

S. S. Hussain I.A.S. (Ex)
Chief Executive Officer

Ref. No.: MCHI/CEO/13-14/316

April 22, 2014

To,
Shri R. A. Rajeev (I.A.S.)
Principal Secretary,
Environment Department,
Government of Maharashtra,
Mantralaya, Mumbai - 400 032.

Dear


Pursuant to your telephonic talks with me on 16th April, 2014, wherein you sounded agitated and upset because of my letter on behalf of MCHI, I would submit the following as desired.


I had made a gentlemanly & humble request for issuing clarification as per contention stated in the order issued by Hon'ble High Court and as MCHI would also like to bring to the notice of the department for necessary compliance of the Hon'ble High Court Order.

You also enquired as to who was, the Respondent No.3, in Writ Petition (L) No. 655 of 2014, in the said Order dt. 24th March, 2014. It was the State Level Environment Impact Assessment Authority, on whose behalf the stop work notice had been issued. The information is submitted to apprise you for further necessary action please, as deemed fit. (Enclosed a copy for ready reference).

Sir, in this regard, and also to discuss other issues, if a personal hearing is given to our committee members in next week, will be highly appreciated and I would be grateful.

Yours


12/2/14/12/14
राजिब खान
वाचिबिण विज्ञान
महाराष्ट्र. मुंबई-३३


S. S. Hussain

Shri R. A. Rajeev (I.A.S.)
Principal Secretary,
Environment Department,
Government of Maharashtra,
Mantralaya, Mumbai - 400 032.

Encls.:

1. Index Page of the Petition.
2. Exhibit 'U' of the W.P. (L) No.655 of 2014.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. OF 2014

In the matter of Articles 14, 19, 226
and 300A of the Constitution of India;

AND

In the matter of the Environment
(Protection) Act, 1986;

AND

In the matter of provisions of the
Development Control Regulations for
Greater Mumbai, 1991;

AND

In the matter of the Environment
Impact Assessment Notification,
2006;

AND

In the matter of the Office
Memoranda of Respondent No. 2
dated 12th December 2012, 31st
October 2013 and 17th January 2014;

AND

In the matter of the decision in the
impugned letter dated 10th January
2014 of Respondent No. 2;

AND

In the matter of non-performance by
Respondent Nos. 1 and 2 of their
respective statutory duties and
exceeding their respective jurisdiction
and powers.

1. **Glomore Constructions,** a)
 registered partnership firm having its)
 office at 403 Vasundhara)
 Apartments, S.V. Road, Vile Parle)
 (West), Mumbai 400 056.)

2. **Acme Housing India Private)**
Limited, having its registered office)
 at Acme Ghar, 19K.D. Road, Vile)
 Parle (West) Mumbai 400 056.)

3. **Munish Parveen Doshi)**
 having his office at Acme Ghar, 19)
 K.D. Road, Vile Parle (West))
 Mumbai 400 056.)... **Petitioners**

VERSUS

1. **The Union Of India,**)
 Ministry of Environment and)
 Forests, Paryavaran Bhavan, CGO)
 Complex, Lodhi Road,)
 New Delhi - 110 003)

2. **The State of Maharashtra,**)
 Environment Department, 217 Annex)
 Building, Mantralaya, Madam Cama)
 Road, Mumbai - 400 032)

3. **State Level Environment Impact)**
Assessment Authority, Maharashtra)
 having its address at Mantralaya,)
 Mumbai-400032.)

4. **Maharashtra State Expert)**

GOVERNMENT OF MAHARASHTRA

Tel. No. : 2279 3132
Fax No. : 2281 3947

No. SEAC-2211/CR-36/TC-2
Environment Department
217, Annex Building, Mantralaya
Madam Cama Road, Mumbai - 400 032
Date : 10/11/2014

By Speed Post/ RPAD / Hand Delivery

To,
M/s ACME Housing India Pvt. Ltd.
Acme Ghar, 19 K.D. Road,
Vile Parle (W),
Mumbai - 400 056.

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Exhibit U

Sub. :- Direction under section 5 of the Environment (Protection) Act, 1986
r.w. Environment Impact Assessment Notification dtd. 14.9.2006

Ref. :- 1. Show Cause Notice issued vide letter dtd. 17.5.2013
2. Your replies dtd. 5.6.2013 & 31.10.2013
3. Personal hearing extended to you on 26.11.2013.

WHEREAS, the State Level Expert Appraisal Committee-II (SEAC-II) in its 12th meeting held on 3.5.2013, observed that you have violated the provisions of the Environment (Protection) Act, 1986 read with EIA Notification, 2006.

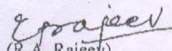
AND WHEREAS, this office had issued a show cause notice to you vide letter at reference one above, for carrying out construction at Plot bearing CTS No. 170, Village Akurli, Kandivali (E), Mumbai.

AND WHEREAS, you have submitted your replies dtd. 5.6.2013 & 31.10.2013, stating that :-

- 1) The first I.O.D. was issued by the MCGM for industrial purpose on 25.2.2009 for proposed BUA 8867.16 m², which was converted to the residential project by amendment dtd. 17.2.2010. As per amendment in I.O.D. dtd. 17.2.2010 proposed Total BUA was 9795.79 m², but the PP has not yet executed any work at site.
- 2) You have obtained another I.O.D. for residential Building on 5.1.2012 for proposed Total BUA of 9045.72 m² and constructed total BUA 9045.72 m² at site.
- 3) You have also received temporary structure permission on 3.10.2013 for 583.41 m² for labour hutments and toilets for temporary purpose and the same has been constructed at site.
- 4) You have constructed total area admeasuring 9629.13 m² (i.e. Total Construction area 9045.72 m² and temporary structure for labour hutments & toilets having area of 583.41 m²) at site.
- 5) You have applied for EC on 17.1.2011 for proposed total BUA admeasuring 24,215 m².

AND WHEREAS, a personal hearing was extended to you on 26.11.2013 at 3.30 p.m., before the Principal Secretary, Environment Department. During the course of hearing, has been observed that you applied for EC on 17.1.2011 for proposed total BUA admeasuring 24,215 m². You have obtained permissions from the MCGM 14.2.2012 & 3.10.2013 and constructed an area admeasuring 9629.13 m² at site, even after you had applied for EC on 17.1.2011. You have started the construction work at site prior to obtaining EC, thereby violating the provisions of the EIA Notification 2006.

NOW THEREFORE, in view of the above violations of the Environment (Protection) Act, 1986 r.w. EIA Notification dtd. 14.9.2006, you are hereby directed to stop the construction work till you obtain Environmental Clearance from the Competent Authority.


(R.A. Rajeev)
Principal Secretary,
Environment Department

