

**BEFORE THE HONOURABLE NATIONAL GREEN
TRIBUNAL,**

WESTERN ZONE BENCH, NEW DELHI,

(Through Video Conferencing)

Original Application No. 56/2019 (WZ)

Mangesh Mahadev Parab ... Applicant

Verses

M/s New Monarach Builders and
contractors & Ors.

... Respondent (s).

**Final report of the Joint Committee in compliance of this Hon'ble
Tribunal Order dated 15/11/2021.**

1. In pursuance to the question raised by the applicant in above referred application that, the respondent is carrying out the construction of Sagbaug Snehsagar SRA CHS on CTS no. 706,706 (1 to 22) of Village Marol, Andheri (East), Mumbai-400059, without obtaining Environmental Clearance, the Hon'ble NGT directed the SEIAA, Maharashtra and Brihanmumbai Municipal Corporation (BMC) to jointly inspect the project site in question, verify on the factual aspects and submit the report.
2. In compliance of this order a Joint Committee representing member of SEIAA, Maharashtra State, BMC, Maharashtra Pollution Control Board and Slum Rehabilitation Authority, Mumbai has carried out Joint Inspection of aforementioned project.

3. In compliance of the Order dated 3/9/2019 passed by this Hon'ble Tribunal, the Joint Committee has submitted its Interim Report on 18/2/2020 before this Hon'ble Tribunal.
4. In further compliance of the Order dated 15/11/2021 passed by this Hon'ble Tribunal, the Joint Committee is submitting the Final Report as under :-
 - (i) After carrying out the site visit and observing various Intimation of Approval (IOA) and approved drawings, the approvals have been grouped in three sets three sets namely
 - a) Before the date of EIA notification (14/09/2006),
 - b) Before the Office Memorandum explaining the total Built Up area (04/04/2011) and
 - c) From 04/04/2011 till today to understand whether the approval for the construction has crossed the lawful limit of 20,000 Sq.M and when the Project Proponent should have applied for Environmental Clearance.

a) Total BUA upto 13/09/2006							
Sr. No	Date of Plan Approval	Approval	Building Config.	FSI Area (Sq. mtr)	Non FSI Area (Sq. mtr)	Total Area (Sq. mtr)	Cumulative Area for EC
	(A)	(B)	(C)	(D)	(E)	(F)	(G)
1	20.03.2003	Part OCC	Rehab Bldg. No 1A(Gr+7)	1085.24	425.80	1511.04	
2	17.02.2004	Part OCC	Rehab Bldg. No 1B(Gr+7)	1682.91	657.49	2340.40	
3	21.04.2006	Part OCC	Rehab Bldg. No 5(Gr+7)	2852.91	911.33	3764.24	
			Total BUA	5621.06	1994.62	7615.68	
Area Considered for EC						NIL	NIL
b) Total BUA after 13/09/2006 to 03/04/2011							
							(D)<20000
4	28.08.2007	Full OCC	Rehab Bldg. No 5	41.69		41.69	41.69
5	08.11.2007	IOA	Sale Building (2B+Gr+6)	15527.70	9473.28	25000.98	15569.39 (4G+5D)
6	29.12.2007	IOA	Rehab Bldg. No 7(Gr+7)	6331.31	6418.67	12749.98	21900.70 (5G+6D)
7	30.01.2008	Full OCC	Rehab Bldg. No 6(Gr+7)	2824.14	941.86	3766	24724.84 (6G+7D)
8	16.05.2008	Full OCC	Rehab Bldg. No 4(Gr+7)	3360.80	1229.44	4590.24	28085.64 (7G+8D)
9	10.06.2008	Amended IOA	Rehab Bldg. No 2(Gr+7)	2443.70	734.62	3178.32	30529.34 (8G+9D)
			Total BUA	30529.34	18797.87	49327.21	
Area Considered for EC						30529.34	30529.34
c) Total BUA after 13/09/2006 to 03/04/2011							
10	05.09.2018	Part OCC	Rehab Bldg. No 7(8-19)	6468.58	5118.07	11586.65	42115.99 (9G+10F)
11	05.02.2018	Part OCC	Sale Building (3B+Gr+19)	24956.44	10516.18	35472.62	77588.61 (10G+11F)
			Total	31425.02	15634.25	47059.27	
						47059.27	77588.61

- (ii) From the above-mentioned table, it is evident that the process of environmental clearance should have been started before 29.12.2007, wherein the FSI area appears to have exceeded the limit of 20000 Sq. Mtr.
- (iii) In compliance of the Hon'ble NGT Order dated 15/11/2021, the Joint Committee representing member of SEIAA, Maharashtra State, BMC, Maharashtra Pollution

Control Board and Slum Rehabilitation Authority, Mumbai has carried out further Joint Inspection of afore mentioned project on 11/5/2022 for preparing final report.

- (iv) The SRA has submitted modified report with respect to earlier submitted interim report which is enclosed herewith as Annexure-1.
 - (v) Project proponent has submitted a letter dtd. 17/06/2017 regarding seeking clarification on applicability of E.C for ongoing S.R. Scheme u/s 33 (10) on property bearing CTS No.-7-6/2 to 8, 706/11, 706/14 to 16 & 706/22 of village Marol at Andheri (East), Mumbai-400059 for “Sagbaugh Sneha Sagar C.H.S. Ltd.” Vide No. ENV-2017/Legal/CR-4, wherein it is stated that “Based upon the information provided by the Project Proponent, in view of the opinion preferred by the Law & Judiciary Department reproduced above, for the specific SRA project under reference above, Environment Clearance is not required to the extent of area approved in Letter of Intent issued by the Slum Rehabilitation Authority prior to the publication of Environment Impact Assessment Notification dtd. 14.9.2006. this answers your request for clarification.” A copy of the letter dtd.17/6/2017 is enclosed as an Annexure-2.
5. Project proponent has not obtained Environment Clearance and has not applied for Environment Clearance for this project after exceeded the limit of 20000 Sq. Mtr. till date.

6. Project proponent has also not obtained Consent to Establish and Consent to Operate from Maharashtra Pollution Control Board for this project till date.
7. Total water consumption for this project is approximately 1050 CMD and approximate sewerage generation is approximately 841 CMD.
8. Project proponent has not provided STP for treatment of Sewage generated from this project. The generated sewage is being disposed into BMC Sewer line.
9. Project Proponent has not provided OWC for treatment of Solid Waste from this project. MSW generated from this project is being given to BMC Collection System.
10. Project Proponent has not provided Solar photo voltaic system.
11. Project Proponent has provided 310 No. of parking for sale building.
12. Project Proponent has provided water harvesting system in Rehab Building 7 and Sale Building.



(Pankaj Joshi)
Expert Member,
State Level Environmental
Impact Assessment Authority



(A M Shaikh)
Assistant Engineer,
BMC

Sagbag							
Date of Plan Approval	Approvals	Building Comprising of	Plot area on that date	Commencement Certificate	Area as per Plan in Sq. m.	Date of Occupancy certificate & possession is given to buyers	Environmental features if proposed & constructed at that time
Rehab Bldg No. 1A							
25/08/1998	IOA	G+7	28957.40	PCC 25/08/1998 FCC 24/03/2000	5613.24	POC 20/03/2003 (1 to 7 upper floors)	
02/12/2003	Amended IOA	G+7			1085.24		
20/03/2003	Part OC	G+7			1085.24		
Rehab Bldg No.18							
25/08/1998	IOA	G+7	28957.40	PCC 25/08/1998	1687.06	POC 17/02/2004	
02/12/2003	Amended IOA	G+7			1682.91		
17/02/2004	Part OC	G+7			1687.06	(1 to 7 upper floors)	
21/01/2015	Full OCC	G+7			2751.64	FDC 21/01/2015	
As per IOA - 29/10/2007 for building no.2, area of Building no. 1-wing A & B	Amended IOA	G+7			2766.15		
As per IOA - 10/06/2008 for building no.2,	Amended IOA	G+7			2766.15		

08.11.2007	IOA		28957.40	PCC-22.02.2008	28312.09			
06.11.2012	Amended IOA	+Gr(p)+S+13 Upper floor	28957.40	PCC 28.03.2013		5140		33452.09
11.01.2016	Amended IOA	+Gr(p)+S+13 Upper floor	26588.30	Further CC upto 8 th for A B C D 02.12.2014	28500	5642.29		34142.29
20.07.2017	Amended IOA	+Gr(p)+S+18 Upper floor	26588.30	Further CC upto 13 th for A B C and part D 01.03.2016	28534.11	9897.78		38431.89
05.02.2018	Amended IOA	+Gr(p)+S+19 Upper floor	26588.30	Further CC upto 18 th for A B C and part D and upto 7 th E F G 27.06.2017	30040.7	10443.34		40484.14
				Further CC for A B C and part D and upto 12 th E F G 21.07.2017				0
				FCC for A B C and part D and upto 11 th E F G 21.03.2018				
				FCC for A B C D E F G 30.10.2018				