

MINUTES OF THE THIRD MEETING OF THE UNION TERRITORY ENVIRONMENT IMPACT ASSESMENT AUTHORITY (UTEIAA) HELD UNDER THE CHAIRMANSHIP OF DR. M. R. G. REDDY, IFS, RETD. VIA VIDEO CONFERENCE ON 17/12/2021 AT 1600 HRS.

The following were present in the meeting.

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| 1. Dr. M. R. G. Reddy, IFS, Retd., | - In Chair |
| 2. Prof. E. U. B. Reddi, Professor, (Retd) Andhra University | - Member |
| 3. Shri Prashant Rajagopal, IPS CF, DNH & DD | - Member Secretary |

At the outset, the Member Secretary, UTEIAA welcomed the respected Chairman, Member to the meeting.

Prior to commencement of discussions on the fresh proposals for consideration, the Authority confirmed the minutes and decisions taken in the previous meeting. Further the Authority was informed about the proposal of M/s Loebo Metals Pvt Ltd which was withdrawn by the project proponent, post its consideration in the UTEAC meeting held on 12th October, 2021 (Minutes uploaded on 3rd December, 2021)

The following proposals were discussed in the meeting:

1. Proposed residential cum construction project by M/s. Pramukh Realty.
2. Proposed residential cum commercial project named "Jas Exotica" by Mr. Surendrasinh Parmar.
3. Expansion of existing grain based Distillery from 59 KLPD to 71 KLPD along with 3.75 MW Co-generation Power Plant based on Agro by M/s. Khemani Distilleries Pvt. Ltd.
4. Residential project named as "M/s. Lotus Infra Orion Imperia".

Sr. No.	File Number	Project Proponent	Name of the Project Sector	Status (Online)
1.	SIA/DN/MIS/210306/2021	M/s. Pramukh Realty	Proposed residential cum construction project by M/s. Pramukh Realty at Sur. No. 161/1/2, 161/1/7 and 161/1/8, near Ayyappa temple, kamli taliva, Silvassa, D&NH - 396230	Rejected by UTEAC

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The UTEAC (Union Territory Expert Appraisal Committee), DNH&DD, during the meeting held on 12th Oct, 2021, had considered the proposal and observed that

"The document is 'cut and paste' exercise for most of the contents. The pages 1-21 are same as in other project document earlier appraised by UTEAC. Therefore, there is no specific EMP for this project to know the mitigation measures of proposed activity. The OM no. F-11073/41/2006-LAI(H) date 5.10.2011 of MoEFCC is attracted in this case. As per above OM, such projects are asked to submit proposal afresh for appraisal. Other action as desired in the OM may be taken by UTEIAA with appropriate direction to Project proponent and the consultant.

The fresh proposal is, therefore, needed which may include the following among others as per format and guidelines for construction projects and the project proponent should deliberate upon the below mentioned issues:

1. Local and native Species of plants intended for plantation in the project premises should be decided upon consultation with local forest officer.
2. Document issued by Municipality for validity of Collector's permission for undertaking construction.
3. Status of approval from CGWA for water tanker supplier from whom water will be taken during Construction / operation phase.
4. Green belt coverage (at least 30 %) to be revised and plan re-submitted.
5. Copy of letter containing details of treated water (instead of discharging in municipal drains) to be submitted to the Sirsasa Municipal Corporation as well as Member Secretary, UTEAC that can be used for any other purpose.
6. Plan for Harvested rainwater for use for Fire-fighting purpose.
7. Proponent informed to voluntarily allocate some amount from the Corporate Environmental Responsibility fund, for the locals. Written document to be submitted to the UTEAC on the same.
8. Environmental Management Plan to be revised and re-submitted as it was a copy of the previously submitted copy of another similar project."

Based on these observations the UTEAC, had rejected the proposal and forwarded the same to UTEIAA.

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24/10/21

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Decision: The UTEIAA after deliberations concurred with the observations of the UTEAC and confirmed the rejection of the said proposal. The project proponents are requested to address the issues highlighted by the UTEAC and resubmit the proposal for consideration of grant of Environmental Clearance, if it desires so. Consequently the present proposal stands rejected.

Sr. No.	File Number	Project Proponent	Name of the Project Sector	Status (Online)
2.	SIA/DN/MIS/217753/2021	M/s. Jas Exotica.	Proposed residential cum commercial project named "Jas Exotica" at Atri farm, block no. 189/1/1/1, 189/1/1/3, 292/2, Naroli road, Silvassa Union territory of D&NH by Mr. Surendrasinh Parmar.	Rejected by UTEAC

The UTEAC (Union Territory Expert Appraisal Committee), DNH& DD, during the meeting held on 12th Oct, 2021, had considered the proposal and observed that:

"The document is "Cut and Paste" exercise for most of the contents. The contents in Annexure 10 (EMP) are same as in other project document earlier appraised by UTEAC. Therefore, there is no specific EMP for this project to know the mitigation measures for proposed activity. The O.M. no. J-11013/41/2006-IAII(I) date 5.10.2011 of MoEFCC is attracted in this case. As per above OM, such projects are asked to submit proposal afresh for appraisal. Other action as desired in the OM may be taken by UTEIAA with appropriate direction to Project proponent and the consultant.

Ann.9 and Ann. 10(EMP), Form IA, Soil related texts in the submitted document are most similar and made by copying the content from other project document which was appraised by UTEAC earlier.

The fresh proposal is, therefore, needed which may include the following among others as per format and guidelines for construction projects and the project proponent should deliberate upon the below mentioned issues in length in the proposal:

E. S. Shetty

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1. Baseline data on existing AAQ, Water, and Noise quality in and around the project area has not been submitted by project proponent that needs to be presented in revised report.
2. Rainwater Harvesting system has to be proposed with designs and details of recharge and reuse. It is mandatory.
3. Water balance diagram should be revised. Groundwater conservation to be made the prime objective.
4. Permission dated 2/7/2003 and 30/6/2003 for 1.8 ha and 2.19 ha, respectively mentioned presence of 90 Mango trees and 250 trees, respectively. There is need to have a report from Forest Department along with recommendation for considering this project.
5. Green belt plan is deficient as there is no mention of species and location and schedule of planting. A detailed plan be submitted in revised EMP.
6. As suggested by proponent that they will change the name of project. Revised application may be suitably submitted."

Based on these observations the UTEAC, had rejected the proposal and forwarded the same to UTEIAA.

Decision: The UTEIAA after deliberations concurred with the observations of the UTEAC and confirmed the rejection of the said proposal. The project proponents are requested to address the issues highlighted by the UTEAC and resubmit the proposal for consideration of grant of Environmental Clearance, if it desires so. Hence the proposal in the present form stands rejected.

Sr. No.	File Number	Project Proponent	Name of the Project Sector	Status (Online)
3.	SIA/DD/IND 2/222304 /2021	M/s. Khemani Distilleries Pvt. Ltd.	Expansion of existing grain based Distillery from 59 KLPD to 71 KLPD along with 3.75 MW Co-generation Power Plant based on Agro by M/s Khemani Distilleries Pvt. Ltd. at Daman - 396230	Rejected by UTEAC.

The UTEAC (Union Territory Expert Appraisal Committee), DNH& DD, during the meeting held on 12th Oct. 2021, had considered the proposal and observed that:

B. S. Reddy

Henry G. Sullivan

Prasanna

"The MoEFCC notification S.O. 2339(E) dated 16th June, 2021 provided through Schedule against item 5(g), for the entry in column (5) as follows:

Expansion of sugar manufacturing units or distilleries for production of ethanol, having Prior Environment Clearance (EC) for existing unit, to be used completely for Ethanol Blended Petrol (EBP) Programme only, as per self-certification in form of an affidavit by the Project Proponent, shall be appraised as category 'B2' projects.

Provided that subsequently if it is found that the ethanol, produced based on the EC granted as per this dispensation, is not being used completely for EBP Programme, or if ethanol is not being produced, or if the said distillery is not fulfilling the requirements based on which the project has been appraised as category B2 project, the EC shall stand cancelled".

The present proposal is for setting up MSDH Plant and manufacturing/production of fuel ethanol/Pharma Grade Absolute Alcohol. Self-certification in form of an affidavit by the Project Proponent has also not been submitted to UTEIAA. So, the ethanol proposed to be produced is not completely for EBP Programme.

Therefore, the present proposal does not fall under the purview of Notification dated 16th June, 2021. Instead, it is B1 project and standard TOR is recommended to be considered by UTEIAA with following additional TOR conditions:

1. Compliance status of the existing conditions of existing EC dated 27.8.18/28.12.2020 may be discussed in EIA report with mitigation measure and compliance of Norms and Standards fully described for better understanding of achievements.
2. The documents pertaining to compliance status of existing CTO and CGWA conditions may to be updated and uploaded on website and also made part of EIA report."

Decision: Thus as observed by UTEAC and subsequently by UTEIAA the proposal does not conform to B2 category as provided in amendment dated 16.6.21 i.e. S.O. 2339(E) dated 16th June, 2021. Therefore the present proposal stands rejected.

E. B. Shetty

J. V. S. S.

Shreyas

Sr. No.	File Number	Project Proponent	Name of the Project Sector	Status
4.	SIA/DN/NCP /79903/2018	M/s Lotus Infra	Residential project named as "M/s. Lotus Infra Orion House"	Violation Case

The UTEIAA was apprised of the fact that this matter pertains to 'Violation' committed by the project proponent. The project regarding construction of residential apartments Orion Imperia by Lotus Infra was considered by UTEAC in its meeting held on 20/10/2018. During the meeting it was found that there was existing construction at the site, as this is was violation of the existing acts, and it was decided to recommend the proposal for rejection and accordingly the proposal was sent to UTEIAA. The UTEIAA in its meeting held on 01/12/2018 after detailed deliberation, recommend the matter to the Pollution Control Committee vide letter no. UTEIAA/DNH/18 dated 13/12/2018 to initiate action against the project proponent for violation under the provisions of Environment Protection Act, 1986.

On 01.10.2019 Member Secretary, Pollution Control Committee (PCC) filed case against proponent in the court of Judicial Magistrate First Class, Dadra and Nagar Haveli. The Court subsequently vide order in case No RCC No.114/2019 dated 14/08/2020 ordered that "Both the accused are hereby convicted for the offence punishable under section 16 of the Environment Protection Act, 1986. Both the accused are sentenced to pay fine @ Rs. 1,00,000/- (Rupees One Lacs Only) each vide section 15 of the Environment Protection Act, 1986 and in default shall suffer simple imprisonment for one month. Bail bonds of all the accused stands cancelled. Surety stands discharged." Both the accused further deposited the fine on the same day vide receipt Nos 6145 and 6146.

As the matter was showing pending with UTEIAA, the copies of the said documents were collected from PCC.

With respect to cases of violations MoEF&CC had issued notification No. SO. 604(E) on dated 14/03/2017 which permitted projects or activities which are in violation

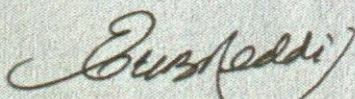
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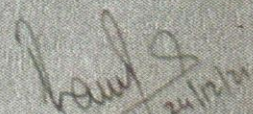
as on the date of notification only to apply for environmental clearance under the notification, within a period of six months from the notification i.e. 14.03.2017 to 13.09.2017. This was further relaxed for the period 14.03.2018 to 13.04.2018 as per court's orders. However the instant matter is of 2019. Subsequently MoEF&CC vide O.M No. 22-21/2020-IA.III dated 07th July 2021 had issued Standard Operating Procedure (SOP) for identification and handling of violation cases under EIA notification 2006 in compliance in order of Hon'ble National Green Tribunal in O.A No 34/2020 WZ. However the operation of these SOPs issued vide the said O.M were challenged and the Madurai Bench of the Madras High Court vide its order dated 15th July, 2021 in the matter of Fatima Vs Union of India [WP(MD) No 11757 of 2021 and WMP(MD) 9241 of 2021] has inter alia stated " Once again the Ministry of Environment, Forest and Climate Change have issued the impugned office memorandum. Thus, from what we have noted above, we are of the clear view that the petitioner has made out a prima facie case for entertaining the writ petition. Accordingly the writ petition is admitted and there shall be an order of interim stay. List the matter after twelve weeks."

Decision: In such circumstances the UTEIAA feels that it is prudent to refer the matter to the MoEF&CC for further guidance or action as deemed appropriate.

The meeting ended with a vote of thanks to all the participants.



(Prof. Udaya Bhaskara Reddi)
Member, UTEIAA
DNH&DD



(Shri. Prashant Rajagopal)
Member Secretary, UTEIAA
DNH&DD



(Dr. M. R. G. Reddy)
Chairman, UTEIAA
DNH&DD