

Item No.2

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.145/2023(WZ)

Murtaza Sadikali Tarwadi

.....Applicant

Versus

Pride Property Developer & Ors.

....Respondent(s)

Date of hearing: 18.10.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant in-person

ORDER

1. From the side of applicant, applicant has appeared in-person through Video Conferencing.

2. This application has been filed with the prayers that respondent No.1/Pride Property Developer through their partners namely Mr. Hemal Gala, Mr. Kunal Gala and Mr. Pravinchandra and respondent No.2/Municipal Commissioner, Thane Municipal Corporation (TMC) be directed to construct STP as per the requirements of Central Pollution Control Board (CPCB); and in the alternative, the respondent No.2 be directed to lay pipe line to carry sewage to establish Sewage Treatment Plant in the Kolshet Road, Dhokali area.

3. It is alleged in this application that the respondent No.1 had purchased plot in Dhokali/Manpada/Chitalsar having Survey Nos.326/3, 25 & 26, which was existing in the jurisdiction of TMC and had obtained Commencement Certificate as per the TMC Approved Plan in 2006. The

respondent No.1 did complete the construction and had obtained Occupancy Certificate in 2011. The respondent No.1 formed society in the year 2012 in the name of Pride Presidency Society.

4. It is further submitted in this application that the respondent No.2/TMC mandated requirement for Sewage Treatment Plant (STP) in the high rise projects since they did not have capacity to treat domestic effluent from 2006. The respondent No.1 applied for Commencement Certificate of STP construction in 2010 in basement area of the tower comprising recreational ground and nineteen floors. The respondent No.2/TMC cannot give Consent to Establish/Operate of the STP in the basement area without proper assessment of STP site as per the CPCB Guidelines.

5. As per the averment made by the applicant in the present Original Application, it appears that he is referring to a construction having been done of residential building by the respondent No.1, size of which has not been given because no specific area has been disclosed, as to whether the same is below 20,000 sq. mtrs. or above that. Because upon that would depend as to whether prior EC was required to be obtained, which would certainly contain some terms & conditions for setting up of the STP as well. Therefore, we direct the applicant to disclose what is the total built up area of construction of the said building, in which complaint regarding STP is being made by him.

6. Further, it is alleged in this application that the STP, which has been put in place, is not in consonance with the CPCB Guidelines. We enquired from the applicant, as to which particular Guideline laid down by the CPCB, is violated, he drew our attention to page no.14 of the paper book, but we do not find the full Guidelines annexed there. Therefore, we

direct the applicant that he must bring on record those Guidelines and specifically mention in the pleadings, as to which particular Guideline is being violated by the respondent No.1/Project Proponent and where the terms & conditions were laid down for construction of the project that the STP would be built up at a particular place, which now appears to be violated.

7. For want of these pleadings as well as documentary evidences, we do not deem it appropriate to admit this application at this stage. We also direct the applicant to convince us on the ground of this application not being barred by limitation, on the next date.

8. The applicant is also directed to implead the Pride Presidency Society as respondent No.6 in the present application, as the same has been constituted after handing over the possession to the occupants.

Put up this matter for admission on 20.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 18, 2023
Original Application No.145/2023(WZ)
P.Kr