

MINUTES OF THE 30TH STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (GOA-SEIAA) MEETING HELD ON 05TH MAY 2016 AT 03.00 P.M. IN THE CONFERENCE ROOM OF GOA STATE POLLUTION CONTROL BOARD, 1ST FLOOR, PATTO.

The thirtieth meeting of the Goa-SEIAA (*hereinafter referred as 'Authority'*) was held on 05th May 2016 at 03.00 p.m. in the conference room of Goa State Pollution Control Board under the Chairmanship of Dr. Pramod Pathak. The list of members present during the meeting is annexed (*refer Annexure – 1*).

At the outset, Chairman welcomed the Members and informed about the purpose of convening the meeting. Member Secretary, briefed the members about the matters to be taken up for consideration / suitable decision as per the agenda item referred in *Annexure – 2*.

1. In response to the 'Notice of Personal Hearing' issued by the Authority vide letter no. 3/181/2010/STEDIR/09 dated 19th April 2016, a personal hearing was granted to the representatives of both the parties – M/s Akar Creations Pvt. Ltd., Margao and Colva Civic and Consumer Forum (CCCF), Colva. Representative of M/s Akar Creations Pvt. Ltd. Adv. Hanumant Naik requested to grant additional time to file chronology of events of detailed process for grant of environmental clearance for the said project. Mrs. Judith Almeida (Secretary of CCCF) states that construction at project site is carried out in violation of the Environmental Clearance. Adv. Hanumant Naik filed written submission and stated that construction is strictly carried out in terms of provision of law and approved plans and also stated that the complainant has not produced any document which proves that construction is in violation of any of the terms & conditions stipulated in Environmental Clearance.

The Authority on hearing both the parties and deliberation thereafter decided to direct the Secretary of Goa State Expert Appraisal Committee (Goa-SEAC) to conduct joint site inspection of the site under reference along with representatives from Colva Civic and Consumer Forum and M/s Akar Creations Pvt.Ltd and submit a detailed report to the Authority at the earliest. Also, the Authority directed M/s Akar Creations Pvt. Ltd., to file chronology of event latest by 15th June 2016. Authority also stated both parties may file any additional reply/documents, if any. Accordingly, it was decided to continue personal hearing on 01/07/2016 at 3:30 p.m.

2. In response to the ‘Notice of Personal Hearing’ issued by the Authority vide notice bearing no. 3/181/2010/STEDIR/08 dated 19th April 2016, a personal hearing was granted to the representatives of both the parties – M/s Sociedade de Fomento, Goa and Village Panchayat Panchayat, Assolda-Xic Xelvona and Hodar. Adv. Athain Naik representing Village Panchayat reiterated the complaint and intend to file additional documents indicating that the survey nos. under reference are either cultivable land, forest area, eco-sensitive zone and presence of water body etc which is likely to affect biodiversity of the all three villages. Adv. Mamta Shrivastava representative of M/s Sociedade de Fomento, stated that EC issued to the land having survey nos. are owned by Project Proponent and it falls in Industrial Zone as per Regional Plan 2001. Finally both the parties agreed to produce zoning certificates and all other relevant documents/reports pertaining to survey numbers under reference indicated in the environment clearance. Accordingly, at the request of both the parties, the next date of personal hearing is scheduled on 15/06/2016 at 3:00 p.m.
3. M/s Mahadhan Real Estate LLP., Vasco-da-Gama – the proposal (*which has been revised and re-submitted as the said proposal was appraised in 2014*) is for construction of residential-cum-commercial building in survey nos. 99/1 & 2, 105/1, 2&3 – C3 in Taleigao village, Tiswadi Taluka. Although during 63rd Goa-SEAC meeting held on 7th April 2016, the aforesaid proposal has been recommended with mandatory inclusion ‘Specific conditions / Mitigatory prescriptions’ –As such while verifying the post presentation compliances submitted by the PP during 66th Goa-SEAC meeting held on 5th May 2016, Committee decided to re-inspect the project site on 20th May 2016. Accordingly, Authority decided to await for detailed report of the Goa-SEAC and accordingly decide thereafter.
4. Communication received from M/s Jai Bhuvan Builders (P) Ltd., Goa. (Mall the Goa) requesting to issue ‘final environment compliance certificate’ for completion of construction of commercial complex and multiplex in survey no.73/1, Pilerne village, Tiswadi taluka, North Goa. The Authority confirmed that there is no provision under the EIA Notification 2006 to issue completion Certificate.
5. M/s Nestle (India) Ltd., has not submitted observation-specific response/Compliance to the site inspection conducted by Authority on 2nd March 2015(*one year back*) till date

accordingly authority decided to issue Show Cause Notice (SCN) to the unit to show cause as to explain why order of demolition shall not be issued.

6. Subsequent to the site-inspection by the members of Authority dated 1st April 2016 at M/s ALCON Constructions (Goa) Ltd., Panaji, w.r.t. revised project proposal seeking amendment in the EC issued earlier (*vide no. 3/18/2010/STE-DIR/206 dated 19th May 2013 for 250-bedded hospital cum 42-room hotel*) by the Goa-SEIAA. The revised proposal comprises of change of activity from hospital to residential project. After detailed deliberation, the Authority decided that the project proponent should apply afresh i.e. denovo proposal for the new activity alongwith fresh EIA & other documents. In the light of the request of the project proponent is rejected. Furthermore, the authority also noted that the access road to the property under reference is very narrow and also passes along the St.Inez creek. As such it is decided to bring the said fact to the notice of the concerned Planning and Local authority.
7. With regard to the extension of the tenure of Adv. Raghvendra Kalangutkar to serve as a “Legal Retainer” in the O/o EIA- Goa State Secretariat, Authority decided not to extend the term of Adv. Kalangutkar at this stage.
8. With regard to open and operate a separate Bank Savings Account in the name of Goa State Environmental Impact Assessment Authority (Goa-SEIAA) for the purpose of exclusively processing / crediting the charges so collected through levying of administration-cum-processing charges from PP concerned. Authority decided to open a new saving bank account in the ‘Oriental Bank of Commerce’, Patto-Panaji and to authorised the Secretary (Goa-SEAC) and Member Secretary (Goa-SEIAA) jointly operate the said Account after approval for the transaction is given by the Authority.

Meeting concluded with a vote of thanks to the chair.

Mr. Srinet Kothwale
Member Secretary, Goa-SEIAA

Dr. Pramod V. Pathak
Chairman, Goa-SEIAA

Place: Patto, Panaji
Date: May, 2016.

ANNEXURE-II

Agenda Items for the 30th Goa-SEIAA meeting held on 5th May 2016.

9. To conduct and continue with the personal hearing in response to a complaint by Mrs. Judith Almeida regarding grant of EC to a proposed development by **M/s Akar Creations Pvt. Ltd.**, Margao (*as decided during 28th Authority meeting held on 2nd February 2016*) for final decision in the matter.
10. To deliberate, discuss the response submitted by **M/s Sociedade de Fomento, Goa** dated 23rd March 2016 (*in response to SCN issued by the Authority dated 2nd March 2016 vis-a-vis 'request for time-extension' of 8-days – i.e. 18th March 2016 as well as response submitted by the PP thereafter dated 23rd March 2016*) w.r.t. the following clarifications reg. proposed construction of Rail Freight Terminal at Xic-Xelvona / Assolda / Chandor villages of Quepem / Salcete taluka.
 - (a) Submission of (i) Land-use categorization and (ii) Zoning certificate for the survey numbers which are in possession of the project proponent (PP) and for survey numbers which are at various stages of acquisition by the PP.
 - (b) Submission of NOC from the competent Authority concerned (i.e. Department of Forests,, etc.,) for non-forest utilization of the area.
 - (c) Details of land acquired from the erstwhile establishment (*which is located within the proposed plot area*) and its status thereof.
 - (d) Additional land proposed to be acquired in future for proposed rail freight terminal, if any, and its status.
 - (e) Submission of 'conversion sanad' from the competent Authority.

Subsequently, 'Notice of Personal Hearing' was issued to (a) M/s Sociedade de Fomento and (b) Assolda village panchayat to appear before the Authority on 5th May 2016.

(It is informed that as per the NGT proceedings before NGT, Pune w.r.t. Applications nos. 02/16 and 21/16 filed by village panchayat of Assolda and Piety Fernandes respectively, Authority needs to decide and finalize the decision in response to reply submitted by M/s Sociedade de Fomento vis-a-vis representations made by various stakeholders as matter is kept on 27th May 2016 for further hearing / arguments / decision, as applicable).

11. **M/s Mahadhan Real Estate LLP., Vasco-da-Gama** – the proposal (*which has been revised and re-submitted as the said proposal was appraised in 2014*) is for construction of residential-cum-commercial building in survey nos. 99/1 & 2, 105/1, 2&3 – C3 in Taleigao village, Tiswadi Taluka. The Project Proponent (PP) made the project-specific presentation during 62nd Committee meeting held on 5th April 2016. Subsequently, following post-presentation discussions / deliberations held during 63rd meeting held on 7th April 2016, the aforesaid proposal has been recommended with mandatory inclusion of following as 'Specific conditions / Mitigatory prescriptions' -
 - a. The top soil layer at the site upto a depth of 0.30 mt. should be removed and reused after the filling of the site with soil transported from elsewhere as submitted before the Committee by the PP. The soil to be filled should also be tested and report should be furnished to the Authority.

- b. As the site is a low-lying fallow-land with sandy soil and shallow ground-water table and in anticipation of flooding conditions in heavy monsoon during construction and post construction scenarios, the storm water drainage from the site in no condition be allowed to flow in surrounding fields. The detailed design analysis of the storm water management plan vis-à-vis extreme scenarios of heavy rainfall conditions with available data along with the proposed outfall in the nearest natural drain should be prepared and submitted.
 - c. Further, considering 17 mts. deep clay layer at the site (*as per the soil investigation report submitted*), the PP should adopt appropriate foundations for the structures at the site so as to transfer the load to hard stratum and based on seismic considerations.
 - d. A disaster response for flooding conditions should be prepared and submitted.
 - e. Considering the site-specific characteristics of the project location and its topography, the PP should take all the remedial measures to address water drainage system so that locations around the proposed site do not get inundated / flooded during and after the project completion.
- 12.** To discuss / deliberate on the communication received from **M/s Jai Bhuvan Builders (P) Ltd., Goa (Mall the Goa)** requesting to issue ‘final environment compliance certificate’ for completion of construction of commercial complex and multiplex in survey no.73/1, Pilerne village, Tiswadi taluka, North Goa district for which environmental clearance (EC) has been granted by the MoEF vide letter no. 21-271/2007-IA.III dated 5th September 2007. Subsequently, Consent to Establish and Consent to Operate / HW Authorization (*which is valid for six months for trial operations*) were issued by the Goa-PCB during March 2011 / February 2016.
- 13.** To finalize the decision w.r.t. a proposal submitted by **M/s Nestle India Limited** - proposed project for expansion of industrial building situated at plot no. 294/1, 2,3,4 and 297/0, Usgao Industrial area, Tisk, Usgao, Ponda.

Brief calendar of events w.r.t. the said proposal is as –

- 1.** Date of receipt of proposal – **5th August 2014**
- 2.** **Goa-SEAC (hereinafter referred as ‘Committee’) conducted the site-inspection on 25th September 2014.**
- 3.** The proposal was **presented during the 29th Goa-SEAC Meeting held on 20th January 2015** wherein PP was directed to submit ‘Concept Note’ on CSR-related activities and recommended the proposal notwithstanding the observations. The Committee, prima-facie, has realized that the aforementioned proposal is a ‘post-facto’ case wherein the project proponent (PP) has submitted the application, seeking environmental clearance (EC), near-completion stage of project execution. Accordingly, the observations of the Committee are as under –

- (i) To penalise and impose punitive action, as deemed fit, by the Goa State Environment Impact Assessment Authority (Goa-SEIAA) as the PP has approached for post-facto environmental clearance.
- (ii) Admittedly, the existing campus due to concretization has caused habitat loss for birds and as such the same may be redeemed by proper landscape interventions to restore habitat value to the extent possible.
- (iii) In view of presence of few species of conservation values, the PP should conceptualise a sustained yearlong multi-stakeholder sensitization / awareness programme on the theme 'human-wildlife conflict – mitigation and conservation measures' for which appropriate budgetary outlay to be provided. As this involves financial implications, the PP has sought time to communicate the same. Accordingly, a concept note referring the scope, modalities of implementation and budget outlay need to be submitted.

The Committee, notwithstanding the above observations, has recommended the proposal for grant of environmental clearance (EC).

4. Goa-SEIAA, during its 20th Meeting held on 19th February 2015, has decided to conduct site-inspection.
5. Goa-SEIAA conducted inspection on 2nd March 2015 and sought CSR-specific compliance.
6. Goa-SEIAA, during its 22nd Meeting held on 11th May 2015, requested the PP to clarify the matter w.r.t. CSR-specific compliance sought subsequent to site-inspection conducted on 2nd March 2015 as under -
 - (a) Implementation of solar PV-power generation system atleast in ten (10 nos.) of educational institutions (i.e. schools) in Goa.
 - (b) Providing a mobile van which can practically demonstrate and serve as a working model on various renewable energy gadgets for the benefit of school children.
 - (c) Submission of annual turnover and profit w.r.t Goa factory located at Usgaon for the last three years.
 - (d) Initiatives towards planning / establishing Crocodile and Peacock (*being IUCN scheduled species of conservation importance*) sanctuary in the State.

Further, the authority also deliberated on possibility of levying penalty charges, as applicable, in such cases seeking post-facto environmental clearances.
7. Goa-SEIAA, during its 23rd meeting held on 26th May 2015, has noted the non-compliance to observations sought subsequent to site-inspection conducted on 2nd March 2015 and decided to await further 15 days prior to initiate any action in the matter.
8. Goa-SEIAA, during its 25th meeting held on 9th October 2015, decided to initiate legal action for non-compliance for more than six months.
9. Goa-SEIAA, during its 26th meeting held on 30th October 2015, decided to issue Show Cause Notice (SCN) as to why a legal action, including fines to be imposed, if any, or otherwise for non-compliance to observations sought subsequent to site-inspection conducted by the Authority on 2nd March 2015.
10. Subsequently, Legal Retainer – Adv. Raghvendra Kalangutkar has appraised that such SCN cannot be issued at this stage as such proposals seeking EC for expansion of industrial zone does not come under the purview of EIA Notification. It does not have any legal status.

- 14. M/s ALCON Constructions (Goa) Ltd., Panaji** - to decide further course of action, following the site-inspection conducted by the Authority on 1st April 2016, w.r.t. revised project proposal seeking amendment in the EC issued earlier (*vide no. 3/18/2010/STE-DIR/206 dated 19th May 2013 for 250-bedded hospital cum 42-room hotel*) by the Goa-SEIAA. It is understood that the revised proposal excludes hospital and instead included residential construction (*i.e. change in total Built-up area from 27,958.90 sq.mts. to 22,446 sq.mts.*). Earlier, the Committee during its 56th meeting held on 17th December 2015 had recommended that PP needs to apply afresh in compliance to the ‘condition’ specified in earlier EC issued by the Authority as per the clause referred to in earlier EC. Subsequently, as decided by the Authority during its 29th meeting held on 10th March 2016 conducted site-inspection on 1st April 2016.
- 15.** To consider extension of period for **Adv. Raghendra Kalangutkar** – *Legal Retainer* for a further period of six months on the similar ‘terms and conditions’ issued earlier.
- 16.** Discussion with respect to open /operate a separate Bank Savings Account in the name of Goa State Environmental Impact Assessment Authority (Goa-SEIAA) for the purpose of exclusively processing / crediting the charges so collected through levying of administration-cum-processing charges from PP concerned.
- 17.** Any other matter with the permission of the Chair.