

118- F. 2244	Construction Of Multi Storied Residential Apartments By M/s. Jones foundation Private Limited in S.F. No. 170/1C2, 1A1F2, 2C2, 2B, 1D, 2C1, 172, 173/1D, 1A1, 1A2, 1B1, 1B2, 1E2 & 1C in Pallikarani Village, Sholinganallur Taluk, Kanchipuram District, Tamil Nadu – Activity 8(a) & Category “B2”- Building and Construction projects- Environmental Clearance (EC) under violation notification dated: 08.03.2018 of MoEF & CC – Regarding.
	<p>The Project Proponent M/s. Jones foundation Private Limited initially applied for Environmental Clearance to SEIAA – TN for the multi storied residential apartments with a total built up area of 35848.88 Sq.m at S.F. No. 170/1C2, 1A1F2, 2C2, 2B, 1D, 2C1, 172, 173/1D, 1A1, 1A2, 1B1, 1B2, 1E2 & 1C in Pallikarani Village, Sholinganallur Taluk, Kanchipuram District, Tamil Nadu on 20.08.2013.</p> <p>From the perusal of the office records, project proposal and the presentation made by the proponent, the following points were noted:</p> <ol style="list-style-type: none"> 1. While scrutinizing, it was found from the photographs furnished by the proponent, which shows that the construction activity was started without prior Environmental Clearance. Hence it was considered as violation of EIA Notification, 2006. 2. The proponent was requested to furnish the ‘Letter of Commitment and Expression of Apology’ and the proponent submitted the same. 3. The same was sent to the State Government for initiating credible action on the said violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986. 4. The State Government forwarded the same to the Tamil Nadu Pollution Control Board (TNPCB) for initiating legal action on the violation under the EIA Notification, 2006 in the residential project. 5. The Proponent was informed that the project proposal is included in the list of cases involving violations of Environmental Protection Act, 1986 and that the project stands delisted in the lists of proposals under process in SEIAA-TN. 6. As per the MoEF & CC Notification dated: 14.03.2017, stated that the cases of violation will be dealt strictly as per the procedures specified in

the following manner

“In case the project or activities requiring prior EC under EIA Notification, 2006 from the concerned regulatory authority are brought for Environmental Clearance after starting the construction work or have undertaken expansion, modernization and change in product mix without prior EC, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted EC by the SEIAA shall be appraised for grant of EC only by the EAC and Environmental Clearance will be granted at Central level only”. Accordingly, the proponent was addressed to submit the proposal to MoEF & CC for EC under violation category vide SEIAA letter dated: 19.06.2017.

7. In the meanwhile the Hon'ble NGT Delhi order in O.A. 37 of 2015 dated: 07.07.2015 all the construction should be stopped and instructed to pay environmental compensation of 5% of their project value for restoration and restitution of the environment and ecology. The liability cost was Rs. 7 crores of which Rs. 4 crores were duly paid. The actual project cost is Rs. 56 crores.
8. The proposal submitted to SEIAA-TN on 20.08.2013 was considered and recommended by SEAC in its 70th Meeting held on 27.11.2015 to SEIAA for grant of EC. Then, the SEIAA in its 147th Meeting held on 14.12.2015 has issued Environmental Clearance vide Lr. No. SEIAA-TN/F.No. 2244/EC/8(a)/432/2015 dated: 14.12.2015.
9. The Completion certificate has been obtained from CMDA on 25.01.2016 and have given possession to some of their customers on January 2016.
10. However, on 14th July 2016, SEIAA-TN vide its letter 14.07.2016 has withdrawn the EC due to the fact that the proponent has commissioned before obtaining Consent to Operate from TNPCB and before informing the compliance status of the Environmental Clearance to SEIAA-TN & the proponent have not complied with the Environmental Clearance conditions and directed the proponent not to proceed until further orders.
11. Subsequently, MoEF&CC issued another notification S.O.1030 (E) dated

08.03.2018, stating that “the cases of violations projects or activities covered under category A of the Schedule to the EIA Notification, 2006, including expansion and modernization of existing projects or activities and change in product mix, shall be appraised for grant of Environmental Clearance by the EAC in the Ministry and the Environmental Clearance shall be granted at Central level, and for category B projects, the appraisal and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986”.

12. The proponent has applied for EC under violation to MoEF & CC.

13. The application was transferred from MoEF & CC to SEIAA-TN.

14. The proponent has applied for EC under violation to SEIAA-TN also on 13.04.2018. However, the SEAC decided to issue ToR first for preparing the EIA / EMP report as per the Violation Notification dated: 08.03.2018.

The proposal was placed in the 110th SEAC meeting held on 04.05.2018. The proponent made a presentation about the project proposal.

The Committee noted that the project proposal is to be appraised under violation category as per MoEF & CC notification S.O. 1030 (E) dated: 08.03.2018. Since the project has been considered under violation category, the Committee felt that it is necessary to make an on the spot assessment of the status of the project execution for deciding the further course of action.

As per the order Lr.No.SEAC-TN/F.No. 2244/2013 dated: 04.05.2018 of the Chairman, SEAC, a technical team comprising of the SEAC Members was constituted to inspect and study the field conditions in the project site of multi storied residential apartments by M/s. Jones Foundation Private Limited with a total built up area of 35848.88 Sq.m in Pallikarani Village, Sholinganallur Taluk, Kanchipuram District, Tamil Nadu on 10.05.2018.

To start with, the Technical Team held discussions with the project proponent regarding the construction of multi storied residential apartments by M/s. Jones Foundation Private Limited with a total built up area of 35848.88 Sq.m The

Technical Team took up the various items for detailed discussions.

For cases where the statement of the proponent has not been furnished a reply or given incomplete information, then, the proponent was asked to furnish a revised checklist incorporating all the relevant details.

The inspection report was placed before the 114th SEAC Meeting held on 19.06.2018.

A summary of the review of the checklist and the actual field inspection is as follows:

1. The Technical Team learnt that the “violation” attributed to the project is that the construction activity was started before getting the Environmental Clearance.
2. Construction work started in 2012 and completed in 2015 in all respects. There are totally 330 apartments and all apartments have been sold out and 275 apartments occupied.
3. The proponent has applied for CTO from TNPCB.
4. The total built up area is 35848.88 sq.m.
5. The components in the project are: Residential Towers (6 nos), Club house, STP, OSR land 1 & OSR land 2, green belt, DG sets, OWC & Rain water harvesting system.
6. Regarding the utilities, club house constructed and in operation, STP in operation, OSR land handed over to corporation, green belt provided, 5 nos of DG sets installed, RWH constructed.
7. The project is to be designated as the project under operation.
8. Regarding green belt, an area of 2533 sq.m is required as per norms. The proponent has provided only 1814.74 sq.m. There is a deficit of 720 sq.m and the proponent was asked to identify new areas to go for green belt for making up the deficit.
9. For rain water harvesting, 32 recharge pits have been constructed and 6 collection sumps of 10000 KL capacity have also been constructed. According to the proponent, even during heavy rains there will be no excess run off since the soil allows for total percolation. The recharge pits covers should have larger size holes to allow more rain water to go through.

10. 31 street lights using solar energy have been installed with total capacity of 2.9 KW. LED has been provided for car parks and common areas.
11. An additional entry/exit gate has been opened in the Maxworth Nagar leading to the Pallavaram bypass road, in addition to the opening in Chettinadu enclave to reach the Velachery to Tambaram bypass.
12. The source of water is private tankers and the proponent has applied for CMWSSB water.
13. Regarding sewage, there will be an excess treated sewage of 111 KLD available for disposal. The excess treated sewage has to be discharged in to the Perungudi STP.
14. MSW organic component treated in the OWC.
15. The DG sets stacks are of low height and height should be increased as per CPCB norms.
16. For CER activities the proponent is required to spend a sum of Rs.28 Lakhs (0.5 % of project cost of Rs.56 crores). The proponent has paid a liability cost of Rs. 4 crores to TNPCB.
17. The proponent was directed to furnish the following:
 - i. Test report for water
 - ii. Fire NOC
 - iii. Traffic NOC
 - iv. CMDA plan approval
 - v. Site plan showing details
 - vi. Revised green belt plan
 - vii. Rain water harvesting system
 - viii. Flood NOC
 - ix. Land use classification
 - x. Environmental Management Cell
 - xi. Structural stability certificate from the reputed institution such as Anna University/IIT.
 - xii. Design adequacy report for common STP
 - xiii. Workers Health records

The proponent was asked to furnish the particulars as discussed above and as

per the check list already provided, to the Technical Team on 07.06.2018. Accordingly the proponent has submitted the check list with enclosures on 07.06.2018.

The proponent submitted the revised check list with enclosures on 07.06.2018. The annexure contains the extract of the revised checklist. The revised checklist contains old and supplementary data/information. After the inspection, the proponent has completed the following activities:

1. The proponent has planted 44 trees of the approved species to make up for the deficit in the number of trees. The total now is 215 trees available at the site.
2. The proponent has obtained the following certificates and submitted the same:
 - a) Land use certificate
 - b) Flood NOC
3. Acoustic enclosure for blowers in STP
4. Larger holes have been provided in recharge pit covers.

From the perusal of the original proposal of the proponent, initial checklist submitted by the proponent, site inspection of the construction site, revised checklist submitted by the proponent, the technical team makes the following observation:

- A. The Technical Team learnt that the “violation” attributed to the project is that the construction activity was started before getting the Environmental Clearance.
- B. The Technical Team made certain recommendations to improve the ecological and Environmental compliance and these recommendations have been accepted by the proponent.
- C. In view of facts presented in the above paragraphs, the Technical Team recommends the project proposal for the construction of multi storied residential apartments by M/s. Jones Foundation Private Limited at S.F. No. 170/1C2, 1A1F2, 2C2, 2B, 1D, 2C1, 172, 173/1D, 1A1, 1A2, 1B1, 1B2, 1E2 & 1C in Pallikarani Village, Sholinganallur Taluk, Kanchipuram District to SEAC for consideration for issue of ToR subject to the conditions that the proponent fulfils all the commitments made in the proposal dated

20.08.2013 and the proposals submitted to the Technical Team on 07.06.2018.

- D. Structural stability certificate and STP adequacy certificate should be submitted before CTE.
- E. The stack height for the DG sets should be increased to a height as per CPCB norms before getting CTO from TNPCB.
- F. The proponent has submitted a revised green belt plan in which the following two claims are made:
 - (i) Additional 44 trees (approved species) have been planted (photographs to be produced).
 - (ii) Additional 720 sq.m area has been earmarked. The argument put forth by the proponent for this claim is not convincing to the inspection team. The SEAC may decide.

The SEAC in general accepted the recommendations of the technical team and decided to recommend the proposal to SEIAA for considering issue of ToR in 3 parts as annexed for conducting the EIA study for the project of construction multi storied residential apartments by M/s. Jones Foundations Private Limited at S.F. No. 170/1C2, 1A1F2, 2C2, 2B, 1D, 2C1, 172, 173/1D, 1A1, 1A2, 1B1, 1B2, 1E2 & 1C in Pallikarani Village, Sholinganallur Taluk, Kanchipuram District, Tamil Nadu.

With reference to the points under F (i) & (ii), the SEAC decided to direct the proponent to earmark the additional 720 sq.m area for green belt development and submit the comprehensive details along with the EIA report.

The SEAC recommendation along with the proposal for ToR was placed in the 320th SEIAA meeting held on 22.06.2018. The Authority issued the terms of reference on 22.06.2018.

Based on the ToR, the proponent submitted the EIA report to SEIAA-TN on 20.07.2018. The EIA report was placed in the 118th SEAC meeting held on 02.08.2018. The proponent made the presentation about the project proposal.

Among other things, the SEAC noted that 5 activities that the proponent should have completed as per the time schedule prescribed there in, have been completed.

The SEAC as per the MoEF & CC notification assessed the project based on Ecological damage, remediation plan and natural & community resource

augmentation plan furnished as an independent chapter in the Environment Impact assessment report by the proponent. The extract from the report is as follows:

a. Ecological remediation plan proposed by the proponent :

Human settlements, land, Air, Water, Ground water quality, Noise, soil, Ecology (Details in the EIA report).

b. Natural resource augmentation plan and cost as proposed by the proponent:

Restoration of Pallikarani Marsh land , Pallikaranai dumping yard , Tree plantation to provide more habitat for the migratory birds to pallikarani Marsh land around 100 meter radius of site and to improve the social status of the local area - Amount to be spent – Rs.25.2 Lakhs (Details in the EIA report).

c. Community resource augmentation plan and cost as proposed by the proponent:

To improve the employment for the local people by conducting skill development programme - Amount to be spent Rs 11.2 lakhs (Details in the EIA report).

Based on the inspection report and the violation notification, the SEAC classified the level of damages by the following criteria:

1. Low level Ecological damage:

a. Only procedural violations (started the construction at site without obtaining EC)

2. Medium level Ecological damage:

a. Procedural violations (started the construction at site without obtaining EC)

b. Infrastructural violation such as deviation from CMDA/local body approval.

c. Non operation of the project (not occupied).

3. High level Ecological damage:

a. Procedural violations (started the construction at site without obtaining EC)

b. Infrastructural violation such as deviation from CMDA/local body approval.

c. Under Operation (occupied).

As per the OM of MoEF & CC dated: 01.05.2018, the SEAC deliberated the fund allocation for Corporate Environment Responsibility which shall be to a maximum of 2% of the project cost.

In view of the above and based on the inspection report & the Ecological damage, remediation plan and natural & community resource augmentation plan furnished by the proponent, the SEAC decided the fund allocation for Ecological remediation, natural resource augmentation & community resource augmentation and penalty by following the below mentioned criteria.

Level of damages	Ecological remediation cost (% of project cost)	natural resource augmentation cost (% of project cost)	community resource augmentation cost (% of project cost)	CER (% of project cost)	Total (% of project cost)
Low level Ecological damage	0.25	0.10	0.15	0.25	0.75
Medium level Ecological damage	0.35	0.15	0.25	0.5	1.25
High level Ecological damage	0.50	0.20	0.30	1.00	2.00


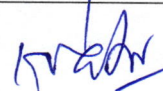
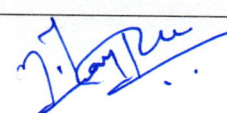
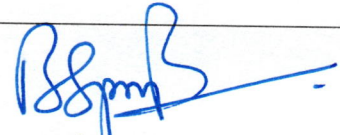
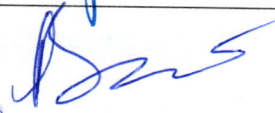
The Committee observes that the project by M/s. Jones foundation Private Limited in S.F. No. 170/1C2, 1A1F2, 2C2, 2B, 1D, 2C1, 172, 173/1D, 1A1, 1A2, 1B1, 1B2, 1E2 & 1C in Pallikarani Village, Sholinganallur Taluk, Kancheepuram District, Tamil Nadu, comes under the "High level Ecological damage category". The Committee decided to recommend the proposal to SEIAA for grant of post construction EC subject to the following conditions in addition to the normal conditions:

1. The amount prescribed for Ecological remediation(Rs. 28 lakhs), natural resource augmentation(Rs.11.2 lakhs) & community resource augmentation (Rs. 16.8 lakhs), totalling Rs. 56 lakhs shall be remitted in the form of bank guarantee to Tamil Nadu Pollution Control board, before obtaining

Environmental Clearance and submit the acknowledgement of the same to SEIAA-TN. The funds should be utilized for the remediation plan, Natural resource augmentation plan & Community resource augmentation plan as indicated in the EIA/EMP report.

2. The project proponent shall carry out the works assigned under ecological damage, natural resource augmentation and community resource augmentation within a period of six months. If not the bank guarantee will be forfeited to TNPCB without further notice.
3. Certificate for structural safety from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD & Structural Engineering Research Centre of Government of India should be obtained before obtaining CTO from TNPCB.
4. Adequacy report for STP from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD & Structural Engineering Research Centre of Government of India should be before obtaining CTO from TNPCB.
5. The stack height for the DG sets should be increased to a height as per CPCB norms before getting CTO from TNPCB.
6. The proponent has to spend Rs. 56 Lakhs (1% of the project cost) as CER activity. Since, the proponent has already remitted Rs. 4 Crores to TNPCB towards Environmental compensation as per the direction of Hon'ble NGT, PB, New Delhi order dated: 07.07.2015. The CER activities is applicable and it will be adjusted against the fund available with TNPCB who will use it as CER for the following purposes:
 - i. Water Conservation, Storm water management, urban greening, Biodiversity conservation, Climate change studies and mitigation projects implementation
7. The proponent shall furnish an affidavit stating that the CER amount of Rs. 56 lakhs shall not be claimed at any point of time from the environmental compensation of Rs. 4 crores remitted to the TNPCB as per the Hon'ble NGT, PB, New Delhi order dated: 07.07.2015.

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	<p>8. TNPCB shall utilise the amount of Rs 56 Lakhs earmarked as CER for government activities/projects for the following purposes:</p> <p>i. Water Conservation, Storm water management, urban greening, Biodiversity conservation, Climate change studies and mitigation projects implementation.</p>		
S.No	Name	Designation	Signature
1	Dr. K. Thanasekaran	Member	
2	Dr.K.Valivittan	Member	
3	Dr.Indumathi M. Nambi	Member	
4	Dr. G. S. Vijayalakshmi	Member	
5	Dr. M. Jayaprakash	Member	
6	Shri V. Shanmugasundaram	Member	
7	Shri B. Sugirtharaj Koilpillai	Member	
8	Shri. P. Balamadeswaran	Co-opt Member	
9	Shri. M.S. Jayaram	Co-opt Member	