

<p>100-02 F. 2119/2013</p>	<p>Proposed construction of Residential development "KHUSHALDAS GARDEN" by M/s. Siddharth N. Maher at S.F.No 231/58, Egmore, Ward No 103, Egmore-Nungambakkam Taluk, Chennai District – Activity 8(a) & Category "B2"- Building & Construction Projects - EC - Regarding</p>
	<p>The project proponent M/s Ankur Khusal Construction LLP represented by its partner Shri.Siddharth Maher applied to State Environment Impact Assessment Authority (SEIAA), Tamil Nadu on 27.12.2013 vide application dated 24.12.2013 for obtaining Environmental Clearance as required under EIA Notification, 2006 for the project of construction of residential Apartment "Khushaldas Garden" at Egmore village, Egmore - Nungambakkam Taluk, Chennai district. The project proposal comprised of development of one block 1 with basement + Stilt Floor II+ Stilt Floor I + 16 floors and block 2 with basement + Stilt Floor + 9 floors for providing 194 dwelling units in a land area of 10694.66 sq.m, with a total built-up area of 41962.66 sq.m.</p> <p>After scrutinizing the application submitted for the residential project, the additional information including the status of the project site (construction in progress as shown in photographs) as called for vide SEIAA Letter dated 27.01.2014 were received from the project proponent vide letter dated 28.01.2014. As per the guidelines issued for dealing with the projects involving violation vide MoEF & CC OM dated: 12.12.2012 & 27.06.2013, the project proponent furnished 'Letter of Commitment and Expression of Apology' vide letter dated 27.01.2014 and also resolved in the form of a formal resolution assuring that such violation will not be repeated. The same was sent to the State Government vide SEIAA</p>


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Letter No. SEIAA-TN/F.2119/2013 dated 13.03.2014 for initiating credible action on the said violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986. In the meanwhile, the State Government in Letter No. 5304/EC.3/2014-2 dated 02.06.2014 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. The Proponent was informed vide SEIAA Letter No. SEIAA-TN/F.2119/2013 dated 26.11.2014 project proposal is included in the list of cases involving violations of Environment (P) Act, 1986, it stands delisted in the lists of proposals under process in SEIAA-TN.

The office memorandums dated 12.12.2012 and 27.06.2013 wherein guidelines to deal with the violation cases were issued by the MoEF & CC. The application preferred by the applicant also falls in the category of violation as per the provisions of EIA 2006, and hence action was taken against the applicant as per the procedure issued in the Office Memorandums. Shri.S.P.Muthuraman filed a case challenging the Office Memorandums issued by the Ministry of Environment, Forest and Climate Change dated 16th November, 2010, 12th December, 2012 and 27th June, 2013. Vide detailed judgment of the Tribunal dated 07th July, 2015, the Tribunal had held that these office memorandums were liable to be quashed and were quashed.

After the pronouncement of the judgment the applicant filed an application being M.A. No. 351 of 2016 in Original Application No. 371 of 2016, wherein the applicant has stated that his case was similar to the builders/respondents in the case of S.P. Muthuraman


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Vs. Union of India & Ors. and they were accepting the judgment of the Tribunal for its implementation in their case as well. The Tribunal in term of the Judgement of S.P. Muthuraman Vs. Union of India & Ors. imposed environmental compensation of Rs. 2.12 Crores upon the applicant and also directed the joint inspection expert team to conduct an inspection of the project of the applicant and submit its report and the recommendations with regard to the precautionary and other measures that were required to be taken.

The Expert Committee constituted by the Tribunal conducted an inspection on 01st July, 2016 and submitted a detailed report before the Tribunal on 06th October, 2016. Based on the report, the Hon'ble NGT, PB, New Delhi pronounced the order dated 27.11.2017. The Hon'ble NGT passed, among other things, the following orders:

- The State Environment Impact Assessment Authority shall consider the application of the applicants which was delisted and pass appropriate orders in regard to grant/refusal of the Environment Clearance in accordance with law
- The State Environment Impact Assessment Authority shall take into consideration and in fact impose the condition which has been stated by the joint inspection team in its report as condition of grant of Environment Clearance, if it grants. The condition imposed in different orders shall be part of the Environment Clearance if granted to the applicant
- The condition imposed by the Tribunal in S.P.


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Muthuraman shall form part and parcel of the Environment Clearance and if granted to the applicants.

Accordingly, the SEIAA forwarded the directions of Hon'ble NGT to SEAC to appraise the project on the proposed construction of residential Apartment "Khushaldas Garden" at S.F.NO 231/58, Egmore Village, Ward NO 103, Egmore-Nungambakkam Taluk, Chennai District, Tamil Nadu.

The project proposal was placed in the 99th meeting held on 12.12.2017. Based on the presentation made by the proponent and the documents furnished, the SEAC made the following observations:

1. The proponent says that violation is only related to the fact that construction work started before getting the EC.
2. The proponent has paid Rs. 2.12 crores as environmental compensation fund as directed by Hon'ble NGT.
3. The proponent desires to have a relook at the proposals such as rain water harvesting, solid waste management, energy conservation, etc and submit a revised report after incorporating these changes.
4. Civil works completed

Accordingly, the SEAC decided to defer the proposal and ask the proponent to submit a revised proposal. Also, it was decided to make an inspection on the project site to assess the field conditions.

As per the order Lr.No.SEAC-TN/F.No.2119/2017 dated: 12.12.2017 of the Chairman, SEAC, a Technical Team comprising of the following SEAC Members was constituted to inspect and study the field conditions in the proposed Residential Apartment


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“Khushaldas Garden” at S.F.No. 231/58, Egmore Village, Ward No. 103, Egmore- Nungambakkam Taluk, Chennai District, Tamilnadu.

1. Dr.K.Thanasekaran,
2. Dr. K.Valivittan,
3. Shri. M.S.Jayaram
4. Shri P. Balamadeswaran
5. Shri B. Sugirtharaj Koilpillai
6. Dr.S.Rajendiran, AEE,SEIAA/SEAC

The technical team conducted the inspection on 16.12.2017 and submitted the report on 18.12.2017 to the Chairman, SEAC – TN.

A summary of the observations of the technical team are 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. The stage of construction is that regarding main block, shell & core completed and finishing works 60% completed. Regarding EWS block, RCC done upto 7th floor and remaining works to be completed.
3. The Technical Team asked the proponent to furnish a certificate from revenue authority to the effect that there is no encroachment on water bodies and the proposed site is not prone to flooding during rainy seasons.
4. According to the proponent, there is no change in the land area, built-up area and cost of the project. There is no change in the project components, land area utilization for different purposes, parking area,


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occupancy load, water supply and sewage generation.

5. The proponent proposes to supply potable water from CMWSSB and also proposes to discharge excess treated sewage in to CMWSSB sewer. However the formal permission from CMWSSB must be obtained.
6. Rain water harvesting proposals have been formulated as per Rain Water Harvesting and Conservation Manual by CPWD, Gol.
7. The proponent was asked to indicate the final fate of the components of the MSW clearly.
8. For Green belt, as per norms, an area of 1604.2 Sq.m (15%) should be provided for Green belt and 64 Trees should be planted of specified species. The Technical Team observed that only 1178.77 Sq.m areas have been earmarked for Green belt. Apart from 4 Existing Trees, 70 Trees have been planted with the following species:
 - i) Polyalthia pendula
 - ii) Azadirachta indica
 - iii) Delonix regia
 - iv) Peltophorum pterocarpum
 - v) Pongamia pinnata
 - vi) Madhuca indica and
 - vii) Ficus religiosa
 - viii) Mangifera indica

The seedlings have been planted close to the compound wall at a closer espacement. Roots of these seedlings will damage the compound wall as they grow. The tree plantation should be 2 m


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away from the compound wall and spacing between plants should be minimum of 5 m. Exotics like Delonix regia and Peltophorum pterocarpum may be avoided.

9. The Parking plan is as per CMDA norms.
10. The Technical Team asked proponent to ensure that there is smooth movement of vehicles from the project area to the Poonamallee High road and vice-versa.
11. Regarding the sewage treatment, the project proponent was asked to revise the water balance diagram to include correct conversion from water usage to sewage generation.
12. The proponent informed that MBBR technology will be used instead of extended Aeration Technology.
13. The Technical Team asked the proponent to ensure that the movement of people in the proposed STP (to be constructed below ground level) is safe from head injuries. The proponent should take proper precautionary measures to ensure that there are no seepages from outside ground water into the STP and there is no leakage from STP to outside ground water.
14. The Odour and noise from the STP should be properly controlled. Intense green belt development should be ensured around STP as there are residential apartments very close to the project site.
15. From the water balance diagram, it was noticed that 74 KLD of treated sewage (which is excess) will be discharged into the CMWSSB sewer.


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16. The proponent was asked to furnish the storm water management plan which includes mode of disposal of excess storm water.

17. The power requirement- no change.

18. The energy conservation goes up from 18% to 21%.

19. For CSR activities the proponent was asked to commit Rs.20 Lakhs. He was also asked to spend the CSR funds on permanent infrastructure for local community like Schools on items related to education and sports.

Based on the above observations, the technical team asked the proponent to furnish additional particulars / proposals. Accordingly, the proponent submitted additional particulars/proposals to the technical team on 18.12.2017. The technical team perused the additional particulars/proposals submitted by the proponent and observed that the proponent has complied with the recommendations made by the technical team including green belt development which has been now increased to 1604.2 sq.m (15%).

The report of the technical team was placed in the 100th meeting of SEAC held on 20.12.2017. The technical team has made the following observations and recommendations:

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. The proponent has made certain changes in the utilities proposal as per the current need, which are permissible.
3. The Technical Team made certain recommendations to improve the ecological and Environmental compliance and these recommendations have been accepted by the


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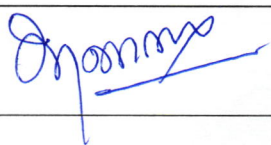
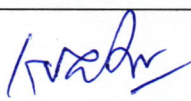

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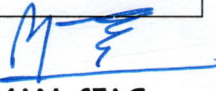
proponent.

4. In view of facts presented in the above 3 paragraphs, the Technical Team recommends the project proposal for the construction of residential Apartment “Khushaldas Garden” by Shri.Siddharth Maher, at S.F.No. 231/58, Egmore Village, Ward No. 103, Egmore- Nungambakkam Taluk, Chennai District, to SEAC for consideration for issue of Environmental Clearance subject to the conditions that the proponent fulfils all the commitments made in the proposal dated 24.12.2013 and the proposals submitted to the Technical Team on 18.12.2017, including his commitment to produce relevant certificate from revenue authority.

Based on the above observations and recommendations of the technical team, the SEAC decided to recommend the proposal of construction of Residential development “KHUSHALDAS GARDEN” by M/s. Siddharth N. Maher at S.F.No 231/58, Egmore, Ward No 103, Egmore-Nungambakkam Taluk, Chennai District for the grant of EC to SEIAA – TN.

S.No	Name	Designation	Signature
1	Dr. K. Thanasekaran	Member	
2	Dr. A. Navaneetha Gopalakrishnan	Member	
3	Dr.K.Valivittan	Member	


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4	Dr. Indumathi M. Nambi	Member	
5	Dr. G. S. Vijayalakshmi	Member	<i>G.S. Vijayalakshmi</i>
6	Dr. M. Jayaprakash	Member	<i>M. Jayaprakash</i>
7	Shri V. Sivasubramanian	Member	
8	Shri V. Shanmugasundaram	Member	<i>V. Shanmugasundaram</i>
9	Shri B. Sugirtharaj Koilpillai	Member	<i>B. Sugirtharaj Koilpillai</i>
10	Shri. P. Balamadeswaran	Co-opt Member	<i>P. Balamadeswaran</i>
11	Shri. M.S. Jayaram	Co-opt Member	<i>M.S. Jayaram</i>

N. Indumathi
MEMBER SECRETARY, SEAC

[Signature]
CHAIRMAN, SEAC