

State Environment Impact Assessment Authority, Bihar

2nd floor, Beltron Bhawan, Shastri Nagar, Patna - 800 023.

Ref. No. - 214

Patna, Date:- 06/08/19

Minutes of the meeting of SEIAA, Bihar, convened on 25th July, 2019

A meeting of SEIAA was convened today on 25-07-2019. Following members were present in the meeting:-

Present :-

- | | | |
|----------------------------------|---|-------------------|
| 1. Shri B.N. Jha, | - | Chairman |
| 2. Dr. Nityanand Singh Maurya | - | Member |
| 3. Shri Kamal Jeet Singh, I.F.S. | - | Member Secretary. |

Agenda Item No.-1

PROPOSED RESIDENTIAL APARTMENT "SAI ENCLAVE" Developer: M/s Sri Anuanand Construction Pvt. Ltd., Village:- Mustafapur, Tehsil:- Danapur, Ditsrict:- Patna, State:- Bihar, Total Plot Area:- 24.633.43 m² Total Built-up Area:- 72,661.74 m². (File No. - SIA/8(a)/602/18) Online Proposal No.:- SIA/BR/MIS/83570/2018).

- **Proposal recommended by SEAC in its sitting of 28th June 2019 for grant of EC.**
- **Recommendation of SEAC:-**

" Application along with filled up 'Form - I', Form - I (A) and Conceptual Plan in the prescribed format was received in SEIAA, Bihar on 17th December, 2018 for obtaining Terms of Reference (ToR). SEIAA, Bihar issued ToR Vide F. No. SIA/8(a)/602/18, dated 11.04.2019. Final EIA report was submitted by Project Proponent in the prescribed format to SEIAA, Bihar on 14.06.2019 for obtaining Environmental Clarence (EC).

The Proponent and Consultant presented the proposal before the SEAC & the SEAC considered the proposal in the light of the Notification No. S.O. 1030 (E) dated 08.03.2018 of the MoEF&CC, GoI.

- 1 The SEAC considered the level of damages by following criteria:

a) Low Level Ecological damage:

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

b) Medium Level Ecological damage:

- i. Procedural violations (started the construction at site without obtaining EC).
- ii. Infrastructural violations such as deviation from local body approval.
- iii. Non operation of the project (not occupied).

c) High level Ecological damage:

- i. Procedural violations (started the construction at site without obtaining EC).
- ii. Infrastructural violations such as deviation from local body approval.
- iii. Under operation (occupied).

2. The EIA report submitted for Environmental Clearance on 14.06.2019 to SEIAA, Bihar was placed before the SEAC meeting held on 28.06.2019.

The SEAC observed that the project falls under "**High level Ecological damage category**" & the Committee decided to recommend the proposal to SEIAA for grant of Post as well as Pre construction Environmental Clearance subject to the following specific conditions in addition to applicable general conditions -

- a) The amount prescribed for remediation, natural & community resources augmentation for ecological damage totaling Rs. 110 lakhs shall be remitted in the form of bank guarantee to Bihar State Pollution Control Board, before obtaining Environmental Clearance and acknowledgement of the same shall be submitted to SEIAA, Bihar. The funds should be utilized for the remediation plan, Natural and Community resources augmentation plan as indicated in the EIA / EMP report.
- b) The Proponent should undertake and complete the activities listed under ecological remediation, Natural & Community resources augmentation for a total amount of Rs. 110.0 lakhs.
- c) The amount specified as CER is Rs. 220.0 lakhs separately which will not be adjusted towards remediation plan.
- d) The Project Proponent shall carry out / began the works assigned / proposed under Ecological damage, Natural and community resource augmentation within a period of six months, and submit a detail action plan within three months from the date of grant of EC by the SEIAA, Bihar.

In the light of above and after due consideration of all relevant documents the SEAC recommended the proposal for grant of Environmental Clearance as Annexure- I.

➤ **Resolve of the SEIAA:-**

The SEIAA perused the recommendation of SEAC and relevant order of Hon'ble Madras High Court applicable in cases of violation as directed by the MoEF&CC, GoI. Vide order of the Hon'ble Madras High Court Dated:-14.03.2018 to file the case under violation was extended for 30 days from the date of delivery of the order in open court. Accordingly the total period for filling the case under violation was extended to seven months from 14.03.2017 to 13.09.2017 & 14.03.2018 to 12.04.2018.

In the similar matter Hon'ble High Court of Jharkhand has also given the following direction on dated:-28.11.2014- *"In the matter of HCL Vs UoI the court has held that consideration of proposal for EC could not await initiation of action against the project proponent. The Hon'ble court further also ruled that the proposal for EC must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws."*

MoEF&CC vide its office memorandum F.No. Z-11013/22/2017-IA.II (M) dated:-16th March 2018 has directed that *"The projects/activities pertaining to all sectors, shall be considered as per the directions of Hon'ble High of Judicature at Madras vide Order dated:-14.03.2018 in WMP Nos.-3361 and 3362 of 2018, and WMP No.-3721 of 2018 in WP No.-11189 of 2017. "*

The same Project Proponent had applied for EC for the same project at same place. The details of this proposal are as follows-

It appears that the Project Proponent had earlier submitted his proposal in year 2013. The same proposal by the same Project Proponent has again been submitted for EC on 26.10.2018 by enhancing the built-up area from 29,708.846 m² to 72,661.74 m² and plot area from 11,333.88 m² to 24,633.43 m² at the same site. After examination of official records it is revealed that a complaint case no.-82(C2) OF 2015 was filed in the court of Chief Judicial Magistrate, Patna on 06.04.2015 in this case for alleged violation under E (P) Act 1986.

The Project Proponent in its new proposal has given the undertaking that-

- i. They had applied for obtaining Environmental Clearance, for the above mentioned project vide their proposal no. SIA/BR/MIS/83570/2018 dated 26.10.2018.
- ii There is no litigation pending in any court of Law (as per Clause I,S.No. 24 of Form 1, of EIA Notification 2006 and amendments thereof) with respect to their project SAI ENCLAVE Residential Building Project, at Mustafapur, Danapur ,Dist.-Patna.



iii. That, the undertaking is being submitted to State Environment Impact Assessment Authority (SEIAA)/State Expert Appraisal Committee (SEAC) ,Bihar for purpose of Environment Clearance of SAI Enclave Residential Building Project.

From the above facts it appears -

- That the time window for applying for EC in this case of violation has already expired on 12.04.2018.
- The same Project Proponent had earlier submitted the proposal for same place with similar details of plots & khata-khesra number etc.
- A complaint Case no.- 82 (C2) of 2015 was filed by SEIAA in the Court of CJM, Patna, against Project Proponent " M/S Sri Anuanand Construction Pvt. Ltd. for violation of EIA Notification 2006.
- By hiding above facts & giving false undertaking the Project Proponent has tried to mislead the SEAC.

The SEIAA resolved to send back the proposal back to SEAC for reconsideration of its decision in the light of above facts.

Agenda Item No.-2

Multi- Storied Residential Project namely "Dr. R. P. Estate", Village:- Paigambarpur Kolhua, P.S.:- Ahiyapur, District:- Muzaffarpur, State:- Bihar, Plot Area - 22,425.30 m² Total Built-up Area - 1,12,600.25 m² (File No. - SIA/8(a)/683/19). Online Proposal No.:- SIA/BR/NCP/92256/2019).

➤ **Proposal discussed in SEAC on 28th June, 2019.**

➤ **Recommendation of SEAC:-**

Application along with filled up 'Form - I', Form - I (A) and Conceptual Plan in the prescribed format was submitted to SEIAA, Bihar on 10th April, 2019 for obtaining grant of Environmental Clearance (EC).

Earlier, in the meeting dated-31st May 2019 the Committee had directed the project proponent to submit revised plan and documents as mentioned in the proceeding of that meeting. The Project Proponent has complied.

The Committee considered the compliance submitted by project proponent and the proposal is now recommended for grant of Environmental Clearance.



➤ **Resolve of the SEIAA:-**

The SEIAA resolved to send back the proposal to SEAC for reconsideration in the light of EIA notification 2006 directing SEAC that- "*State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.*" Accordingly the SEAC may kindly review its decision and provide reasons for its recommendation.

Agenda Item No.-3

Ayushman Industries (Stand alone Cement Grinding Unit), Dost Mohammadpur- Daniyawan, District- Patna, State - Bihar, Production Capacity:- 500 TPD or 0.15 MTPA (File No. - SIA/3(b)/684/19) Online Proposal No.:- SIA/BR/IND/34287/2019).

➤ **Proposal discussed in SEAC** on 31st May, 2019.

➤ **Recommendation of SEAC:-**

Application along with filled up 'Form - I' and Pre-feasibility report in the prescribed format was received in SEIAA, Bihar on 11th April, 2019 for obtaining Terms of Reference (ToR).

The Proponent presented the proposal before the SEAC. After due appraisal, the Committee observed that the proposal is not fit for consideration due to following reasons:-

- (i) The industrial unit is proposed on an agricultural plot and due permission for the same has not been obtained from the competent Authority.
- (ii) The size of the plot is very small and not suitable for establishing the unit along with allied facilities.
- (iii) The Proponent failed to inform any yardstick regarding required minimum size of the plot required for establishment of proposed activity/industry.

In the light of above the proposal is declared fit to be rejected.

➤ **Resolve of the SEIAA:-**

The SEIAA resolved to agree with recommendation of the SEAC.



Agenda Item No.-4

Construction of Additional Ethanol/Biodiesel tankage at POL Depot of BPCL, Barauni, Village:- Panapur (Barauni), Zero Mile, Behind HPCL Depot, Panapur, Begusarai District- Begusarai, State- Bihar, Total Capacity:- 27967 KL, (File No. - SIA/6(b)/435/17). Online Proposal No.:- SIA/BR/IND2/28619/2016).

➤ **Proposal discussed in SEAC on 28th June, 2019.**

➤ **Recommendation of SEAC:-**

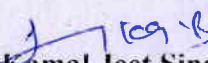
Application along with filled up 'Form - I', Pre Feasibility report and Environment Management Plan in the prescribed format was received in SEIAA, Bihar on 10th February, 2017 for obtaining Terms of Reference (ToR). SEIAA, Bihar issued ToR Vide F. No. 572, dated 16.03.2017 and public hearing for the proposed project was conducted by Bihar State Pollution Control Board on 08.02.2019. Final EIA report was submitted by Project Proponent in the prescribed format to SEIAA, Bihar on 14.06.2019 for obtaining Environmental Clearance (EC).

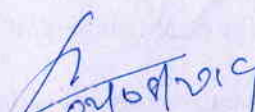
Earlier, in the meeting dated-20th and 21st September 2018 the Committee had directed the project proponent to submit revised plan and documents as mentioned in the proceeding of that meeting.


The Proponent and Consultant appeared before the Committee, and quoted a recent MoEF&CC, GoI Notification S.O. No. 1960 (E), dated 13.06.2019, whereby the requirement of Environmental Clearance for proposed activity has now been deleted by the GoI, hence the activity does not require EC now. The Project Proponent sought to withdraw the proposal which was accepted.

➤ **Resolve of the SEIAA:-**

The SEIAA resolved to agree with the SEAC and allow withdrawal of application for Environmental Clearance by the Project Proponent.


(Kamal Jeet Singh), IFS
Member Secretary, SEIAA


(Nityanad Singh Maurya),
Member, SEIAA


(B. N. Jha) 02/08/19
Chairman, SEIAA

Copy to:-

The Member Secretary, SEAC
for information and necessary action.