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Ref. No. MCHI/PRES/ 18-19/075

December 12, 2018

To,

Shri Anil Diggikar (I.A.S.)

Principal Secretary
Environment Department
Govt. of Maharashtra
217, Annex Bldg., Mantralaya,
Mumbai : 400 032

✓ *(AB)
13/12/18
प्रधान नियम (प्रभावी) नियम विभाग
मन्त्रालय, मुंबई-400 022.*

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


Nayan A. Shah
President


Bandish Ajmera
Hon. Secretary


Sanjiv S. Chaudhary MRICS
CREDAI-MCHI Secretariat