Circle, In Front of Cine Planet Theater,
Shiv (East), Mumbai - 400 022,

T/C

R. Shinde

7451, 7451/1-11 at Village Kolekalyan, Behind Kalina Church, Kalina, Santacruz East, Mumbai by M/s. Rizvi Estates & Hotels Pvt. Ltd. We have done application having UAN No. MPCB-CONSENT-0000135567 submitted on 31-3-2022).

We are herewith submitting reply to Report of the Joint Committee dated: 31/07/2023 for above mentioned proposal: ENCLOSURE - 1

Sr. No.	Points	Observation & Remark
a.	STP of Rehab Buildings was not in operation and all the unit operations and processes of STP is found to be in dilapidated condition, without adequate operation and maintenance; no biomass observed in the aeration i.e. media used in the aeration tank is devoid of biomass and all the unit operations and processes of STP is accumulated with rain water	The STP of Rehab Buildings is in full operation. ENCLOSURE - 2
b.	The OWC installed at rehab building is not in operation and found to be in dilapidated condition, without adequate operation and maintenance.	The OWC of Rehab Building is in full operation. ENCLOSURE - 3

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c.	Sewerage system is found filled with plastics and thrash and found in dilapidated condition, without adequate and regular cleaning/maintenance.	The sewerage system has been cleaned and it is well maintained. <i>ENCLOSURE - 4</i>
d.	Due to inappropriate design of lid of the underground fresh water storage tanks, which in turn frequently resulting in contamination of underground fresh water storage tanks and making unfit for drinking and domestic purposes of the residents of rehab buildings.	The design of lid has been changed and underground fresh water is fit for drinking and domestic purposes of the residents for rehab buildings <i>ENCLOSURE - 5</i>
e.	PP has not complied with other environmental services as per EC dated 23/01/2012, like completion of remaining storm water drainage system; installation of required capacity of rain water harvesting system; DG sets for back up power supply; parking space for rehab buildings as per new and applicable DCPR of SRA and green belt.	As the project is not fully completed as per EC dated 23/01/2012. The remaining portion of storm water drainage system, installation of required capacity of rain water harvesting system, DG sets for back up power supply, parking space for Rehab Buildings as per new DCPR 2034 and greeb belt will be fully constructed when the

		project is fully completed as per EC.
f.	PP has completed construction 4,029.35 m ² without valid EC, as the earlier EC dated 23/01/2012 was valid upto 22/01/2017. Hence, the construction of said 4,029.35 m ² is violation of EIA Notification, 2006 and amendments made thereunder from time to time.	As per Ministry of Environment, Forest and Climate Change notification dated 29 th April 2015 the validity of EC has extended from 5 years to 7 years. ENCLOSURE - 6

As per Report of the Joint Committee visited on 31/07/2023 we are providing necessary information to re-visit the site and provide your value feedback.

Thanking you,

Yours Faithfully,
For, M/s. Rizvi Estates & Hotels Pvt. Ltd.,

A.H. Rizvi
(A.H. Rizvi)
Director



REPORT OF THE JOINT COMMITTEE IN COMPLIANCE WITH ORDER DATED 10/05/2023 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN THE MATTER OF OA NO 144 OF 2017 (WZ), UMARSHAD KHAN & ORS. VS STATE OF MAHARASHTRA & ORS.

1.0 Background

Grievance in the Original Application No. 144 of 2017 (WZ), titled Umarshad Khan & Ors. Vs State of Maharashtra & Ors., as per order dated 10/05/2023 of the Hon'ble NGT, is against violation of environmental clearance (EC) conditions by M/s Rizvi Land Developments Pvt. Ltd., (hereinafter referred as the project proponent i.e. PP) while constructing a residential cum commercial building project with S.R. scheme at Kokalyan, Kalina, Santacruz (E), Mumbai. The alleged violations by PP, as mentioned by the Applicant in the aforesaid Hon'ble NGT matter are: not provided parking space for 2-wheeler & 4-wheeler in the rehab building; not provided organic waste convertor for management of solid waste in the rehab building; not developed green belt; non-functional sewage treatment plant (STP) & commissioning of the same in pathway near building no. A-3 & A-6, causing obstruction; and not provided storm water drainage in the rehab building as a result potable underground water tanks are being contaminated. Hon'ble NGT directed vide order dated 10/05/2023 (copy of Hon'ble NGT order, dated 10/05/2023 is given at **Annexure-1**) and relevant order is reproduced as below:

"...10. Since the present application pertains to seeking relief with respect to violation of the terms & conditions of EC regarding which a report is there on record, filed by the MoEF&CC dated 17.03.2023, which is found to be contradictory on several counts, we deem it appropriate to constitute a Joint Committee comprising one member each of:-

- (i). The State Environment Impact Assessment Authority (SEIAA)/SEAC-II;*
- (ii). The Maharashtra Pollution Control Board (MPCB); and*
- (iii). The Central Pollution Control Board (CPCB).*

11. The Maharashtra Pollution Control Board (MPCB) shall be the nodal agency for coordination and logistic support.

12. The Committee is directed to visit the spot in order to assess the facts in the light of the objections raised by the Applicant in their affidavit dated

06.05.2023 pertaining to violations and submit a factual and action taken report along-with the recommendations within a period of one month..."

2.0 Approach

In order to comply with the aforesaid Hon'ble NGT order, the Central Pollution Control Board (CPCB) vide email dated 07/06/2023 communicated the nominee details to the nodal agency i.e. MPCB with a request to provide background information, copy of the Original Application, other relevant information for reference & deliberation in the aforesaid matter. Upon receipt of nominee details from the nodal agency vide email dated 20/07/2023, the joint committee carried-out inspection of the residential cum commercial building project being developed by M/s Rizvi Land Developments Pvt. Ltd., Kokalyan, Kalina, Santacruz (E), Mumbai. Maharashtra on 31/07/2023. Following committee members were present during the inspection.

- i. Shri Pankaj Joshi, Member, SEIAA, Maharashtra
- ii. Shri Kishor Kerlikar, Sub Regional Officer, MPCB, Mumbai-II
- iii. Shri Nishchal C., Scientist 'D', CPCB, Regional Directorate, Pune

Also, Sh. Milind Thakur, Field Officer, MPCB, Mumbai-II accompanied the joint committee during the inspection. Also, as directed by the Hon'ble NGT vide order dated 10/05/2023, prior communication was made by the nodal agency to the Applicant and PP to present during the inspection. Accordingly, Shri Umarshad Khan, Applicant & Ms. Priyanka Ghosh, Applicant's Advocate were present during the joint committee inspection and provided information about various non-compliances of EC. Shri Shahbaz Khan from M/s Rizvi Land Developments Pvt. Ltd., was present and provided information about the project, various permissions obtained thereto and 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 the nodal agency, followed by site inspection, information given by the PP & various Govt. agencies through the nodal agency and subsequent discussions of the joint committee. The observations & findings of the joint committee are given as below:

3.1 Observations and findings w.r.t Environmental Clearance

- i. PP has been granted Environmental Clearance (EC) for construction of residential cum commercial building project with S.R. scheme by SEIAA, Maharashtra vide letter no. SEAC-2011/CR.760/TC.2, dated 23/01/2012 for plot area of 15,429 m² and Total BUA: 58,741.32 m² (FSI: 41,027 m² & Non-FSI: 17,714.32 m²) for 09 no. of rehab buildings: G + 7 floors and 02 no. of sale buildings: 2B + G + 8 floors. Copy of EC dated 23/01/2012 is given at **Annexure-2**.

- ii. Out of 09 no. of rehab buildings, PP has completed construction of 05 no. of rehab buildings viz. A-2; A-3; A-4; A-5 & A-6 having configuration of G + 7 floors, which are as per the EC dated 23/01/2012, except rehab building A-2. It is observed that PP has constructed 01 no. of additional floor in the rehab building A-2 i.e. constructed G+8 floors, as against the sanctioned G+7 floors, as per EC dated 23/01/2012. Whereas, construction of remaining rehab buildings viz. A-1; A-7; A-8 & A-9 is not yet started, reportedly due to revised planning i.e. PP intends to construct 01 no. of additional floor, for which permission from the concerned authority(s) is yet to be granted.

- iii. Similarly, out of 02 no. of sale buildings, PP has partly completed construction of building no.1 (constructed 3 wings: A; B & C out of total 05 wings: A; B; C; D & E) having configuration of 1B + S + 1 floor (part podium) + 2nd to 9th floors, as against the sanctioned 2B + G + 8 floors, as per EC dated 23/01/2012 (i.e. by removal of 1 basement; PP added part podium & 1 habitable floor). Whereas, construction of remaining sale building no. 2 is not yet started, reportedly due to revised planning i.e. PP intends to construct 01 no. of additional floor, as above w.r.t. sale building no. 1; for which permission from the concerned authority(s) is yet to be granted.

- iv. As informed by PP, total BUA of the aforesaid residential cum commercial building project is 34,335.79 m² against the total BUA of 58,741.32 m², which is within the total BUA of 58,741.32 m² as per EC dated 23/01/2012. However, the validity of EC dated 23/01/2012 was up to five years i.e. up to 23/01/2017, as per s. no. 7 "Validity of Environmental Clearance" of the EC

dated 23/01/2012. PP has obtained occupation certificates for the aforesaid 05 no. of completed rehab buildings viz. A-2; A-3; A-4; A-5 & A-6 and 01 no. of completed sale building no.1 (Wing-A & B) from the Slum Rehabilitation Authority (SRA). Details of the same are depicted in the below Table-1.

Table-1: Details of occupation certificate obtained by PP.

Name of building	Occupation certificate no. & date	Configuration
Rehab building		
A-3	SRA/ENG/3023/HE/PL/AP, 05/06/2017	G + 7
A-4	SRA/ENG/3104/HE/PL/AP, 05/06/2017	G + 7
A-5	SRA/ENG/2777/HE/PL/AP, 11/10/2017	G + 7
A-2	SRA/ENG/3116/HE/PL/AP, 27/02/2020	Stilt (Pt) + G (Pt) + 8
A-6	SRA/ENG/2929/HE/PL/AP, 18/09/2020	G + 7
Sale building		
S-1 (Wing-A & B)	SRA/ENG/3242/HE/PL/AP, 05/03/2020	1 st to 9 th floors

- v. It is observed that PP has made an application to SEIAA, Maharashtra on 15/11/2021 for seeking the expansion of earlier EC dated 23/01/2012, due to the proposed increase in the total plot area & total BUA. Wherein, the existing total plot area is proposed to be increased from: 15,429 m² to 30,008.23 m²; and total BUA is proposed to be increased from: 58,741.32 m² to 89,287.01 m², with the proposed change w.r.t. addition of buildings & floor and also change in building configuration from: 09 no. of rehab buildings to 12 no. of rehab buildings and proposed change in the configuration of sale buildings. Salient features of the existing project along with the proposed expansion are depicted below Table-2.

Table-2: Salient features of the project as per EC dated 23/01/2012

S. no.	Particulars	As per earlier EC dated 23/01/2012	Proposed expansion of EC
1.	Total plot area	15,429 m ²	30,008.23 m ²
2.	Total BUA	58,741.32 m ² (FSI: 41,027 m ² & Non-FSI: 17,714.32 m ²)	89,287.01 m ² (FSI: 57,674.35 m ² & Non-FSI: 31,612.66 m ²)
3.	Building configuration	09 no. of rehab buildings (G + 7 floors)	12 no. of rehab buildings (G + 7/8 floors)
		02 no. of sale buildings	02 no. of sale buildings (1B)

		(2B + G + 8 floors)	+ S + 1 floor (part podium) + 2 nd to 9 th floors)
4.	Water requirement	582 KLD	1,064 KLD
5.	Sewage generation & STP capacity	466 KLD & 500 KLD	993 KLD & 1,100 KLD
6.	Solid waste generation	Dry waste: 1,336 Kg/day Wet waste: 890 Kg/day	Dry waste: 1,581 Kg/day Wet waste: 2,372 Kg/day
7.	Green belt development	1,377.92 m ²	2,444.43 m ²
8.	Parking	4-wheeler: 296	4-wheeler: 390

- vi. Expansion application of the aforesaid residential cum commercial building project was considered during 172nd SEAC-2 meeting, vide dated 04/05/2022; wherein the SEAC-2 observed that PP had submitted an application dated 09/09/2020 for obtaining IOA from the Slum Rehabilitation Authority (SRA). However, PP has not received IOA from SRA as on date of appraisal by the SEAC-2 during its 172nd meeting dated 04/05/2022. Thereafter, the said expansion proposal was again considered before SEIAA, Maharashtra during 264th Day-1 (Part-B) meeting, vide dated 08/08/2023. Wherein SEAC & SEIAA, Maharashtra noted that PP has completed total construction of 34,335.79 m² as per the EC dated 23/01/2012 i.e. PP has completed construction 4,029.35 m² without valid EC, as the earlier EC dated 23/01/2012 which was valid up to 22/01/2017.
- vii. Further, SEIAA, Maharashtra in the aforesaid meeting dated 08/08/2023 based on the recommendations of SEAC; has decided to reject the expansion proposal of the residential cum commercial building project. Copy of minutes of meeting – minutes of 264th Day -1 (Part-B) meeting of SEIAA, dated 08/08/2023 is given at **Annexure-3**.

3.2 Observations and findings w.r.t. CTE & CTO and environmental services

- i. PP has obtained Consent to Establish (CTE) from the MPCB vide no. BO/RO (HQ)/Mumbai/CE/CC-04, dated 09/01/2012 for total plot area-15,429 m² and total BUA-58,741.32 m² (as per EC dated 23/01/2012), which was valid up to commissioning of the project or five years (i.e. up to 09/01/2017), whichever is earlier. Copy of CTE dated 09/01/2012 is given at **Annexure-4**. Further, after

expiry of earlier CTE dated 09/01/2012, PP applied & obtained revalidation of CTE from MPCB vide no. Format1.0/JD (WPC)/UAN no. 0000127092/CR/2207000958, dated 20/07/2022 for total plot area-15,429 m² and total BUA-58,741.32 m² for construction of residential cum commercial building project including utilities & services, which is valid up to commissioning of the project or up to 09/01/2027, whichever is earlier. Copy of revalidation CTE dated 20/07/2022 is given at **Annexure-5**. PP has applied for part Consent to Operate (CTO) on 28/04/2023 to MPCB for the completed & occupied 05 no. of rehab buildings (A-3; A-4; A-5; A-2 & A-6) and completed & occupied 01 no. of sale building (Wing-A & B).

- ii. PP has provided separate Sewage Treatment Plants (STP) for treatment of sewage generating from rehab & sale buildings. For rehab buildings, the PP has provided STP of reported design capacity of 300 KLD, some of the unit operations & processes are partly installed at rehab building no. A-2 and partly at A-6. Various unit operations & processes of the STP of rehab building are: Collection tank → MBBR → Tube settler → Pressure sand filter → Activated carbon filter → Treated sewage collection tank → Discharge into municipal sewerage system. Similarly, reported design capacity of STP of sale building is 160 KLD. Various unit operations & processes of STP of sale building are: Collection tank → Bar screen → Anoxic tank → SBR → Pressure sand filter → Activated carbon filter → Treated sewage collection tank → Reused for flushing & ancillary activities. As per the conditions stipulated in the revalidation CTE dated 22/07/2022, treated wastewater @ 60% shall be reused for flushing & ancillary activities and remaining shall be reused for gardening & discharged to municipal sewerage system.

During joint committee visit, STP of rehab buildings was not in operation and all the unit operations & processes of STP is found to be in dilapidated condition, without adequate operation & maintenance; no biomass observed in the aeration i.e. media used in the aeration tank is devoid of biomass and all the unit operations & processes of STP is accumulated with rain water. Apparently, the said STP is not being operated since long time. The residents of rehab buildings informed to the joint committee that the said STP is not operated since long time. However, PP informed that the said STP could not

be operated due to the objections by the residents about noise and odour problem. STP of sale building is under stabilization stage.

- iii. Biodegradable waste and non-biodegradable waste is being segregated at the source of generation. PP has installed 02 no. of Organic Waste Converters (OWC) of 135 Kg/day capacity each, one for rehab buildings and one for sale buildings for processing of biodegradable waste. Whereas, non-biodegradable waste (dry waste) is being disposed to authorized agency of MCGM/collected by MCGM. The OWC installed at rehab building is not in operation and found to be in dilapidated condition, without adequate operation & maintenance. Whereas, the OWC installed at sale buildings is found operational. The residents of rehab buildings informed to the joint committee that the said OWC is not being operated since long time. However, PP informed that the said OWC could not be operated due to the objections by the residents about odour problem.

- iv. It is observed that traces of overflow of raw sewage from the sewerage lines; chambers & manholes of rehab buildings are noticed. The said sewerage system is found filled with plastics & trash and found in dilapidated condition, without adequate & regular cleaning/maintenance.
Further, PP has provided underground storage tanks at backyard of each rehab buildings for storage of fresh water, meant for rehab buildings. It is observed that structure supporting the opening lid of underground fresh water storage tanks observed to be hardly less than a foot from the ground level. Erstwhile, due to the reported instances of overflow of sewage from the sewerage system; due to flooding on account of heavy rains and also due to lack of adequate storm water drainage system at rehab buildings, it has been reported by the residents about frequent ingress of sewage & sewage contaminated storm water into the existing underground fresh water storage tanks. As a result, it is reported that underground fresh water storage tanks are frequently being contaminated and making unfit for drinking & domestic purposes.

- v. As per the storm water drainage (SWD) remarks of Brihan Mumbai Mahanagar Palika, vide no. Dy. ChE/741R/R/SWD/WS, dated 08/03/2022; PP has partially completed the works of storm water drainage at the project site. The said SWD remarks also mention about the remaining/balance works to be completed along with the specifications for commissioning of the same. Copy of SWD remarks is given at **Annexure-6**. The joint committee observed that due to incomplete storm water drainage works, rain water has accumulated at many places, resulting in pondage in & around the rehab buildings.
- vi. PP has provided total two rain water harvesting tanks of reported design capacity of 27 & 12.7 m³ for rehab buildings, against the required total capacity of 150 m³, as per EC dated 23/01/2012. Similarly, PP has provided total two rain water harvesting tanks of reported design capacity of 43.9 & 17 m³ for sale buildings, against the required total capacity of 100 m³, as per EC dated 23/01/2012.
- vii. PP has not installed DG sets of 450 & 400 KVA, as per EC dated 23/01/2012 for back-up power supply. PP has installed solar panel lights & street lights for common areas viz. open spaces, pathways etc.
- viii. PP has not provided parking space for rehab buildings, as result residents of rehab buildings are presently parking their vehicles (2-wheelers & 4-wheelers) within open & available space between the rehab buildings and also in street. Whereas, PP has provided separate parking space for sale building to accommodate total 204 no. of vehicles, against the required 296 no. of parking, as per EC dated 23/01/2012.
- ix. PP has provided temporary labour camps along with toilet facility for construction labours engaged in the construction activities.
- x. As per EC dated 23/01/2012, total area to be reserved for green belt development is 1,377.92 m² and total no. of trees to be planted is 350 nos. As per the information provided and verified during the joint committee inspection, there were about 68 no. of trees existed on the project site prior to

start of construction and presently PP has planted few additional ornamental trees near the sale building, but not planted trees near the rehab buildings. However, PP made attempt to plant saplings near rehab buildings by the way of planting saplings in hollow cement pots but the same seems to be inadequate & impracticable, as the said pots have placed on the lined platform where there is no possibility for the roots of plants to penetrate into the soil and as a result, none of the such planted saplings couldn't survive.

- xi. MPCB based on the various non-compliances noticed during their inspection carried-out on 03/08/2023, issued proposed directions u/s 33A of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention and Control of Pollution) Act, 1981, dated 29/08/2023 to PP. Further, PP vide dated 05/09/2023 has submitted point-wise reply to MPCB in compliance to the said proposed directions. Copy of the proposed directions issued by MPCB dated 29/08/2023 & copy of reply submitted by PP to MPCB dated 05/09/2023 is given at **Annexure-7 & 8**.

Some of the photographs taken during joint committee inspection is given at **Annexure-9**.

4.0 Conclusions

- i. PP completed construction of 05 out of total 09 no. of rehab buildings as per the configuration of EC dated 23/01/2012, except rehab building A-2. Wherein, PP has changed configuration of rehab building by constructing 01 no. of additional floor in the said rehab building A-2 i.e. constructed G+8 floors, as against the sanctioned G+7 floors, as per EC dated 23/01/2012. Similarly, PP has partly completed construction of building no.1 (constructed 3 wings: A; B & C out of total 05 wings: A; B; C; D & E) and changed configuration of sale building no.1 by removal of 1 basement; and subsequent addition of part podium & 1 habitable floor i.e. constructed total 9 floors, as against the sanctioned 8 floors, as per EC dated 23/01/2012.

Total BUA of the residential cum commercial building project is 34,335.79 m² against the total BUA of 58,741.32 m², which is within the total BUA of

58,741.32 m² as per EC dated 23/01/2012. Though total BUA of the said residential cum commercial building project is within the said EC limit, it is observed that PP has not intimated w.r.t. change in the configuration of the said residential cum commercial building project to SEIAA, Maharashtra in compliance with EC condition No. xlvi of EC dated 23/01/2012. As the said change in the scope of the project, would require a fresh appraisal by SEAC & approval by SEIAA, Maharashtra. Hence, the said change in configuration of the residential cum commercial building project is configurational violation of earlier EC dated 23/01/2012 and violation of EIA Notification, 2006 and amendments made thereunder from time to time.

[Please refer s. no. i; ii; iii & iv of section 3.1, as above]

- ii. PP made an application to SEIAA, Maharashtra for seeking expansion of earlier EC dated 23/01/2012; due to the proposed increase in the total plot area & total BUA. SEAC & SEIAA, Maharashtra after appraisal & due deliberations and based on the decisions taken herein observed that PP has completed construction 4,029.35 m² without valid EC, as the earlier EC dated 23/01/2012 was valid up to 22/01/2017. Hence, the construction of said 4,029.35 m² is violation of EIA Notification, 2006 and amendments made thereunder from time to time. Thereafter, SEIAA, Maharashtra rejected the proposal of the said residential cum commercial building project and directed PP to apply the said project as per the Office Memorandum issued by the MOEF&CC vide dated 07/07/2021. Also, directed MPCB to initiate action against PP under section 15 of the Environment (Protection) Act, 1986 for violating the provisions of EIA Notification, 2006.

PP not completed the entire construction of the residential cum commercial building project as per EC dated 23/01/2012 & CTE dated 09/01/2012 and also within the EC & CTE validity period. Thereafter, PP after expiry of earlier CTE dated 09/01/2012 applied for revalidation of earlier CTE, dated 20/07/2022 to MPCB. Also, applied for part CTO on 28/04/2023 to MPCB for the completed & occupied 05 no. of rehab buildings (A-3; A-4; A-5; A-2 & A-6) and completed & occupied 01 no. of sale building (Wing-A & B). Further, MPCB, too based on the decision taken by SEIAA, Maharashtra vide dated

08/08/2023 has decided to refuse the CTO application made by PP for the said completed & occupied rehab & sale buildings.

[Please refer s. no. v; vi & vii of section 3.1, as above]

- iii. PP obtained occupation certificates for the completed rehab buildings in 2017 & 2020 and sale building in 2020 and also given physical occupation to the residents of rehab & sale buildings. Nevertheless, to mention that PP has applied for CTO for the said completed rehab & sale buildings on 28/04/2023 i.e. after 6 years of giving occupancy for few rehab buildings & after 3 years of giving occupancy for few rehab & sale buildings; thereby contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 i.e. giving occupancy to the residents without obtaining mandatory CTO from MPCB and continued to operate the residential cum commercial building project without valid CTO from MPCB.

[Please refer s. no. iv of section 3.1 & s. no. i of section 3.2, as above]

- iv. STP provided for rehab buildings is not in operation; as a result untreated sewage is being directly discharged into municipal sewerage system. All the unit operations & processes of STP is found to be in dilapidated condition, without adequate operation & maintenance. STP of sale building is under stabilization stage (sewage was kept under re-circulation from secondary treatment process) i.e. not yet made fully operational, as a result untreated sewage is being directly discharged into municipal sewerage system. PP has provided separate plumbing arrangement for utilization of treated sewage from STP of sale buildings, for secondary activities viz. toilet flushing and gardening. However, PP has not provided separate plumbing arrangement for utilization of treated sewage from STP of rehab buildings. The OWC installed at rehab buildings is not in operation and found to be in dilapidated condition, without adequate operation & maintenance. Whereas, the OWC installed at sale buildings is found operational.

[Please refer s. no. ii & iii of section 3.2, as above]

- v. The sewerage system is found filled with plastics & trash and found in dilapidated condition, without adequate & regular cleaning/maintenance. As

result, the entire area, where the residents of rehab buildings are residing i.e. back yard of rehab buildings near the sewerage system is found to be highly unhygienic. Thereby, apparently being exposed to malodours compounds viz. H₂S, NH₃, methyl mercaptan, dimethyl sulphide etc. and also exposure to pathogens. Further, due to frequent clogging of existing – partly completed storm water drainage system and due to heavy rains, pondage of storm water & sewage contaminated storm water is noticed. Further, due to inappropriate design of lid of underground fresh water storage tanks, which in turn frequently resulting in contamination of underground fresh water storage tanks and making unfit for drinking & domestic purposes of the residents of rehab buildings.

[Please refer s. no. iv & v of section 3.2, as above]

- vi. PP has not complied with other environmental services as per EC dated 23/01/2012, like completion of remaining storm water drainage system; installation of required capacity of rain water harvesting system; DG sets for back-up power supply; parking space for rehab buildings as per new & applicable DCPR of SRA; green belt; and establishment of separate environment management cell with qualified staff for implementation of the stipulated environmental safeguards.

[Please refer s. no. vi to x of section 3.2, as above]

5.0 Recommendations

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

In view of the aforesaid violations of:

- i. Changing configuration of the residential cum commercial building project of rehab & sale buildings without prior intimation & fresh appraisal by SEAC and approval by SEIAA, Maharashtra and completed construction 4,029.35 m² without obtaining valid EC from SEIAA, Maharashtra; i.e. thereby adding 01 floor in the rehab building A-2 & removal of 1 basement; and subsequent addition of part podium & 1 habitable floor as against the sanctioned configuration, as per EC dated 23/01/2012.

- ii. The joint committee opined that action may be taken against M/s Rizvi Land Developments Pvt. Ltd., as per the decision taken in the minutes of meeting – minutes of 264th Day -1 (Part-B) meeting of SEIAA, Maharashtra dated 08/08/2023 i.e. appraisal of the said project as per the Office Memorandum issued by the MOEF&CC vide dated 07/07/2021 i.e. SOP for identification and handling of violation cases under EIA Notification, 2006. Also, action against PP under section 15 of the Environment (Protection) Act, 1986 by MPCB for violating the provisions of EIA Notification, 2006.

(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. Giving occupancy to the residents without obtaining mandatory CTO from MPCB and continued to operate the residential cum commercial building project without valid CTO from MPCB, as required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981; MPCB may take necessary action against PP under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 along with penalty amount.

(c) MPCB while granting CTO to PP should impose the following mandatory conditions:

- i. PP to operate the STP for a period of five years from the date of obtaining occupation certificates and such condition should be imposed henceforth till PP obtains full & final occupation certificates for both the rehab & sale buildings.
- ii. PP after obtaining full & final occupation certificates and complying with obligatory clause to operate STP for a period of five years, as above; PP should hand over project along with utilities & environmental services to the "Society" by executing "Deed of Declaration" that necessary & applicable renewals of consent/permissions/licences shall be done by the office bearers/elected committee member of the Society, by arranging necessary

corpus to meet such expenditure and including for O&M of utilities & environmental services.

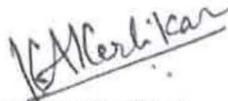
(d) PP should be directed through MPCB for implementation of the following as expeditiously as possible:

- i. To rectify & repair various unit operations & processes & stabilize the biological treatment process of STP of rehab buildings and to operate both the STPs of rehab & sale buildings through appointing a qualified staff & establishing environmental management cell for efficient O&M of STPs.
- ii. To rectify & repair OWC installed at rehab buildings and operate & maintain as per the SOP given by the supplier. Compost from OWCs to be utilized for the green belt developed within the project site.
- iii. To increase the height of the structure supporting the opening lids of underground fresh water storage tanks in the rehab buildings and to provide leak proof lining system, to avoid ingress of storm water/storm contaminated sewage/sewage & to prevent contamination of fresh water.
- iv. To ensure regular cleaning, operation & maintenance of existing sewerage system in the rehab buildings, in order to avoid overflowing of sewage and also existing storm water drainage network/system, in order to avoid overflowing of storm water.
- v. To complete construction of remaining storm water drainage network/system as per the storm water drainage remarks of Brihan Mumbai Mahanagar Palika. Also, to complete construction of remaining rain water harvesting system as per the EC dated 23/01/2012.
- vi. To coordinate with SRA under the supervision of MPCB to submit an action plan along with SRA approved location plan to finalize the location for providing adequate parking to the rehab buildings as per new & applicable DCPR of SRA.

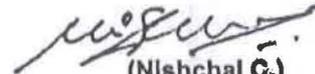
- vi. To develop remaining green belt as per the EC dated 23/01/2012 near rehab & sale buildings. Upon verification of the same, concerned authority i.e. SRA shall issue full & final occupation certificates.
- vii. To obtain mandatory fire NOC for both the rehab & sale buildings from the concerned authority i.e. Brihan Mumbai Mahanagar Palika, prior giving further occupancy to the residents of rehab & sale buildings.
- ix. To commission DG sets as per the EC dated 23/01/2012 for back-up power supply to rehab & sale buildings.



(Pankaj Joshi),
Member, SEIAA



(Kishor Kerlikar),
SRO, MPCB, Mumbai-II



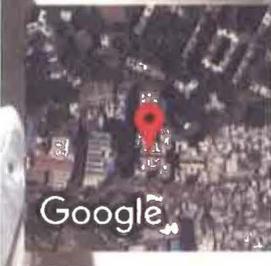
(Nishchal C.)
Scientist 'D',
CPCB, RD-Pune

917

ENCLOSURE 2



 GPS Map Camera



Mumbai, Maharashtra, India

Block-A2, Rizvi Residency, Kolivery Village, Kunchi Kurve Nagar, Kalina,
Santacruz East, Mumbai, Maharashtra 400029, India

Lat 19.078728°

Long 72.87019°

04/09/23 01:10 PM GMT +05:30



 GPS Map Camera



Mumbai, Maharashtra, India

Block-A2, Rizvi Residency, Kolivery Village, Kunchi Kurve Nagar, Kalina,
Santacruz East, Mumbai, Maharashtra 400029, India

Lat 19.078736°

Long 72.870193°

04/09/23 01:10 PM GMT +05:30



 **GPS Map Camera**



Mumbai, Maharashtra, India

201, Kolivery Village, Kunchi Kurve Nagar, Kalina, Kurla, Mumbai, Maharashtra
400029, India

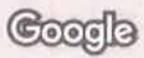
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Long 72.869959°

29/08/23 03:53 PM GMT +05:30



 **GPS Map Camera**



Mumbai, Maharashtra, India

Block-A2, Rizvi Residency, Kollivery Village, Kunchi Kurve Nagar, Kalina,
Santacruz East, Mumbai, Maharashtra 400029, India

Lat 19.078779°

Long 72.870136°

12/10/23 03:29 PM GMT +05:30

921

ENCLOSURE 3



 GPS Map Camera



Mumbai, Maharashtra, India

201, Kolivery Village, Kunchi Kurve Nagar, Kalina, Kurla, Mumbai, Maharashtra
400029, India

Lat 19.078046°

Long 72.869959°

29/08/23 03:53 PM GMT +05:30



 **GPS Map Camera**



Mumbai, Maharashtra, India

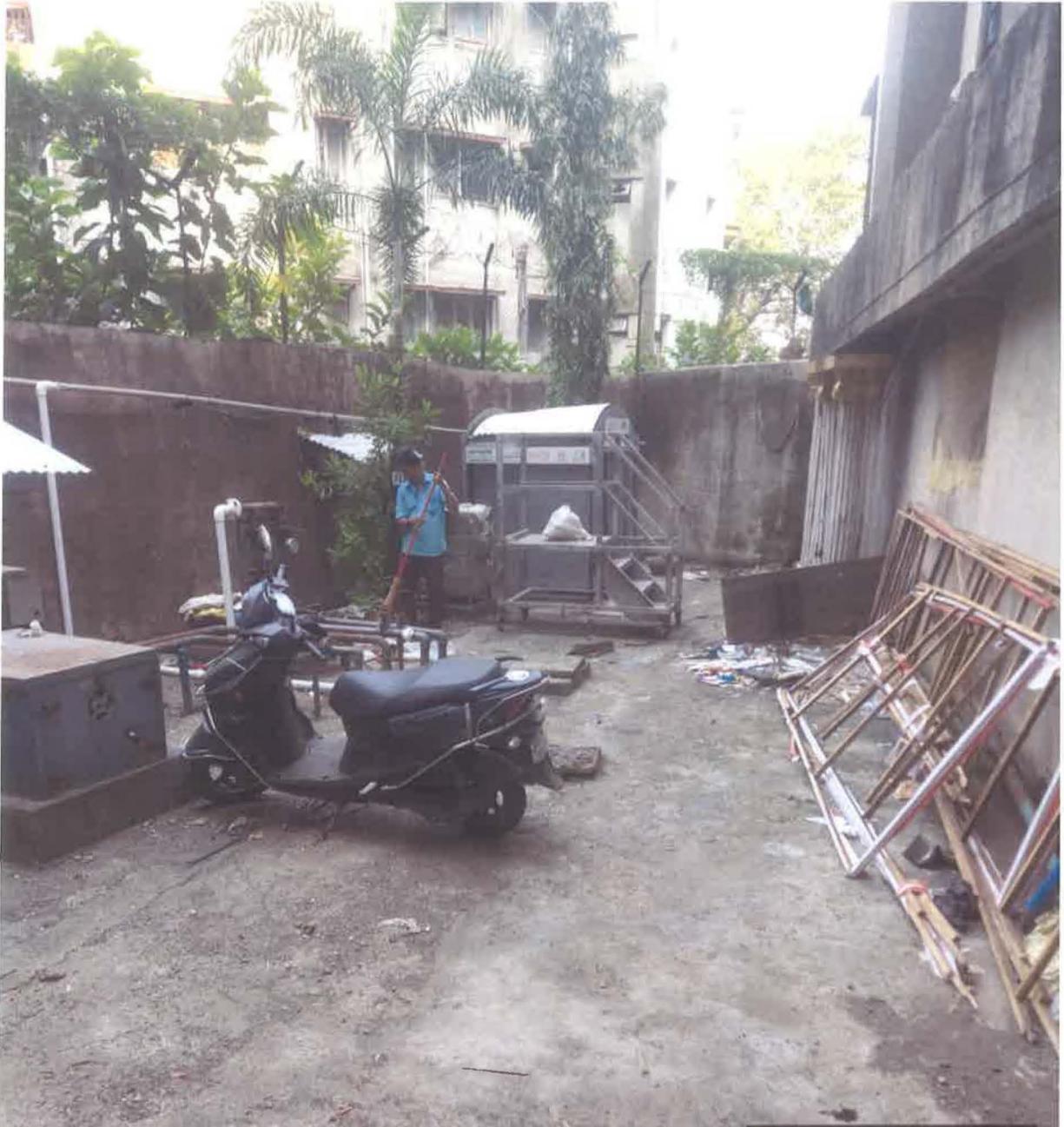
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Santacruz East, Mumbai, Maharashtra 400029, India

Lat 19.078705°

Long 72.870186°

04/09/23 01:11 PM GMT +05:30





 **GPS Map Camera**



Mumbai, Maharashtra, India

Block-A2, Rizvi Residency, Kolivery Village, Kunchi Kurve Nagar, Kalina,
Santacruz East, Mumbai, Maharashtra 400029, India

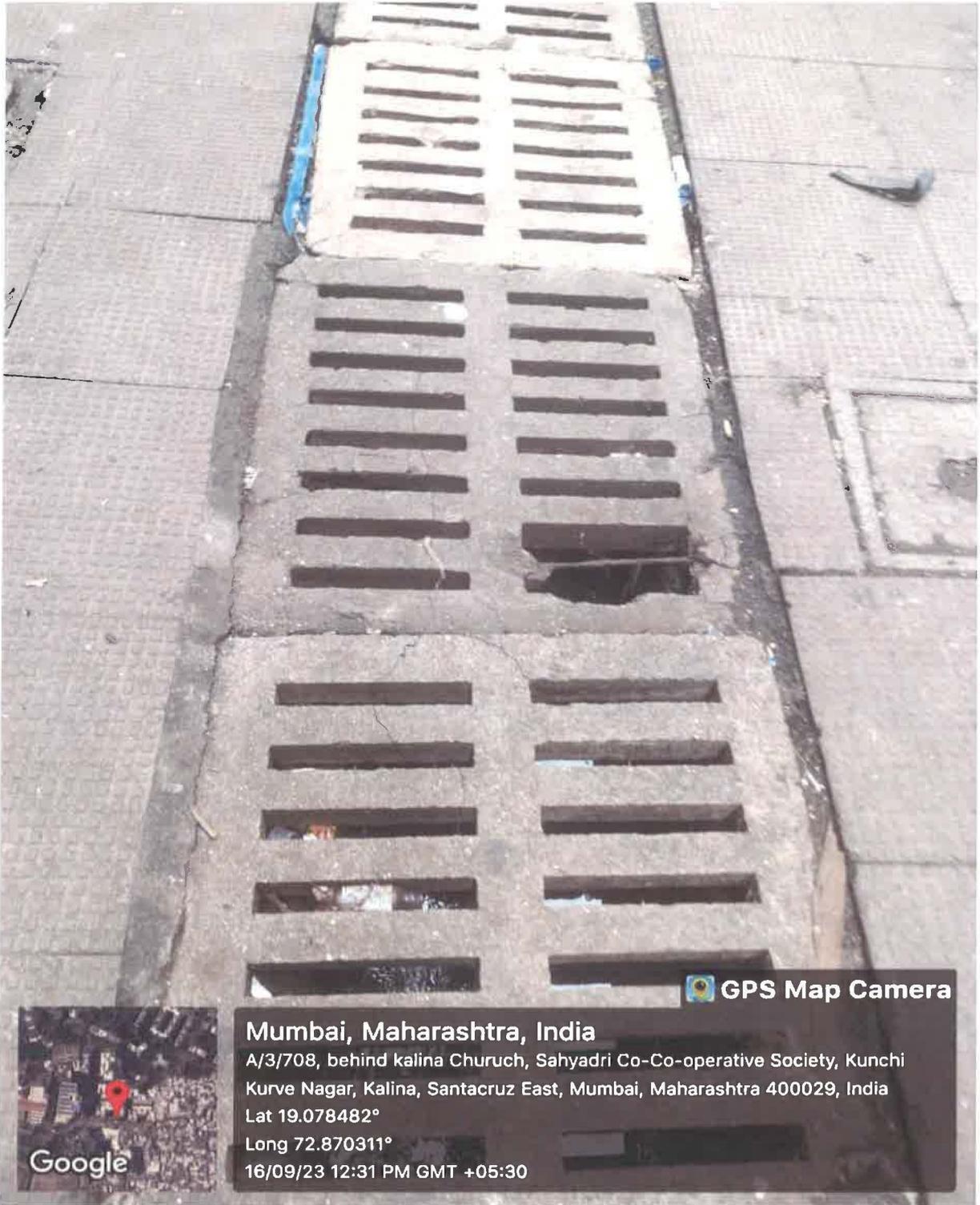
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Long 72.870136°

12/10/23 03:28 PM GMT +05:30

925

ENCLOSURE 4





GPS Map Camera

Mumbai, Maharashtra, India

A/3/708, behind kalina Churuch, Sahyadri Co-Co-operative Society, Kunchi Kurve Nagar, Kalina, Santacruz East, Mumbai, Maharashtra 400029, India

Lat 19.078489°

Long 72.870323°

16/09/23 12:30 PM GMT +05:30

Google



GPS Map Camera



Mumbai, Maharashtra, India

A/3/708, behind kalina Churuch, Sahyadri Co-Co-operative Society, Kunchi Kurve Nagar, Kalina, Santacruz East, Mumbai, Maharashtra 400029, India

Lat 19.078475°

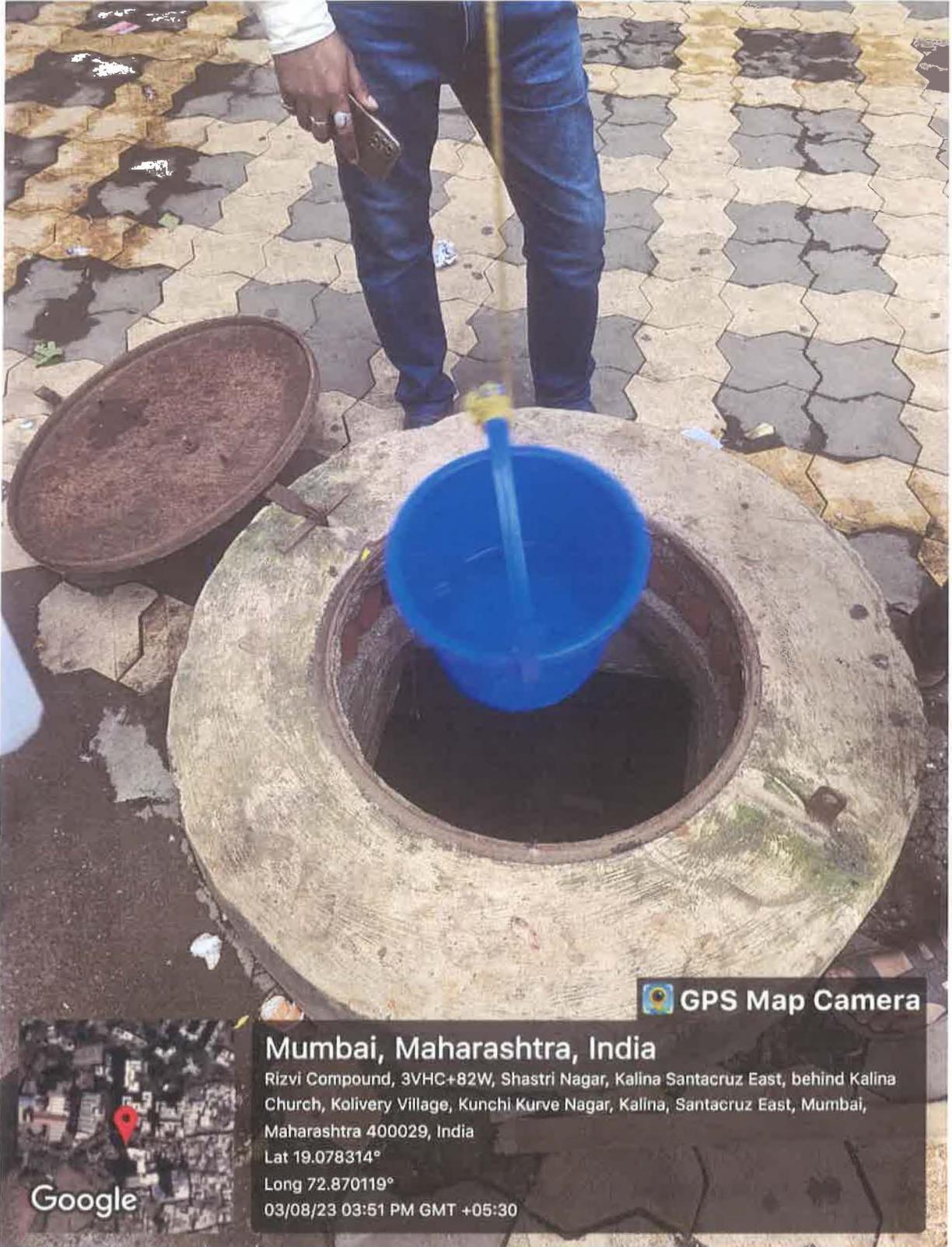
Long 72.870318°

16/09/23 12:31 PM GMT +05:30

Google

ENCLOSURE 5





GPS Map Camera

Mumbai, Maharashtra, India

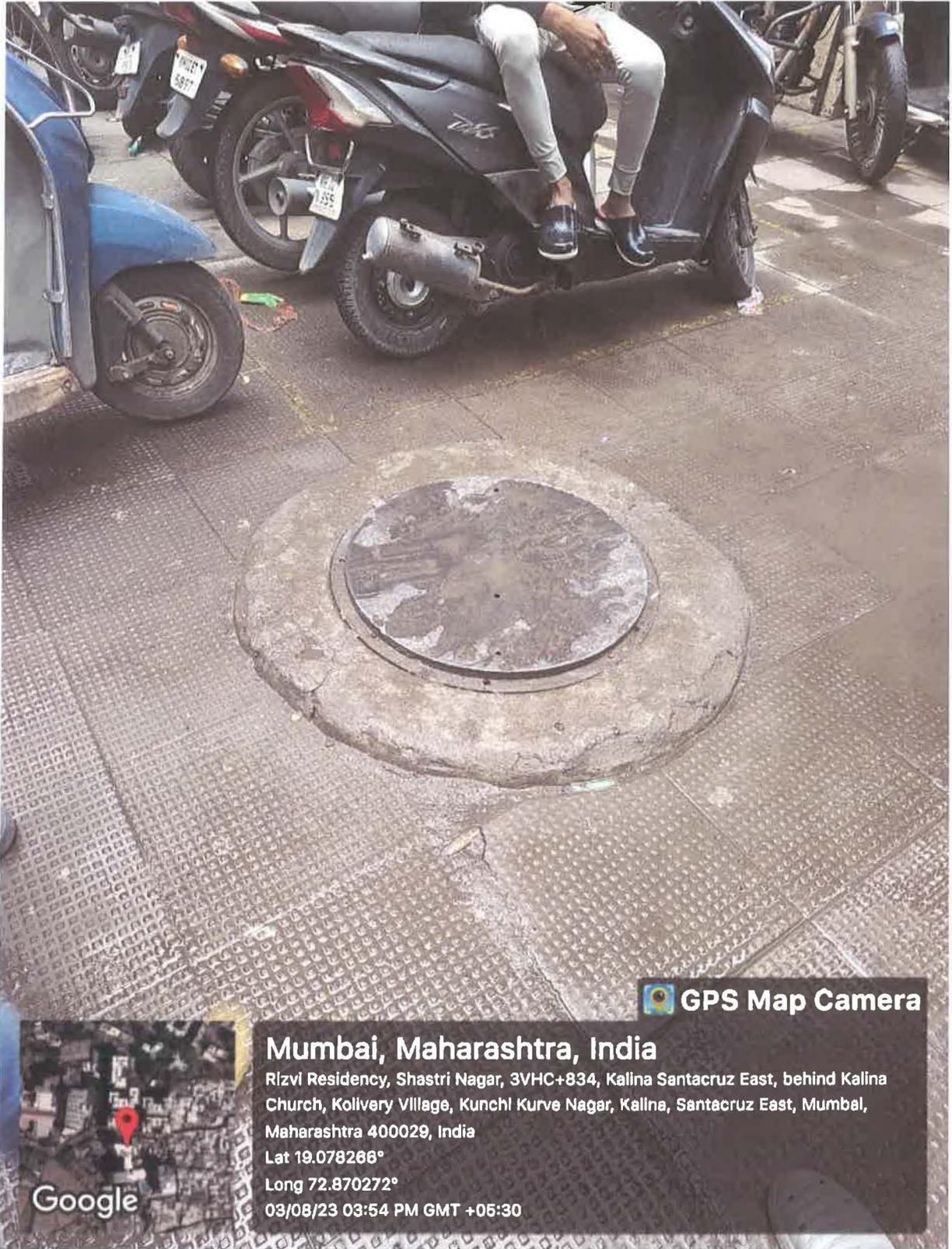
Rizvi Compound, 3VHC+82W, Shastri Nagar, Kalina Santacruz East, behind Kalina Church, Kolivery Village, Kunchi Kurve Nagar, Kalina, Santacruz East, Mumbai, Maharashtra 400029, India

Lat 19.078314°

Long 72.870119°

03/08/23 03:51 PM GMT +05:30

Google



 **GPS Map Camera**



Mumbai, Maharashtra, India

Rizvi Residency, Shastri Nagar, 3VHC+834, Kallna Santacruz East, behind Kalina Church, Kollivry Village, Kunchl Kurve Nagar, Kallna, Santacruz East, Mumbai, Maharashtra 400029, India

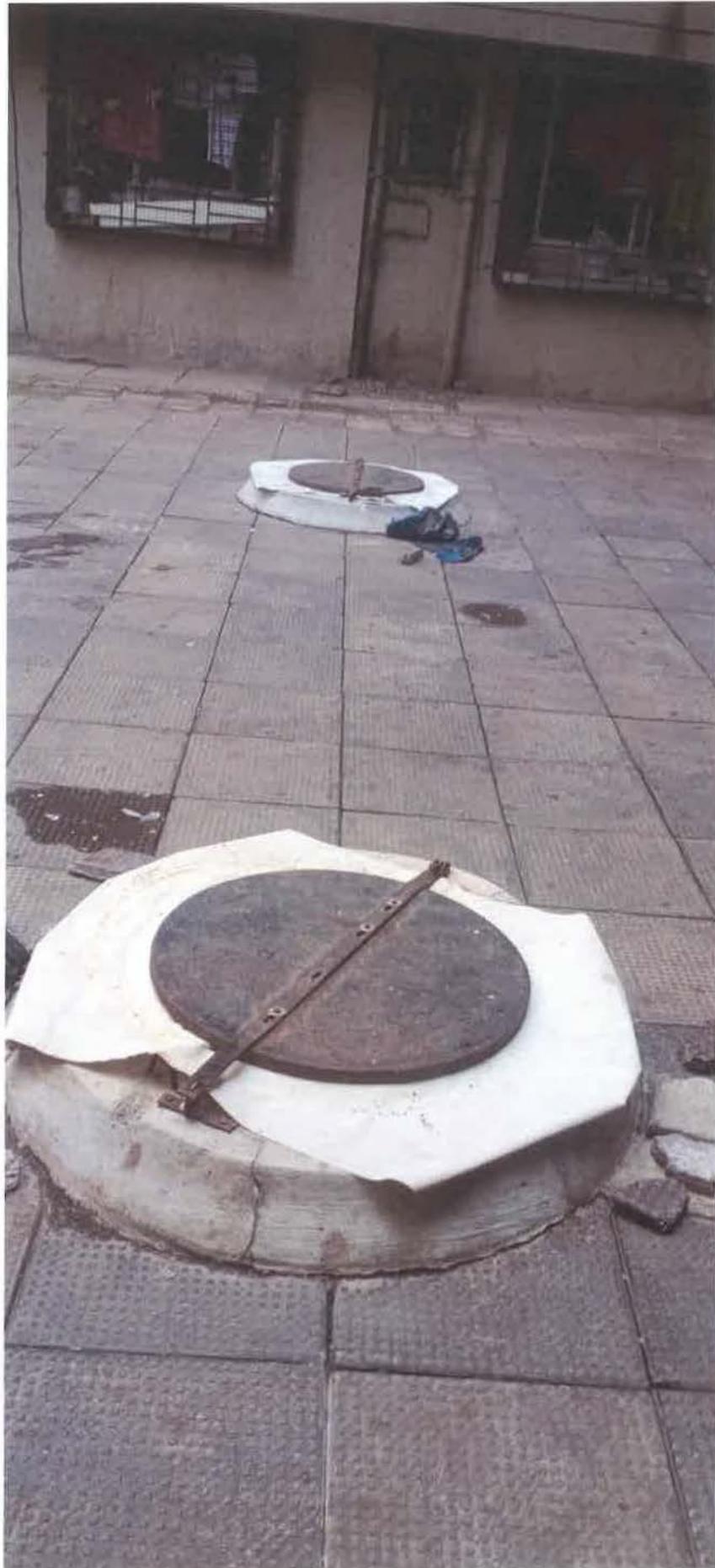
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Long 72.870272°

03/08/23 03:54 PM GMT +05:30

Google












भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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No. 886]

NEW DELHI, THURSDAY, APRIL 30, 2015 /VAISAKHA 10, 1937

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 29 अप्रैल, 2015

का.आ. 1141(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोक हित में उक्त नियम के नियम 5 के उपनियम (3) के खंड (क) के अधीन नोटिस की अपेक्षा से अभिमुक्ति के पश्चात्, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533 (अ), तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में,-

(i) पर्यावरणीय अनापत्ति (ईसी) की विधिमान्यता के संबंध में पैरा 9 पैरा उसके पैरा (i) के रूप में पुनःसंख्याकित किया जाएगा;

(ii) पैरा (i) इस प्रकार संख्यांकित किया जाएगा,-

(क) “और सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में पांच वर्ष” शब्दों के स्थान पर “और सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में सात वर्ष” शब्दों को रखा जाएगा;

(ख) “तथापि, क्षेत्र विकास परियोजनाओं और नगर क्षेत्र की दशा में” शब्दों के साथ प्रारंभिक भाग पर और “यथास्थित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ समिति के परामर्श” शब्दों के साथ समाप्त होने वाले भाग पर निम्नलिखित शब्दों को रखा जाएगा, अर्थात्:—

“(ii) क्षेत्र विकास परियोजनाओं और नगर क्षेत्र [मद 8(ख)], की दशा में विधिमान्य अवधि केवल ऐसे क्रियाकलापों तक सीमित होगा जहां तक किसी विकासकर्ता के रूप में आवेदक का उत्तरदायित्व है :

परंतु यह भी कि विधिमान्यता की यह अवधि संबंधित विनियामक प्राधिकरण द्वारा सात वर्ष की अधिकतम अवधि तक बढ़ाया जा सकेगा परंतु यह तब जबकि कोई आवेदन आवेदक द्वारा विनियामक प्राधिकरण को संनिर्माण परियोजनाओं या क्रियाकलापों (अनुसूची की मद 8) अद्यतन प्रारूप I और अनुपूरक प्रारूप 1क सहित विधिमान्य अवधि के भीतर विनियामक अवधि के भीतर किया जाता है :

परंतु यह भी कि विनियामक प्राधिकरण यथास्थित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति इसके विस्तार की मंजूरी के लिए परामर्श भी कर सकेगा ।

(क) ईसी की विधिमान्य अवधि के पश्चात् एक मास के भीतर ऐसे मामलों के लिए विलंब को संबंधित विशेषज्ञ आंकलन समिति (ईएसी) या राज्य स्तर आंकलन समिति (एसईएसी) और उनकी सिफारिशों के आधार पर यथास्थिति संयुक्त सचिव पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय या सदस्य सचिव एसईआईएए के स्तर पर माफ किया जाएगा;

(ख) ईसी की विधिमान्य अवधि के पश्चात् एक माह से अधिक परंतु ऐसी विधिमान्य अवधि के पश्चात् तीन मास से अन्यून है तो ईएसी या एसईएसी की सिफारिशों के आधार पर यथास्थिति पर्यावरण, वन और जलवायु परिवर्तन प्रभारी मंत्री या अध्यक्ष के अनुमोदन से विलंब माफ किया जाएगा :

परंतु यह कि विलंब की माफी के लिए विस्तार हेतु कोई आवेदन ईसी की 90 दिन की विधिमान्य अवधि के पश्चात् मंजूर नहीं किया जाएगा ।”।

[फा. सं. जे-11013/12/2013-आईए-II(I)(भाग)]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3 उपखंड (ii) में अधिसूचना संख्यांक का. आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और तत्पश्चात् उसको निम्नलिखित द्वारा संशोधित किया गया का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007 ; का.आ. 3067(अ), तारीख 1 दिसंबर, 2009 ; का.आ. 695(अ), तारीख 4 अप्रैल, 2011 ; का.आ. 2896(अ), तारीख 13 दिसंबर, 2012 ; का.आ. 674(अ), तारीख 13 मार्च, 2013 ; का.आ. 2559(अ), तारीख 22 अगस्त, 2013 ; का.आ. 2731(अ), तारीख 9 सितंबर, 2013 ; का.आ. 562(अ), तारीख 26 फरवरी, 2014 ; का.आ. 637 (अ), तारीख 28 फरवरी, 2014 का.आ. 1599(अ), तारीख 25 जून, 2014; का.आ. 2601(अ), तारीख 7 अक्टूबर, 2014; और का.आ. 3252(अ), तारीख 22 दिसंबर, 2014 ।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th April, 2015

S.O. 1141(E).—In exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986(29 of 1986) read with sub-rule(4) of rule 5 of the Environment(Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India , in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause(a) of sub-rule(3) of rule 5 of the said rule, in public interest, namely:—

In the said notification,—

(i) Paragraph 9 relating to validity to Environment Clearance (EC) shall be re-numbered as paragraph (i) thereof;

(ii) in paragraph (i) as so numbered,-

(a) for, the words “and five years in the case of all other projects and activities”, the words “and seven years in the case of all other projects and activities” shall be substituted;

(b) for the portion beginning with the words “However, in the case of Area Development projects and Townships” and ending with the words “consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.” The following shall be substituted, namely:-

“(ii) In the case of Area Development projects and Townships [item 8 (b), the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer:

Provided that this period of validity may be extended by the regulatory authority concerned by a maximum period of seven years if an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form I, and Supplementary Form IA, for Construction projects or activities (item 8 of the Schedule):

Provided further that the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee, as the case may be, for grant of such extension.

(iii) Where the application for extension under sub-paragraph (ii) has been filed-

(a) within one month after the validity period of EC, such cases shall be referred to concerned Expert Appraisal Committee (EAC) or State Level Expert Appraisal committee (SEAC) and based on their recommendations, the delay shall be condoned at the level of the Joint Secretary in the Ministry of Environment, Forest and Climate Change or Member Secretary, SEIAA, as the case may be;

(b) more than one month after the validity period of EC but less than three months after such validity period, then, based on the recommendations of the EAC or the SEAC, the delay shall be condoned with the approval of the Minister in charge of Environment Forest and Climate Change or Chairman, as the case may be:

Provided that no condonation for delay shall be granted for any application for extension filed 90 days after the validity period of EC.”

[F. No. J-11013/12/2013-IA-II (I) (part)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) *vide* notification number S.O. 1533(E), dated the 14th September, 2006 and amended *vide* S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O. 695(E) dated the 4th April, 2011, S.O.2896(E) dated the 13th December, 2012 , S.O.674(E) dated the 13th March, 2013, S.O. 2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014 , S.O. 637(E) dated the 28th February, 2014, S.O. 1599(E) dated the 25th June, 2014, S.O. 2601 (E) dated 7th October, 2014 and S.O. 3252(E) dated 22nd December, 2014.



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Proof of Service

raghunath mahabal <adv.rbmahabal@gmail.com>

NGT: OA 144/2017 "Umarshad Khan & Ors. Vs GoM & Ors": R7: Circulation of the Additional Documents

1 message

raghunath mahabal <adv.rbmahabal@gmail.com>

24 January 2024 at 14:40

To: National Green Tribunal Pune <ngt-pune@gov.in>, advpriyankaghosh@gmail.com, Supriya Dangare <advocatedangare@yahoo.co.in>, ceo@sra.gov.in, mc@mcgm.gov.in, mpcbmumbai@mpcb.gov.in, dycollgadmsd@gmail.com, adlcolmsd@gmail.com, "Principal Secretary Environment Dept. Govt. of Maharashtra" <psec.env@maharashtra.gov.in>, chiefsecretary@maharashtra.gov.in, Aniruddha Kulkarni <aniruddha1488@gmail.com>, Sameer Khale <sameermkhale@yahoo.com>, Rahul Garg <rahul.garg@mgklegal.com>, utangaledgirish@yahoo.co.in
Cc: estatesrizvi@gmail.com, rizvibuilders1973@gmail.com, Adv Sachin S Gore 7350212877 <ssgore2005@gmail.com>, Raghunath Mahabal <mahabal60@gmail.com>

To: The Hon'ble Registrar, NGT WZ Pune

cc: All other Respondents as per above email IDs

We are pleased to circulate the enclosed documents.

These documents are also being uploaded to the NGT website, with payment of fees.

Regards

Dhananjay Chavan 7038383654

Office of: **R.B.Mahabal रघुनाथ भालचंद्र महाबळ 74.0011.6222**

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B 202, Chandravijay, Phule Road, Mulund East, Mumbai-400081. [https://maps.](https://maps.app.goo.gl/2GS4bQgsD5TTgLoQ6)

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