

Environment Dept. MoEF
Order

GOVERNMENT OF MAHARASHTRA

No. ENV-2013/CR- 39 /TC-3
Environment Department
217- Annex, Mantralaya.
Madam Cama Road, Mumbai - 400 032
Date : 29/06/ 2013

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2013

To,
Member Secretary,
State Expert Appraisal Committee - I
Department of Environment,
15th Floor, New Administrative Building,
Madam Cama Road,
Mumbai - 400 032

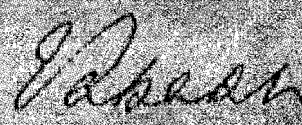
Member Secretary,
State Expert Appraisal Committee - II
Department of Environment,
15th Floor, New Administrative Building,
Madam Cama Road,
Mumbai - 400 032

The Hon'ble High Court of Judicature at Mumbai has passed orders in various Writ Petitions (namely W.P.No. 1916/2012 filed by Vardhuman Developers Ltd. . W.P. No. 2809/2012 filed by Nahur Vivekanand Co-op. Hsing Society Ltd., W.P. (L) No. 470/2013 filed by Saumya Buildcon. W.P. No. 654/2013 filed by Tridhatu Ventures) granting relief to the redevelopment projects for residential buildings by allowing them to the extent of construction upto 20000 m². The developer has to give an undertaking that he will not exceed the construction beyond 20000 m² without first obtaining Environmental Clearance.

Recently, the Hon'ble High Court in order dtd. 21.06.2013 in W.P. (L) 852 filed by M/s Vision Developers, has made the Rule absolute in the orders passed in the above mentioned matters and directed the Municipal Corporation to consider the Petitioner's application for further Commencement Certificate for building B upto 19000 m² on the Petitioner filing an undertaking to the Hon'ble High Court.

The order passed by Hon'ble High Court dtd. 06.03.2013 in W.P. No. 470 of 2013 filed by M/s Saumya Buildcon Pvt. Ltd. V/s U.o.I. & Ors. that the construction upto 20000 m² cannot be treated as a violation and cancellation of the Stop Work Order issued by the Department of Environment, was communicated to the Secretary, MoEF, Govt. for clarification vide letter dtd. 20.04.2013, which is still awaited.

In view of above developments, the State Level Expert Appraisal Committees (i.e. IEAC-I & II) are directed to appraise the applications of the Project Proponents by considering the relief granted by the Hon'ble High Court in different Writ Petitions mentioned above encephorth. Residential projects wherein construction below 20000 m² has been initiated shall not be treated as violation. This is subject to further orders of the Hon'ble High Court.


(Valsa R. Nair Singh)
Secretary