

**Minutes of 152<sup>nd</sup> Meeting of SEIAA, Haryana, held on 24.01.2023 & 25.01.2023 under the Chairmanship of Sh. Sameer Pal Srow, IAS (Retd.), Chairman, State Environment Impact Assessment Authority (SEIAA), Haryana at Bay's No. 55-58, 1<sup>st</sup> Floor, Paryatan Bhawan, Sector-2, Panchkula, Haryana.**

**(Prof. R. Baskar joined the 152<sup>nd</sup> meeting through "Video Conference")**

**List of participants is annexed as Annexure-A.**

At the outset, the Chairman SEIAA (hereinafter refer to as; The Authority) welcomed the Members and requested the Member Secretary to give a brief background of the items listed as the Agenda of 152<sup>nd</sup> meeting.

**"Minutes of the 151<sup>st</sup> Meeting of SEIAA held on 16.12.2023 & 17.12.2023 are confirmed as part of the proceedings of 152<sup>nd</sup> Meeting".**

Project Proposals along with recommendations received from SEAC and Agenda Items as listed in 152<sup>nd</sup> Meeting of SEIAA were discussed and following decisions were taken:

**Item No. 152.01: Amendment in EC for Group Housing Colony located at Village Mewaka, Sector-91, Gurugram, Haryana by M/s Jubilant Software Services Ltd.**

The Project was submitted to the Authority vide online **Proposal No. SIA/HR/MIS/181227/2020 dated 16.11.2020** and the case was considered during the 206<sup>th</sup> meeting of SEAC (State Expert Appraisal Committee) held on 26.11.2020 and recommended to the Authority for the amendment in the Environment Clearance letter dated 29.05.2014.

Due Scrutiny fee of **₹ 2,00,000/- stands deposited vide DD No. 001689 dated 01.12.2021** by the Project Proponent for the said case, *in*

**compliance of Haryana Government, Environment & Climate Change,  
Department Notification No. DE&CCH/3060 dated 14.10.2021.**

Thereafter, the case was considered during the various meetings of SEIAA and it was observed that the case does not seem to be of simply an Amendment Proposal, in fact there are changes in plan & certain deviations from the already Granted EC dated 29.05.2014.

Further, during the course of examination the Authority found that there is a mismatch in respect of details as conveyed vide letter No. SEIAA/HR/2014/1611 dated 17.12.2014 submitted by the Project Proponent and the office record. In order to ascertain the factual position & to derive more clarity, a three Members Committee consisting of:

1. Sh. Vinay Gautam, Joint Director (Technical),
2. Dr. Priya (SSA, SEIAA),
3. Sh. Sandeep Kumar (Assistant, SEIAA)

was constituted to establish the correctness and authenticity of the documents stated to be issued under the stamp of Member Secretary, SEIAA and to go through the “Half-yearly Compliance Reports” submitted by the Project proponent.

The above mentioned, Sub-committee vide communication dated 24.11.2021 reported that **“The Project Proponent has violated the provisions of EIA Notification dated 14.09.2006 along-with stipulated conditions of EC letter dated 29.05.2014, by carrying out, excess construction of 60029 Sqms, without obtaining, requisite fresh Environment Clearance for the same.”**

**And further, staking a claim for deemed Environment Clearance with reference to a letter dated 17.10.2014”.**

Thereafter, on the receipt of the report of the Sub-committee, the Project Proponent was directed to appear in person before Authority to explain the factual position in the matter on 24.01.2023.

The matter was taken up during **152<sup>nd</sup>** meeting of SEIAA held on **24.01.2023**.

After having gone through the details & record placed on the file; the Authority gathered that the Project Proponent vide email dated **23.01.2023**, has moved a request for adjournment in this case.

In view of the above, the Authority considered the request and decided to provide, a Last, but Final Opportunity to the Project Proponent in this case.

Accordingly, the case is deferred, till the next meeting.

**Item No. 152.02: Environment Clearance for Project Group Housing Colony at Sector-82 A, Gurugram by M/s Vatika Ltd.**

Brief background and details pertaining to the matter, arising out from the office record and Order dated **24.11.2022** passed by the SEIAA (hereinafter referred to as The AUTHORITY), as below:

The Applicant vide his application dated **12.10.2016** applied for Environment Clearance for the project of Group Housing Colony at Sector-82A, Gurugram, which was received in the office of State Environment Impact Assessment Authority (SEIAA) Haryana (hereinafter referred as The AUTHORITY) on **23.12.2016**. Thereafter, the case was taken up by State Expert Appraisal Committee (SEAC) referred as COMMITTEE for appraisal during **147<sup>th</sup>**, **148<sup>th</sup>** & **150<sup>th</sup>** Meetings held on **31.01.2017**, **14.02.2017** and **07.04.2017** respectively and the Committee recommended this case to SEIAA for grant of Environmental Clearance on **17.04.2017**.

- I. The recommendations of SEAC were taken up by the Authority during **102<sup>nd</sup>** Meeting of SEIAA held on **20.04.2017** and the Authority upon perusal of record found that the license issued by DTCP was valid up to **23.02.2017**; hence, the case was referred back to SEAC with the

direction to visit the site to verify any construction or violation of Environmental norms and same was conveyed to Secretary, SEAC as well as to the Applicant vide letter dated 01.05.2017 which was received by the consultant of the Applicant by hand and signature of the consultant are available in the dispatch register to acknowledge this fact.

- II. Thereafter, the case was again taken up by the Committee during 153<sup>rd</sup> meeting of SEAC held on 07.06.2017 and it was decided by SEAC vide letter dated 16.06.2017 to constitute a sub-committee comprising of Shri Hitender Singh and Shri A.K. Bhatia, Member of SEAC to visit the project site. The Sub-committee visited the site on 02.06.2018 and submitted Inspection Report on 05.06.2018. Relevant portion of the report is reproduced here:

**“Report**

The members visited the site along-with the representative of the PP & observed the following:

1. *The super structure of entire project had been completed.*
2. *This include twin level basement for parking.*
3. *Two residential tower and EWS block has been erected.*
4. *Construction work was in progress at site.*
5. *The photographs of the site are self explanatory (Annexure -1).*

**Conclusion :-**

**It is established that construction has been raised at site prior to grant of Environmental Clearanc., Appropriate action as per law may be taken”.**

Submitted, please.

Sd/-  
Mr. A.K.Bhatia  
(Member SEAC)

Sd/-  
Ar. Hitender Singh  
(Member SEAC)

III. The Inspection Report was placed and considered by SEAC during 171<sup>th</sup> and 172<sup>nd</sup> Meetings held on 07.06.2018 and 03.07.2018, respectively and SEAC recommended this case to SEIAA for further necessary action. Thereafter, the case was again taken up by the Authority during 115<sup>th</sup> meeting held on 25.07.2018 and the Authority issued Show-cause Notice dated 07.08.2018 to the Applicant. In response to said Show-cause Notice, a detailed reply dated 13.08.2018 was submitted by the Applicant. Thereafter, a final reply dated 09.05.2022, containing the contention of the Applicant was submitted, wherein, the Applicant re-iterated, earlier stand i.e. The Applicant entitled for deemed EC, however, in this reply the Applicant also made submission, that even if for the sake of argument the fact of the receipt of the letter dated 01.05.2017 by the consultant in that eventuality also Ld. Authority is obligated to communicate its final decision to applicant within a period of 135 days, but Ld. Authority failed to proceed and conclude the matter within 135 days as per Clause 8 (ii) read with Clause 8 (iii) of the EIA Notification dated 14.09.2006.

**After having gone through the relevant record and examination of the facts along-with careful consideration of submissions made by both (the Applicant - M/s Vatika Ltd. & Complainant - Mr. Ashish Sardana), the Authority observed that the claim for Deemed Environment Clearance does not survive as same is devoid of merit & without substance, hence, the State Environment Impact Assessment Authority vide its order dated 24.11.2022 decided to decline & reject the plea of the Project Proponent for deemed Environment Clearance as well as decided to de-list this proposal.**

Consequent upon the above decision, the said proposal/ Project **attains the entity existing and being there, “without valid EC”**. Therefore, it is deemed appropriate to conclude that since the Applicant has indulged and

caused multiple violations under the EIA Notification dated 14.09.2006 and rendered himself liable for action under the Environment (Protection) Act, 1986 and relevant Rules framed there under.

**In view of the above, the following directions were also made vide order dated 24.11.2022:**

1. The Applicant shall apply for EC under **“Violation Category”** to the Competent Authority for the said Project within the scheme & meaning of EIA Notification dated 14.09.2006 and its subsequent amendments, if willing to go ahead with the Project.
2. For the Violations, so made, by the Applicant, a Sub-committee is hereby constituted to visit the Project Site to capture the extent and size of the violations at the Project Site. The Sub-committee shall comprise of the following:
  - (i) Member Secretary, SEIAA
  - (ii) Chairman, SEAC
  - (iii) Member Secretary, SEACThe Sub-committee will be assisted by the Regional Officer, HSPCB of the concerned Region (Gurugram).
3. After receiving the Report from the Sub-committee; SEAC will appraise and assess the damages caused by Applicant and prepare Remedial Environmental Compensation, Penalty, beside any other action (as may be applicable) within the scope of SoPs dated 07.07.2021 issued by MOEF & CC, GOI.
4. Since, the Applicant has violated EIA Notification dated 14.09.2006 by way of illegal construction activities at the project site without having a valid Environment Clearance and other instructions issued from MOEF & CC, GOI from time to time. Therefore, in view of the violations committed by the Applicant as observed in the preceding Para's and powers delegated specifically by MoEF& CC vide Notification No S.O. 637 (E) dated 28.02.2014 to the SEIAA under

Section 19 of EP Act-1986 taking action against the Violation committed by the Applicant, it is hereby deem it appropriate to initiate prosecution action against the Applicant through authorized officer of the Haryana State Pollution Control Board (HSPCB).

Any other action as per the provisions of Environment (Protection) Act, 1986 as may be due for the violations/ deficiencies/ lapses, noted above shall be taken accordingly.

**The matter was again considered during 152<sup>nd</sup> Meeting of SEIAA, Haryana held on 24.01.2023.**

**After having gone through the details & records placed on file as well as Order dated 24.11.2022 passed by the Authority; the following decisions are hereby emerged:**

1. To withdraw the Sub-committee constituted, for site inspection of the Project Site to capture the extent and size of the violations vide order dated 24.11.2022 as **Two Reports dated 02.06.2018 and 19.08.2022** respectively has already been placed on the file. Further, constitution of a committee may not serve any meaningful purpose rather the exercise will be a mere repetition and end in futility. Therefore, the Authority deemed it appropriate to proceed and decided the matter on the basis of earlier field visit reports dated 02.06.2018 and 19.08.2022 to conclude the proceedings of a long and old pending case.
2. Further, in pursuance to the Order dated 24.11.2022, the Authority deemed it appropriate to take further necessary action regarding Penalty and Environmental Compensation within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 (by exercising powers under the scope and meaning of Section 5 of Environment (Protection), Act 1986 to make, directions) along with the observations made by the Hon'ble Courts in the below mentioned Cases:

1. **Hon'ble Supreme Court of India in Civil Appeal No. 2435 of 2019 titled as Keystone Realtors Pvt. Ltd Versus Shri Anil V Tharthare & Ors.**

2. Hon'ble NGT in Appeal No. 122/2018 titled as Anil Tharthare Versus The Secretary, Env't. Dept. Govt. of Maharashtra & Ors.
3. Original Application No. 1017/2018 titled as Shashikat Vithal Kamble Versus Union of India & Ors.

Penalty & Environmental Compensation Cost is calculated as under:

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Construction Cost of the area involved under violation i.e. <b>43862.113 Sqmtrs</b> (472128 Sqfts x ₹ 4950 i.e. average construction cost per Sqft)	₹ 233.70 Crore approx. & same is <b><u>revised and scaled up to ₹ 266.70 Crore</u></b> (in view of the cost of land & other activities like license fees /EDC / IDC etc. forming the cost of the Project).  <b><u>Thus, Total Cost of the Project is assessed at ₹ 266.70 Crore (Approx).</u></b>	
2	1% Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 266.70 Crore	₹ 266.70	1 %
3	Additional 0.25 % Penalty as per SOP 7 <sup>th</sup> July 2022 on Rs 266.70 Crore	<u>Not applicable, since project is not completed and no, OC has been obtained</u>	<u>Not applicable, since project is not completed and no, OC has been obtained</u>
4	Environmental Compensation Cost	₹ 533.40	2 %
	<b>Total Amount</b>	<b>₹ 800.10</b>	

**The Project Proponent to pay :**

(a) Penalty : ₹ 266.70 Lakh  
 (b) Environmental Compensation Cost : ₹ 533.40 Lakh

**Total : ₹ 800.10 Lakh**



It is relevant to mention that Hon'ble NGT vide Order dated 21.10.2022 in OA No. 976/2019 & M.A. No. 74/2022 (Gurinder Singh & Ors Versus Union of India & Ors.) and Order dated 11.11.2022 in OA No. 10 of 2021 & I.A. No. 282 of 2022 (Sanjay Kumar Versus Union of India & Ors.), made directions that PENALTY & ENVIRONMENTAL COMPENSATION COST recovered from Project Proponent on account of Violations / Non-compliances *"is to be utilized for RESTORATION, PROTECTION & CONSERVATION of Environment through State/District Environment Plans"*.

In view of the above, the Authority directs the Project Proponent to deposit the PENALTY & ENVIRONMENTAL COMPENSATION COST, so assessed in the said case i.e. ₹ 800.10 Lakh within 30 days from the date of Order in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.

In case of failure to comply with the above, action under Section 5 of the Environment (Protection) Act, 1986 will be initiated, (including demolition of the structure as may be required on the risk and cost of the Project Proponent), without any further notice.

**Item No. 152.03: EC for Revision in the project “IT Park” complex located at Village Ullahawas, Sector 59, Gurugram, Haryana by M/s Nova Realtors Pvt. Ltd.**

**Brief of the case:**

1. Earlier, Case was taken up during 134<sup>th</sup> meeting of SEIAA held on 17.01.2022 and the Authority decided to request Member Secretary, Haryana State Pollution Control Board to nominate a team to verify the updated status of the project and submit the report in this regard.
2. The case was again taken up during 137<sup>th</sup> meeting of SEIAA held on 26.03.2022; after due deliberations; the Authority decided to issue a reminder letter to Member Secretary, HSPCB for the report in this case and further, decided to refer back this case to SEAC to make recommendations upon the receipt of the report from the concerned quarter.
3. The recommendations of SEAC were taken up during 143<sup>rd</sup> meeting of SEIAA held on 17.07.2022 and after having gone through the records, the Authority observed that site inspection report from HSPCB is still, awaited and the case was deferred for the next meeting, with the direction to ensure that site visit report is filed without any further delay.
4. Later, the Site Visit Report pertaining to the case was received on 21.12.2022.

**The matter was taken up during 152<sup>nd</sup> Meeting of SEIAA, Haryana held on 24.01.2023.**

**The Authority after having gone through the relevant record (including Site Inspection Report of RO, HSPCB), placed on the file and further, keeping in view, Office Memorandum dated 18.11.2020, decided to de-list the case.**

**Accordingly, the case is disposed of.**

**Item No. 152.04: ToR (under violation category) for Expansion of Five Star Project at Village Ghamroj, Sohna Road, Tehsil Sohna, District Gurgaon, Haryana M/s Creative Buildwell Private Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal reference No. SIA/HR/MIS/81570/2022 dated 02.08.2022** for Approval/grant of **ToR (under violation category)** for Expansion under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 1,00,000/- vide DD No. 501304 dated 10.08.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

The case was taken up during 248<sup>th</sup> meeting of SEAC held on 06.09.2022. The PP along with consultant appeared before the committee and presented the case and submitted following information: The Committee discussed the case under violation category and after detailed deliberations on the information presented by the project proponent, unanimously decided to recommend the case to SEIAA for Grant of Terms of Reference (under violation) for undertaking EIA and preparation of Environment Management Plan (EMP).

**Findings and Decision of THE AUTHORITY (SEIAA):**

Thereafter, the recommendation of SEAC was considered during **145<sup>th</sup> meeting of SEIAA held on 09.09.2022.**

The Authority after due deliberations and perusal of record placed on file, decided to constitute a Sub-committee comprising of the following to verify status of the project and accordingly, the case was deferred:

1. **Sh. V.K. Gupta, Chairman, SEAC**

- 2. Sh. Rajbir Singh Bondwal, IFS(Retd.), Member, SEAC.**
- 3. Regional Officer, HSPCB Gurugram (South) will assist the Sub -committee.**

The matter was again taken up during **152<sup>nd</sup> meeting of SEIAA held on 24.01.2023.**

The Authority after having gone through the relevant records, perusal of Site Inspection Reports dated 05.07.2014 and 10.01.2023 of the Sub-Committees along-with communication dated 28.06.2022/29.06.2022 on behalf of Project Proponent and further, upon considering the recommendations of the Appraisal Committee, observed as under:

1. That Project Proponent initially applied for grant of EC vide application dated **25.11.2010 and 20.11.2012. During 104<sup>th</sup> Meeting of SEAC held on 13.05.2014**, certain observations were communicated to PP as part of the proceedings. PP failed to respond and comply with the observations. Thereafter, SEAC decided to constitute a Sub-committee to inspect the project site to verify the status of Construction. Accordingly, the Sub-committee visited the **project site on 05.07.2014** and submitted its Report.
2. **That, the Site Inspection Report of the Sub-committee was considered during 112<sup>th</sup> meeting of SEAC held on 19.09.2014; wherein it was revealed that this is a case of Proven Violation; hence, the case was recommended to SEIAA to initiate Prosecution on account of violations.**
3. That, the recommendation of SEAC was considered during 76<sup>th</sup> meeting of SEIAA held on 14.10.2014 and the case was recommended to Principal Secretary, Environment Department, Haryana to issue directions under section 5 of EP Act, 1986 against the Project Proponent in respect of violations.
4. That, thereafter, the case remained pending for long period of time with the Appraisal Committee as the Project Proponent had failed to comply/respond to the observations raised by SEAC. Thereafter, a Sub-committee was constituted comprising of Sh. S. N. Mishra and Shri Hitender Singh, Member SEAC; but Sub-committee could not visited the project site due to expiry of the Terms of the Authority. Case was again taken up during 139<sup>th</sup> meeting of SEIAA held on

18.04.2022; wherein it was decided to de-list the proposal in view of OM dated 18.11.2020 being an old and dormant case, as no response/replies were coming forward from the Project Proponent.

5. That Project Proponent all of a sudden on 02.08.2022, came out of hibernation (almost after 12 years) and again applied for TOR under Violation Category for the said project for Built up area of 38,218.65 Sqmtrs (Page No. 9 and 10). The case was considered during 248<sup>th</sup> meeting of SEAC held on 06.09.2022 and recommended to SEIAA for Approval of **Terms of Reference (ToR) under Violation Category**.
6. That the recommendations of SEAC were considered in 145<sup>th</sup> meeting of SEIAA held on 09.09.2022; wherein a Sub-committee was constituted to verify the actual status/position of Construction at the project site. The sub-committee visited the project site and submitted its report with the following remarks:

*“No construction activity is going at the project site at present. It seems that work is abandoned since long. Now, PP applied under violation category as till date EC has not been obtained, although, part construction has been done at site out of total approved built up area of 38218.65 Sqmts”.*

7. That the Authority observed that obdurate/unyielding attempt have been made by the PP to mislead the Authority by concealing the factual status of the Project. Whereas, upon perusal of details/record placed on the file clearly indicates that PP has voluntarily admitted the scope of violations and made to represent the case on the basis of incorrect details. The Authority, further, observed that the application dated 02.08.2022 and the Reports of the Two Sub-committees along-with communication of PP with DTCP vide letter dated 10.01.2014 clearly establishes that Project has been started without obtaining EC and completed 11 floors and basements. This amounts to clear violation under the scope and meaning of EIA Notification dated 14.09.2006 and calls for action under the scope and meaning of SoPs dated 07.07.2021 (to workout penalty and Environmental Compensation).

**In view of the discussions made above, the Authority decided to proceed to take further necessary action regarding Penalty and Environmental Compensation within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 (by exercising**

powers under the scope and meaning of Section 5 of Environment (Protection), Act 1986 i.e. to make, directions) along with the observations made by the Hon'ble Courts in the below mentioned Cases:

1. Hon'ble Supreme Court of India in Civil Appeal No. 2435 of 2019 titled as *Keystone Realtors Pvt. Ltd Versus Shri Anil V Tharthare & Ors.*
2. Hon'ble NGT in Appeal No. 122/2018 titled as *Anil Tharthare Versus The Secretary, Env't. Dept. Govt. of Maharashtra & Ors.*
3. Original Application No. 1017/2018 titled as *Shashikat Vithal Kamble Versus Union of India & Ors.*

Penalty & Environmental Compensation Cost for the violations is hereby calculated as under:

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Construction Cost of the area involved under violation i.e. <b>38218.65 Sqmtrs</b> (411382 Sqfts x ₹ 4950 i.e. average construction cost per Sqft)	₹ 204 Crore approx. & same is <b>revised to ₹ 221.07 Crore</b> (in view of the cost of land & other activities like license fees /EDC / IDC etc. forming the cost of the Project).  <b>Thus, Total Cost of the Project is assessed at ₹ 221.07 Crore (Approx).</b>	
2	1% Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 221.07 Crore	₹ 221.07	1 %
3	0.25% Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 221.07 Crore	<u>Not applicable, since project is not completed and no, OC has been obtained</u>	<u>Not applicable, since project is not completed and no, OC has been obtained</u>
4	Environmental Compensation Cost	₹ 442.14	2 %
	<b>Total Amount</b>	<b>₹ 663.21</b>	

**The Project Proponent to pay :**

- (a) Penalty : ₹ 221.07 Lakh  
 (b) Environmental Compensation Cost : ₹ 442.14 Lakh

**Total : ₹ 663.21 Lakh**

It is relevant to mention that Hon'ble NGT vide Order dated 21.10.2022 in OA No. 976/2019 & M.A. No. 74/2022 (Gurinder Singh & Ors Versus Union of India & Ors.) and Order dated 11.11.2022 in O.A. No. 10 of 2021 & I.A. No. 282 of 2022 (Sanjay Kumar Versus Union of India & Ors.), made directions that PENALTY & ENVIRONMENTAL COMPENSATION COST recovered from Project Proponent on account of Violations / Non-compliances "is to be utilized for RESTORATION, PROTECTION & CONSERVATION of Environment through State/ District Environment Plans".

In view of the above, the Authority may direct the Project Proponent to deposit the PENALTY & ENVIRONMENTAL COMPENSATION COST, so assessed in the said case i.e. ₹ 663.21 Lakh within 30 days from the date of Order in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.

On receipt of PENALTY & ENVIRONMENTAL COMPENSATION COST, so assessed in the said case i.e. ₹ 663.21 Lakh, the Proposal for Approval of Terms of Reference (ToR) shall be taken up for further consideration by the Authority.

In case of failure to comply with the above, action under Section 5 of the Environment (Protection) Act, 1986 will be initiated, (including demolition of the structure as may be required at the risk and cost of the Project Proponent) without any further notice along with considering to de-list the Project.

Accordingly, the case is deferred.

**Item No. 152.05: EC for Affordable Group Housing Colony Project at Village Dhanwapur, Sector 104, Gurugram, Haryana by M/s Apricus Hills Private Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/261786/2022 dated 15.03.2022** for Grant of Environment Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 322308 dated 11.03.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the **APPLICATION FORM** is Rs. 233 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 255<sup>th</sup> meeting of SEAC held on 14.11.2022 and the Committee rated this project with “**Gold Rating**” and was of the unanimous view that this case should be recommended to the SEIAA for granting Environmental Clearance:

Earlier, the case was considered during 150<sup>th</sup> meeting of SEIAA and after having gone through the details & record placed on the file and also considering the recommendations of SEAC, the Authority decided to defer this case for want of status pertaining to the permission of Revenue Rasta.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The matter was again taken up during **152<sup>nd</sup> meeting of SEIAA held on 24.01.2023.**

**After having gone through the details and documents placed on the file, the Authority observed that the Project Proponent has deposited an amount of Rs. 10.00 Lakh in the shape of Demand Draft in Favour of**



**Municipal Commissioner, Gurugram to seek permission for Right of Way (RoW) regarding the use of Revenue Rasta.**

**Thereafter having due deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006.**

**Item No. 152.06: EC for proposed Expansion of Plotted Colony on 23.2999 acres land under DDJAY Scheme at Village Behrampur & Ullawas, Sector-61, Gurugram, Haryana by M/s Commander Realtors Private Limited and others.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/NCP/57972/2020 on 07.06.2022** for grant of Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of **₹ 2,00,000/- vide DD No. 701380 dated 06.04.2022** (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the **APPLICATION FORM** is **₹ 466 Crore.**

### **Appraisal & Recommendations of SEAC:**

The said case was taken up during 256<sup>th</sup> meeting of SEAC held on 01.12.2022 and SEAC recommended the Project to SEIAA for grant of Environment Clearance for Expansion.

Lastly, the case was considered during 150<sup>th</sup> meeting of SEIAA and after having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority decided to defer this case, till next meeting.

### **Findings and Decision of THE AUTHORITY (SEIAA):**

The matter was again taken up during 152<sup>nd</sup> meeting of SEIAA held on 24.01.2023.

**After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority observed that the Project Proponent has not obtained Permission of RoW i.e. to use Revenue Rasta, from the Competent Authority.**

**The Authority decided to provide a last opportunity to the Project Proponent to submit the permission for RoW from the Competent Authority. Otherwise, the Authority may consider rejecting /filing this proposal in the next meeting.**

**Accordingly, the Authority decided to defer this case, till next meeting.**

**Item No. 152.07: EC for Expansion of Residential plotted colony at Village Kabri, Faridpur, Ratipur and Mehmampur, Sector 36-39, Panipat, Haryana by M/s TDI Infratech Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/80813/2021 dated 16.07.2021** for grant of Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 980763 dated 27.05.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the **APPLICATION FORM** is ₹ 152 Crore.

### **Appraisal & Recommendations of SEAC:**

Lastly, the recommendations of SEAC were taken up during **151<sup>st</sup> meeting of SEIAA held on 17.12.2022** and after having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority concluded that more facts are required to be examined before passing an Order, therefore, the case is deferred, till the next meeting.

### **Findings and Decision of THE AUTHORITY (SEIAA):**

The matter was again taken up during **152<sup>nd</sup> meeting of SEIAA held on 24.01.2023.**

**After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority deemed it appropriate to understand to clarify as why the size of the Project area is cut down from the Existing Environment Clearance and the status of License is also not clear; whether, it is applied or granted in favour of the Project Proponent.**

Accordingly, the Authority decided to constitute a Sub-committee comprising of Member Secretary, SEIAA, Member Secretary, HSPCB/through Representative and Concerned Regional Officer, HSPCB (to assist the sub-committee) to inspect the project site and verify the actual position on ground level and submit its report within 15 days.

**Accordingly, the case is deferred.**

**Item No. 152.08: EC for Project 1197 acres “Industrial Township Development Project” at village Banmola, Ladpur, Munimpur, Nimana, Pelpa and Sondhi, District Jhajjar, Haryana by M/s Model Economic Township Limited Formerly Known as Reliance Haryana SEZ Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/81379/2022 dated 10.08.2022** for grant of Corrigendum in Environmental Clearance under category 8(b) of EIA Notification dated 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 840112 dated **11.05.2022** (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the **APPLICATION FORM** is ₹ 138.81 Crore. The ToR was granted by SEIAA, Haryana vide letter dated 24.05.2022.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 256<sup>th</sup> meeting of SEAC held on 01.12.2022 and SEAC decided to recommend the case to SEIAA for grant of Environment Clearance to the project.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **151<sup>st</sup> Meeting of SEIAA held on 17.12.2022** and after having gone through the details & record placed on the file along with considering the recommendations of SEAC, **the Authority decided that some more facts are required to be looked into before passing an appropriate Order in this case.** **Accordingly, the case is deferred, till next meeting.**

The matter was again taken up during **152<sup>nd</sup> meeting of SEIAA held on 24.01.2023.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority observed that this is a “Industrial Township Development Project” as per the Policy and Communications of Government of India; this project is covered under Category 8 (b) (Area development) of EIA Notification dated 14.09.2006, over an Area of 92.54375 Acres. It is pertinent to place on the record that the Project is less than 500 Ha. and not housing any Category A and B projects (being also not covered under category 7 (c) of EIA Notification). The Authority deemed it appropriate to consider the undertaking of the Project Proponent regarding that at present no project of Category A and B shall be part of the Project. In case, any Individual Project, which is covered under the scope and meaning of EIA Notification dated 14.09.2006, a fresh EC will be obtained by the PP without fail.

**After due deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(b) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. PP shall maintain 28% of the Plot area as Green Area i.e. 104803.42 Sqm (as offered in the proposal & committed the same at the time of presentation before the Appraisal Committee without any deviation). The same shall not be reduced/ modified or put to use for any other use / purpose.
2. PP shall impose conditions, in the Allotment letter that the Individual Plot Owner shall obtain Environment Clearance from the competent Authority, if the proposed project falls within the scope and ambit of EIA Notification dated 14.09.2006 or the construction of the project exceeded the prescribed limit of 20,000 Sqm.
3. That PP shall not allow any Industries/Activities relating to Category A and Category B within the project area/site. At later stage, if any, Category A and Category B industries are allow to be included in the

project then Individual Environment Clearance as applicable for the Project shall be obtained, separately.

**Item No. 152.09: EC for proposed Residential Group Housing Colony in the Revenue estate of Village Pawala Khusrupur, Sector-106, Gurgaon Manesar Urban Complex, Haryana by M/s Airmid Developers Limited.**

Application for grant of Environment Clearance was submitted to SEIAA on 08.10.2022; subsequently after the appraisal procedure SEIAA – Haryana granted Environmental Clearance vide EC Identification No. EC22B000HR161013 dated 05.12.2022 & Vide File No. SEIAA/HR/2022/243. As per the EC Letter granted by SEIAA – HARYANA, some of the Specific & Energy Conservation Measures conditions listed below are requested to be implemented according to the EC letter but they are not in compliance with standards and laws. Accordingly, adhering to those conditions is quite challenging.

<u>Sr. No.</u>	<u>EC Conditions</u>	<u>Reply</u>
1.	As per Sr. No. 14 (page No. 5 of 13) of specific condition, solar power increased 3 to 5% of total power demand however as per Sr. No. 5 of every conservation measures (page No. 9 of 13) Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/local building bye – law’s requirement, whichever is higher.	Please note as per Haryana Govt. norm and renewable energy department guidelines dated 19 <sup>th</sup> Dec 2017 ( <i>Copy Attached as Annexure II</i> ), 40 KWp capacity solar photovoltaic power plant to be installed for more than 5 acre group housing complexes. We would like to highlight that in case we have to provide solar power in tune of even 3%, it will have an implication of around Rs. 1.85 Cr. and additional installation space (shadow free area) of around 38,000 sq. ft. required

		<p>which is very difficult to achieve in residential projects. During the appraisal of our project in SEAC we have submitted undertaking along with our letter dated: 14.11.2022 stating that we will increase the solar power from 40 KW to 80 KW for our proposed project (<i>copy of letter and undertaking attached as Annexure III</i>).</p> <p><b>Thus, it is our request that same condition may be imposed in the EC letter.</b></p>
<p><b>2.</b></p>	<p>As per Sr. No. 29 (page No. 6 of 13) of specific condition. A buffer zone of 15 meters on both sides of HT line shall be created, no construction to be carried out within the said zone.</p>	<p>As per clause No. 3.3, page No. 19, chapter – 3 Building drawing norms of. The Haryana Building Code – 2017 (<i>Copy Attached as Annexure IV</i>), horizontal clearance in meter including both sides and from the center line of tower 18 meter means 9 meter each side from the Center line of Tower (for High voltage lines above 33 KV and up to and including 66 KV). This 9 meter distance from Centre line is also marked on the zoning plan (<i>Copy Attached as Annexure V</i>).</p> <p><b>Thus, it is our request that provision of buffer zone of 9 mtr on both sides from the centre line of tower may be imposed in the EC letter.</b></p>
<p><b>3.</b></p>	<p>As per Sr. No. 6 (page no. 9 of 13) of Energy conservation measures, Solar water heating</p>	<p>As per Haryana Govt. Renewable energy department circular No. 22/52/2005-5 Power, dated 4<sup>th</sup></p>

<p>shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.</p>	<p>March, 2016 (<i>Attached as Annexure VI</i>). <b><u>Mandatory use of solar water heating system has been omitted.</u></b>  <b>Thus, it is our request that please remove this condition from the EC letter.</b></p>
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**Findings and Decision of THE AUTHORITY (SEIAA):**

The matter was taken up during **152<sup>nd</sup> meeting of SEIAA held on 24.01.2023.**

**The instant Proposal dated 15.12.2022, seeking modification of certain conditions, as listed at Sr. No. 1 to 3 above (primarily pertaining to energy conservation and public safety measures) imposed in the Environment Clearance letter dated 05.12.2022, were taken up for consideration. After due deliberation, the Authority with partial modification decided as under:**

1. That the Project Proponent will strictly adhere to the Guidelines directions issued by the MoEF & CC, GoI in regard to energy conservation measures etc, i.e.

*“Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/local building bye – law’s requirement, whichever is higher”.*

2. That the Project Proponent shall strictly adhere to the clause No. 3.3, page No. 9, Chapter-3, Building drawing norms of The Haryana Building Code-2017, in regard to the issue of HT line passing through the Project Site.



3. That the Project Proponent shall be required to follow the condition No. 3 as issued by MoEF & CC, GoI without any deviation/change, unless same is revised/allowed by the Competent Authority. Therefore, condition No. 3 will continue to be part of the Environment Clearance letter dated 05.12.2022.

**Accordingly, the case is disposed of.**

**Item No. 152.10: EC for the project - "Commercial Colony for area measuring 3.9625 Acres in Sector-89 Gurugram, Haryana by M/s Peerage Buildwell Private Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal reference No. SIA/HR/INFRA2 /406024/2022 dated 21.11.2022** for grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 023352 dated 10.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM is ₹ 160 Crore.

#### **Appraisal & Recommendations of SEAC:**

The said case was taken up during 257<sup>th</sup> meeting of SEAC held on 20.12.2022 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.

#### **Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 24.01.2023.**

The Authority after having gone through the recommendation of SEAC along with details emanating from the record placed on the file, observed that

**The Project Proponent proposed as under:**

“Total Green Area 15.06 % (i.e. 2414.92 Sqm) out of which 6.06% (i.e. 973.05 Sqm) is proposed as Vertical Green Area”.

**The Authority can not afford to consider/accept any such proposal, which allows to convert/exploit Green Area into commercial benefits by arm twisting the facts and sacrificing the spirit of healthy Environment around. More so, the Authority in its own wisdom have experienced in the past that raising vertical greens is nothing but finding a short cut routes to grab more land for commercial exploitation by throwing green area in exchange. Therefore, the Authority deemed it appropriate to decline the proposal of vertical greens in lieu of ground level green.**

Commercial greed can not be exchanged with health and green Environment

**After detailed deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. That PP shall maintain 15.06% of the Plot area as Green Area i.e. 2414.92 Sqm (as offered in the proposal & committed the same at the time of presentation before the Appraisal Committee without any deviation). Further, the 15.06% Green Area shall be maintained on the Ground Level instead of part of it as Vertical Green. The Green Area measuring 2414.92 Sqm shall not be reduced/ modified or put to use for any other use / purpose. Project Proponent is encouraged to develop Miyawaki Forest and Vertical Greens covers over and above the Ground Green Area of 15.06%, as a welcoming gesture.
2. That PP shall install Decentralized STP of 230 KLD for the treatment of Waste Water Generated including collected water in Rain Water Collection Tank.

**Item No. 152.11: EC for Retirement Housing Colony Project at Village Badshapur, Sector-50, District-Gurugram, Haryana by M/s Pioneer J.K Senior Living LLP.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/408235/2022 dated 29.11.2022** for grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 000387 dated 09.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM is ₹ 97.44 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 257<sup>th</sup> meeting of SEAC held on 20.12.2022 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.

**Findings and Decisions of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 24.01.2023.**

The Authority, after having gone through the recommendations of SEAC along with details emanating from the record placed on the file observed that :

*“The proposal submitted by the Project Proponent to provide 50% of the Plot Area as Green Area i.e. 5260.50 Sqm is Environment friendly & welcoming, initiative towards Green and Clean Environment”.*

**After due deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within**

**the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. PP shall maintain 50% of the Plot area as Green Area i.e. 5260.50 Sqm (as offered in the proposal & committed the same at the time of presentation before the Appraisal Committee without any deviation). The Green Area measuring 5260.50 Sqm shall not be reduced/ modified or put to use for any other use / purpose.

**Item No. 152.12: EC for Proposed Project of RBM of Gravel and Sand: Shamtoo-2: Block/PKL B-12 at Khasra no/ Killa No.-at Shamtoo 55 min, Village- Shamtoo, District – Panchkula, Haryana by M/s Ganesh Enterprises.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIN/407187/2022 dated 21.11.2022** for grant of Environmental Clearance under Category 1(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 750182 dated 15.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the **APPLICATION FORM** is ₹ 11.57 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 257<sup>th</sup> meeting of SEAC held on 20.12.2022 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance **for one year for extraction of Gravel and Sand upto 1 meter depth as per ToR dated 17.12.2018 granted by MoEF&CC,** under EIA Notification under Category B1, 1(a) dated 14.09.2006 issued by MOEF & CC, GOI.

### **Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 24.01.2023.**

The Authority, after having gone through the recommendations of SEAC along with details placed on the file, observed as under :

1. That Letter of Intent was issued by the Mines & Geology Department Haryana vide letter dated 16.11.2017 for a period of 10 Years for the Mining of Boulder, Gravel and Sand Minor Minerals.
2. That the Terms of Reference were approved by the Ministry of Environment Forest and Climate Change, GoI vide letter dated 17.12.2018; wherein, the Mining Area has been reduced from 45.00 Hectare to 19.3591 Hectare.
3. The Mining Depth in the River Bed is allowed **01 meter (one meter)** along with the production capacity of **3,87,000 TPA.**
4. That the **Mining Plan** has been Approved by the Mines & Geology Department, Haryana vide letter dated 22.08.2022 for the Mining of Boulder, Gravel and Sand Minor Minerals.
5. That the **District Survey Report (DSR)** has been approved by the Deputy Commissioner on 26.03.2018 and the same is uploaded on the Official Website of District Panchkula Administration.
6. That the **Replenishment Study Report** has also been approved by the Mines & Geology Department vide letter dated 22.12.2022.

**After detailed deliberations, the Authority decided to agree with the recommendation of SEAC to Grant Environment Clearance (EC) to the Project for one year for extraction of Gravel and Sand upto the depth of 1 meter under Category 1(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following Additional Stipulations:-**

1. That the PP shall strictly follow the **Sand Mining Guidelines -2020** issued by Ministry of Environment Forest & Climate Change; as applicable.
2. That PP shall strictly adhere to the Terms and Conditions of Mining Plan and other conditions as may be issued by the competent Authorities from time to time.

**Item No. 152.13: EC for Proposed River Bed Mining Project at Kot Block/PKL B- 8 & 9 near Village- Kot & Dabkori, District Panchkula, Haryana by M/s Krishna Enterprises.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIN/409474/2022 dated 06.12.2022** for grant of Environmental Clearance under Category 1(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 991973 dated 29.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the **APPLICATION FORM** is ₹ 8.17 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 257<sup>th</sup> meeting of SEAC held on 20.12.2022 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance **for one year for extraction of Gravel and Sand upto 1 meter depth as per ToR dated 17.12.2018 granted by MoEF&CC,** under EIA Notification under Category B1, 1(a) dated 14.09.2006 issued by MOEF & CC, GOI.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 24.01.2023.**

The Authority after having gone through the recommendation of SEAC along with details record placed on the file and observed as under:

1. That **Letter of Intent** was issued by the Mines & Geology Department Haryana vide letter dated 16.11.2017 for a period of 10 Years for the Mining of Boulder, Gravel and Sand Minor Minerals.
2. That the Terms of Reference were approved by the Ministry of Environment Forest and Climate Change, GoI vide letter dated 17.12.2018; wherein, the Mining Area has been reduced from **31.59 Hectare to 14.84 Hectare.**
3. The Mining Depth in the River Bed is allowed **01 meter (one Meter)** along with the production capacity of **2,96,000 TPA.**
4. That the **Mining Plan** has been Approved by the Mines & Geology Department, Haryana vide letter dated 22.08.2022 for the Mining of Boulder, Gravel and Sand Minor Minerals.
5. That the **District Survey Report (DSR)** has been approved by the Deputy Commissioner on 26.03.2018 and the same is uploaded on the Official Website of District Panchkula Administration.
6. That the **Replenishment Study Report** has also been approved by the Mines & Geology Department vide letter dated 22.12.2022.

Further, the Authority observed that **SEAC mentioned in the tabulated information :**

**A. (Page No. 7 at Sr. No. 14)**

**Allowable, total production capacity @ 2,96,000 TPA.**

**B. (Page No. 11 (Para No. 3)**

**Recommended, total production capacity @ 3,87,000 TPA.**

**Appraisal Committee erred in judgement and recommended / allowable production capacity @ 3,87,000 TPA instead of @ 2,96,000 TPA actual to be allowed.**

**This is a serious lapse. The Appraisal Committee is expected to be more vigilant and careful in Appraising / considering such Proposals in future, to avoid the possibility of unwanted litigation and Court Cases.**

**After detailed deliberations, the Authority decided to agree with the recommendation of SEAC to Grant Environment Clearance (EC) to the Project for one year for extraction of Gravel and Sand upto the depth of 1 meter under Category 1(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following Additional Stipulations:-**

1. That the PP shall strictly follow the Sand Mining Guidelines -2020 issued by Ministry of Environment Forest & Climate Change; as applicable.
2. That PP shall strictly adhere to the Terms and Conditions of Mining Plan and other conditions as may be issued by the competent Authorities from time to time.

**Item No. 152.14: Corrigendum in EC for Proposed "Affordable Group Housing Colony at Village – Ullawas, Sector-62, Gurugram, Haryana by M/S Gulmohar Finance Ltd. in Collaboration with Synergy shine Infra LLP.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/294295/2022 dated 23.11.2022** for grant **Corrigendum in Environmental Clearance under Category 8 (a)** of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of **₹ 2,00,000/- vide DD No. 0378229 dated 08.11.2021** (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the **APPLICATION FORM** is ₹ 200 Crore.

### **Appraisal & Recommendations of SEAC:**

The case was taken up 257<sup>th</sup> meeting of SEAC, Haryana held on 20.12.2022. During presentation the PP submitted the following information as under:



1. Earlier the application for EC in respect of project submitted to SEIAA vide proposal No.SIA/HR/MIS/233253/2021 dated 17.12.2021 was submitted by PP.
2. The project was recommended to SEIAA for granting EC in 232<sup>nd</sup> meeting of SEAC held on 06.01.2022.
3. **The SEIAA granted EC to the project in 143<sup>rd</sup> meeting held on 14<sup>th</sup>-17<sup>th</sup> July 2022 vide identification No. EC22B038HR163202 dated 30.07.2022.**
4. **However, in respect of Table No.1 Basic Detail, information given at Sr.No.22 & 23 were left out, while issuing EC letter.**
5. PP has submitted an application/ proposal no. SIA/HR/MIS/294295/2022 dated 23.11.2022 through PARIVESH Portal requesting to issue a corrigendum in EC letter dated 30.07.2022.

The information provided by the PP was discussed at length by the Committee during the meeting and it was found that in the copy of EC letter dated 30.07.2022, following details were missing although were recommended by SEAC in the Minutes of 232<sup>nd</sup> Meeting:

Sr. No.	Particulars	
22.	Waste Water Generated	369 KLD
23.	Solid Waste Generated	2678 Kg/day

The Committee after deliberation recommended that case be sent to SEIAA for issuing a corrigendum for Addition of Sr. No. 22 & 23 in table no.1 of Basic details in EC letter already issued vide identification No.EC22B038HR163202.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

The Authority after having gone through the recommendation of SEAC along with details record placed on the file observed that there is a typographical-miss during preparation of Environment Clearance letter/documents.

**After deliberations, the Authority decided to agree with the recommendation of SEAC to issue a corrigendum in this regard i.e.**

*“for addition of Sr. No. 22 and 23 in the table No. 1 of the Basic Details given in the EC letter issued vide Identification No.EC22B038HR163202 dated 30.07.2022”.*

Same to be incorporated in the EC letter dated 30.07.2022.

**Accordingly, the case is disposed of.**

**Item No. 152.15: EC for Affordable Group Housing (12.8847 acres) Village Sohna, Sector 5, Gurugram, Haryana by M/s Desi Construction Private Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/409552/2022 dated 06.12.2022** for grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 500392 dated 15.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the **APPLICATION FORM** is ₹ 331.31 Crore.

### **Appraisal & Recommendations of SEAC:**

The said case was taken up during 257<sup>th</sup> meeting of SEAC held on 20.12.2022 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.

### **Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during 152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.

**After detailed deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. That PP shall maintain 20% of the Plot area as Green Area i.e. 10135.30 Sqm (as offered in the proposal & committed the same at the time of presentation before the Appraisal Committee without any deviation). The same shall not be reduced/ modified or put to use for any other purposes, at any stage.
2. That PP shall install Decentralized Sewerage Treatment Plant (STP) within the project site.
3. That a Buffer Zone in accordance with the Haryana Building Code, 2017 on both sides of HT Line shall be created and no construction to be carried out within the said zone.

**Item No. 152.16: EC for Affordable Group Housing Colony Project (8.975 Acres) Village Sohna, Sector-5, Gurugram, Haryana by M/s Desi Construction Private Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/409482/2022 dated 06.12.2022** for grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 500389 dated 15.11.2022 (in

compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM is ₹ 240.28 Crore.

### **Appraisal & Recommendations of SEAC:**

The said case was taken up during 257<sup>th</sup> meeting of SEAC held on 20.12.2022 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.

### **Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

**After detailed deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. That PP shall maintain 20% of the Plot area as Green Area i.e. 7264.0956 Sqm (as offered in the proposal & committed the same at the time of presentation before the Appraisal Committee without any deviation). The same shall not be reduced/ modified or put to use for any other purposes, at any stage.
2. That PP shall install Decentralized Sewerage Treatment Plant (STP) within the project site.
3. That a Buffer Zone in accordance with the Haryana Building Code, 2017 on both sides of HT Line shall be created and no construction to be carried out within the said zone.

**Item No. 152.17: ToR (under violation) for IT Building on Plot No.412-415, Udyog Vihar Phase IV, Gurgaon, Haryana by M/s Interpress Publishers Private Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/403396/2022 dated 17.10.2022** for approval of Terms of Reference (under Violation) under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 077549 dated 09.09.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by PP in the APPLICATION FORM is ₹ 50.70 Crore.

**Appraisal & Recommendations of SEAC:**

The case was taken up 255<sup>th</sup> meeting of SEAC, Haryana held on 14.11.2022 and was recommended to SEIAA for grant of ToR (**under violation category**).

The case was taken up 150<sup>th</sup> meeting of SEIAA, Haryana held on 25.11.2022 and Authority observed as under:

*“Certain glaring mismatch in regard to details emanating from the Occupation Certificate (OC) issued by HSIIDC on 15.06.2018 for 27807.35 Sqmtr and Consent to Operate (CTO) issued by HSPCB on 03.07.2019 for 17,000 Sqmtrs. Further, the Authority observed that cost of the project as indicated in the CTO is at Rs.51.65 Crore (03.07.2019) and Rs.50.70 Crore in the application Form-I, submitted on 10.09.2022. This mismatch and variation indicates wrong disclosure in regard to total cost of the project.”*

**In view of the observations made above, case is referred back to SEAC for detailed examination and appraisal of all the relevant points.**

The case was taken up 257<sup>th</sup> meeting of SEAC, Haryana held on 21.12.2022. The PP submitted the reply of observations raised in 150<sup>th</sup> meeting of SEIAA as under:-

Sr. No.	Query	Reply
1	The Occupation Certificate (OC) issued by HSIIDC on 15.06.2018 for 27807.35 Sqmtr and Consent to Operate (CTO) issued by HSPCB on 03.07.2019 for 17,000 Sqmtrs	Due to <b>unawareness / misunderstanding of the definition of built-up area</b> , CTO was applied for FAR area only whereas built up area is 27807 sq.m. as per the OC issued by HSIIDC. Therefore, There is no change in the built up area and the FAR area.
2	The Authority observed that cost of the project as indicated in the CTO is at Rs. 51.65 Crore (03.07.2019) and Rs. 50.70 Crore in the application Form I submitted on 10.09.2022	Actual project cost of the project is Rs. 50,59,95,235/- (Rupees Fifty Crores Fifty Nine Lakh Ninety Five Thousand Two Hundred & Thirty Five only). The difference in figures is on account of audit adjustments done by auditor during the finalization of books of accounts as on 31.03.2022. The certificate of Chartered Accountant to this affect for confirmation of project cost of Rs. 51.65 Crore is enclosed as <b>Annexure I.</b>

The committee found the reply in order. After detailed discussion, the committee decided to send the case to SEIAA for grant Terms of Reference to the project (**under violation**) after reiterating its recommendations conveyed to SEIAA vide MoM of 255<sup>th</sup> SEAC meeting.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

The Authority after having gone through the relevant records and further, considering the recommendation of the Appraisal Committee, observed as under:

1. That the Project Proponent has completed the Project and also obtained Occupation Certificate from Haryana State Industrial & Infrastructure Development Corporation vide letter dated 15.06.2018 for the built up area of 27807.35 Sqm.
2. That the Project Proponent has also obtained Consent to Operate from Haryana State Pollution Control Board vide letter dated 03.07.2019.
3. That the Project Proponent has applied for Approval of Terms of Reference (ToR) under Violation Category for Built-up area of 30400.5 Sqm vide Proposal No. SIA/HR/INFRA2/403396/2022 dated 17.10.2022.

**In view of the discussions made above, the Authority decided to proceed further to take necessary action by imposing Penalty and Environmental Compensation under Section 5 of Environment (Protection) Act, 1986 within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 along with the observations made by the Hon'ble Courts in the below mentioned Cases:**

1. Hon'ble Supreme Court of India in Civil Appeal No. 2435 of 2019 titled as Keystone Realtors Pvt. Ltd Versus Shri Anil V Tharthare & Ors.
2. Hon'ble NGT in Appeal No. 122/2018 titled as Anil Tharthare Versus The Secretary, Env't. Dept. Govt. of Maharashtra & Ors.
3. Original Application No. 1017/2018 titled as Shashikat Vithal Kamble Versus Union of India & Ors.

Penalty & Environmental Compensation Cost for the violations is hereby calculated as under:

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Construction Cost of the area involved under violation i.e. <b>30400.50 Sqmtrs</b> (327228 Sqfts x ₹ 4950 i.e. average construction cost per Sqft)	₹ 161.98 Crore approx. & <u>same is revised to ₹ 167.11 Crore</u> (in view of the cost of land & other activities like license fees /EDC / IDC etc. forming the cost of the Project).	
		<b><u>Thus, Total Cost of the Project is assessed at ₹ 167.11</u></b>	

		<b>Crore (Approx).</b>	
2	0.50% Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 167.11 Crore	₹ 83.55	0.50 %
3.	0.25% Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 167.11 Crore	₹ 41.77	0.25%
3	Environmental Compensation Cost	₹ 334.22	2 %
	<b>Total Amount</b>	<b>₹ 459.54</b>	

**The Project Proponent to pay :**

(c) Penalty	:	₹ 125.32 Lakh
(d) Environmental Compensation Cost	:	₹ 334.22 Lakh
<b>Total</b>	<b>:</b>	<b>₹ 459.54 Lakh</b>

It is relevant to mention that **Hon'ble NGT** vide Order dated 21.10.2022 in **OA No. 976/2019 & M.A. No. 74/2022** (Gurinder Singh & Ors Versus Union of India & Ors.) and Order dated 11.11.2022 in **OA No. 10 of 2021 & I.A. No. 282 of 2022** (Sanjay Kumar Versus Union of India & Ors.), made directions that **PENALTY & ENVIRONMENTAL COMPENSATION COST** recovered from Project Proponent on account of Violations / Non-compliances ***“is to be utilized for RESTORATION, PROTECTION & CONSERVATION of Environment through State/ District Environment Plans”***.

In view of the above, the Authority may direct the Project Proponent to deposit the **PENALTY & ENVIRONMENTAL COMPENSATION COST**, so assessed in the said case i.e. **₹ 459.54 Lakh** within **30 days** from the date of Order ***in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.***

On receipt of **PENALTY & ENVIRONMENTAL COMPENSATION COST**, so assessed in the said case i.e. **₹ 459.54 Lakh**, the Proposal for



Approval of Terms of Reference (ToR) shall be taken up for further consideration by the Authority.

**In case of failure to comply with the above, action under Section 5 of the Environment (Protection) Act, 1986 will be initiated, (including demolition of the structure as may be required at the cost and risk of the PP) without any further notice along with considering de-listing of the Project.**

**Accordingly, the case is deferred.**

**Item No. 152.18: EC for Commercial Colony Project Revenue Estate of Village Anaugpur, Sector 27D, District Faridabad, Haryana by M/s Kajaria Ceramics Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/403099/2022 dated 15.10.2022** for grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 836918 dated 22.09.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by PP in the APPLICATION FORM is ₹ 106.21 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 258<sup>th</sup> meeting of SEAC held on 03.01.2023 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

**After detailed deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

- 1. That PP shall maintain 20% of the Plot area as Green Area i.e. 2073.24 Sqm (as offered in the proposal & committed the same at the time of presentation before the Appraisal Committee without any deviation). The Green Area i.e. 2073.24 Sqm shall not be reduced/ modified or put to use for any other purposes, at any stage.*
- 2. That PP shall install Decentralized Sewerage Treatment Plant (STP) within the project site.*

**Item No. 152.19: EC for Expansion and Revision of Residential Plotted Colony under Deen Dayal Jan Awas Yojna (18.61 Acres), Village Wazirpur & Meoka, Sector 92, Gurugram, Haryana by M/s Signature Infrabuild Private Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/284919/2022 dated 25.07.2022** for grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The case was taken up in 249th meeting of SEAC, Haryana but was deferred.

**Appraisal & Recommendations of SEAC:**

Thereafter, the case was taken up in 258<sup>th</sup> meeting held on 03.01.2023. However, the PP submitted a request letter dated 02.01.2023 through email mentioning therein as below:

*“Our project scheme got changed and we had submitted a withdrawal letter dated 07.10.2022 on Parivesh portal. Thereafter, we have submitted revised application under Terms of Reference (ToR) vide proposal no. SIA/HR/INFRA2/403030/2022 on 20.10.2022 and Terms of Reference (ToR) has been granted on 28.10.2022”.*

The PP has further requested to withdraw this proposal/application submitted vide proposal no. SIA/HR/MIS/284919/2022

dated 25.07.2022. The committee held a detailed discussion on the request made by the PP through email. Keeping in view the facts and circumstances, the Committee was of the unanimous view that this case be recommended to SEIAA for withdrawal the case.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

**After due deliberations, the Authority decided to agree with the recommendations of SEAC to allow the Project Proponent to withdraw the present Proposal.**

**Accordingly, the case is disposed of.**

**Item No. 152.20: EC for Development of Resort at Village Abheypur Sohna, Gurgaon, Haryana by M/s Prominent Propbuild LLP.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/410414/2022 dated 14.12.2022** for grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 023382 dated 28.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM is ₹ 156 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 258<sup>th</sup> meeting of SEAC held on 03.01.2023 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.

**Findings and Decision of the AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

The Authority after having gone through the relevant record and details placed on the file, the Authority observed as under:

1. That the Project Proponent has proposed 120 KL Fresh Water will be used in the Pool on Daily Basis (in all seasons);
2. That the Project Proponent has proposed 35 KL Fresh Water will be used in the **Laundry** on Daily Basis (in all seasons);
3. Some plan shown in the name of **M/s Prominent Propbuild LLP;**  
**whereas some plan shown in the name of JW marriott Resort.**

Accordingly, the Authority decided to constitute a Sub-committee headed by Member Secretary, SEIAA, Member Secretary, HSPCB/Representative and Concerned Regional Officer, HSPCB (to assist the sub-committee) to visit the project site to verify the **actual status on ground level (regarding activities, utilization of Water, availability of the same, besides Verification of the Site Plans etc).** The Sub-committee shall submit its Report within 15 days.

**Accordingly, the case is deferred.**

**Item No. 152.21: EC for Expansion of Group Housing Colony at Sector 48, Gurugram, Haryana by M/s Sweta Estates Pvt. Ltd.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/68360/2015 dated 03.06.2022** for grant of Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 507024 dated 26.11.2021 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM is ₹ 1014 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 258<sup>th</sup> meeting of SEAC held on 03.01.2023 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

The Authority after having gone through the relevant record and details placed on the file, the Authority observed as under:

1. Total Plot Area in the EC letter dated August 2017 issued by the MoEF & CC, GoI and in the Fresh Proposal made for Expansion vide proposal dated 29.06.2022 before the Authority, reflects variations and mismatchings.
2. Built-up area i.e. dwelling units and height / number of Floors, are proposed to be increased, without making any change in the Net Plot Area, this needs clarity.
3. Further, the plans given in the presentations as well as submitted with the applications are not legible and clear (as what details have been mentioned therein).
4. Green Area is shown to be increasing, when the Net Area of the Plot remains, unchanged/ unaltered.
5. For the use of Revenue Rasta Passing through the Project Site; **Right of Way (RoW)** permission is required from the Competent Authority.

**After detailed deliberations, the Authority decided to refer back this case to SEAC with the directions to re-look into the observations raised above as well as other relevant aspects.**

**Item No. 152.22: EC for compliance under violation category for the project Expansion of Residential Group Housing Colony (Township Residential Complex and Commercial complex) at Village Rasoi, G. T. Karnal Road, Sector 61, Sonipat, Haryana by M/s CMD Pardesi Developers Pvt. Ltd.**

The Project was submitted to the SEIAA, Haryana (hereinafter refer to as “THE AUTHORITY”) vide **online Proposal No. SIA/HR/MIS/102984/2019** for Grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 008174 dated 18.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM dated 05.03.2019 is ₹ 135.85 Crore.

**Appraisal & Recommendations of SEAC:**

This case has been taken up in various meetings by SEAC, but all the time PP did not appear before the Committee on one or the other pretext and all the time sought deferment of the case.

A sub-committee for site visit was also constituted in this case. During the site visit, the representative of PP conveyed their willingness to apply to get the validity of ToR under violation category extended for further appraisal. The Committee conveyed to SEIAA along with the recommendations of SEAC vide earlier MoM’s regarding violation and taking action under the provisions of the Section 15 read with 19 of the Environment (Protection) Act, 1986.

The recommendation of SEAC was considered in the 132<sup>nd</sup> Meeting of SEIAA held on 21.12.2021 and the Authority decided to refer back the above said case to SEAC with the following observations:

- a) Whether PP has applied under the Violation Window period as per Notification dated 14.03.2017.
- b) Authority found out that one Member SEAC has sent a mail dated 02.12.2021 stating that the visit reports of sub-committee

are not being circulated among the constituent members of SEAC and such cases could not be thoroughly deliberated.

- c) Further, SEAC is being directed to examine the case in the light of recent judgment of Hon'ble Supreme Court dated 9th December, 2021 in Civil Appeal No. 7576-7577 of 2021.

Thereafter, the case was taken up in 246<sup>th</sup> Meeting of SEAC. The PP and consultant submitted that since the submission of EIA report to SEIAA vide online proposal no.102984/2019 dated 23.04.2019, some changes/addition have been made in the built up area and occupancy has also come up as PP has obtained occupation certificate from Town and Country Planning Department and consent to operate from HSPCB on dated 05.01.2021 for built up area **134762.5 sqm**. Therefore, a revised/updated EIA study has to be submitted /uploaded on PARIVESH portal. Further the damage assessment, natural and community resource accommodation shall have to be revised as per SoP dated 07.07.2021 from MoEF&CC.

The detailed deliberations were held and committee was of the view that before appraisal of the project under violation category, the case be recommended to SEIAA to allow the project proponent as following:

1. The PP shall submit a revised EIA report as per the OC Certificate obtained from Town and Country Planning Department and consent to operate obtained from HSPCB.
2. The damage assessment, natural and community resource augmentation shall also be revised as per SoP dated 07.07.2021 issued by MoEF&CC as earlier EIA report submitted on dated 23.04.2019 in SEIAA was not as per the SoP.

The recommendations of SEAC were considered in 145<sup>th</sup> meeting held on 08.09.2022. After having gone through the facts and records placed on the file; the Authority deemed it appropriate to constitute a sub-committee comprising of Sh. Rajbir Singh Bondwal, IFS (Retd.), Member, SEAC, Sh.Vivek Sexana, IFS, Member SEAC and Sh. Bhupinder Singh Rinwa, Member Secretary, SEAC to verify the actual/current status of the project. Regional Officer, HSPCB, Sonipat will assist the Sub-Committee. The Sub-Committee will submit report within 15 days, positively.

Accordingly, the case is referred back to SEAC with the advice to re-look at the case with regard to its earlier recommendations, site visit report, scrutiny fee and current status of credible action.

Vide SEIAA order dated 20.10.2022, Dr.Sandeep Kumar Gupta, Member SEAC was nominated in place of Shri Rajbir Bondwal during his leave period to carry out the site visit.

The case was taken up in 255<sup>th</sup> meeting held on 14.11.2022. The site inspection report in this case is still awaited. After detailed discussion, the committee raised following observation:

1. The PP shall submit the requisite scrutiny fee
2. The PP shall submit the credible action

The PP submitted that site visit has been conducted by the sub-committee, however, report is still awaited. Accordingly, the committee decided to defer the case and to be taken up after the receipt of site visit report of sub-committee.

The case was taken up in 256<sup>th</sup> meeting held on 30.11.2022. The site inspection report of sub-committee has also been received. The Committee decided to circulate the report among the members as well as PP for their comments along-with reply to the previous observations raised in 255<sup>th</sup> meeting of SEAC. The case was deferred for next meeting.

The Site Inspection Report was circulated among members, consultant and PP. Thereafter, the case was taken up in 258<sup>th</sup> meeting held on 03.01.2023. As observed in 255<sup>th</sup> Meeting of SEAC, the PP submitted letter dated 09.08.2018 written by SEIAA to ACS to Govt. of Haryana, Environment Department wherein it has been recommended by SEIAA for invoking power under Section 19 of the Environment (Protection) Act, 1986 and initiating legal action against PP under section 15 of the Environment (Protection) Act, 1986 for “Township Residential complex and Commercial Complex at Village Rasoi, G.T. Karnal Road, Sonapat, Haryana as such it is a case of violation as per MoEF&CC, GoI Notification S.O. 804 dated 14.03.2017. The PP has also submitted required scrutiny fee.

The report of Sub-Committee was presented in the meeting. The conclusion of the report is as under:

*“EC was granted on 12.06.2008 for plot area 57262.503 sqms and Builtup area 39156.42 sqms. 08 towers were fully completed, exterior construction of 05 towers completed and internal work pending, 03 towers partially completed as per detail submitted during application for ToR under violation category in 2018. As per detail submitted during 2018, construction of FAR 91348.648 sqms has been done which was more than permissible limit obtained in EC in 2018. Due to change in planning Builtup*



*area has been revised from 39156.42 sqms to 134762.506 sqms as per detail submitted during 2018. ToR was granted by SEIAA under violation category on 07.08.2018.*

*During visit residential project has been completed fully and residents are living.”*

The report of sub-committee was discussed in the meeting at length. After due deliberation, it was decided to send the case to SEIAA reiterating the recommendations as already conveyed in 246<sup>th</sup> Meeting of SEAC along-with the original Site Visit Report.

### **Findings & Decision of THE AUTHORITY (SEIAA)**

The recommendations of State Expert Appraisal Committee were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

The Authority after having gone through the relevant records and details (Including Form-1, 1A, EIA/EMP Reports & Site Inspection Reports of the Sub-Committees), placed on the file along-with recommendations made by the State Expert Appraisal Committee during its 246<sup>th</sup> and 258<sup>th</sup> meetings held on 23.08.2022 & 04.01.2023, respectively, observed as under:

1. **MOEF, GOI vide letter No. 21-855/2007/IA.III dated 12.06.2008,** Granted Environment Clearance in favour of **M/s CMD Build-Tech Pvt. Ltd.** 901, ITL, Twin Towers, Netaji Subhash Palace, Pitampura, Delhi-110034 (for Built up area 39156.42 Sqmtrs) under Category 8 (a) of EIA Notification dated 14.09.2006.
2. Later, Project Proponent vide application dated 21.03.2018 applied for **Grant of Terms of Reference (ToR) under the Violation Category** with total plot area 14.149 acres (57262.928 Sqmtr & total Built Up Area – 134762.506 Sqmtrs).

3. The Authority granted TOR (Terms of Reference) vide letter No. SEIAA/HR/2018/859 dated 07.08.2018 in favour of M/s CMD Pardesi Developers Pvt. Ltd, 801, Jaksons Crown Heights, Plot No. 3B1, Twin District Centre, Sector-10, Rohini, New Delhi-110085. In pursuance to that Project Proponent submitted EIA/EMP Report through online portal on 30.04.2019 & hard copy of the same on 22.01.2020).
4. Thereafter, the Project Proponent opted to remain in no response zone except seeking repeated adjournments on one or the other pretext and finally on **25.02.2021, dropped an email**, to the Appraisal Committee. (Relevant part of the same is reproduced as under):

*“This is regarding the project Agenda no. 211.06 Expansion of Residential Group Housing Colony (Township Residential Complex and Commercial Complex) (under Violation Category) at Village Rasoi, G.T.Karnal Road, Sector 61, Sonipat, Haryana by M/s CMD Pardesi Developers Pvt. Ltd. We would like to bring to your kind notice that **due to misunderstanding of the notification was applied under violation at your good office and the project has already obtained “Consent to Operate”**”*

*We would request you to kindly **“delist our project”** from the Parivesh Portal.”*

From the above, it is gathered that Project Proponent instead of complying with the provision of EIA Notification dated 14.09.2006 & instructions in regard to the process & procedure of Granting Environment Clearance issued by MOEF, GOI, for such projects, opted to seek a short cut and evasive route by sending an email dated 25.02.2021, requesting Authority to delist the proposal. This clearly establishes that Project Proponent has probably gathered a thought that upon obtaining, **Consent to Operate dated 30.08.2022** from Haryana State Pollution Control Board, nothing remains to be done, despite the fact that the Project Proponent has made excess construction of 95,606.086 Sqmtrs without valid Environment Clearance. By doing so, probably the Project Proponent was aiming to put everything under the carpet to further claim legitimacy & propriety to the Project. Dubious & unfair intensions of the Project Proponent are more than reflected, when the Project Proponent requested through Email dated

25.02.2021 for withdrawal & delist of the Proposal dated 30.04.2019. Despite claiming to have obtained Consent to Operate dated 30.08.2022, Project Proponent can not escape from the liability & responsibility of making construction of 95,606.086 Sqmtrs without valid EC.

From the above and further careful examination of the records placed on the file, indicate and reflects that all is not well with the intentions of the Project Proponent in regard to compliance of the relevant Environmental Laws as applicable to the Project, within the scope and meaning of Environment (Protection), Act 1986 and the Provisions of EIA Notifications dated 14.09.2006.

It is more than clear and evident from the above / relevant record that Project Proponent has carried out excess construction beyond the permissible limit as available to him vide Environment Clearance letter dated 12.06.2008. The table below indicate, the extent of excess construction & violation thereof:

<u>Sr. No.</u>	<u>Construction allowed as per EC Dated 12.06.2008 (Sqms)</u>	<u>Total Construction (Sqms)</u>	<u>Violation (Sqms)</u>
1.	39156.42	134762.506	<b>95606.086</b>

The Authority, after having perused the above details along with the relevant records, understood that the Project Proponent has been indulging in multiple violations, even before applying for Approval of TOR and submission of EIA/EMP in the year 2018 & 2019 by constructing excess Built Up Area 95606.086 Sqm (Existing EC i.e. 39156.42 Sqm + 95606.086 Sqm =134762.506 Sqmtr (without EC).

Meaning thereby Project Proponent continued to violate the provision of Environment Act / Rules & instructions issued by MOEF & CC, GOI, instead of responding to the proceedings, pending before the Authority. It is understood that PP has tried to jump through violation window, despite pending queries to be responded to the Authority to earn the status of voluntary disclosure.

It is more baffling and bemusing to understand that despite series of continued violations, Project Proponent applied to Director General, TCP Department for grant of Occupation Certificate vide letter dated 25.03.2021 and further could get Consent to Operate from HSPCB vide letter dated 30.08.2022 for built up area of 134762.506 Sqmtr, without having been issued Environment Clearance (EC) for the total Built up area of =134762.506 Sqmtr (Existing EC i.e. 39156.42 Sqm + 95606.086 Sqm without EC).

Furthermore, the scope and extent of green area appears to have been managed and manipulated as reflected from the details indicated at page No. 3 column No. 11 “(as completed)” and Page No. 8 “(to be planted)”. Furthermore, the Project Proponent owes a responsibility and obligation to discharge by ensuring that the voluntary commitment and disclosure at the time of submission of application that 23.75 /- 24% area of the plot shall be developed as green area. As per the sub-committee report, same commitment is yet to be complied /achieved.

The Authority records its dis-satisfaction in the manner in which the Sub-Committee has conveyed a contradictory view regarding the Green Area issue of the Project. Green Area (page No. 3 column No. 11) “as completed” and (Page No. 8) “to be planted” can not go side by side.

In view of above, the Authority further proceed to conclude that there are changes/variations in the EIA/EMP report in continuation to the Approved Terms of Reference (ToR); hence, the request of the Project Proponent as well recommendations of SEAC are not fully justified. Therefore, the Authority decided to reject the recommendations of SEAC to the extent to allow the Project Proponent to submit revised EIA/EMP Report for appraisal as same do not hold substance and devoid of merits. Particularly in the light of Email dated 25.02.2021, seeking delisting of the Proposal from Parivesh Portal by the Project Proponent.

**Further, it is pertinent to place it on the record that:**

*“EC dated 12.06.2008 was granted to M/s CMD Built-Tech Pvt. Ltd by the MoEF, GoI*

*And*

*Later ToR for the same project has been applied and pushed for M/s CMD Pardesi Developers Pvt. Ltd, which appears to be two different entities.*

(As no, supportive documentary evidence has been placed on the record to explain the riddle of the two entities emerging for two set of reasons i.e. grant of EC and grant of ToR for the same Project”.

Accordingly, the Authority deemed it appropriate to reject the present Proposal with the directions to apply a fresh application for Approval of Terms of Reference (ToR) in the light of current, factual and correct status/entity of the project.

In the light of above, the Authority decided to take further necessary action regarding Penalty and Environmental Compensation for the violations /non-compliances within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 (by exercising powers under the scope and meaning of Section 5 of Environment (Protection), Act 1986, to make, directions) along with the observations made by the Hon’ble Courts in the below mentioned Cases:

1. Hon’ble Supreme Court of India in Civil Appeal No. 2435 of 2019 titled as Keystone Realtors Pvt. Ltd Versus Shri Anil V Tharthare & Ors.
2. Hon’ble NGT in Appeal No. 122/2018 titled as Anil Tharthare Versus The Secretary, Env’t. Dept. Govt. of Maharashtra & Ors.
3. Original Application No. 1017/2018 titled as Shashikat Vithal Kamble Versus Union of India & Ors.

**Penalty & Environmental Compensation Cost is calculated as under:**

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Cost of the area involved under violation i.e. 95,606.086 Sqmtrs (1029095.35 Sqfts x ₹ 4950 i.e. average construction cost per Sqft)	₹ 509.40 Crore approx. (in view activities like license fees /EDC / IDC etc. forming the cost of the Project).	
		<b><u>Thus, Total Cost of the Project is assessed at ₹ 509.40 Crore (Approx).</u></b>	

2	1 % Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 509.40 Crore	₹ 509.40	1 %
3.	0.25 % Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 509.40 Crore <b><u>Since, Project has been completed.</u></b>	₹ 127.35	0.25%
4	Environmental Compensation Cost	₹ 1018.80	2 %
<b>Total Amount</b>		<b>₹ 1655.55</b>	

**The Project Proponent to pay :**

(a) Penalty	:	₹ 636.75 Lakh
(b) Environmental Compensation Cost	:	₹ 1018.80 Lakh
<b>Total</b>	<b>:</b>	<b>₹ 1655.55 Lakh</b>

It is relevant to mention that Hon'ble NGT vide Order dated 21.10.2022 in OA No. 976/2019 & M.A. No. 74/2022 (Gurinder Singh & Ors Versus Union of India & Ors.) and Order dated 11.11.2022 in OA No. 10 of 2021 & I.A. No. 282 of 2022 (Sanjay Kumar Versus Union of India & Ors.), made directions that PENALTY & ENVIRONMENTAL COMPENSATION COST recovered from Project Proponent on account of Violations / Non-compliances "is to be utilized for RESTORATION, PROTECTION & CONSERVATION of Environment through State/District Environment Plans".

In view of the above, the Authority may direct the Project Proponent to deposit the PENALTY & ENVIRONMENTAL COMPENSATION COST, so assessed in the said case i.e. **₹ 1655.55 Lakh** within **30 days** from the date of Order ***in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.***

1. The Authority further clarifies that a fresh application for Approval of Terms of Reference shall be considered only, after deposit of the Penalty & Environmental Compensation Cost. (as per the details mentioned above).

PENALTY & ENVIRONMENTAL COMPENSATION COST,  
so assessed in this case will be deposited in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III (182415) dated 28.07.2022, to be utilized for the Restoration, Conservation, Protection & Promotion of Environment THROUGH STATE / DISTRICT ENVIRONMENT PLANS.

2. The Authority deemed it appropriate and necessary to convey to the Director General, Town & Country Planning Department, Haryana to ensure that No Occupation Certificate shall be issued to the Project, for the reason that required Environment Clearance (EC) to the project beyond 39156.42 Sqm has not yet been granted, by the State Environment Impact Assessment Authority, Haryana (constituted under the sub-section 3 of Section 3 of Environment (Protection) Act, 1986 by the Ministry of Environment Forest & Climate Change, GoI). In case, the Occupation Certificate has been issued, the same may be withdrawn or kept in abeyance till the issue regarding Environment Clearance is finally disposed of.
3. Chairman, Haryana State Pollution Control Board is requested to look into the case, where “Consent to Operate” dated 30.08.2022 in favour of M/s Pardesi Developers could be issued for the 134762.506 Sqmtrs. when Environment Clearance for the same has not yet been granted by the competent Authority.

**Accordingly, the case is disposed of.**

**Item No. 152.23: EC for construction of Group Housing Colony in the revenue estate of village Kadarapur & Maidawas, District Gurgaon Sector-63 A Gurgaon by M/s Mahamaya Exports Pvt. Ltd.**

**Appraisal & Recommendations of SEAC:**

The case was lastly taken up in 131<sup>st</sup> SEIAA meeting held on 03.12.2021 and decided to defer this case with the decision that RO, HSPCB, Sh. V.K. Gupta, Chairman, SEAC and Dr. S. N. Mishra, Member SEAC shall visit the site for current status of Project and shall submit the report within 3 weeks period. Further, the Authority decided to issue Final Show-Cause Notice to PP stating that why the case should not be de-listed as he is not responding to the communications since long.

The case was again taken up in 136<sup>th</sup> meeting of SEIAA held on 02.03.2022 and it was observed that sub-committee has not submitted the report. The Authority decided to request Member Secretary, HSPCB to nominate concerned RO, HSPCB (Convener of sub-committee) along with Dr. Rajbir Singh Bondwal, IFS (Retd.) to carry out the spot inspection to get the current status of project & submit the report within 10 days. Accordingly, the case is referred back to SEAC to make recommendations after perusing the report of Sub-committee as and when received.

The case was taken up in 256<sup>th</sup> meeting held on 30.11.2022. The site inspection report of sub-committee still not been received. The sub-committee member has been requested to visit the site and submit the report. The case was deferred for site inspection report.

The case was taken up in 258<sup>th</sup> meeting held on 03.01.2023. The site inspection report in this case was received and circulated among all the members dated 14.12.2022. The committee discussed the report in the meeting. **The committee found that scrutiny fee in this case has also not been received.**

The committee after deliberation unanimously decided to send the case to SEIAA along-with site visit report for delisting.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**



**After due deliberations, the Authority decided to agree with the recommendation of SEAC i.e. to de-list the present case.**

**Accordingly, the case is disposed of.**

**Item No. 152.24: EC for Proposed Affordable Group Housing Colony named as “Maulshree Heights” on the land measuring 7.33125 Acres in the Revenue Estate of Village Kheri Khurd, Sector 84, Faridabad, Haryana by M/s Arttech Affordable Housing LLP.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/410774/2022 dated 15.12.2022** for grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 819495 dated 24.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM is ₹ 126.97 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 258<sup>th</sup> meeting of SEAC held on 04.01.2023 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during 152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.

**After due deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. That PP shall maintain 21.134% of the Plot area as Green Area i.e. 6270.202 Sqm (as offered in the proposal & committed the same at the time of presentation before the Appraisal Committee without any

deviation). The Green area i.e. 6270.202 Sqm shall not be reduced/ modified or put to use for any other purposes.

2. That PP shall install Decentralized Sewerage Treatment Plant (STP) within the project site.

**Item No. 152.25: EC for Proposed Expansion of Godowns/ Warehouse for other than Agriculture Produce Ware House at Land Measuring 328454.874 sqm. located at Village Pathredi & Bhudka, Tehsil Manesar, Distt. Gurugram, Haryana by M/s Embassy Industrial Parks Private Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/72822/2022 dated 02.03.2022** for grant of Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 158642 dated 25.02.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM is ₹ 431.5 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up in 251<sup>st</sup> meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of Expansion in existing EC (Environment Clearance) dated 07.12.2021.

The recommendations of SEAC were taken up in the 149<sup>th</sup> meeting of SEIAA held on 08.11.2022.

After having gone through the details & record placed on the file and upon considering the recommendations of SEAC, the Authority observed the followings:

1. **That Green area details provided by the Project Proponent are not at harmony as the Project Proponent has mentioned in the plan that Green Area is achieved @18.50% i.e. 60,764.45 Sqmtrs,**

whereas in the application PP has proposed that Green area will be provided 58560.13 Sqmtr. This is quite contradictory / ambiguous and devoid of factual position. This needs clarity and clarification.

2. In view of the Govt. Notification No. 08/04/2021-ICI dated 01.06.2021 issued by Department of Urban Local Bodies, Haryana and subsequently Notification No. 391-ARIC-I-2021/6273 dated 25.11.2021 issued by Revenue & Disaster Management Department, Haryana; RoW is required to be obtained by the PP from the Competent Authority. Whereas, status of revenue rasta in the instant case requires clarity. Permission of RoW from Competent Authority is required.
3. Having seen the Plan and location of the Project site, Land parcel of other entity appearing in the middle of the Project, needs clarity.
4. Status of Sewerage Permission is not clarified.

After due deliberations, the Authority decided to constitute a Sub-committee consisting of Shri V.K. Gupta, Chairman, SEIAA, Shri Prabhaker Kumar Verma, Member SEAC and concerned Regional Officer, HSPCB (to assist the Sub-committee) to carryout site inspection and to submit its report before the Appraisal Committee under intimation to SEIAA.

Accordingly, the case is referred back to SEAC with the directions to re-look into all the aspects including aforesaid observations raised by SEIAA at Sr. No. 1 to 4.

The case was again taken up in 258<sup>th</sup> meeting of SEAC held on 04.01.2023 and again recommended this case to SEIAA for grant of Environment Clearance.

#### **Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

The Authority after having gone through the relevant record and details placed on the file, gathered that two (02) Revenue Rasta(s) are passing through the project site, and no Right of Way (RoW) permission has been obtained by the Project Proponent from the competent Authority.

It is astonishing and perplexing as how, this important requirement i.e. Right of Way (RoW) permissions to use the Revenue Rasta, could escaped the attention of the Appraisal Committee. The Expert Committee comprising of elite and experienced persons is expected to ensure that proposals recommended to the Authority are in harmony and in line with the Government Policy /Rules and Instructions.

**After due deliberations, the Authority decided to defer this case, with the directions to the Project Proponent to submit Right of Way (RoW) permission for the use Revenue Rasta passing through the project from the competent Authority.**

In case of non-compliance, the Authority may deemed it appropriate to reject the proposal, without any further notice. Case to be listed again in the forthcoming meeting of the Authority.

**Item No. 152.26: EC for Affordable Plotted Colony Project under DDJAY at Village Naurangpur, Sector 79 B, Gurugram, Haryana by M/s JMK Holdings Pvt. Ltd.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/408864/2022 dated 05.12.2022** for grant of Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 067729 dated 09.11.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM is ₹ 325 Crore.

**Appraisal & Recommendations of SEAC:**

The said case was taken up during 257<sup>th</sup> meeting of SEAC held on 20.12.2022 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023.**

After having gone through the relevant record and details placed on the file, the Authority gathered that the Project Proponent has proposed 9.86% of Plot Area i.e. 4980.860 Sqm as Green Area; which needs to be enhanced /increased at least @ 10% of the Net Plot Area i.e. 5033.48 Sqm as Green Area.

After detailed deliberations, the Authority decided to Grant Environment Clearance (EC) to the Project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 alongwith the directions to develop the Green Area @ 10% of the Net Plot Area i.e. 5033.48 Sqms instead i.e. 4980.860 Sqms on with the following additional stipulations:-

1. That PP shall maintain 10% of the Plot area as Green Area i.e. 5033.48 Sqm (as offered in the proposal & committed the same at the time of presentation before the Appraisal Committee without any deviation). The Green Area i.e. 5033.48 Sqms shall not be reduced/ modified or put to use for any other purposes, at any stage.
2. That PP shall install Decentralized Sewerage Treatment Plant (STP) within the project site.

**Item No. 152.27: Transfer of Environment Clearance of Proposed Shopping / Commercial Building on 32.36 Acres in Block –V, DLF City, Phase – III, Sector – 25 A, Gurugram, Haryana by M/s DLF Limited from M/s DLF City Centre Limited.**

Kindly refer to the subject cited above; it is intimated that the Project Proponent has applied for **Transfer of Environment Clearance** under EIA Notification dated 14.09.2006 issued by MoEF& CC, GoI to the SEIAA, Haryana through PARIVESH Web Portal vide online **Proposal No. SIA/HR/MIS/295315/2022 dated 17.12.2022** to SEIAA.

In this connection, it is submitted that the subject cited project was granted Environment Clearance by SEIAA, Haryana vide letter No. SEIAA/HR/2019/81 dated 06.05.2019 for total Plot Area of 1,30,956.07 Sqmtr (32.36 Acres) and Built up Area of 10,57,114.09 Sqmtr. Theafter,

Amendment/Revision in EC was issued by SEIAA, Haryana vide letter No. SEIAA(125)/HR/2020/539 dated 06.11.2020 **in favour of M/s DLF City Centre Ltd.**

Now, the PP has intimated that DLF LIMITED is a developer of the colony and all the approvals for the said project are in the name of DLF LIMITED and **requested for transfer of Environment Clearance in the name of M/s DLF Limited.**

The matter for Transfer of EC was taken up during **152<sup>nd</sup> meeting of SEIAA held on 25.01.2023** and the application submitted by PP has been examined in the light of **Para (11) of EIA Notification dated 14.09.2006** and observed that:

1. The validity of Environment Clearance (EC) granted **in favour of Transferor i.e. M/s DLF City Centre Ltd** by SEIAA, Haryana vide letter No. SEIAA/HR/2019/81 dated 06.05.2019 **is valid upto 05.05.2019 in accordance with the MoEF & CC, GoI Notification No. S.O.1807 (E), dated the 12th April, 2022.**
2. The **Transferee i.e. M/s DLF Limited & Others** has submitted an undertaking that they will comply with all the terms and conditions of Environment Clearance (EC) vide letter No. SEIAA(125)/HR/2020/539 dated 06.11.2020 which was granted to **M/s DLF City Centre Ltd for the said Shopping / Commercial Building on 32.36 Acres in Block –V, DLF City, Phase – III, Sector – 25 A, Gurugram, Haryana.**
3. Occupation Certificate granted in favour of **M/s DLF Limited & others** by DTCP, Haryana vide its Memo No. **ZP-1156/AD (RA) / 2022/ 17429** dated 27.06.2022.
4. PP (M/s **DLF Limited & Others**) has submitted a copy of Bank Demand Draft of **Rs. 2,00,000/-** vide **DD No. 521519** dated **22.12.2022** on account of requisite Scrutiny Fee as per Notification No. **DE&CCH/3060** dated 14<sup>th</sup> October, 2021 issued by the Haryana Government.

Keeping in view of above, the Authority decided to agree with proposal and considered to transfer Environment Clearance letter dated 05.06.2018 from M/s DLF City Centre Limited to M/s DLF Limited & Others without any change in the developing plan, location and the same nature of the Project; subject to strict compliance of the stipulated conditions imposed vide Environment Clearance letter dated 06.05.2019 for all the intents & purposes.

**The meeting ended with a vote of thanks.**

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**Annexure-‘A’**

**List of Participants**

1. **Prof. R. Baskar,** Expert Member  
FGGS School of Sciences.  
IGNOU, Delhi
  
2. **Shri Pardeep Kumar, IAS** Member Secretary  
Director, Environment & Climate Change  
Department, Haryana

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