

Ref. No. MCHI/PRES/17-18/188

March 17, 2018

To,
**All Members of CREDAI-MCHI &
CREDAI-MCHI Units**

Sub: Dumping Ground Order passed by Hon'ble Supreme Court on 15th March 2018

Ref: Supreme Court, Diary No. (s), 23708 of 2017, MCHI V/s. MCGM

Dear Members,

CREDAI-MCHI's tremendous efforts in contesting Legal matter, especially holding the business of construction, the Dumping Ground matter was ably argued by Advocate/Counsel/Senior Counsel on behalf of CREDAI-MCHI. We thank Mr. Kunal Vajani and Team of Wadia Ghandy & Co. at Delhi and Mr. Dhaval Mehta of Wadia Ghandy & Co. at Mumbai office for their assistance and support for this positive outcome of the relief from Hon'ble Supreme Court.

Shri Mayur Shah – President, Shri Dominic Romell – Secretary and Shri S. S. Hussain (I.A.S. Retd.) – C.E.O. of CREDAI-MCHI are grateful and thankful to all Members/ Core/Managing committee in contributing for Legal Fund to meet the expenses, which immensely helped as a ray of hope. We also appreciate efforts of Shri Harish Patel our Vice President & Task Owner for Dumping Ground issue.

A small Gist and sum of the specific directions given by Hon'ble Supreme Court by its order dtd. 15th March 2018, are mentioned herein below:-

Hon'ble Supreme Court appreciated the difficulties faced due to blanket ban on new constructions, in a place like Mumbai.

Serious concern was raised by the Supreme Court on the financial loans taken by the developer/builder on their projects and were largely affected by the earlier High Court order.

Supreme Court observed, that it also meant Violation of Article 19, 21 & 300A of the Constitution of India. However, neglecting the disposing debris and construction material should be dealt seriously and inability of MCGM in dealing with the safe disposal of solid waste & construction debris.

Supreme Court cautiously opined for ensuring better safeguard by builders from preventing of spreading of Air Particle/pollutant at Construction site as health hazard.

- Hon'ble Supreme Court directed that any construction that is permitted hereafter in view of this order shall be only after adequate safeguards are employed by the builders for preventing dispersal of particles through the air. This shall be incorporated in the IOD, if not included already in the IOD.
- To be enforced under the Construction & Demolition Waste management Rules, 2016.
- 10 sites for earth filling are recognized and to be incorporated in the IOD/building permission for debris disposal on these sites.

- Periodical inspection by MCGM on land filling site and construction site to be done, on any violation, immediate 'stop work' to be issued and cancellations of permission/IOD.
- Mandatory to mention on all the pre-existing and fresh IOD's about the land filling sites allowed by the Owner, for permitting the construction and obtain NOC for debris disposal.
- MCGM to create an infrastructure facility to form "Debris on call Scheme" for 'small generator', collect the Waste and transport on the designated site for Disposal of Debris.
- In the plan so submitted by developer care should be taken not to include the dumping sites of Deonar and Mulund.
- In case of expiration of time limit for dumping at the disposal sites the construction activity shall be stopped by issuing a show cause notice. It shall be revoked till a new site for disposal C & D waste is provided by MCGM.
- Developer to provide a **Bank Guarantee** of Rs. 5 lacs to 50 lacs depending upon the size and stage of the development for obtaining development permission.
- This guarantee shall be as per the Debris Management Plan, approved by MCGM and shall remain in force till OC is issued.

Hon'ble Supreme Court order confers vast powers on the Monitoring Committee like;

- To inspect/visit land-filling sites, can call for records from MCGM on grant of IOD etc.
- To check and inform any breach of the IOD conditions/ building permission to MCGM. MCGM, within 1 month of notice of such violation shall pass speaking orders.

The order to be applicable till the **expiry of 6 months** from the date of enforcement.

Hon'ble Supreme Court supported the Bombay high court directions on no deposition of Construction Debris on the Deonar and Mulund sites.

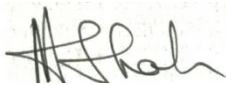
We request our members to follow the order of the Hon'ble Supreme Court strictly and carry their business within the framework earmarked by the directions of the Court.

This is to inform all our members that recently in the meeting held with MCGM Officials, they are coming up with guidelines for processing the Environmental Clearance/NOC, it shall be formally announced and intimated to all CREDAI-MCHI Members.

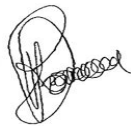
To download the Order dtd. 15th March 2018 please click the link <https://goo.gl/PLWXEN>

With Best Regards,

For CREDAI-MCHI



Mayur Shah
President



Domnic Romell
Hon. Secretary



S. S. Hussain, I.A.S. (Retd.)
C.E.O.