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IMMEDIATE PAST PRESIDENT

Mayur Shah

VICE PRESIDENTS

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Boman Irani
Harish Patel
Nainesh Shah
Domnic Romell

ADDL. VICE PRESIDENT

Sukhraj Nahar

HON. SECRETARY

Bandish Ajmera

TREASURER

Mukesh Patel

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Sandeep Raheja
Jayesh Shah
Sanjay Chhabria
Rasesh Kanakia

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Navin Makhija
Sandeep Runwal
Shailesh G. Puranik
Dhaval Ajmera
Pratik Patel

JOINT TREASURER

Nayan Bheda
Munish Doshi

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Tejas Vyas
Shailesh Sanghvi
Pritam Chivukula

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Jitendra Jain
Deepak Gundecha

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Rajesh Prajapati
Sachin Mirani
Nikunj Sanghavi
Rajeev Jain
Shyamal Mody
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Rushank Shah
Samyag Shah
Jayesh C. Shah
Sunny Bijlani
Sahil Parikh
Naman Shah
Suhail Khandwani
Ricardo Romell

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Dharmesh Jain
Vyomesh Shah
Paras Gundecha
Pravin Doshi
Mohan Deshmukh
Mofatraj Munot
Rajnikant Ajmera
Late G. L. Raheja
Late Lalit Gandhi
Late Babubhai Majethia

CREDAI-MCHI UNITS

PRESIDENT, THANE

Ajay Ashar

PRESIDENT, KALYAN-DOMBIVLI

Ravi Patil

PRESIDENT, MIRA VIRAR CITY

Ashit Shah

PRESIDENT, RAIGAD

Ateeque Khot

PRESIDENT, NAVI MUMBAI

Prakash Baviskar

Ref. No. MCHI/PRES/ 18-19/078

December 12, 2018

To,

Shri Pravin Pote-Patil

Minister of State for Industries & Mining, Environment

Public Works (Excluding Public Undertaking)

Government of Maharashtra

Mantralaya, Mumbai - 400 032

Sub. : Advisory to SEAC Committees to start hearing cases with built up area 20000 to 50000 sq.mtrs.

Ref. : 1. MoEF Notifications dated 14.11.2018 and 15.11.2018

2. Delhi High Court stay order dated 26.11.2018

3. NGT stay order dated 03.12.2018 (copy attached for ready reference)

Respected Sir,

It may be brought to your kind notice that vide its Notifications dated 14.11.2018 and 15.11.2018 issued by the MoEF, whereby the MoEF had delegated all its powers to the local authorities including municipalities, district panchayats etc. in respect to building or construction projects with built up area 20000 to 50000 sq.mtrs. and for a built up area of 20,000-1,50,000 for industrial sheds, hospitals, educational institutions.

Subsequently, NGT vide its order dated 03.12.2018 and a Division Bench of the Delhi High Court vide their order dated 26.11.2018 stayed the said MoEF notification, and directed that *"the existing mechanism prior to the said notification will continue till further orders"*.

Post the stay order, hearing of all MoEF cases between 20000 to 50000 sq.mtrs. by the SEAC Committees have stopped on the grounds that they don't have any direction from MoEF as of now. The projects that fall in the range of 20000 to 50000 sq.mtrs. are suffering and the respective project proponents may face heavy penalties as an outcome of this in the future, under the provisions of MahaRERA.

1. Sir, it is CREDAI-MCHI's collective plea that now that the Hon'ble High Court & NGT have stayed the MoEF Notification delegating their powers to the local authorities, the SEAC Committees should be instructed to start hearing all the cases between 20,000 to 50,000 sq.mtrs. & provide relief. SEAC being an appraisal committee, could, irrespective of the court orders, continue the appraisal as appraisals do not guarantee or accord approval to a project.
2. It is also our sincere plea that in case of projects like having rehabilitation of slums like SRA, or projects which could be eligible for PMAY, or projects which fall under Affordable Housing Category like flats of 30 sq.mtrs. / 60 sq. mtrs. that could be considered as public

purpose projects, as also projects that involve building and handing over land and developing a school, fire brigade etc., such proposals, which are in the nature of accommodation reservation development or which involves development of a reservation or any other sort of PPP, should be given a priority in the hearing.

3. Sir, it may kindly be noted that on the occasion of CREDAI National Investiture Ceremony 2017, held on 9th April, 2017 at Gandhinagar, to provide reality to our Hon'ble PM's vision of "Housing For All", 250 Affordable Housing Projects were unveiled by Shri Venkaiah Naidu, then Hon'ble Minister HUPA (copy of invite of ceremony attached for your ready reference). Every project proponent of these 250 projects had individually entered into an MoU, a sample copy of one such MoU is attached herewith for your ready perusal and records. Our Hon'ble PM had acknowledged this great initiative vide his congratulatory note, copy attached.

CREDAI-MCHI, on its part, had separately entered into an MoU during the Magnetic Maharashtra: Convergence 2018 held at Mumbai from 18th to 20th February 2018 to facilitate development of **2.54 Lakh Affordable Houses** under Pradhan Mantri Awas Yojana (Urban) in Mumbai Metropolitan Region (MMR) through its members in a time bound manner. As part of the MoU, the following was committed :

"The Government of Maharashtra will facilitate the members of CREDAI-MCHI, to obtain necessary NOCs / permissions / registrations / approvals / clearances/ incentives etc. on priority from the concerned departments of the State, as per the existing policies / rules and regulations of the Government of Maharashtra."

Sir, we only pray that all these projects, 250 under MoU with HUPA and those under which 2.5 lakh homes were offered under MoU with Govt. of Maharashtra, be given priority as and when the project proponent applies for it.

We earnestly look forward to your advice as the projects have come to a standstill.

Thanking you.

Yours faithfully
For CREDAI-MCHI

Sudalim
11/11/218

लिखित

राज्यमंत्री, उद्योग व छानिकर्म, फडणवीस
आवश्यक बांधकाम (सार्वजनिक)
वाचे कार्यालय
प्रदेश शासन, मंत्रालय,
पुणे ४०० ०३२

Nayan A. Shah
Nayan A. Shah
President

Bandish Ajmera
Bandish Ajmera
Hon. Secretary

Sanjiv S. Chaudhary
Sanjiv S. Chaudhary MRICS
CREDAI-MCHI Secretariat

Item No. 17

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 1017/2018

Shashikant Vithal Kamble

Applicant (s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 03.12.2018

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Brajesh Kumar, Advocate

ORDER

1. Grievance in this application is against notification dated 14.11.2018, issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) under Section 23 of the Environment (Protection) Act, 1986, delegating power for grant of Environmental Clearance (EC) for construction projects with built up area more than 20,000 sq. meters to 50, 000 sq. meters and industrial sheds, educational institutions, hospitals and hostels for educational institutions more than 20,000 sq. meters upto 1,50,000 sq. meters, along with building permission, to Local bodies such as Municipalities, Development Authorities, District Panchayats. Prior to the said notification, Environment Impact Assessment was being done by a credible mechanism by MoEF&CC itself. The same was sought to be delegated earlier which was disapproved by this Tribunal. Present notification is, thus, in the face of earlier NGT order approving such exercise.

2. Learned counsel for the applicant submits that delegation of powers in the impugned notification renders EIA Notification dated

14.09.2006 having safeguards for protection of environment to be futile.

It is submitted that conducting or non-conducting EIA by a credible mechanism is not a matter of discretion but a power coupled with duty to uphold the concept of sustainable development as well as 'Precautionary Principle'. The said concepts are a part of Article 21 of the Constitution and are required to be upheld by this Tribunal under Section 20 of the National Green Tribunal Act, 2010.

3. This Tribunal dealt with the issue vide judgment dated 08.12.2017 in *Society for Protection of Environment and Biodiversity Vs. Union of India & Ors.* – 2018 NGTR (1) B 1, and struck down the dilution of norms for Environment Impact Assessment which were found to be deviating from the 'Precautionary Principle' by delegating such power to the local authorities which was held to be a retrograde step. It is failure of the local bodies to apply law which has led to large scale violation of town and country planning laws and the resultant environmental degradation. If such constructions are exempted from the purview of the Expert Appraisal Committee, it will amount to failure to protect the environment, which is the duty of the MoEF&CC under the Environment (Protection) Act, 1986, which was enacted to give effect to the international commitment under RIO Convention, 1992. Reliance was placed by the Tribunal in the judgment of the Hon'ble Supreme Court in the case of *N.D. Jayal v. Union of India*, (2004) 9 SCC 362, laying down that adherence to Sustainable Development Principle is mandate of Article 21 of the Constitution. De-centralisation of mechanism regulation may be desirable but the same has to be by a credible mechanism.

4. In view of settled law on the point, we are *prima facie* of the view that mechanism in the impugned notification to substitute the existing mechanism will fall short of the requirement of the principle

of 'Sustainable Development' and 'Precautionary Principle' which are part of Article 21 of the Constitution as laid down by the Hon'ble Supreme Court in the case of N.D. Jayal v. Union of India (*supra*).

Accordingly, while issuing notice, we stay operation of the impugned notification and direct that existing mechanism, prior to this notification will continue till further orders.

List for further consideration on 22.01.2018.

Counter affidavit, if any, be filed before the next date.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 03, 2018

A





PRESENTS



We solicit your gracious presence at
CREDAI NATIONAL INVESTITURE CEREMONY 2017
CREDAI members across the country will
unveil

250 AFFORDABLE HOUSING PROJECTS

Providing reality to Hon'ble Prime Minister's vision of

"HOUSING FOR ALL"

to be inaugurated by Hon'ble Minister of Housing,
Urban Development and Urban Poverty Alleviation

Shri M. Venkaiah Naidu

The occasion would also be graced by
Hon'ble Chief Minister of Gujarat, **Shri Vijay Rupani**

Hon'ble Dy. Chief Minister of Gujarat, **Shri Nitin Patel**

Hon'ble Minister of Health, Environment &
Urban Development of Gujarat, **Shri Shankar Chaudhary**

KEY HIGHLIGHTS

- Investiture ceremony of incoming President of CREDAI National
Shri Jaxay Shah & his team of office bearers
- 1500+ developers across 170 cities pledging to empower the
Nation's Skill India Movement undertaking skill development for over
1 Lakh construction workers & unemployed youth of India

Date : Sunday, 9th April, 2017

Time : 10:00 AM onwards (followed by lunch)

Venue : Gate No. 3, Mahatma Mandir, Gandhinagar

RSVP (Mandatory) Kapil: 7718951317, kapil@gobananas.co.in
Prutha: 9099947653, prutha@gobananas.co.in

Supported by



Memorandum Of Understanding

This Memorandum of Understanding ("MOU") is made and executed on 9th April, 2017 at Mahatma Mandir, Gandhinagar (Gujarat) by and between:

Confederation of Real Estate Developers' Associations of India (CREDAI)

and

M/S. MAYFAIR HOUSING PVT. LTD. (PROMOTER)

The Government of India has announced the Mission of "Housing for All" by 2022. Hence, the Government is committed to encourage Private Sector Developers including those who are members of CREDAI to undertake Affordable Housing Projects.

The Confederation of Real Estate Developers' Associations of India (CREDAI) having its office at PHD house (5th Floor), 4/2 Siri Institutional Area, August Kranti Marg, New-Delhi-110016 is the apex organization of Real Estate Developers. CREDAI's primary mandate is to create a facilitative environment for the development of Housing and Real Estate in the country. CREDAI has resolved to associate itself with the Government of India Mission of "Housing for All by 2022". Towards this end, CREDAI is taking up development and construction of Affordable Housing Projects by its members all over the country.

This MOU is being signed in the presence of Shri M. Venkaiah Naidu, Hon. Minister for Urban Development and Housing and Urban Poverty Alleviation. Further, Ministry of Housing and Urban Poverty Alleviation with regard to the Affordable Housing Projects being launched has stated as follows-

"The Ministry appreciates and congratulates CREDAI in its efforts to contribute towards the 'Housing for All' Mission and wishes it all success."

Promoter wishes to establish following Project(s) in India.

| SL NO. | STATE | PROJECT NAME | LOCATION | TOTAL LAND AREA IN (SQ. MT) | TOTAL BUILT-UP AREA (SQ. MT) | TOTAL NO OF UNITS | TOTAL INVESTMENT (RS. CRORE) |
|--------|-------|--------------|---------------|-----------------------------|------------------------------|-------------------|------------------------------|
| 110. | MCHI | MAYFAIR | ASANGOAN (E) | 12690 | 10731 | 212 | 0 |
| 111. | MCHI | MEDOWS | THANE (W) | 7324 | 32490 | 380 | 0 |
| 114. | MCHI | MAYFAIR | VIKROLI (W), | 3653.3 | 21978 | 421 | 0 |
| 115. | MCHI | MAYFAIR | MUMBAI | | | | |
| 116. | MCHI | TOWERS | TITWALA (E) | 13270 | 11909 | 315 | 0 |
| 117. | MCHI | VISHWARAJA | BOLINJ (W) | 92212.45 | 109,999 | 2750 | 0 |
| 118. | MCHI | MAYFAIR | THANE | 8579.09 | 11449.84 | 286 | 0 |
| 119. | MCHI | VIRAR GARDEN | VILLAGE ADAI, | 72843.4 | 123.833 | 2948 | 0 |
| | | MIRA PRIDE | PANVEL | | | | |
| | | MAYFAIR | PANVEL | | | | |
| | | VIRAR | DONGAREBOLINJ | 1,21,437.76 | 36431 | 958 | 0 |
| | | GARDEN-II | (W) | | | | |

Promoter and CREDAI agree with regard to the following Terms and Conditions:-

1. Promoter shall obtain all the requisite Approvals / Permissions / Clearances from State Govt. / Local Authority for implementing the housing projects.
2. CREDAI will monitor each and every project of the members undertaken and the concerned member will submit quarterly progress report to CREDAI as per prescribed format.
3. CREDAI will submit quarterly progress reports collected and compiled from Members to Ministry of Housing and Urban Poverty Alleviation, Government of India (MoHUPA).
4. CREDAI further undertakes to cover the project as per terms and conditions of eligibility set by Banks and Financial Institutions with regards to the following-
 - I. Exclusive Relationship Manager for each Affordable Housing Project.
 - II. Preferential treatment for processing of proposals in respect of MOU of Affordable Housing Projects being done today.
 - III. Specialized/Dedicated Team for Construction / Builder Finance.
 - IV. Concession in Interest Rate and Processing Fee to the extent possible for MOU of Affordable Housing Projects being done today.
5. CREDAI shall advise (without prejudice, without any binding) the concerned State Governments to accord approvals/clearances/permissions to Housing projects undertaken under this MOU on priority basis.


IN WITNESS WHEREOF: The Parties hereto through their duly authorized representatives have signed this MOU on the date and year mentioned herein above.


For and on behalf of
M/S. MAYFAIR HOUSING PVT. LTD.
Authorized signatory

Name : Nayan D. Shah
Email : nayan@mayfairhousing.com

+91 98260 21186

For and on behalf of CREDAI,


(Jaxay Shah)
President, CREDAI
info@credai.org



सत्यमेव जयते

प्रधान मंत्री
Prime Minister

MESSAGE

Greetings and best wishes for the CREDAI Investiture Ceremony 2017 as well as to the incoming President Shri Jaxay Shah and the new team of office bearers.

I am delighted to know that several affordable housing projects will be unveiled during the programme. These projects will give a strong impetus to the Government's vision of "Housing for All." The emphasis placed on skill development is also appreciable.

A vibrant housing sector can contribute greatly to India's economic progress. Let us work together and ensure no India is left homeless.

My best wishes once again.

(Narendra Modi)

New Delhi
30 March. 2017

Mr. Jaxay Shah,
President Elect, CREDAI
5th Floor, PHD House
4/2 Siri Institutional Area, August Kranti Marg
New Delhi-110 016



Date: 18th February 2018

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MoU) is entered during the Magnetic Maharashtra: Convergence 2018 held at Mumbai from 18th to 20th February 2018. The MoU is made to facilitate the proposed investment of INR 75,000 Crores towards the development of 2.5 Lakh Affordable Houses in Mumbai Metropolitan Region (MMR) through its members in a time bound manner and has been entered between;

MCHI-CREDAI, an apex body of developers, which is recognized by Government of Maharashtra, having its Office at Maker Bhavan II, 4th Floor, 18, Sir Vithaldas Thakersey Marg, New Marine Lines, Mumbai - 400 020

And

The Government of Maharashtra

Details of proposed investments are:

| Sr. No. | Project Name | Location | Proposed Inv. (in INR Cr.) | Direct Employment | Proposed Year of Commencement |
|---------|--------------------|----------------------------------|--------------------------------------|-------------------|-------------------------------|
| 1 | Affordable Housing | Mumbai Metropolitan Region (MMR) | 75,000 (Seventy Five Thousand Crore) | 5,21,000 | 2018 |

The Government of Maharashtra will facilitate the members of CREDAI-MCHI, to obtain necessary permissions / registrations / approvals / clearances / fiscal incentives etc. from the concerned departments of the State, as per the existing policies / rules and regulations of the Government of Maharashtra.

For and on behalf of
Government of Maharashtra

(AUTHORISED SIGNATORY)



For and on behalf of
MCHI - CREDAI

(AUTHORISED SIGNATORY)