

**Proceedings of the 110<sup>th</sup> meeting of State Level Environment Impact Assessment Authority held on 28.06.2016 at 11.00 AM in Committee Room, Punjab Pollution Control Board, Regional Office, Mohali.**

The following were present:

1. Sh. Darshan Singh Jaidka,  
Chairman, SEIAA
2. Sh. Anil Kumar Sondhi,  
Member, SEIAA
3. Sh. Tejinder Singh Dhaliwal, IAS  
Member Secretary, SEIAA

At the outset, the Member Secretary (SEIAA) welcomed the members of the State Environment Impact Assessment Authority (SEIAA) in 110<sup>th</sup> meeting.

**Item No.110.01: Confirmation of the minutes of 109<sup>th</sup> meeting of SEIAA held on 15.06.2016.**

The proceedings of 109<sup>th</sup> meeting of SEIAA held on 15.06.2016, were circulated to all concerned vide letter no. 2623-24 dated 23.6.2016. No observation has been received from any of the members. As such, SEIAA confirmed the said proceedings.

**Item No.110.02: Action taken on the proceedings of 108<sup>th</sup> & 109<sup>th</sup> meeting of SEIAA held on 03.06.2016 & 15.06.2016, respectively.**

It was apprised that action taken on the proceedings of 108<sup>th</sup> & 109<sup>th</sup> meeting of SEIAA held on 03.06.2016 & 15.06.2016, respectively is being taken and the action taken report will be placed before the SEIAA in its next meeting.

**Item no.110.03: Regarding court case i.e. CWP 7710 of 2016 titled as Pankaj Bansal & Others vs State of Punjab & Others filed before Hon'ble Punjab & Haryana High Court, Chandigarh for seeking action against sand mafia operating in the area of village Sundran, Kheri & Pandwala and carrying out illegal and unscientific mining of sand / gravel and earth clay / soil from the shamlat lands / river / nadi as well as from the individual / private lands from the respectable villages without any permit and licenses.**

The SEIAA observed that:-

The subject cited CWP was filed by Pankaj Bansal & others V/s State of Punjab & others in Hon'ble Punjab & Haryana High Court seeking action against private respondent no. 12 to 18 of the petition for carrying out illegal and unscientific mining of sand / gravel and earth clay / soil from the shamlat lands / river / nadi as well as from the individual / private lands in the area of village Sundran, Kheri & Pandwala without any permit and licenses.

In the said CWP, the official respondents who have been made party are as under:-

1. The State of Punjab through its Chief Secretary, Punjab Civil Secretariat, Chandigarh.
2. The Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Joragh Road, New Delhi-110003.
3. The Chairman, Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala, Distt. Patiala, Punjab.
4. State Level Environment Impact Assessment Authority, office of Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala, Distt. Patiala, Punjab.
5. The Chairperson State Level Environment Impact Assessment Authority Bays No. 55-58, Parytan Bhawan, 1ST Floor, Sector-2, Panchkula , Distt. Panchkula, Haryana.
6. The Deputy Commissioner, S.A.S. Nagar, Mohali, Distt. Mohali.
7. Sub. Divisional Magistrate, Dera- Bassi Distt. Mohall.
8. The Director, Department of Industries & Commerce, Punjab, Udyog Bhawan, 17- Himalaya Marg, Chandigarh.
9. The General" Manager-cum-Mining Officer, District Industries Centre, S:A.S. Nagar, Mohali Distt. Mohali, Punjab.
10. Senior Superintendent of Police, SAS Nagar Mohali, Punjab.
11. The Block Development and Panchayat Officer, Block Dera-Bassi, Distt. Mohali, Punjab.

The Hon'ble Court has disposed off the writ petition on 22/04/2016 with the direction to the official respondents to immediately take action for stopping the illegal mining if need be to pass any such direction. The orders are reproduced as under:-

"The petitioners allege that the private respondents i.e. respondents No. 12 to 18 are carrying out mining operations illegally. The petitioners are the owners of the lands adjoining those upon which illegal mining is allegedly being carried out. The petitioners further contend that the land upon which mining is being carried out is for the common purposes of the village and

that, therefore, the private respondents are not entitled to carry out mining operations thereon.

2. The alleged illegal mining operations have been going on even according to the petitioners for the last about three to four years. The first complaint/representation was made on 08.08.2014. The last complaint/representation is dated 23.12.2015. According to the petitioners, the official respondents have taken no action or cognizance of the complaints.

3. The official respondents ought to have responded to the complaints/representations as if the petitioners' allegations are correct, the owners of the adjoining lands would be severely affected. Moreover, in the event of the land being for the common use of the village, the private respondents would not be entitled to carry out mining operations thereon without the permission from the bodies concerned.

4. The petition is, therefore, disposed of by directing the official respondents to consider and investigate the complaints made by the petitioners which are annexed to the petition. They shall also consider the allegations made in the petition itself as a further representation. They shall further issue interim orders and/or directions as may be necessary or warranted. For instance, if mining operations are being carried out without license, the same cannot be permitted even for a minute despite the fact that they have been carried out for the last three to four years. Needless to add that the official respondents shall take a decision only after hearing the parties concerned including the petitioners and the private respondents. Ad-interim directions shall be passed as expeditiously as possible. A final order/direction shall be passed within eight weeks from today.

In the event of this order not being complied with within the time frame stipulated for any reason, the official respondents shall make an application for extension of time in this petition itself.

The other challenges in the writ petition including to Annexure P-3 are kept open.

In the event of it being found by the official respondents that the Environmental Impact Assessment at Annexure P-3 is also accompanied by a license or in the event of it being held that on the basis of the Environmental Impact Assessment at Annexure P-3 alone mining operations

can be carried out, the petitioners shall be entitled to challenge the same afresh.”

The material facts in the said CWP related to SEIAA are as under:-

- In the said writ petition, SEIAA, O/o Punjab Pollution Control Board, Patiala was imp-lead as respondent no. 4.
- As is evident from EIA report of Sundran Sand Mining Project (which was made part of petition as Annexure-P3), the site falls within the radius of 10 kms of interstate boundary of Punjab & Haryana, thus, the project was categorized as “A category” according to the schedule of EIA notification 2006 although mining area is less than 50 hectare. The TORs to the project were issued by MoEF, New Delhi.
- Further, as per page no. 24 of the petition, the applicant has sought the issuance of directions to the respondent no.2 i.e. The Secretary, MoEF, New Delhi to immediately cancel the approval of Sundra Sand mining project as well as its Environmental clearance letter dated 28/06/2013 (Environmental clearance granted by MoEF, Govt. of India, New Delhi) and letter dated 23/09/2014 vide which it was transferred in favor of lessee.
- The petitioners had made a complaint/representation to different officers like BDPO, DC, Secretary, MoEF, DGP, Punjab, Hon’ble CM, Punjab, Chairman, Punjab Pollution Control Board, Patiala and last one to SEIAA, Haryana (Annexure P-42 to 48). But no complaint in the said matter has ever been addressed to SEIAA, Punjab as per Annexures attached in the petition.
- The petitioner has made a representation/complaint to Chairperson, SEIAA, Haryana to take action against one private respondent at Sr. no. 15 i.e. Sh. Nitin Gulati, resident of Panchkula, Haryana stating that he was carrying out illegal mining in Punjab region by showing the permit of Mining Deptt, Govt. of Haryana issued in respect of Haryana area bordering Punjab.

The matter was considered by the SEIAA in its 107<sup>th</sup> meeting held on 27.05.2016 and it was observed that the Hon'ble High Court of Punjab and Haryana, Chandigarh ordered on 27.04.2016 that respondents will consider and investigate the complaints made by the petitioners and shall further issue interim orders and/or directions as may be necessary or warranted. After detailed deliberations, it was decided as under:

1. Directions u/s 5 of the Environment Protection Act, 1986 be issued to the Deputy Commissioner, SAS Nagar and General Manager-cum-mining officer, SAS Nagar to stop any mining operation carried out for the mining of sand/ gravel/ earth clay/ soil illegally (without licence/ permission) in the revenue estate of Village Sundran Kheri & Pandwala, Tehsil Derabassi, Distt. SAS Nagar and ensure the compliance of the orders of the Hon'ble High Court in the CWP 7710 of 2016 issued in the matter.
2. A status report in the matter be asked from the Punjab Pollution Control Board and GM-cum-mining officer, Mohali within seven days, so that further action in the matter can be taken.

Accordingly, Directions u/s 5 of the Environment Protection Act, 1986 has been issued to the Deputy Commissioner, SAS Nagar and General Manager-cum-mining officer, SAS Nagar vide letter no. 2509 dated 03.06.2016 and vide letter no 2510 dated 03.06.2011 respectively. The decision of the SEIAA has also been conveyed vide letter no 2511 dated 03.06.2016 to the Punjab Pollution Control Board.

The matter was also considered in the 108<sup>th</sup> meeting held on 03.03.2016. While, reviewing the progress in the matter, the SEIAA observed that as per orders dated 22.04.2016 passed by the Hon'ble Punjab & Haryana High Court, final orders in the matter are to be passed by the official respondents within eight weeks.

After deliberations, the SEIAA decided that in order to pass any final orders in the matter, an opportunity of personal hearing be given to petitioners who were the complainants and private respondents against whom allegation of illegal mining have been labeled. The hearing be given on 15.06.2016 at 11.00 AM in the Committee Room, Punjab Pollution Control Board, Regional Office, Mohali.

Accordingly, petitioner/ private respondent in the in the matter of Civil Writ Petition no. 7710 of 2016 titled as Pankaj Bansal & Others vs State of Punjab & Others has been asked vide letter no. 2534-45 dated 10.06.2016 to appear before SEIAA (Punjab) on 15.06.2016 at 11:00AM in the Committee Room of Punjab Pollution Control Board, Regional Office, opposite of Bassi Cinema, Phase-II Mohali. The Environmental Engineer, Regional office, Mohali has also requested vide email 13.06.2016 to make the arrangement to deliver the said letter.

The case was considered by the SEIAA in its 109<sup>th</sup> meeting held on 15.06.2016. Following petitioners/ respondent in the said CWP, were appeared before SEIAA (Punjab).

1. Sh. Pankaj Bansal S/o Ram Rattan, Village Sundran, Tehsil Dera Bassi, Distt. Mohali .....Petitioner
2. Sh. Madan Gopal S/o Sant Ram, Village Sundran, Tehsil Dera Bassi, Distt. Mohali .....Petitioner
3. Sh. Ramesh Singh Numberdar S/o Sadhu Ram, Village Pandwala, Tehsil Dera Bassi, Distt. Mohali .....Petitioner
4. Sh.Labh Singh (husband of Smt. Sheela Devi Sarpanch Sundran), Vill. Sundran, Tehsil Dera Bassi, District Mohali. ....Private Respondent
5. Sh.Manjeet Singh S/o Mohinder Singh, Vill. Sundran Tehsil Dera Bassi, District Mohali. ....Private Respondent
6. Sh. Ram Pal Saini (Husband of Smt. Sunita Rani Sarpanch Pandwala), H.No. 722, Sector-21, Panchkula, District Panchkula,Haryana ..Private Respondent
7. Sh. Jagdeep Singh S/o Mann Singh, Village Karkor, Tehsil Dera Bassi, District Mohali, Punjab. ....Private Respondent
8. Sh. Raj Kumar S/o Niranjan Singh, Vill. Haripur hindua, Tehsil Dera Bassi, Distt. Mohali, Punjab. ....Private Respondent

Further, Sh. Vijay Aggarwal, a contractor also appeared before the SEIAA and requested to give permission to present facts on behalf of representative of Sh. Kamaljit Singh S/o Amrik Singh, (Lessee of Sundran Sand Mine), H.No. 11, Sector 3-A, Chandigarh. The SEIAA asked to submit the authority letter to present the case on behalf Sh. Kamaljit Singh. He replied that no authority letter is available with him. Therefore, the SEIAA did not to allow him to present the facts on behalf of Sh. Kamaljit Singh.

The SEIAA was apprised that General Manager- cum- mining officer, Mohali was asked to appear before SEIAA (Punjab) in the meeting along with detailed status report in the matter. Accordingly, Sh. Chaman Lal Garg, GMDIC, Mohali has attended the meeting. He submitted the status report vide memo no. 2849 dated 14.06.2016 in reference to letter no. SEIAA/2511 dated 03.06.2016, which was taken on record by the SEIAA.

The SEIAA observed that a team was constituted of by the Principal Industries & commerce to investigate the matter mentioned in the CWP. The GMDIC has sent a copy of the report prepared by the said team as status report in the matter. The team of the officers constituted to investigate the illegal mining mentioned in the CWP 7710 of 2016, visited the site on 17.05.2016 and briefly reported as under:

1. Sh. Madan Gopal, Sh. Harpreet Singh & Sandeep Singh, petitioners in the CWP 7710 of 2016 were contacted and they submitted self declaration to the effect that people are facing problem of air pollution due to the dust generated from the movements of Tractor- Trolleys.
2. Contractors were doing the mining of minor minerals as per the Govt. rules. However, the contractor was advised to sprinkle the water on the route of the transportation and properly maintain the same to redress the grievances of the local residents/petitioners.
3. GMDIC, Mohali will do regular inspections in the village to redress the problems of the village people.

The SEIAA asked the petitioners to bring forward the issues involved and circumstances that led to filing of the said petition before the Hon'ble Punjab & Haryana High Court. The petitioners submitted a joint representation before the SEIAA, which was taken on record. The SEIAA looked into the joint representation and it was briefed as under:

1. Mining operations are being carried out day and night with the help of bulldozers and JCB machines. Mining has been carried out upto the level of 30 feet which is threat to the village structures and roads.
2. Illegal and unscientific manner mining has been carried out in the area due to that large pits and holes become dangerous for the human and animals life. Fertile agriculture land has been lost due to the mining activities. The area has been excavated more than its capacity and practically exceeded to Shamlat land and private lands of other persons.
3. Increase in heavy traffic on Sundran-Mubarikpur road (continuous chain of about 500 AMW trucks loaded with mining material) results destroyed road, increased in nos. of accidents, air pollution, noise pollution and soil pollution. The increased pollution causes persons residing in nearby areas suffering from the various diseases.
4. Contractors use to transport mining materials from mining sites on Sundran-Mubarkpur Road instead of using National Highway-73 through tippers/trucks and trolleys as allowed in the Environmental Clearance conditions.
5. No mitigation measures have been taken for carrying out the mining in the area special in monsoon season. Water table has considerably fallen in the mining area.

6. Instant action to immediately stop all kind of mining activities, cancelation of Environmental Clearance of Sundran Sand mining project and Pandwala Sand mining project have been requested.

Thereafter, the SEIAA asked the private respondents to bring forward the issues involved related to them in the said petition. All Private Respondents, present in the hearing, submitted their self declarations, which were taken on record by the SEIAA. All private respondents in their self declaration submitted that they are not involved in any illegal mining/operations as mentioned in the said CWP. Sh. Manjit Singh S/o Mohinder Singh private respondent submitted that he transports the brick earth upto the brick kiln of M/s Anku Bricks Company. Sh. Raj Kumar S/o Naranjan Singh private respondent submitted that he transports the brick earth upto the brick kiln of M/s Jai Durga BKO. He also submitted the copy of environmental clearance issued vide letter No. 4053 dated 17.01.2014 by the SEIAA, Punjab to M/s Jai Durga BKO, Village Sundran, Dera Bassi, District SAS Nagar. Sh. Ram Pal Saini. (Husband of Smt. Sunita Rani Sarpanch Pandwala submitted that the ordinary earth has been taken out for filling in the Community Centre of Gram Panchayat Pandwala as per the resolution passed on 24.02.2016 by the Gram Panchayat Pandwala. His name has been impleaded as respondent in the CWP due to personal enmity. Jagdip Singh S/o Mann Singh submitted that mining of sand and gravels has been carried out from the river bed of Sundran for which auction has been carried out and transporting to nearby crushers after giving royalty. Sh. Labh Singh (husband of Smt. Sheela Devi Sarpanch Sundran) submitted that his name impleaded in the CWP due to personal enmity.

The SEIAA was further apprised that report from PPCB as requested vide SEIAA letter no. 2510 dated 03.06.2016 is still awaited. However, a copy of the proceedings of the personal hearing given to the petitioners and the private respondents of the CWP No. 7710 of 2016 before the Chief Environmental Engineer, Patiala, Punjab Pollution Control Board, on 07/06/2016 has been procured as status report, which was taken on record by the SEIAA. The SEIAA observed that the site was visited by the officers of PPCB, RO, Mohali on 04.06.2016 and it was reported as under:

1. There were depressions on both sides of the Katcha rasta, along the Sundran Nadi. However, no activity was going on at the site. Further, no demarcation of the revenue villages was known to the visiting officers, so it could also not be



ascertained, in the revenue estate of which village, the site fall where depressions were noticed.

2. Also, some significant depression was found on the left hand side of the Katch rasta and Sh. Rampal Saini, Sarpanch of the village Pandwala, informed that the said stretch falls in the revenue estate of Village Pandwala, Tehsil Dera Bassi Distt. SAS Nagar and he further informed that a community center was established in the village and the sand was excavated from this site to fill the land of the said community center. He also submitted a copy of the resolution passed by the village Panchayat in this regard.
3. After moving further along the Katcha rasta in village Sundran, it was observed that mining was earlier carried out in a huge area and mining was also in operation at two stretches.
4. The Board has granted consents under the Water (prevention & control of pollution) Act, 1981 on 01/10/2014 to Sh. Kamaljit Singh S/o Amrik Singh (Lessee of Sundran Sand Mine), respondent no. 12 of the said CWP for carrying out 50,000 TPA of mining of minor minerals in the revenue estate of village sundran, Tehsil Dera Bassi, Distt. SAS Nagar in an area of 29.72 hectares, which are valid upto 30/06/2016.

After hearing, GMDIC, SAS Nagar, petitioners, private respondents and the status report submitted by the Environmental Engineer, Regional office, SAS Nagar, it was observed that the report of Environmental Engineer, Regional officer Mohali & Statements of petitioners does not match with the status report submitted by the General Manager cum mining officer, SAS Nagar vide memo no. 2849 dated 14.06.2016. The SEIAA queried GMDIC, SAS Nagar to clarify the variation in status report submitted by his office from the ground realities reported in the visit report of PPCB officers as well as facts stated by petitioners before SEIAA in his presence, to this query GMDIC, SAS Nagar replied that he has been recently transferred to SAS Nagar and has not visited the said area himself.

The SEIAA observed that as per orders dated 22.04.2016 passed by the Hon'ble Punjab & Haryana High Court, final orders in the matter are to be passed by the official respondents within eight weeks. Accordingly, Punjab Pollution Control Board vide letter No. 2510 dated 03.06.2016 requested to send the status report in the matter after visiting the site. But, no report has been received from the Punjab

Pollution Control Board. However, a copy of the proceedings of the personal hearing given to the petitioners and the private respondents of the CWP No. 7710 of 2016 before the Chief Environmental Engineer, Patiala, Punjab Pollution Control Board, on 07/06/2016 has been procured as status report from the Environmental Engineer, Regional Office, Mohali with personal efferot, which was taken on record by the SEIAA. Due to non-receipt of status report from the Punjab Pollution Control Board, the matter could not be disposed off timely as given by the Hon'ble Punjab & Haryana High Court. In case of non-receipt of the status report, the matter might have to be deferred and extension may be sought from the Hon'ble Punjab & Haryana High Court.

After detailed deliberations, the SEIAA decided that:

- (1) GMDIC, SAS Nagar will send the complete detailed status report in the matter after visiting the site/ area, which includes:
  - a) Compliance of the Environmental Clearance conditions in annotated form where mining is being done in the area having valid Environmental Clearance.
  - b) Detailed status of the areas in case mining is being carried without valid Environmental Clearances.
  - c) Separate status of Sand Mining and Brick earth clay/ Ordinary earth mining areas.
  - d) The report must be submitted to SEIAA latest by 22.06.2016.
2. A DO letter be written to Member Secretary, Punjab Pollution Control Board, Patiala by the Member Secretary (SEIAA), Punjab intimating the above said facts.

Accordingly, the General Manager-cum-mining officer, SAS Nagar vide letter no. 2619 dated 17.06.2016 was requested to send the complete detailed status report in the matter after visiting the site/ area.

The General Manager- cum- mining officer, Mohali was asked through email dated 27.06.2016 to appear before SEIAA (Punjab) on 28.06.2016 at 11:00AM in the Committee Room of Punjab Pollution Control Board, Regional Office, opposite of Bassi Cinema, Phase-II Mohali along with detailed status report in the matter.

The General Manager- cum- mining officer, Mohali submitted the detailed status report vide memo no. 3154 dated 27.06.2016 through email in

reference to letter no. 2619 dated 17.06.2016, which is annexed as Annexure-A of Agenda.

The case was considered by the SEIAA in its 110<sup>th</sup> meeting held on 28.06.2016. The SEIAA was apprised that General Manager- cum- mining officer, Mohali was asked to appear before SEIAA (Punjab) in the meeting along with detailed status report in the matter. Sh. Vipin Kumar, Mining officer, authorised representative on behalf of GMDIC, Mohali attended the meeting. He submitted the signed copy of status report vide memo no. 3154 dated 27.06.2016 along with annexures in reference to letter no. SEIAA/2619 dated 03.06.2016, which was taken on record by the SEIAA.

The SEIAA observed that status report submitted by GMDIC-cum-Mining Officer, SAS Nagar vide memo no. 3154 dated 27.06.2016, is not as per the details sought vide SEIAA letter no 2619 dated 17.06.2016 and is a mere reproduction of earlier report. The SEIAA asked the Mining Officer to submit the detailed status report as asked SEIAA vide letter no 2619 dated 17.06.2016. The mining officer sought time till 01.07.2016 to submit a detailed status report including compliance status report of Environmental Clearance conditions.

The SEIAA was also apprised that personal hearing has also been given to two Number Brick kilns namely M/s Jai Durga BKO, Village Sundran, Tehsil Dera Bassi, Distt. S.A.S. Nagar vide letter no 2621 dated 22/06/2016 and M/s Saini Brick Traders, Village Pandwala, Tehsil Dera Bassi, Distt. S.A.S. Nagar vide letter no 2622 dated 22/06/2016 before SEIAA, in the matter to whom Environmental Clearances have been granted for carrying out mining operations of brick earth in the revenue estate of Village Sundran and Pandwal Tehsil Dera Bassi, SAS Nagar as discussions held in previous meeting.

Sh. Mahavir Parsad, Partner of M/s Jai Durga BKO and Sh Rajinder Singh, authorized representative on behalf of the M/s Saini Brick Traders, have attended the meeting. The SEIAA observed that M/s Jai Durga BKO has been granted environmental clearance vide No. SEIAA/M.S/2013/4035 dated 17.01.2014 for mining of minor minerals (Brick clay) for single site in a total area of 39 kanal 10 marlas bearing hadbast no. 363 and khasra nos. 41//12(8-0), 13(8-0), 14(8-0), 15(8-0), 11//12/2(1-16), 13/1(1-15), 19(3-19) in the revenue estate of Village Sundran, Tehsil Dera Bassi, Distt. SAS Nagar with certain conditions and specific conditions that the environmental clearance will be valid upto 30.09.2018 or for

completion of excavation of brick earth upto a depth of 0.9 m (3ft) only, whichever is reached earlier, for mining of minor minerals in the aforesaid location and M/s Saini Brick Traders has been granted environmental clearance vide No. SEIAA/M.S/2013/3557 dated 17.01.2014 for mining of minor minerals (Brick clay) for single site in a total area of 3.18 hectares bearing hadbast no. 359 and khasra nos. 20//20/1(2-12), 20//20/2(1-12), 20//20/3(1-4), 20//20/4(1-4), 20//21/1(0-16), 20//21/2(0-3), 32//1/3(1-2), 32//2/1/1(0-4), 33//13/1/1(2-11), 33//13/2/2(2-8), 34//15(8-0), 20//21/3(5-5), 33//13/1/2(0-15), 33//13/2/2(0-14), 33//13/3(1-1), 33//18/1(2-9), 38//1(8-0), 38//2/2(5-15), 14//3/2(5-16), 14//8/2(5-4), 14//19/1/2(1-12), 14//19/2(5-8) in the revenue estate of Village Pandwala, Tehsil Dera Bassi, Distt. SAS Nagar with certain conditions and specific conditions that the environmental clearance will be valid upto 30.09.2018 or for completion of excavation of brick earth upto a depth of 1.0 m only, whichever is reached earlier, for mining of minor minerals in the aforesaid location.

The SEIAA asked BKO's regarding the status of mining of brick earth in respect of mining sites for which Environmental Clearance has been granted to them and whether conditions of the Environmental Clearance are being complied with. In reply to this, BKO's submitted that the mining of brick earth has already been carried out in about half of the mining area upto 2 feet for which Environmental Clearance was granted and remaining will be carried out within the validity period of Environmental Clearance i.e upto 30.09.2018. The mining activities are being carried out as per the conditions of Environmental Clearance granted to them. The written statements submitted by both BKO's was taken on record by the SEIAA.

The SEIAA was further apprised that

1. Ministry of Environment, Forest & Climate Change, New Delhi has granted the environmental clearance vide F.No. J-11015/159/2010-IA.II(M) dated 28.06.2013 to Department of Industries and Commerce, Govt. of Punjab, Chandigarh for collection of river bed sand from River Ghaggar with proposed production capacity of 0.50 Lakh TPA (ROM) having mining lease area 29.72 ha, in the revenue estate of village Sundran, Tehsil Derabassi, SAS Nagar with certain conditions.
2. Ministry of Environment, Forest & Climate Change, New Delhi has granted the environmental clearance vide F.No. J-11015/153/2010-IA.II(M) dated

10.12.2015 to Department of Industries and Commerce, Govt. of Punjab, Chandgarh for collection of river bed sand from River Ghaggar with proposed production capacity of 46,600 TPA (ROM) having mining lease area 28.36 ha, in the revenue estate of village Pandwala, Tehsil Derabassi, SAS Nagar with certain conditions.

After detailed deliberations, the SEIAA decided that:

1. GMDIC, SAS Nagar will again send the complete detailed status report as asked vide SEIAA letter no 2619 dated 17.06.2016 in the matter latest by 01.07.2016.
2. A team of three SEAC members namely Sh. Malwinder Singh, Sh. Sandeep Singh Viridi and Sh. M.S Bhatti be deputed for verifying the facts at site including the following:-
  - (i) Compliance of conditons of Environmental Cleranace granted to M/s Jai Durga BKO, Village Sundran, Tehsil Dera Bassi, Distt. S.A.S. Nagar & M/s Saini Brick Traders,Village Pandwala, Tehsil Dera Bassi, Distt. S.A.S. Nagar for the mining of brick earth granted by the SEIAA
  - (ii) Compliance of conditions of Environmental Clearance granted to the Department of Industries and Commerce, Govt. of Punjab in the revenue estate of Village Sundran & Village Pandwala for mining of minor mineral i.e Sand, Gravel granted by the Ministry of Environment, Forest & Climate Change, New Delhi.

**Item No.110.04: Clarification regarding applicability of Notification no. S.O. 3252(E) dated 22/12/2014 issued by MoEF for educational institutions.**

The SEIAA observed that:-

The Member Secretary, Punjab Pollution Control Board, Patiala vide letter no. 3472 dated 16.6.2016 asked to clarify regarding applicability of notification no. S.O. 3252(E) dated 22/12/2014 issued by MoEF for educational institutions. The contents of the said letter reveals that

1. As per the notification no. S.O. 3252(E) dated 22/12/2014 issued by MoEF, the universities are exempted from obtaining environmental clearance under EIA notification dated 14/09/2006

2. As per this amendment, the college and hostel for educational institutions having built up area more than 20,000 sqm but less than 1,50,000 sqm are not covered under the ambit of the said notification.
3. The MoEF and CC vide office Memorandum dated 09/06/2015 has clarified that the buildings of educational institutes including hostels are exempted from obtaining environmental clearance under EIA notification dated 09/06/2015. However, in case the built up area is more than 20,000 sqm, the project proponent is required to submit performa duly filled in, attached with office Memorandum dated 09/06/2015, at the time of obtaining consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.
4. The Punjab Pollution Control Board has filed complaints before the issue of above said amendment in the EIA notification dated 14/09/2006, in the court of law, on the direction of SEIAA / Govt., against the educational institutions having built up area more than 20,000 sqm. but less than 1,50,000 sqm. These cases are at various stages of evidence / arguments.
5. In one such case of educational institution, having built up area less than 1,50,000 sqm, the SEIAA has allowed the institution to withdraw its application for Environmental Clearance submitted by the institute and the prosecution for non obtaining of Environmental Clearance has been filed and the case is at the evidence stage. But, it is not clear what stand is to be taken now, in view of the amendment in the notification regarding no requirement of Environmental clearance for educational institutions having built up area upto 1,50,000 sqm.
6. Punjab Pollution Control Board has requested to clarify the matter as to what stand is to be taken by the Board while pleading the case in the courts regarding non requirement of Environmental Clearance for such projects, but the prosecution was filed before the issue of amendment in the notification dated 14/09/2006.

The matter was placed before the SEIAA in its 110<sup>th</sup> meeting held on 28.06.2016 and the SEIAA observed that complaint in the court of Law was filed based on the then circumstantial facts available on the record and the violation committed by the project proponent at that time. It is for court to decide the matter

and has no relation with allowing withdrawal of Environmental Clearance application or any subsequent exemption available to project proponent as per the amended notification dated 15.01.2016.

After detailed deliberations, the SEIAA decided that Member Secretary, Punjab Pollution Control Board, Patiala be informed as per above mentioned observation.

The meeting ended with a vote of thanks to the Chair.

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**STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY PUNJAB**

Ministry of Environment and Forests, Government of India

O/O Punjab Pollution Control Board,

Vatavaran Bhawan, Nabha Road,

Patiala – 147 001

Telefax:- 0175-2215636

**No. SEIAA/2847-48**

**Through Email**

**Date: 01.07.2016**

To

1. Sh. Darshan Singh Jaidka,  
H. No. 316, Urban Estate, Phase-I, Patiala. Chairman  
(SEIAA)
2. Sh. Anil Kumar Sondhi,  
Flat No. 3, Tower-A, Multitech Tower,  
Sector-9, Mohali Member  
(SEIAA)

**Subject: Proceedings of the 110<sup>th</sup> meeting of State Level Environment Impact Assessment Authority held on 28.06.2016 in Committee Room, Punjab Pollution Control Board, Regional Office, Mohali.**

Enclosed, please find herewith, a copy of the proceedings of the 110<sup>th</sup> meeting of State Level Environment Impact Assessment Authority held on 28.06.2016 in Committee Room, Punjab Pollution Control Board, Regional Office, Mohali, for information please.

**DA: As above.**

**Member Secretary (SEIAA)**

Endst. No. 2849

Dated: 01.07.2016

A copy of the above is forwarded to the Environmental Engineer (Computers), Punjab Pollution Control Board, Head Office, Patiala. He is requested to display these proceedings on the official website of State Level Environment Impact Assessment Authority.

**Member Secretary (SEIAA)**



**Subject: Proceedings of the 110<sup>th</sup> meeting of State Level Environment Impact Assessment Authority held on 28.06.2016 in Committee Room, Punjab Pollution Control Board, Regional Office, Mohali.**

It is submitted that the proceedings of the 110<sup>th</sup> meeting of State Level Environment Impact Assessment Authority held on 28.06.2016 in Committee Room, Punjab Pollution Control Board, Regional Office, Mohali have been prepared and the draft of the same is placed below for kind perusal.

Above is submitted for approval please so as to convey the same to all concerned.

**E.E (SEIAA)**

**A.E.E (SEIAA)**