

Proceedings of 176th meeting of State Environment Impact Assessment Authority (SEIAA) held on 19.02.2021 at 11:00 AM at Conference Hall No. 1 (Room No. 311), Directorate of Environment & Climate Change, 2nd Floor, MGSIPA Complex, Sector-26, Chandigarh.

The 176th meeting of SEIAA was attended by the following:

- 1) Sh. Hardeep Singh Gujral,
Chairman, SEIAA
- 2) Sh. Charandeep Singh, PCS
Member Secretary, SEIAA
- 3) Er. Parveen Saluja
Environmental Engineer

Item No. 176.01: Confirmation of the proceedings of 175th meeting of State Environment Impact Assessment Authority (SEIAA) held on 07.11.2020.

SEIAA was apprised that the proceedings of 175th meeting of State Environment Impact Assessment Authority (SEIAA) held on 07.11.2020 were circulated through E-mail on 07.11.2020. No observation has been received from any of the member of SEIAA. As such, SEIAA confirmed the said proceedings.

Item No. 176.02: Action taken on the proceedings of 175th meeting of State Environment Impact Assessment Authority (SEIAA) held on 07.11.2020.

It was seen by SEIAA.

Item No. 176.03: Status of on-going Court Cases.

SEIAA noted the latest status of Court cases relating to the different Hon'ble Courts. The matter was deliberated in length and necessary action have been taken.

Item No.176.04: Status of pending cases as on 10.02.2021.

SEIAA noted the status report of the online cases (EC / TOR / Amendment in Environmental Clearance/Extension in the Validity) as well as offline cases pending with newly constituted SEIAA & SEAC as on 10.02.2021. The matter was deliberated in length and necessary action have been taken.

Item No 176.05: Request regarding exemption of STP from EC granted to our Super Mega Project Sec 66A, 82 and 83 SAS Nagar submitted by JLPL.

SEIAA observed as under: -

JLPL vide memo no 5624 -25 dated 15.09.2020 informed as under: -

- 1) They have been granted EC vide letter no SEIAA/2015/8257 dt. 16.12.2015 for subject cited project with the provision of providing independent STP for the project. However, during the course of proceedings, they have been allowed connection to GMADA STP of 45 MLD capacity at Sector 83 SAS Nagar vide GMADA letter no. 1110 dated 21.03.2014
- 2) Accordingly, Super Mega Project sewerage connection has been connected to GMADA STP and the system is operational for last many years. It is further intimated that EDC for the project amounting to Rs 53.06 Crores has been paid to GMADA in lieu of which Authority has to provide external infrastructure services connectivity to the project. Therefore, after granting the exemption, the requisite concurrence may please be allowed, so that same can be tendered to the PPCB as desired.
- 3) Additionally, GMADA vide letter no GMADA/DE(PH-1)/12/1685 dated 16.04.2012 had affirmed that it will account for the sewage load as per the norms fixed by the Govt of India in the manual on Sewerage (published by CPHEEO) for their project in Sector 66 A, 82 & 83 while designing trunk services, to be laid by GMADA on the peripheral grid roads of Mohali Master plan including Sectoral road and public health services which are mandatory as per the provisions of the Master Plan Mohali duly approved under the Punjab Regional and Town Planning and Development Act, 1995.
- 4) Accordingly, it is requested that since Sewerage load has been accounted for as per norms fixed by the Govt of India and main sewerage line stands connected to STP of GMADA, as per statutory requirements of duly approved Master Plan of SAS Nagar (Mohali) under the provisions of the Punjab Regional and Town Planning and Development Act, 1995. Therefore, it is, again humbly submitted that after granting requisite exemption from setting up of STP and connection of sewerage earlier permitted by GMADA may be allowed to be regularized and concurrence to this effect may kindly be given to their company, so that the same can be presented to PPCB at the earliest as desired.

1.0 Deliberations during 171st meeting of SEIAA held on 21.09.2021.

The case was placed before SEIAA in its 171st meeting held on 21.09.2020 and the same was attended by the following through video conference: -

- i) Sh. Hardeep Singh, Chief Engineer, on behalf of the project proponent.
- ii) Sh. Sandeep Garg, EIA Coordinator, M/s Eco Laboratories and Consultants Pvt Ltd., Noida.

SEIAA observed that the project proponent has not installed its own STP as per the condition of the Environmental Clearance granted to the project proponent vide letter no. SEIAA/2015/8257 dated 16.12.2015 and on the contrary, as per the representation, the project proponent has connected the sewer with the STP of GMADA without getting an amendment in the Environmental Clearance. As such, the project proponent is not adopting the water balance as given at the time of obtaining Environmental Clearance. Thus, the project proponent is operating the project in violation of the conditions of the Environmental Clearance granted to it.

SEIAA further observed that permission given by the GMADA vide letter no GMADA/DE(PH-1)/12/1685 dated 16.04.2012 based on which the project proponent wanted to get the benefits is very old and before the grant of Environmental Clearance, which cannot be considered at this stage.

SEIAA felt that it is also important at this stage to get the latest status from GMADA regarding the laying of sewerage system and treated wastewater lines in the area and the construction of STP (with capacity) for treatment of the domestic effluent.

After detailed deliberations, SEIAA decided as under:

- (i) Show cause notice be issued to the project proponent under the provision of the Environment (Protection) Act, 1986 for violation of the conditions of the Environmental Clearance granted to it.
- (ii) GMADA be asked to provide the latest status regarding the laying of the sewerage system and treated wastewater lines in the area and the construction of STP (with capacity) for treatment of the domestic effluent.
- (iii) Case will be placed in the next meeting after acting at point no. i) and ii) for examining the same in light of the NGT order dated 25.04.2017.

In compliance with the aforesaid decision, the following action have been taken: -

- i) Show cause notice has been issued vide letter no. 3193 dated 21.10.2020 to the project proponent under the provision of the Environment (Protection) Act, 1986 for violation of the conditions of the Environmental Clearance granted to it
- ii) GMADA has been asked vide letter no. 3194 dated 21.10.2020 to provide the latest status regarding the laying of the sewerage system and treated wastewater lines in the area and the construction of STP (with capacity) for treatment of the domestic effluent.

JLPL vide memo no 6697 dated 02.11.2020 submitted the reply to the show cause notice, which was annexed as Annexure-B of the agenda.

SEIAA perused the reply submitted by JLPL in reference to show cause notice issued vide letter no 3193 dated 21.10.2020 and observed that JLPL has violated the condition of the Environmental Clearance granted to it vide letter no. SEIAA/2015/8257 dated 16.12.2015 as the project proponent has not installed its own STP. This fact has also

been admitted by the JLPL in his reply.

To a query of SEIAA regarding the latest status of laying of the sewerage system and treated wastewater lines in the area and the construction of STP (with capacity) for treatment of the domestic effluent from GMADA, it was informed that reply from the GMADA in reference to SEIAA letter no. 3194 dated 21.10.2020, has not yet received.

After detailed deliberations, SEIAA decided to defer the case and matter be placed in the next meeting of SEIAA after getting the reply from GMADA to take further necessary action in the matter.

Chief Engineer GMADA was requested vide email dated 28.12.2020 to provide the latest status regarding the laying of sewerage for untreated & treated wastewater and the construction of STP (with capacity) for treatment of domestic effluent for Sector 66-A, 82 and 83, SAS Nagar. However, no reply has been received so far.

2.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was placed before SEIAA in its 176th meeting held on 19.02.2021 wherein it was observed that a reply has still not been received from the GMADA. SEIAA further observed that the EC was granted in 2015 on the condition that the Project Proponent would set up an independent STP. The present contention of the Project Proponent which primarily relies on an earlier communication of GMADA allowing them connection to the GMADA STP appears to be untenable.

After detailed deliberations, SEIAA decided as under:

- (i) To issue a reminder to GMADA to provide the latest status as desired.
- (ii) The reply to the show cause notice under section 5 of the EPA submitted by the Project Proponent along with other relevant details be remanded to SEAC for their detailed comments and recommendations as under:
 - (a) Examining whether the contention of the project proponent that the entire sewerage of their Super Mega Project has been connected with the GMADA STP is factually correct.
 - (b) Whether the other stipulated conditions of the EC regarding the total water requirement and total waste water generation, treatment and its disposal, are being complied with or not for the operation phase and the entire life of the EC.
 - (c) If necessary, SEAC may designate a member to conduct a site visit in this regard.

Item No. 176.06: Application for obtaining Environmental Clearance for expansion of an existing Sugar Mill Plant of capacity 5000 TCD along with co-generation power plant of capacity 59.5MW at village ChakAllabaksh and Muahiuldinar, Tehsil Mukerian, District Hoshiarpur, Punjab by M/s Indian Sucrose Limited, GT Road, Tehsil Mukerian, Distt. Hoshiarpur (Online Proposal No. SIA/PB/IND2/22643 /2018).

SEIAA observed as under: -

1.0 Background

The project proponent has applied for obtaining Environmental Clearance under EIA notification dated 14.09.2006 for expansion of an existing Sugar Mill Plant of capacity 5000 TCD along with a co-generation power plant of capacity 59.5 MW at village ChakAllabaksh and Muahiuldinar, Tehsil Mukerian, District Hoshiarpur, Punjab. Terms of Reference were granted to the project proponent vide letter No. SEIAA/2018/858 dated 16.07.2018. The public hearing was conducted by PPCB on 23.10.2018.

2.0 Present Case

The application for obtaining EC was submitted on 26.03.2018 before the date of notification dated 27.06.2019 and thus the fee for obtaining EC is not applicable on the project. The EIA report was submitted by the project proponent to SEIAA in January 2019, on the basis of which EDS was raised on 14.02.2019 & 18.12.2019. The project proponent submitted the reply online. The project proponent was again raised ADS on 01.04.2020 and 19.10.2020, for which the reply was submitted on 23.09.2020 & 19.10.2020, respectively.

3.0 Deliberations during the 186th meeting of SEAC held on 26.12.2019

The case was considered by the SEAC in its 186th meeting held on 26.12.2019 and the meeting was attended by the Sh. V.P Gupta, Vice President, authorized representative of the project proponent and Environmental Consultant. Environmental Consultant of the promoter company presented the salient features of the project. The details with regards to rain water harvesting, water demand calculations, dust & slag disposal, maintenance plan of green area, online monitoring system of APCD & Topo sheet showing the distance of project location from CEPI Cluster were deliberated. After detailed deliberations, SEAC decided to defer the case and the project proponent was asked to submit the reply of the queries raised by SEAC during the meeting.

4.0 Deliberations during the 187th meeting of SEAC held on 26.02.2020

The case was again considered by the SEAC in its 187th meeting held on 26.02.2020 and Environmental Consultant of the Project proponent submitted the reply of the queries of

the Committee raised in 186th SEAC meeting, which was recorded in the minutes of 187th meeting.

The reply submitted by the project proponent was taken of record by the SEAC. SEAC was not satisfied with the reply of the project proponent. After detailed deliberations, SEAC decided to defer the case.

The decision of SEAC was conveyed to the project proponent on 01.04.2020 through online ADS (additional detail sought) facility available on the web portal. Further, the Member Secretary, PPCB was requested vide email dated 11.08.2020 to send the status report on the following points: -

- i) Construction/Installation status of the expansion proposal of the proposed project of the industry
- ii) As to whether existing production is less than equal to 5000 TCD. Please send the detailed report.
- iii) Status of existing consents issued to existing unit under the Air Act, 1981 and Water Act, 1974.
- iv) As per MoEF Standard conditions/guidelines for granting EC of existing projects which have not taken EC earlier, the following are required:
 - a. Compliance report to the conditions w.r.t consent to Operate under the Air Act, 1981 and Water Act, 1974 granted for its existing unit.
 - b. In case of units operating prior to EIA notification 2006, copies of CTE & CTO of FY 2005-2006, obtained from PPCB, are required to be submitted.
- v) Whether any litigation pending against the project or any direction/order passed by SPCB/ Court of Law against the project, if so, details thereof shall also be included.
- vi) Has the unit received any notice under the Section 5 of Environment (Protection) Act, 1986 or relevant Sections of Air and Water Acts? If so, details thereof and compliance/ATR to the notice(s) and present status of the case.

Accordingly, SEE, ZO, Jalandhar vide email dated 24.09.2020 has sent the report. Further, the project proponent has submitted reply to the observations raised in 186th SEAC meeting vide letter dated 29.08.2020, which was recorded in the agenda of 193rd meeting of SEAC.

5.0 Deliberations during the 193rd meeting of SEAC held on 26.09.2020

The meeting was attended by Sh. V.P Gupta, Vice President of the company through Video Conference and Sh. Aman Sharma, Consultant, M/s Vardan Environet, Gurugram.

The Environmental Consultant of the Project proponent presented the reply to the

queries of the committee raised in the 187th SEAC meeting. The reply submitted by the project proponent was taken on record by the SEAC.

After detailed deliberations, SEAC decided to defer the case till the project proponent submits a satisfactory reply to the aforesaid observations. Accordingly, the decision of SEAC was conveyed to the project proponent through online ADS (additional detail sought) facility available on the web portal. The project proponent submitted the reply to the ADS dated 19.10.2020.

6.0 Deliberations during the 194th meeting of SEAC held on 23.10.2020

The case was again considered by the SEAC in its 194th meeting held on 23.10.20 and was attended by Sh. V.P Gupta, Vice President and Sh. Shubham Tyagi, FAE from M/s Vardhan Environet

Environmental Consultant of the project proponent presented the reply of the queries of the committee raised in 193rd SEAC meeting held on 26.09.2020, which was recorded in the minutes of 194th meeting of SEAC. Thereafter, Environmental Consultant of the promoter company made the presentation of proposal before SEAC.

SEAC was satisfied with the presentation and reply given to the above observations & took a copy of the presentation along with reply on record.

7.0 Recommendations

After detailed deliberations, SEAC decided to award 'Silver Grading' to the project proposal under category B1, Activity 5(j) as per EIA notification 2006 and to forward the application to SEIAA with the recommendations to grant Environmental Clearance for expansion of an existing Sugar Mill Plant at village ChakAllabaksh and Muahiuldinar, Tehsil Mukerian, District Hoshiarpur, Punjab as per the details mentioned in the Form 2, EIA, EMP & subsequent presentation /clarifications made by the project proponent and his consultant. The details of the salient features project as given in Final revised EIA Report submitted vide letter no. 175 dated 29.08.2020 and other documents along with conditions were recorded in the minutes of 194th meeting of SEAC.

8.0 Deliberations during 173rd meeting of SEIAA held on 30.10.2020.

The case was placed before SEIAA in its 173rd meeting held on 30.10.2020 and the same was attended by the following through video conference: -

- (i) Sh. V.P. Gupta, Vice President of the promoter company
- (ii) Sh. Anshul Yadav and Sh. S.K. Sharma EIA Coordinator, Environmental Consultant from M/s Vardan Environent

Before allowing the presentation to a query of SEIAA regarding the capacity of the co-generation plant, Environmental Consultant informed that capacity of the co-generation plant will be increased from 19.5 MW to 59.5 MW by installing additional cogeneration plant of 40 MW. To this, SEIAA informed that the competency to decide the application

of power plant of capacity > 50 MW lies with the MoEF&CC. In this regard, project proponent informed that existing co-generation power plant of 19.5 MW will be dismantled after installing the new co-generation power plant of capacity 40 MW. At no time, the capacity of the co-generation shall increase more than 40 MW. As such, project proponent requested to consider their case for grant of EC. An undertaking was submitted by the project proponent to the effect that the existing co-generation power plant of 19.5 MW will be replaced by the 40 MW and the same was taken on record.

To another query of SEIAA regarding the distance of the Interstate boundary of the project site, Environmental Consultant informed that the industry is located 20 kms away from the nearest Interstate boundary of Himachal Pradesh.

Further, regarding compliance of the condition No. (ii) of the "In Principle" approval from the PCCF (Wildlife) & Chief Wildlife Warden regarding the deposit of Rs. 27 lac amounts to DFO, Hoshiarpur against wild life conservation plan, project proponent submitted an undertaking dated 30.10.2020 to the effect that an amount of Rs. 15 lacs have already been deposited in two instalments of Rs. 10 lacs and Rs. 5 lacs vide cheque dated 02.03.2020 and 22.07.2020 respectively and has confirmed that the balance amount of Rs. 12 lacs will be deposited within one month time.

Environmental Consultant of the promoter company presented the salient features of the project. A copy of the presentation submitted by the project proponent was taken on record.

To a query of SEIAA regarding the arrangements made for the disposal of boiler ash, Environmental Consultant informed that the boiler ash will be given to the farmers for utilizing the same to improve the fertility of the soil. Agreements made in this regard with various farmers had already been submitted.

During discussions, the representative of the promoter company agreed to comply with fully all the conditions as mentioned by SEAC.

After detailed deliberations, SEIAA decided to accept the recommendations of SEAC and grant Environmental Clearance only on the confirmation of Bank Guarantee amounting to Rs.1.7 Crores to be deposited by the project proponent with PPCB, for expansion of existing Sugar Mill to enhance the capacity from 5000 TCD to 12,000 TCD along with co-generation power plant of capacity 40 MW in replacement of the existing 19.5 MW located in the revenue estates of village Chak Allabaksh and Muahiuldinar, Tehsil Mukerian, District Hoshiarpur, Punjab as per the details mentioned in the Form 2, final EIA report dated 29.08.2020, EMP, other documents & subsequent presentation /clarifications made by the project proponent and his consultant with conditions as proposed by SEAC and additional conditions are as under:-

- 1) The industry shall install Continuous Ambient Air Quality Stations (CAAQMS) to monitor the ambient air quality of the area and connect it with server of the Central

Pollution Control Board and Punjab Pollution Control Board, within 2 months time period.

- 2) The industry shall carry out the scientific study of the boiler ash & ETP sludge from the reputed institute to check the organic and inorganic contents and impact of the same on the agricultural land of nearby farmers and submit the compliance of the same with six monthly compliance report.
- 3) Environmental clearance shall be issued to the project proponent after submission of the compliance of the following points: -
 - a) Receipt regarding deposit of Bank Guarantee amounting to Rs.1.7 Crores with Regional office of the PPCB at Hoshiarpur.
 - b) Receipt regarding deposit of balance amount of Rs. 12 lacs with DFO (Wildlife), Hoshiarpur in compliance to the condition No. (ii) of the in-principle approval accorded vide No. 7678-79 dated 23.12.2019 by the PCCF (Wildlife)& Chief Wildlife Warden, Punjab, SAS Nagar to the expansion project.

In compliance with the point no. 3 above, the project proponent was requested vide letter no. 3575 dated 05.11.2020 to submit the compliance of point no. a) & b) so that Environmental Clearance can be issued.

The project proponent had now submitted the compliance of aforesaid points. He submitted a copy of the receipt dated 20.11.2020 of the two bank guarantees of total amount Rs. 1.7 crore with the Regional Office, Hoshiarpur and another copy of the receipt dated 20.11.2020 with the DFO Forest Officer, Wildlife Division Hoshiarpur to the effect that cheque no. 492745 dated 19.11.2020 for Rs. 12,00,000/- being the full and final payment out of the total amount of Rs.27 lakhs had been submitted. The said copies of the receipts are annexed as **Annexure-5 & 6** of agenda for perusal please.

It is pertinent to mention here that Indian Sucrose Limited had also submitted an additional proposal for the same project having proposal no SIA/PB/IND2/ 56199/ 1990. Since, the proposal no SIA/PB/IND2/ 56199/ 1990 is duplicate in nature, as such this may be delisted/rejected.

9.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021, which was attended by Sh. Ved Prakash Gupta, Vice President from the promoter company.

SEIAA observed that the Project proponent had submitted a copy of the receipt dated 20.11.2020 of two bank guarantees of total amount Rs. 1.7 crore with the Regional Office, Hoshiarpur and another copy of the receipt dated 20.11.2020 with the DFO, Wildlife Division Hoshiarpur to the effect that cheque no. 492745 dated 19.11.2020 for Rs. 12,00,000/- being the full and final payment out of the total amount of Rs.27 lakhs had been deposited. As such project proponent had complied with the conditions

imposed by the previous SEIAA.

After detailed deliberations, SEIAA decided to issue the Environmental Clearance for expansion of existing Sugar Mill located in the revenue estates of village Chak Allabaksh and Muahiuldinar, Tehsil Mukerian, District Hoshiarpur, Punjab from its present capacity of 5000 TCD to 12,000 TCD along with co-generation power plant of capacity 40 MW in replacement of the existing power plant of 19.5 MW capacity as per the details mentioned in Form No 2, final EIA report dated 29.08.2020, EMP, other documents & subsequent presentation /clarifications made by the project proponent and his consultant with conditions as proposed by SEAC and additional conditions as under:-

- 1) The industry shall install Continuous Ambient Air Quality Monitoring Stations (CAAQMS) to monitor the ambient air quality of the area and connect it with the server of the Central Pollution Control Board and Punjab Pollution Control Board, within 2 months time period.
- 2) The industry shall carry out a scientific study of the boiler ash & ETP sludge from a reputed institute to check the organic and inorganic contents and impact of the same on the agricultural land of nearby farmers and submit the compliance of the same along with it's first six monthly compliance report.

Item No. 176.07: Application for issuance of TORs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for expansion (Construction of Super Specialty Block) of existing Rajindra hospital Patiala located at Sangrur-Patiala Road Patiala, Punjab (Proposal no. SIA/PB/NCP/ 22981 / 2018).

SEIAA observed as under:

1.0 Background

Rajindra Hospital, Patiala has applied for issuance of TORs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for expansion (Construction of Super Specialty Block) of the existing hospital located at Sangrur-Patiala Road Patiala Punjab.

As per amendment notification vide No S.O. 804 (E) dated 14-03-2017, violation cases even of category "B" projects which are granted Environmental Clearance by SEIAA, are to be appraised for grant of Environmental Clearance only by the EAC and granted at the central level

Accordingly, they had submitted the online application for issuance of ToRs for obtaining environmental clearance vide proposal no. IA/PB/NCP/68281/2017 on 10/09/2017.

MoEF&CC issued amended notification dated 08.03.2018 and the gist of relevant paras (2), (4) and (5) of the notification, is reproduced as under: -

Para (2) For category B projects, the appraisal, and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.

Para (4) The cases of violations will be appraised with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.

Para (5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan.

In view of the above, MoEF&CC has transferred the project to SEIAA vide proposal no. SIA/PB/NCP/22981/2018 on 28/03/2018.

2.0 Deliberation during 167th meeting of SEAC held on 26.05.2018

The matter was considered by SEAC in its 167th meeting held on 26.05.2018. In the said meeting, the SEAC was apprised that Dr. Vinod Kumar Dangwal after marking attendance left the venue with a message that he could not appear before SEAC due to some emergency in the hospital. The SEAC was further apprised that project proponent has not yet submitted a hard copy of the application after acceptance of its online application as stipulated vide MoEF OM No. J-11013/49/2014-IA.I dated 06/06/2014.

After detailed deliberations, SEAC decided to defer the case and ask the project proponent to submit a hard copy of the application. Till such time his case will not be taken up for consideration. Accordingly, ADS was raised online on 14.06.2018.

Thereafter, notice was issued to the project for delisting the case vide no. 932 dated 29/10/2019

3.0 Deliberation during 185th meeting of SEAC held on 29.11.2019

The case was considered by SEAC in its 185th meeting held on 29.11.2019, which was attended by the authorized representative on behalf of the project proponent. SEAC was apprised that the project is a violation case and was applied in the window given by MoEF vide notification dated 14.03.2017. SEAC was further apprised that as per the clause 3 of the said notification in cases of violation, action will be taken against the project proponent by the respective State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the Environmental Clearance.

SEAC raised the following observations to the project proponent:

- i) As to whether a hard copy of the application/Complete Proposal along with a list of persons responsible for the violation has been submitted.
- ii) As to whether the project has been constructed at a site which under prevailing law is permissible. if yes, has the project proponent submitted any documentary proof in this regard.
- iii) Whether any additional land has been acquired by the project proponent and the construction has been completed?
- iv) Whether permission has been obtained for the abstraction of the groundwater from the CGWA or not?
- v) Whether any specific TORs for the project on assessment of ecological damage, remediation plan and natural and community resources augmentation plan have been submitted?

To the above observations, the project proponent informed that no additional land has been procured, however, sought time to comply with the other observations. After detailed deliberations, SEAC decided to accept the request of the project proponent, to defer the case, and the same be placed in the next meeting after getting the reply from the project proponent. The observations were conveyed to the project proponent vide letter no1428 dated 03.02.2020.

Accordingly, the project proponent submitted its online reply vide letter dated 28.04.2020 on 30.04.2020.

4.0 Present Case

4.1 Summary of the project

The project proponent submitted the application for TOR along with the summary of the project and EMP and detail of the project is given as under:

| S.No. | Item | Details |
|--------------|--------------------------------|--|
| 1 | Name & Location of the project | Rajindra Hospital Patiala, located at Sangrur-Patiala Road Patiala, Punjab |

| | | | | |
|-----|---|--|------------|-------------|
| 2 | Project/activity covered under item of scheduled to the EIA Notification,14.09.2006 | 8(a) 'Building & Construction Project' | | |
| 3 | Copy of the Master plan duly marked with the project site | Submitted | | |
| 4 | Pre-feasibility report as per Ministry of Environment & Forests, Circular dated 30.12.2010. | Submitted along with a conceptual plan. | | |
| 5. | Proof of ownership of land | Not Submitted | | |
| 6. | Copy of Memorandum of Article & Association/partnership deed /undertaking of sole proprietorship/list of Directors and names of other persons responsible for managing the day-to-day affairs of the project. | Submitted | | |
| 7 | Proposed ToRs (based on the standard ToRs) | Submitted | | |
| 8 | Does it attract the general condition? If yes, please specify | No | | |
| 9 | Whether the proposal involves approval/clearance under the Forest (Conservation)Act,1980 | No | | |
| 10 | Does the project cover under PLPA, 1900 | No | | |
| 11 | Whether the proposal involves approval/clearance under the Wildlife (Protection)Act,1972? | No | | |
| 12 | Classification/Land use pattern as per Master Plan | Not submitted. However, it has mentioned that the site is allotted for Hospital by Govt. of Punjab. No further change in land use is required. | | |
| 13 | Cost of the project | 103.61 Crores. | | |
| 14. | TORs Fee details | NA as the application submitted on 10.09.2017 i.e., before the date of Notification 27.06.2019 | | |
| 15. | Total Plot Area, Built-up Area, and Green area | | | |
| | DESCRIPTION | EXISTING | ADDITIONAL | TOTAL |
| | Total Area | 44.53 acres | - | 44.53 acres |

| | | | | |
|-----|---------------------------------|---|-------|--------------|
| | Built-up Area | 1,12,949 | 19850 | 1,32,799 sqm |
| | Indoor Beds | 1097 | NIL | 1097 |
| 16. | Source of water supply | Ground Water Supply | | |
| 17. | Quantity of water | 1.2 MLD | | |
| 18. | Waste Water generation | 0.950 MLD | | |
| 19. | Effluent utilization | Gardening/ Plantation: 300 KLD & Public Sewer: 650 KLD | | |
| 20. | Rain water harvesting | 32007m ³ /annum | | |
| 21 | Air pollution Control | Chimney on DG sets | | |
| 22 | Solid waste | 5200kg/day Bio-degradable: 1260Kg/day Re- cycleable: 3120kg/day Inert/e-waste: 820kg/day | | |
| 23 | Hazardous waste | Used oil-500ltr/annum- to authorized reyclers BMW- 900kg/day- to CBMWTF | | |
| 22. | Energy Requirements & Saving | 6.0 MW from the P.S.P.C.L 04 DG sets (900 KVA) as power backup i) Total Plot Area: 1, 80,244 m2 ii) Roof Top Area: 57155 m2 iii) The area marked for utilization of solar @30%: 5715 m2 iv) Area required for 1KW solar power generation: 15 m2 v) Total Solar power generation from the project: 381KW vi) Project Proponent will provide the 381 KW solar power generation plant. | | |

4.2 Complete details of the case are summarised as under:

| | | |
|---|--|--|
| 1 | Proposal No | SIA/PB/NCP/22981/2018 |
| 2 | Date of submission of application | 10.09.2017 |
| 3 | Date of acceptance of application | 22.05.2018 |
| 4 | Meeting of SEAC in which case was considered | 167 th meeting held on 26.05.2018 |
| 5 | Observations | As mentioned above. |
| 6 | Date of ADS | 14.06.2018 |
| 7 | Details of notice issued, if any | vide no. 932 dated 29/10/2019 |

| | | |
|----|--|--|
| 8 | Reply to the notice received or not | Not received but attended the 185 th meeting of SEAC. |
| 9 | Lastly, the case was considered by SEAC | 185 th meeting held on 29.11.2019 |
| 10 | Observations | As mentioned above |
| 11 | Observation conveyed to the Project Proponent | Vide no 1428 dated 03.02.2020. |
| 12 | Reply received in reference to letter no 1428 dated 03.02.2020 | The project proponent submitted its reply online to the ADS on 30.04.2020. |

5.0 Deliberation during 189th meeting of SEAC held on 28.05.2020

The meeting was attended by the following through video conference:

- i) Dr. Paras Pandey, Medical Superintendent, Rajindra Hospital Patiala.
- ii) Sh. Sital Singh, EIA coordinator, M/s Chandigarh Pollution Testing Laboratory, E-126, Phase-VII, Industrial Area, Mohali, Punjab, Environmental consultant of the Project Proponent.

SEAC observed that document submitted by the Project Proponent regarding the details of the directors of the company and list of persons responsible for the violation of the EIA notification dated 14.09.2006 was not duly signed and stamped by the EIA Coordinator & the project proponent.

Dr. Paras Pandey, Medical Superintendent informed the SEAC that the list of persons responsible for violation submitted by the Hospital Authority as part of the reply vide letter dated 28.04.2020 was not correct and the revised list in this regard be submitted shortly.

SEAC further observed that as per the said notification, in cases of violation, action has to be taken against the project proponent by the respective State Pollution Control Board under the provisions of section 19 of Environment (Protection) Act, 1986.

It was apprised to the SEAC that SEIAA vide letter no 354 dated 02.04.2019 had sent a list of 13 violation projects including the name of this project to PPCB to deal with these cases in accordance with the provisions of MoEF&CC Notification dated 14.03.2017 & 18.03.2018.

After detailed deliberations, SEAC decided that the following action be taken:

- a) SEIAA be requested to ask the PPCB to provide the details of the legal action taken against the responsible persons of the project in response to SEIAA letter no 354 dated 02.04.2019 and the construction status of the project

(completed/not completed, if not completed then % of built-up area completed as on)

- b) Project proponent be asked to submit a copy of Memorandum of Article & Association/partnership deed/undertaking of sole proprietorship/List of Directors and names of other persons (with designation & complete address) responsible for the violation of the EIA Notification 14.09.2006 duly signed by the EIA Coordinator & him and verified signature of the authorized signatory duly signed by the EIA Coordinator & the project proponent.

In compliance with the decision (b) of SEAC, the project proponent was asked vide letter no 1685 dated 17.06.2020 to submit the information as above.

6.0 Deliberation during 166th meeting of SEIAA held on 26.06.2020

The case was considered by the SEIAA in its 166th meeting held on 26.06.2020. To a query of SEIAA, it was apprised that a detailed verification report regarding the extent of violation in the matter is yet to be received from the Regional Office, Patiala. After detailed deliberations, it was decided to defer the case and Regional Office, Patiala of PPCB be asked to send the construction status report of the project as proposed by SEAC and comments on the applicability of the EIA Notification, 14.09.2006 on Super Specialty Block of the Rajindra Hospital. The case be placed again before SEIAA after receiving a report from the Regional Office, Patiala of PPCB.

In compliance to the above decision, Regional Office, Patiala of PPCB was asked vide letter no. 1896 dated 29.07.2020 to send the construction status report of the project as proposed by SEAC and comments on the applicability of the EIA Notification, 14.09.2006 on Super Specialty Block of the Rajindra Hospital. A copy of the same was also endorsed vide letter no. 1897 dated 29.07.2020 to the Member Secretary, PPCB for information.

In reference to above letters, the Member Secretary, PPCB vide letter no 3209 dated 14.09.2020 informed that the site was visited by AEE of Regional office, Patiala on 07.08.2020 in presence of Sh. Harjinder Singh Principal, Govt. Rajindra Hospital and he reported that the building of Super Speciality Block has already been completed. The built-up area of new Super Specialty Block is 18,766 sqm, which is less than 20,000 Sqm. But the built-up area of old existing building of Govt. Rajindra Hospital is 1,12,949 Sqm, which was built prior to 2006. Now, the total built up area of the HCE is 1,31,715 sqm for which environmental clearance is required.

7.0 Deliberations during 172nd meeting of SEIAA held on 12.10.2020.

The case was considered by the SEIAA in its 172nd meeting held on 12.10.2020 which was attended by Dr. Vinod Dangwal, Deputy Medical Superintendent from the Rajindra Hospital and Sh. Sital Singh Environmental Consultant.

SEIAA told that PPCB had sent a report wherein it was reported that the site was visited by the AEE of Regional Office Patiala on 07.08.2020 in the presence of Sh. Harjinder

Singh, Principal Govt. Rajindra Hospital and it was observed that the total built-up area of the HCE is 1,31,715 sqm for which EC is required.

To this, Deputy Medical Superintendent informed that new project namely Super Speciality Hospital, is separate from the existing building of Govt. Rajindra Hospital. The built-up area of Super Speciality Hospital is 18,766 sqm and the services like STP, sewerage lines, Water Supply lines and Electricity are separate from the old existing building of Rajindra Hospital. Both the projects are separate from each other. Since, the built-up area of Super Speciality Hospital is less than 20,000 sqm and does not attract the provision of EIA Notification, 14.09.2006, he may be allowed to withdraw his EC application.

SEIAA observed that the Project Proponent has not submitted any documentary evidence to prove his contention.

After detailed deliberations, SEIAA decided to defer the case and ask the project proponent to submit the concrete documents to prove his contention. After getting the reply from the project proponent, the case be placed in the next meeting of SEIAA.

In compliance with the above decision, hospital was asked vide letter no. 3256 dated 05.11.2020 to submit any documentary evidence to prove his contention.

Now, the hospital vide letter No. 14742 dated 25.11.2020 (Annexure-7 of agenda) submitted its reply in reference to letter no. 3256 dated 05.11.2020. The said reply is reproduced as under:

“It is stated that in view of decision by SEIAA undersigned was directed to submit the concrete documents to prove contention that the Super specialty Hospital is a separate hospital from the Government Medical Collage and Rajindra Hospital Patiala.

It is brought to your kind notice that the above building was built by Govt. of India under PMMSY Phase-III Scheme as speciality hospital. As per letter no. 1 no. 1M 17348/20 P-3 E. Date 04.11.2020 (Annexure (1) of 7) by DRME, Punjab this building has been declared as a separate hospital with name of Guru Nanak Dev Super speciality hospital.

Subsequent to it Principal Medical Collage, Patiala has appointed Dr. Harbhupinder Singh, Associate Professor, Urology as its in charge (Sr. Nodal Officer) and Dr. Anumeet Bagga, Asst. Professor Cardiothoracic surgery as its Nodal Officer as per letter no. 33-32129/20 (5)10/ dated 05.11.2020 (Annexure (2) of 7)

The constructed area of super speciality block is 19133 sq. mtrs (less than 20000sq mtrs) so as per provision of EIA notification, 2006 environmental clearance is not required for it as per letter no. HSCC/PAL/2017/dated 20.02.2017 (Annexure (3) of 7).

So, it is humbly submitted that the said super speciality hospital is totally different hospital from the rest of the Govt. Medical Collage and Rajindra Hospital Patiala

under the name of Sh. Guru Nanak Dev super speciality Hospital Patiala with the built-up area less than 20,000sq, mtrs.

So, your good self is requested that case does not attract the provision of EIA notification 14.09.2006. The case is forwarded for withdrawal after placing in next meeting of SEIAA”

Similarly, another reply was also received from the Principal, Rajindra Hospital, Patiala vide letter no. 34420 dated 08.12.2020, which is annexed at Annexure 7A of agenda.

8.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in the 176th meeting held on 19.02.2021, wherein SEIAA perused the replies submitted by the Guru Nanak Dev Super Speciality Hospital and Rajindra Hospital Patiala. As per Government documents and records submitted by the Project Proponent, it was observed that the Guru Nanak Dev Super Speciality Hospital was constructed as a separate Super Speciality Hospital under PMMSY, Phase-III Scheme of the Government of India. As per the letter No. 1 M 17348/20 Pb-3 dated 04.11.2020 (Annexure-1) by DRME, Punjab this building has been declared as a separate hospital with distinctive and independent name of Guru Nanak Dev Super Speciality Hospital. The new Hospital has a separate Administrative set-up too which is different from that of the old Rajindra Hospital. SEIAA was satisfied with the reply submitted by the hospital and concluded that Guru Nanak Dev Super Speciality Hospital and Rajindra Hospital being separate hospitals, EC for the new Hospital would be necessary only if its built up area exceeded 20000 sq mts.

After detailed deliberations, SEIAA decided to accept the request of the project proponent to withdraw its application for EC since its built up area at present is less than 20000 sq mts. However, the EC would be subject to the condition that Hospital will submit the application for obtaining prior Environmental Clearance in case there is any subsequent plan to expand the Guru Nanak Dev Super Speciality Hospital and it's total built up area (present area + additional area) exceeds 20,000 sqm.

Item No 176.08: Application for issuance of TOR for obtaining Environmental Clearance under EIA notification dated 14.09.2006 for the establishment of Mega Residential Project “The Palm” located at Villages Mullanpur Garibdas, Dhanauran & Mastgarh, New Chandigarh, Mohali, S.A.S Nagar, Punjab by M/s Manohar Infrastructure & Constructions Pvt. Ltd. (Proposal No. SIA/PB/NCP/34917 /2019).

SEIAA observed as under: -

1.0 Background

The project proponent has applied for issuance of TORs for obtaining Environmental Clearance under EIA notification dated 14.09.2006 for establishment of Mega Residential Project "The Palm" located at Villages Mullanpur Garibdas, Dhanauran & Mastgarh, New Chandigarh, Mohali, S.A.S Nagar, Punjab.

Environmental Engineer, PPCB, Nodal Office, Mohali was requested vide email dated 14.10.2019 and again on 16.02.2020 to send the construction status of the project site. However, the report is yet awaited. SEAC was apprised that the Environmental Engineer, PPCB, Nodal Office, Mohali vide letter no. 1235 dated 19.02.2020 has sent the latest status report and the contents of the letter are reproduced as under:

"In reference to your e-mail under reference, it is intimated that the site of the subject cited project was visited by AEE of this office on 12.02.2020 and Mr. Pawan Sharma, Architect of the project site was contacted and it was observed as under:

1. That the project is adjoining to the already existing project Curo North Square, Village Mullanpur, Garibdass by M/s Curo India Pvt., Limited at the front side of the project.
2. The project proponent had earlier obtained NOC for the project vide no. CTE/Exp/SAS/2018/7069127 dated 23.05.2018 valid upto 31.03.2020 for an area of 192.459 acres (net planned area 118.04 acre) having 862 residential plots, 11 public building, EWS flats in an area of 6.84 acre and commercial area of 2.04 acre with the conditions that: -
 - (a) *The promoter shall ensure the compliance of provisions (including providing of 15 meter green belt towards air pollution industries) contained in notification no. 3/6/07-STE(4)2274 dated 25.07.2008 notified by the Government regarding siting policy/guidelines for the establishment of residential colonies, commercial establishments like shopping malls, multiplexes in the State of Punjab, before starting any development/construction activities at the site.*
 - (b) *The promoter shall immediately stop construction activities in the township and restart only after obtaining environmental clearance under the provision of the EIA Notification dated 14.09.2006.*
 - (c) *The promoter shall submit the approved layout plan for the total area before starting any construction/development activities in the additional area of 74.4 acres.*
3. About 50 plots owned by individuals are either under construction or have been constructed. Further, 34 plots having G+2 configuration are being constructed by the promoter company. However, all of this construction has taken place in the land for which the earlier layout plan was approved. In the land added by the promoter

company, no construction activity has been started and only the boundary wall has been constructed in few plots.

As per the boundary limits site shown by the representative of the promoter company during the visit, there is no MAH industry within a radius of 250 m from the boundary of the proposed site of the project. There is no rice sheller/ saila plan/stone crushing/ screening cum washing unit/ hot mix plant within a radius of 100m from the boundary of the project. There is a brick kiln namely M/s Dilbagh Singh brick kiln, village Mullanpur, the boundary of which is located at a distance of about 60m from the boundary of the residential project, as such, the promoter company is required to provide 15m green belt of the broadleaf trees towards the said brick kiln, to comply with the stipulations of the order dated 25.07.2008 as amended on 30.10.2009. Further, the Board while sending comments to the Department of Housing and Urban Development vide letter no. 1409 dated 10.03.2016, had also imposed a condition that the promoter company shall develop 15 m green belt of broadleaf trees towards the brick kiln namely M/s Dilbagh Singh brick kiln, village Mullanpur, to attenuate the air pollution being generated from this brick kiln.

This is for information and further necessary action please.”

1.1 Deliberation during 187th meeting held on 26.02.2020

The case was considered by SEAC in its 187th meeting held on 26.02.2020. The meeting was attended by the following on behalf of the project proponent:

- i) Sh. Surinder Talwar, Manager, on behalf of the promoter company.
- ii) Ms. Priyanka Madan, M/s Eco Laboratories and Consultants Pvt. Ltd.

SEAC was apprised that as per the visit report sent by EE, Mohali, no construction has been started by the project proponent for the proposal for which expansion has been sought. Thereafter, SEAC allowed the Project proponent to present the salient features of the project and the Environmental Consultant of the same presented as under:

| S.No. | Item | Details |
|--------------|----------------------------------|---|
| 1. | Online Proposal No. | SIA/PB/NCP/34917/2019 |
| 2. | Name and Location of the project | Mega Residential Project “The Palm” Villages MullanpurGaribdas, Dhanauran & Mastgarh, New Chandigarh, Mohali, S.A.S Nagar, Punjab developed by M/s Manohar Infrastructure & Constructions Pvt. Ltd. |
| 3. | Latitude & Longitude | Corners coordinates |

| | | |
|-----|---|--|
| | | A: 30.464307 N & 76.435618 E B: 30.470816 N & 76.435250 E C: 30.474981 N & 76.447546 E D: 30.475319 N & 76.445784 E E: 30.470424 N & 76.452656 E |
| 4. | Project/activity covered under item of scheduled to the EIA Notification, 14.09.2006 | S.No. 8(b); 'Township and Area Development' |
| 5. | Whether the project is in critical polluted area or not. | No |
| 6. | Does the project involve the diversion of forest land? | No. Project does not involve any diversion of forest land. |
| 7. | Does the project covered under PLPA, 1900, if No but located near to the PLPA area then the project proponent is required to submit NOC from the concerned DFO to the effect that project area does not fall under the provision of PLPA Act,1900. | The project is not covered under PLPA 1900. However, NOC has also been obtained from DFO, S.A.S Nagar for the complete project. |
| 8. | If the project falls within 10 km of eco-sensitive area/ National park/Wild Life Sanctuary. If yes, a. Name of eco-sensitive area/ National park/Wild Life Sanctuary and distance from the project site. b. Status of clearance from the National Board for Wild Life (NBWL). | Sukhna Wildlife Sanctuary and City Bird Sanctuary are located at a distance of 5.6 km and 6.8 km respectively from the project location and application has been submitted for NBWL clearance. |
| 9. | Classification / Land use pattern as per Master Plan | Residential zone as per the Master plan of Mullanpur. CLU was obtained for 131.55 acres of land and later on, additional CLU of 60.909 acres has been obtained |
| 10. | Cost of the project | Rs. 914.20 Crores |

| | | | | | | | | |
|-----|---|---|-------------------------------|---|--------------------|----------------|------------------|-------------|
| 11. | Total Plot Area, Built-up Area, and Green area | The details of the project are as under: | | | | | | |
| | | Sr. No. | Description | Area | | | | |
| | | 1. | Plot area (Total scheme area) | 6,11,439.536 m ² (or 151.09 acres) | | | | |
| | | 2. | Built-up area | 8,53,320.49 m ² | | | | |
| | | 3. | Green area | 34,034.0625 m ² | | | | |
| 12. | EC fee details | Rs 213330/- Vide R. No 4365 dated 03.10.2019 submitted through DD No 040438 dated 07.09.2019 | | | | | | |
| 13. | Population (when fully operational) | Estimated population:21,200 Persons. | | | | | | |
| 14. | Water Requirements&source in Construction Phase | 20KLD of water will be required during the construction phase which will be met by Private water tankers. | | | | | | |
| 15. | Breakup of Water Requirements &source in Operation Phase (Summer, Rainy, Winter): | | | | | | | |
| | | S. No. | Season | Freshwater | | Reuse water | | Total (KLD) |
| | | | | Domestic (KLD) | Others (KLD) | Flushing (KLD) | Green area (KLD) | HVAC (KLD) |
| | | 1. | Summer | 1,847 | - | 924 | 187 | - |
| | | 2. | Winter | 1,847 | - | 924 | 61 | - |
| | | 3. | Rainy | 1,847 | - | 924 | 17 | - |
| | | S.No. | Description | | Source of water | | | |
| | | 1. | Domestic | | Groundwater | | | |
| | | 2. | Flushing purposes | | Treated wastewater | | | |
| | | 3. | Green area | | Treated wastewater | | | |
| 16. | Treatment & Disposal arrangements of wastewater in Construction Phase | Mobile STP of capacity of 10 KLD Treated water from mobile STP will be 8 KLD out of which 3 KLD will be used for dust suppression and 5 KLD will be used for the green area of 506 sqm | | | | | | |
| 17. | Disposal Arrangement of Wastewater in Operation Phase | Total wastewater generation will be 2,598 KLD which will be treated in proposed STP of 3 MLD | | | | | | |

| | | <p>based on MBBR technology to be installed within project premises. The details of the breakup of the utilization of wastewater are as under: -</p> <table border="1"> <thead> <tr> <th>Season</th> <th>Flushing (KLD)</th> <th>Green area (KLD)</th> <th>MC Sewer (KLD)</th> </tr> </thead> <tbody> <tr> <td>Summer</td> <td>924</td> <td>187</td> <td>1,243</td> </tr> <tr> <td>Winter</td> <td>924</td> <td>61</td> <td>1,369</td> </tr> <tr> <td>Monsoon</td> <td>924</td> <td>17</td> <td>1,137</td> </tr> </tbody> </table> | Season | Flushing (KLD) | Green area (KLD) | MC Sewer (KLD) | Summer | 924 | 187 | 1,243 | Winter | 924 | 61 | 1,369 | Monsoon | 924 | 17 | 1,137 |
|---------|--|--|----------------|----------------|------------------|----------------|--------|-----|-----|-------|--------|-----|----|-------|---------|-----|----|-------|
| Season | Flushing (KLD) | Green area (KLD) | MC Sewer (KLD) | | | | | | | | | | | | | | | |
| Summer | 924 | 187 | 1,243 | | | | | | | | | | | | | | | |
| Winter | 924 | 61 | 1,369 | | | | | | | | | | | | | | | |
| Monsoon | 924 | 17 | 1,137 | | | | | | | | | | | | | | | |
| 18. | Rainwater recharging Detail | 16,467 m ³ /hr of rainwater will be collected in 132 no. of recharging pits with 172 overall bores which will be provided. | | | | | | | | | | | | | | | | |
| 19. | Solid waste generation and its Disposal | <p>a) 8,279 kg/day</p> <p>b) Solid waste will be duly segregated (at source by providing bins) into recyclable, Bio-degradable Components and non-bio-degradable.</p> <p>c) 3,725 kg/day of Bio-degradable will be processed by 4 Mechanical composters of size 1000 kg each.</p> <p>d) 4,387 kg/day recyclable waste will be sold to authorized recyclers.</p> <p>e) Inert waste will be dumped to a designated dumping site</p> | | | | | | | | | | | | | | | | |
| 20. | Hazardous Waste & E- Waste | <p>Used oil from DG sets will be sold to registered recyclers.</p> <p>E-waste will be disposed of as per the E-waste (Management) Amendment Rules, 2018.</p> | | | | | | | | | | | | | | | | |
| 21. | Energy Requirements & Saving | <p>a) 11,888 KW from PSPCL.</p> <p>b) 2 x 62.5 KVA capacity each (silent DG sets)</p> <p><u>Energy-saving measures:</u></p> <p>a) LEDs will be used in place of CFL</p> <p>b) Solar lights will be used for lighting the streets</p> | | | | | | | | | | | | | | | | |
| 21. | CER activities along with budgetary break-up and responsibility to implement | | | | | | | | | | | | | | | | | |
| | Mr. Tarinder Singh will be responsible for the implementation of the CSR activities. The | | | | | | | | | | | | | | | | | |

estimated cost of the project is Rs. 914.20 Crores; out of which; Rs. 514.29 Crores have been incurred till 31.03.2019. Thus, Rs. 2 Crores (@ 0.50% of remaining cost i.e. Rs. 399.91) is required for C.E.R activities as per Office Memorandum vide F. No. 22-65/ 2017-IA.III dated 01.05.2018. However, Rs. 1 Crore has been spent on CSR. The following activities have been proposed to be covered under CER

| S.No. | CER Activities | Fund allocated (Lakhs) | Time schedule | |
|-------|---|------------------------|-------------------|-----------|
| | | | Start | Completed |
| 1. | Maintenance of School Building, Construction of Toilets, and Installation of RO system at Govt. Senior Secondary School, Mullanpur Garibdass. | 85 | After Grant of EC | 7 Years |
| 2. | Adoption of pond in Village Mastgarh | 30 | After Grant of EC | 7 Years |
| 3. | Installation of solar lights in Villages of Mastgarh and Mullanpur Garibdass | 15 | After Grant of EC | 7 Years |
| 4. | Health Facilities like provision of ambulance, wheelchairs and health check-up camps in nearby villages | 50 | After Grant of EC | 7 Years |
| 5. | Promoting tree plantation & maintenance in nearby surrounding areas | 20 | After Grant of EC | 7 Years |
| | Total | 200 | | |

SEAC raised following queries to the project proponent and the project proponent replied as under:

| Sr. No. | Observations | Reply submitted by the project proponent |
|---------|---|--|
| 1. | What is the present construction status? | Construction work on about 50 plots is undergoing. The said plots are part of the project for which previous Environmental Clearance was obtained. |
| 2. | Whether any proposal has been made regarding the Environmental Management Plan? | The same will be submitted at the time of application for obtaining Environmental Clearance. |

SEAC took a copy of the presentation given by the project proponent and his environmental consultant on record.

2.0 Recommendations of SEAC

After detailed deliberations, SEAC decided to recommend SEIAA as under:

- 1) To issue Terms of References (ToRs) for obtaining Environmental Clearance under EIA notification dated 14.09.2006 for the establishment of Mega Residential Project "The Palm" located at Villages Mullanpur Garibdas, Dhanauran & Mastgarh, New Chandigarh, Mohali, S.A.S Nagar, Punjab as per the Annexure-II of the proceedings of SEAC and additional TORs as under: -
 - 28) Submit the layout plan of the project after making the provision of 15m green belt of the broadleaf trees towards the brick kiln (M/s Dilbagh Brick kiln), in compliance with Govt. Notification dated 25.07.2008 as amended on 30.10.2009.
- 2) Northern Regional Office, MoEF Chandigarh be requested to send compliance report of the conditions of Environmental Clearance granted to the project proponent earlier in compliance to the OM dated 07.09.2017

3.0 Deliberations during 163rd meeting of SEIAA held on 29.05.2020

The meeting was attended by the following through online video conference:

- i) Sh. S.K Talwar, Manager of the promotor company.
- ii) Dr. Sandeep Garg, EIA Coordinator, M/s ECO Laboratories & Consultants Pvt. Ltd.

SEIAA perused the report sent by Environmental Engineer vide letter no. 1235 dated 19.02.2020 and observed that as per the said report 50 plots owned by individuals were either under construction or had been constructed. Also, 34 plots having G+2 configuration were being constructed by the promoter company. As per the report, all of this construction had taken place in the land for which the earlier layout plan was approved. In the land added by the promoter company, no construction activity was started and only the boundary wall was constructed in a few plots.

SEIAA observed that project was never accorded Environmental Clearance in the past and the construction had already been carried out at various location within the existing project site and MoEF&CC, New Delhi vide letter dated 25.03.2019 had clarified that as on date, projects with a land area less than 50 ha but built-up area more than 20,000 sqm may be appraised as per the provisions of schedule 8(a) of the EIA notification, 2006 as amended from time to time. As such, why the project is not to be considered a violation case.

In reply, the project proponent submitted as under: -

- i) Initially, CLU was obtained vide memo no 1151 CTP (Pb) SP-432 (M) dated 25.03.2015 for an area of 112.04 acres and vide Memo No. 1142 CTP (PB) SP-432(M) dated 25.03.2015 for an area of 19.51 acres i.e., total area 131.55 acres

of land; out of which, the net planned area was 118.04 acres (or 47.77 Ha), which was less than 50 Ha for which EC is not applicable. Subsequently, Consent to Establish was obtained from PPCB for net planned area of 118.04 acres comprising of 11 nos. of Public Buildings, Plots @ 862 nos., Commercial area 2.04 acres and EWS 6.84 acres vide application No. 2971554 dated 30.11.2015. CTE extension was granted for the project vide Certificate no. CTE/Ext/SAS/2017/5075196 valid till 29.11.2017

- ii) Later on, CLU was obtained vide Memo No. 1027 CTP(PB) SP-432(M) dated 15.03.2017 for additional 60.909 acres of land. Also, CTE for expansion was obtained for a total area of 192.459 acres for development work including construction of 34 Residential plots having a built-up area of 17,301.84 sqm vide Certificate No. CTE/Exp/SAS/2018/7069127 dated 23.05.2018 valid up to 31.03.2020 and further extended up to 30.6.2020.
- iii) He submitted a letter no 2515 dated 03.06.2016 issued by SEIAA and informed that SEIAA had already accepted their request regarding the withdrawal of Environmental Clearance application for the Area Development Project "The Palms" (Proposal No. SIA/PB/NCP/3715/2015) subject to the special condition that the project shall apply afresh for obtaining environmental clearance under EIA Notification 14.09.2006 If, the plot area is though less than 50 hectares but the total built-up area of individual houses/projects combined together based on permissible ground coverage and FAR exceeds the threshold limit of 1.5 lacs sqm on the project site. A copy of the said letter submitted by the project proponent was taken on record.
- iv) Now, the overall project has a net planned area of 139.20 acres (or 56.33 Ha) which is more than 50 ha, thus, the project falls under Schedule 8(b) Category 'B1' and requires EIA study as per EIA Notification, 2006 and its amendments

SEIAA was not satisfied with the reply of the project proponent. NOC granted by the PPCB is subject to the condition that the promoter shall immediately stop construction activities in the township and restart only after obtaining environmental clearance under the provision of the EIA Notification dated 14.09.2006.

SEIAA observed that the issue of the violation of the existing project is required to be properly examined by the SEAC in light of the report sent by the PPCB, latest clarification given by the MOEF&CC on 25.03.2019 and reply submitted by the Project proponent.

After deliberations, SEIAA decided to remand the case to SEAC for examining in light of the aforesaid observation.

4.0 Deliberations during 190th meeting of SEAC held on 27.06.2020

The case was considered by SEAC in its 190th meeting held on 27.06.2020 through video conference and was attended by the following:

1. Sh. S.K Talwar, Manager of the promoter company.
2. Sh. Sandeep Garg, EIA Co-ordinator, M/s Eco Laboratories & Consultants Pvt. Ltd.

SEAC was apprised that earlier the project proponent had applied for obtaining environmental clearance for its project vide proposal no. SIA/PB/NCP/3715/2015. However, at that time the project proponent requested the SEIAA for withdrawal of the said application.

The contention of the project proponent at the time of withdrawal of the older application was that the total plot area of the project was less than 50 hectares and built-up area less than 150000 sqm. Therefore, the project does not fall in the category of 8(b) i.e., Township & Area Development Project and thus, the project did not require Environmental Clearance.

SEIAA in its 107th meeting held on 27.05.2016 observed that earlier SEIAA and SEAC in its 10th combined meeting had decided that all such projects whose plot area may be less than 50 hectares but the total built-up area of individual houses/projects though less than 20,000 sqm for a single project but the total built-up area based on permissible ground coverage and FAR exceeds the threshold limit of 1,50,000 sqm on the area development project site, then the said area development project is also covered under provisions of EIA Notification, 2006.

In light of the said fact, after deliberations, SEIAA decided to allow the project proponent to withdraw his application for obtaining environmental clearance under EIA notification, 2006 for area development project namely "The Palms" in the revenue estate of Village Mullanpur Garibdas, Dhanauran & Mastgarh, Distt. SAS Nagar subject to a special condition that the project proponent shall apply afresh for obtaining environmental clearance under EIA notification, 2006 if, the plot area is though less than 50 hectares but the total built-up area of individual houses/projects combined together based on permissible ground coverage and FAR exceeds the threshold limit of 1,50,000 sqm on the project site.

Accordingly, the said application submitted by the project proponent was treated as withdrawn vide letter no. 2515 dated 03.06.2016.

SEAC was apprised that a clarification was received from the MoEF&CC vide letter no.22-8/2019-IA-III dated 25.03.2019, wherein it was clarified that as on date, projects with a land area less than 50 ha but built-up area more than 20,000 sqm may be appraised as per the provisions of schedule 8(a) of the EIA notification,2006 as amended from time to time.

SEAC was further apprised that the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali vide letter no. 1235 dated 19.02.2020 had submitted the latest construction status of the project as under:

1. PPCB had granted NOC to the project proponent vide letter no. CTE/Exp/SAS/2018/7069127 dated 23.05.2018 valid up to 31.03.2020 for an area of 192.459 acres (net planned area 118.04 acre) having 862 residential plots, 11 public building, EWS flats in an area of 6.84 acre and commercial area of 2.04 acre subject to one of the conditions that the promoter shall immediately stop construction activities in the township and restart only after obtaining environmental clearance under the provision of the EIA Notification dated 14.09.2006.
2. About 50 plots owned by individuals were either under construction or had been constructed. Further, 34 plots having G+2 configurations were being constructed by the promoter company. However, all of this construction had taken place in the land for which the earlier layout plan was approved. In the land added by the promoter company, no construction activity had been started and only the boundary wall had been constructed in few plots.

SEAC observed the following observations: -

- i) As per MoEF Clarification dated 25.03.2019, projects with land area less than 50 ha but the built-up area and more than 20,000 sqm may be appraised as per the provisions of schedule 8(a) of the EIA notification, 2006 as amended from time to time.
- ii) The promoter company was granted NOC by the PPCB subject to the condition that he will stop the construction and restart only after obtaining environmental clearance under the provision of the EIA Notification dated 14.09.2006.
- iii) As per NOC granted by the Board, the promoter company was required to obtain Environmental Clearance for the project. Further, it was also clear that the project proponent was carrying out construction activities at the time of the grant of NOC by the PPCB.
- iv) The project proponent had carried out a significant amount of construction at the site without obtaining prior Environmental Clearance.

In view of the above facts, SEAC observed that the case falls in the category of a violation case. However, before arriving at the conclusion, SEAC felt that the project proponent be asked to submit the following information within 15 days: -

- i) Details of the application submitted for obtaining the Environmental Clearance having proposal no. SIA/PB/NCP/3715/2015 mentioning total land area & built-up area of all the proposed units considering the FAR allowed to the project.
- ii) Details of the application submitted for the Environmental Clearance having proposal no. SIA/PB/NCP/34917/2019 mentioning the total land area & built-up area of all the proposed units considering the FAR allowed to the project.
- iii) Submit the comparison between the aforesaid projects.
- iv) Explain why the project proponent had not applied for obtaining Environmental Clearance after withdrawal of proposal no. SIA/PB/NCP/3715/2015.
- v) Clarify that how the existing project as well as proposed expansion project is not in violation of the EIA Notification 14.09.2006 considering the FAR allowed to the project, in view of the clarification received from MoEF vide their letter dated 25.03.2019 stating that projects with a land area less than 50 ha but built-up area more than 20,000 sqm may be appraised as per the provisions of schedule 8(a) of the EIA notification, 2006 as amended from time to time.

5.0 Recommendation of SEAC

After detailed deliberations, SEAC decided to defer the case and ask the project proponent to submit the reply to the aforesaid observations.

Accordingly, the decision of SEAC was conveyed to the project proponent through online ADS (additional detail sought) facility available on the web portal. The project proponent submitted the reply to the ADS and the same was annexed as Annexure-A of the agenda.

6.0 Deliberations during 192nd meeting of SEAC held on 01.09.2020

The case was considered by SEAC in its 192nd meeting held on 01.09.2020. The meeting was attended by the following on behalf of the project proponent:

- i) Sh. Manoj Kumar, Authorized Signatory, through Video Conference.
- ii) Dr. Sandeep Garg, EIA Coordinator, M/s Eco Laboratories & Consultants Pvt. Ltd., Mohali, Environmental Consultant of the Project Proponent.

SEAC went through the reply of the project proponent submitted to the observations raised earlier by it. SEAC observed as under: -

- i) The project proponent has not submitted the built-up area of the project for the earlier applied EC which was allowed to be withdrawn by SEIAA on 03.06.2016.
- ii) The project proponent submitted that the Environmental Clearance was not required as the net planned area was less than 50 ha. However, the project

proponent did not submit the revised application for the Environmental Clearance on the basis of total built-up area, if, the built-up area of the individual houses/projects combined together based on permissible ground coverage and FAR exceeds the threshold limit of 1,50,000 sqm, as per the special condition of the withdrawal letter issued by SEIAA on 03.06.2016.

- iii) Also, from the clarification of MoEF&CC dated 25.03.2019, the projects with land area less than 50 ha but the built-up area more than 20,000 sqm may be appraised as per the provisions of schedule 8(a) of the EIA notification, 2006 as amended from the time to time.

SEAC felt that at this stage, it was important to first ascertain as to whether the project proponent was in violation of the EIA Notification 14.09.2006 at the time of grant of NOC from PPCB after considering the MoEF Clarification dated 25.03.2019, which requires detailed examination regarding FAR based calculation to be considered or not in the 8(b) projects as a policy matter.

After detailed deliberations, SEAC decided to defer the case as it requires in-depth study and be placed in the next meeting of SEAC.

7.0 Deliberations during 193rd meeting of SEAC held on 26.02.2020

The case was considered by SEAC in its 193rd meeting held on 26.02.2020. The meeting was attended by the following on behalf of the project proponent:

- i) Sh.Surinder Talwar, Manager, on behalf of the promoter company.
- ii) Sh. Sandeep Garg, EIA Coordinator from M/s Eco Laboratories and Consultants Pvt. Ltd.

Environmental consultant of the promoter company submitted a representation to the Secretary, SEAC vide letter dated 25.09.2020. SEAC examine the said representation and place it on the record. The matter was deliberated in length and SEAC observed as under:

- i) The SEIAA in the 107th meeting held on 27.05.2016 allowed the withdrawal of the old proposal of the project proponent with a condition that "the project shall apply afresh for obtaining environmental clearance under EIA Notification 14.09.2006 If, the plot area is though less than 50 hectares but the total built-up area of individual houses/projects combined together based on permissible ground coverage and FAR exceeds the threshold limit of 1.5 lacs sqm on the project site."

The said conditions were imposed as per the decision of 10th combined meeting of SEIAA and SEAC held on 13.05.2016

The decision of SEIAA was conveyed vide letter No. 2515 dated 03.06.2016 to the project proponent. However, the project proponent did not submit the application of environmental clearance.

- ii) SEIAA vide letter no. SEIAA/2019/248 dated 15.02.2017 sought clarification from the Northern Regional Office of MoEF&CC Chandigarh regarding Item 8 projects (Building or Construction projects or Area Development Projects and Townships) under Environment Impact Assessment Notification, 2006- to which Regional Office forward a copy of the letter no. 22-8/2019-IA-III dated 25.03.2019 of the Ministry to SEIAA, Punjab, wherein MoEF&CC, New Delhi has clarified that as on date, projects with land area less than 50 ha but built-up area more than 20,000 sqm may be appraised as per the provisions of schedule 8 (a) of the EIA notification, 2006 as amended from time to time.
- iii) While granting NOC by the PPCB to the project proponent vide letter no. CTE/Exp/SAS/2018/7069127 dated 23.05.2018 for an area of 192.459 acres (net planned area 118.04 acre) having 862 residential plots, 11 public building, EWS flats in an area of 6.84 acre and commercial area of 2.04 acre, PPCB had imposed condition that the promoter shall immediately stop construction activities in the township and restart only after obtaining environmental clearance under the provision of the EIA Notification dated 14.09.2006.
- iv) The project proponent submitted application for obtaining Environmental Clearance on 17.04.2019 for revised proposal (SIA/PB/NCP/34917/2019).
- v) Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali vide letter no. 1235 dated 19.02.2020 has reported the latest construction status of the project as under: -

"About 50 plots owned by individuals were either under construction or had been constructed. Further, 34 plots having G+2 configurations were being constructed by the promoter company. However, all of this construction had taken place in the land for which the earlier layout plan was approved. In the land added by the promoter company, no construction activity had been started and only the boundary wall had been constructed in few plots".
- vi) The SEAC in its 190th meeting held on 27.06.2020 asked the project proponent to submit the built-up area of all the proposed units considering the FAR allowed to the project of its old proposal (SIA/PB/NCP/3715/2015). However, intentionally the project proponent has not submitted the same.

8.0 Recommendation

In view of the above observations and after due deliberations, the SEAC is of the opinion that the project proponent was in violation of EC Guidelines at the time of withdrawal of its application and further during the grant of NOC by the PPCB on 23.05.2018, as the built-up area of earlier proposal, on the basis of FAR proposed for the new proposal, works out to be more than 1,50,000 sqm. As such, further action may be taken by SEIAA in this case accordingly.

9.0 Deliberations during the 172nd meeting of SEIAA held on 12.10.2020.

The case was placed before SEIAA in its 172nd meeting held on 12.10.2020 and the same was attended by the following through video conference: -

- (i) Sh. Taraninder Singh, Managing Director of the promoter company.
- (ii) Dr. Sandeep Garg and Ms. Simran Kaur, M/s Eco Laboratory, Mohali, Environmental Consultant of the promoter company.

SEIAA perused the recommendations of the SEAC and observed that the Project Proponent already violated the EIA notification, 2006. Therefore, the provisions of MOEF Notification dated 14.03.2017, Notification dated 08.03.2018 and OM dated 09.09.2019 are attracted in this case.

During the meeting, the project proponent & Environmental Consultant of the promoter company contended that the case is not a violation case as the condition imposed by then SEIAA at the time of withdrawal of EC application for the old proposal, does not align with EIA Notification, 14.09.2006. SEIAA was not satisfied with the statement.

After detailed deliberations, SEIAA decided to give a final opportunity to show cause in writing, within 15 days from the issuance of the show cause notice as to why the application for TOR submitted by the project proponent be not rejected and/or action be not initiated for violations of provisions of EIA Notification dated 14.09.2006, failing which further necessary action will be taken as per Law without giving any further opportunity.

In compliance with the above decision, show-cause notice was issued vide letter no. 3257 dated 05.11.2020 to the promoter company.

Now, the promoter company has submitted the reply vide letter dated 05.11.2020 (received through email 19.11.2020) wherein it was submitted that they had already submitted a detailed representation on the matter which needs to be reviewed by the authority. They understand that presently the SEIAA, Punjab is dissolved thus they will wait till its reconstitution and request for reconsideration of the earlier submitted representation. A copy of the reply is annexed as **Annexure-8** of agenda.

Further, Project Proponent has submitted online request for withdrawal of his application on 11.02.2021. He attached request letter dated 06.02.2021 (**Annexure-9** of agenda) wherein informed that application for TOR for the project namely "The Palm" was submitted to SEIAA, Punjab vide Proposal No SIA/PB/NCP/34917/2019. But, SEIAA/SEAC Punjab got dissolved on 07.11.2020. Thus, as per EIA Notification 14.09.2006, in the absence of duly constituted SEIAA/SEAC, Category-B projects shall be considered at the Central Level. Accordingly, application for TOR was submitted to MoEF&CC and case has been considered by EAC(Infra-2).

Thus, it was requested to kindly allow the withdrawal of their application submitted vide Proposal No. SIA/PB/NCP/34917/2019

10.0 Deliberations during the 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021. SEIAA was apprised that project proponent has submitted application bearing proposal No. IA/PB/MIS/192864/2020 to the Ministry for obtaining Environmental Clearance to the project. The Project was considered by EAC (Infra-2) in the meeting held on 27th - 28th January, 2021 wherein project was recommended for grant of Environment Clearance. As such, Project proponent has submitted the request for withdrawal of application bearing proposal no. SIA/PB/NCP/34917/2019.

SEIAA decided to defer the case as same is required to be deliberated in detail. The case shall be placed in the next meeting of SEIAA. Project Proponent may also be asked to attend the meeting along with up to date approvals of EC and TOR's approved by the MOEF&CC.

Item No. 176.09: Application for issuance of TORs for obtaining environmental clearance under EIA notification dated 14.09.2006 for the development of commercial project namely "Judicial Court Complex and District Administrative Complex", District Tarn Taran, Punjab by Executive Engineer, Construction Division no. 1, PWD (B& R), Court Road, Amritsar. (New Proposal No. SIA/PB/NCP/25479/2018)

SEIAA observed as under: -

The Executive Engineer, Construction Division no. 1, PWD (B & R), has applied for obtaining environmental clearance under EIA notification dated 14.09.2006 for the development of project namely "Judicial Court Complex and District Administrative Complex, Punjab. The project is covered under category 8 (a) of the Schedule appended to the said notification.

1.0 Background

The case is a violation case. Some of the important deliberations of the case while dealing the case is as under

1.1 Deliberations during 113th meeting of SEIAA held on 10.08.2016

The case was considered by the SEIAA in its 113th meeting held on 10.08.2016, wherein SEIAA observed that Punjab Pollution Control Board has already filed a complaint u/s 15, 17 of the Environmental Protection Act, 1986 before the Hon'ble Chief Judicial Magistrate, Tarn Taran due to the violation of the provisions of EIA Notification dated 14.09.2006. Therefore, there is no need to file fresh complaint under same section before the

competent court of the Law for violating the provision of the EIA Notification dated 14.09.2006.

1.2 Deliberations during 185th meeting of SEAC held on 29.11.2019

The case was considered in 185th meeting of SEAC held on 29.11.2019 wherein after detailed deliberations, SEAC decided to recommend to SEIAA as under:

- 1) Punjab Pollution Control Board may be requested to send the latest status report of the credible action taken against the project proponents.
- 2) To issue the following additional specific TOR in line with the notification dated 14.03.2017 as amended on 08.03.2018:

Additional specific TOR: -

The project proponent shall make an assessment of ecological damage done and economic benefit derived due to violation and prepare remediation plan and natural & community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or an environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

1.3 Deliberations during 158th meeting of SEIAA held on 23.12.2019

The case was considered by the SEIAA in its 158th meeting held on 23.12.2019, wherein after detailed deliberations, SEIAA decided to defer the case and ask the Punjab Pollution Control Board to send the latest status report of the credible action taken against the project proponents so as further action in the matter can be taken.

Accordingly, Punjab Pollution Control Board has been requested vide letter no 1454-55 dated 03.02.2020 to send the latest status report of the credible action taken against the project proponents so as to further action in the matter can be taken.

1.4 Deliberations during 162nd meeting of SEIAA held on 19.03.2020

The case was considered by the SEIAA in its 162nd meeting held on 19.03.2020 and it was apprised that the Regional office, PPCB, Amritsar vide letter no 1555 dated 14.02.2020 intimated that application filed against the Judicial Court Complex and District Administrative Complex, Tarn Taran has been withdrawn by the PPCB. It was noted that Er. Rajesh Kumar, complainant stated in the court on 22.11.2017 that he does not wish to continue the present complaint, in view of the direction of the Complainant Board. After considering his statement, Hon'ble Court dismissed the complaint as withdrawn

under section 257 Criminal Procedure Code. The accused and their bail bonds were discharged.

After detailed deliberations, SEIAA decided that Member Secretary, PPCB be asked under what circumstances complaint u/s 15,17 of the Environment (Protection) Act,1986 filed by PPCB in the court of CJM, Tarn Taran against the responsible persons of Judicial Court Complex & District Administrative Complex, Tarn Taran was withdrawn; in spite of the fact that environmental clearance has not been granted to the project.

Further, in compliance to the decision taken in the item No 165.04 of the 165th meeting held on 19.06.2020, a reminder was sent to the Member Secretary vide letter no. 1868 dated 29.07.2020 for sending the report in the matter.

Another reminder was also sent to the Chairman, PPCB vide letter no 2094 dated 08.09.2020, and email dated 10.09.2020 for sending the report in the matter.

Er. Shiv Kumar, concerned Environmental Engineer was contacted telephonically on 06.09.2020 and 10.09.2020 and requested to send the report in the matter and he informed that report is being sent shortly. The matter is being followed up on a daily basis.

1.5 Deliberations during 170th meeting of SEIAA held on 16.09.2020

The matter was considered by SEIAA in its 170th meeting held on 16.09.2020 and it was apprised that Environmental Engineer, Zonal Office, PPCB, Amritsar vide email dated 15.09.2020 informed that reply in the matter is under preparation and same shall be submitted soon.

SEIAA observed as under:

- i) Executive Engineer, Construction Division no. 1, PWD (B & R), had applied for obtaining environmental clearance under EIA notification dated 14.09.2006 for the development of project namely "Judicial Court Complex and District Administrative Complex, Punjab.
- ii) Case stands recommend by SEAC as under:
 - a) Punjab Pollution Control Board may be requested to send the latest status report of the credible action taken against the project proponents.
 - b) To issue the following additional specific TOR in line with the notification dated 14.03.2017 as amended on 08.03.2018:

Additional specific TOR: -

The project proponent shall make an assessment of ecological damage done and economic benefit derived due to violation and prepare remediation plan and natural & community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or an environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

After detailed deliberations, SEIAA decided as under:

- i) Additional specific TOR be issued to the project as proposed by SEAC as the case is being unnecessarily delayed due to the non-reply/action by PPCB
- ii) A fresh reminder be issued to the Chairman, PPCB for getting the report expedited in the matter as sought vide SEIAA letter no 2094 dated 08.09.2020.
- iii) Old application having Proposal No SIA/PB/NC/52903/2016 be delisted as the fresh proposal No SIA /PB/NCP/25479/2018 has been submitted by the applicant.

In compliance to the aforesaid decisions, the following actions have been taken:

- i) Additional specific TOR was issued to the project proponent vide letter no. 3189-91 dated 21.10.2020.
- ii) A fresh reminder was issued to the Chairman, PPCB vide letter no 3192 dated 21.10.2020.
- iii) Old application having Proposal No SIA/PB/NC/52903/2016 was delisted vide letter no. 3188 dated 21.10.2020.

Present Case:

Accordingly, PPCB vide letter no. 75 dated 06.01.2021 replied that Ms. Rita Kohli, Sr, Advocate was engaged by the Board to defend the case of Judicial Court Complex, Tarn Taran in the Hon'ble Punjab & Haryana High Court. Ms. Rita Kohli, Sr. Advocate opined that Hon'ble Punjab & Haryana High court is not pleaded with the initiation of proceedings against the officials which is not even instituted against the responsible persons in accordance with the provisions of the statute. The Board being an autonomous body and independent regulatory authority has the right and authority to initiate the proceedings only in terms of the statute. If the proceedings are not initiated against the person so stated in the statute, the Board may withdraw the proceedings with permission of the Court.

In accordance to the Head Office letter no. 43224 dated 13.11.2017 wherein it was described as under:

"In view of the legal opinion it has been decided that the Board shall withdraw the present prosecution case pending against the Judicial/Administrative complex in the court of CJM, Tarn Taran citing technical reason thereof with the liberty to file fresh case against the head of the department and other responsible persons as provided in the statute."

Further, it is submitted that after obtaining terms of reference, project proponent has not submitted the application of Environmental Clearance along with the compliance of the Additional TOR till date.

1.6 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021. SEIAA was apprised that the Project proponent has not applied for the Environment Clearance along with the compliance of Additional TOR.

SEIAA observed that during 113th meeting of SEIAA held on 10.08.2016, it was deliberated that Punjab Pollution Control Board has already filed a complaint u/s 15, 17 of the Environmental Protection Act, 1986 before the Hon'ble Chief Judicial Magistrate, Tarn Taran due to the violation of the provisions of EIA Notification dated 14.09.2006. Therefore, there is no need to file fresh complaint under same section before the competent court of Law for violating the provision of the EIA Notification dated 14.09.2006.

However, PPCB has now informed that the prosecution case pending against the Judicial/Administrative complex in the court of CJM, Tarn Taran, has been withdrawn by them due to technical and legal reasons. It was therefore decided that the matter needed to be deliberated at length in the next meeting of SEIAA which should also be attended by the Project Proponent along with their Application for EC as per revised TOR's.

Item No.176.10: Application for issuance of TORs for obtaining environmental clearance under EIA notification dated 14.09.2006 for developing a residential cum commercial complex namely "Palm Gardens" in the revenue estate of Village Sahnewal Khurd, Bilga, Majra, Tehsil & Distt Ludhiana by M/s Malhotra Land Developers & Colonizers Pvt. Ltd. (Old Proposal no. SIA/PB/NCP/18592/2015 for EC, New Proposal No. SIA/PB/NCP/22976/2018 for TORs)

SEIAA observed as under:

M/s Malhotra Land Developers & Colonizers Pvt. Ltd. have applied for obtaining the Environmental Clearance under EIA notification dated 14.09.2006 for developing a residential cum commercial complex namely "Palm Gardens" in the revenue

estate of Village Sahnewal Khurd, Bilga, Majra, Tehsil & Distt Ludhiana. The project is covered under category 8 (b) of the Schedule appended to the said notification. The details of the project as given in Form 1 and 1A and other documents are as under:

- The total land area of the project is 670867 sqm (165.8 acres) and the total built up area is 228557.84 sqm the project consists of 998 residential plots, 2 no. group housing plots, EWS flats and commercial area (SCO/SCF, shops/booths, multiplexes).
- The total water requirement for the project is 1000 KLD, which will be met through own tubewell.
- The total load of electricity required for group housing will be 6100 KW which will be taken from the PSPCL. There is a proposal to install DG sets as stand-by arrangement.
- The e-waste generated is stored in an isolated room and will be sold to the manufacturers.
- Used oil to be generated from the DG sets will be managed & handled as per the provisions of the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules, 2008.

Regional Office-2, Punjab Pollution Control Board, Ludhiana was requested vide e-mail dated 19.08.2015 to visit the project site and submit report regarding latest construction status.

Environmental Engineer, Regional Office-2, Punjab Pollution Control Board, Ludhiana vide letter no. 2254 dated 24.08.2015 has intimated that the site was visited by the concerned AEE of this office on 20.08.2015 and observed that:

- The colonizer has constructed 15-16 blocks, in which 24 residential flats are fully constructed & in about 3-4 flats, families residing. In addition, 8 shops are also constructed within the blocks.
- The STP is not completed yet & only the equalization tank was found constructed during visit. The domestic effluent of the families residing in the flats is discharged into the equalization tank through sewer. Due to less accommodation, very small quantity of effluent was found in equalization tank.
- A brick kiln exists at the backside of the colony, which is app. 300 feet from the boundary wall of colony.
- M/s Singla Hot Mix Plant and M/s Bansal Spinning Mills also exist at a distance of about 300m & 25 m respectively from the site of colony but no buffer zone (Green

Belt) was found at either end of each industry. There also exists an industry named "Phoeniz Agritech" near to boundary wall of colony.

- The colonizer has provided 3 tubewells & only one tubewell was equipped with water meter & as per the representative of project Mr. Gaurav Sodhi (General Manager) only one tubewell out of three was in operation.
- Another 2-acre complex in a name of "Yellow Leaf" also exists within the premises of Palm Garden. However, as per the representative of project proponents, the "Yellow Leaf" is a government regularized complex and responsibility of providing water supply, sewers and STP for complex lies with PUDA.
- No proper rainwater harvesting system has been provided by colonizer.

The case was considered by the SEAC in its 129th meeting held on 11.09.2015 & 130th meeting held on 25.09.2015, but no one from the project proponent attended said meetings. As such, in light of Office Memorandum dated 25.02.2010 of the Ministry of Environment & Forests, Govt. of India, the case was deferred by the SEAC in both meetings.

The case was considered by the SEAC in its 134th meeting held on 23.10.2015, which was attended by the Sh. Pardeep Kaushal, General Manager of the promoter company on behalf of project proponent.

The SEAC was apprised that the SEIAA in its 95th meeting held on 08.10.2015 vide item No. 95.53 has taken the following decision:

The Hon'ble NGT has passed Orders dated 07.07.2015 in O.A. No. 37 of 2015 (M.A. No. 291, 293 & 294 of 2015) and O.A. No. 213 of 2014 & M.A. No. 755 of 2014 & M.A. No. 177 of 2015 titled as S.P. Muthuraman Vs Union of India. In the said orders it has been mentioned that there is no provision for obtaining post environmental clearance in the EIA notification dated 14.09.2006. As per the notification, the project proponent is required to obtain prior environmental clearance before starting any construction/development activity at the project site.

M/s Dugar Housing Ltd, who was amongst the respondents in the said O.A. has filed Civil Appeal No. 7191-7192/2015 in the Hon'ble Supreme Court of India against S.P. Muthuraman & others (Petitioners in O.A. before Hon'ble NGT). The Hon'ble Supreme Court of India on the above-mentioned Civil Appeal has passed the following orders on 24.09.2015:

"Notice.

In the meantime, the operation of the impugned judgments(s) and order(s) passed by the Green Tribunal New Delhi shall remain stayed."

The matter was considered by the SEIAA in its 95th meeting held on 08.10.2015 and decided to refer the pending cases along with other similar cases, if any, sent by the SEAC but not placed in the agenda be referred to SEAC for appraisal in light of change in the legal status. However, the final decision will be taken based upon the legal opinion to be received from Punjab Pollution Control Board.

After detailed deliberations, the SEAC in light of the stay granted by the Hon'ble Supreme Court and decision taken by the SEIAA in similar cases, decided as under:

To forward the case to SEIAA with the following recommendations:

- (i) For initiating credible action against project proponent /responsible persons /Promoter Company under the Environment (Protection) Act, 1986 subject to the outcome of the Hon'ble Supreme Court, due to start of construction activities of the project without obtaining Environmental Clearance under EIA notification dated 14.09.2006.
- (ii) For issuance of directions under Section 5 of the Environment (Protection) Act, 1986 subject to the outcome of the Hon'ble Supreme Court, to restrain the promoter company from carrying out any further construction activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.
- (iii) To ask the project proponent to submit a formal resolution passed by the Board of Directors of the Company or to the Managing Committee /CEO of the Society, Trust, partnership /individually owned concern, within 60 days, subject to the outcome of the Hon'ble Supreme Court, mentioning that violations will not be repeated in future and in the meantime, the project may be delisted. In the eventuality of not having any response from the project proponent within the prescribed limit of 60 days, the project file may be closed.

However, recommendations will be subject to the legal opinion to be given by the Law Officer/standing counsel of the PPCB as well as final order of the Hon'ble Supreme Court of India in the matter of Civil Appeal No. 7191-7192/2015 as may be applicable to this project and decision of any Competent Court to the extent applicable.

The case was considered by the SEIAA in its 98th meeting held on 28.11.2015, but no one from the project proponent attended said meeting.

The SEIAA decided to defer the case in light of Office Memorandum dated 25.02.2010 of the Ministry of Environment, Forests & Climate Change, Govt. of India.

The case was again considered by the SEIAA in its 100th meeting held on 28.12.2015, which was attended by Sh. Deepak Ratra, representative of the promoter company.

During the meeting, he submitted a written request wherein, it has been mentioned that Mrs. Anita Malhotra being non-working Director has no role to play in day to day working affairs of the company be exempted from credible action. The said request was considered & accepted by the SEIAA.

After detailed deliberations, the SEIAA decided to accept the recommendations of SEAC and taken the following decision:

- a) To ask the project proponent to submit, within 60 days, a formal resolution passed by the Board of Directors of the Company or to the Managing Committee /CEO of the Society, Trust, partnership /individually owned concern, mentioning that violations in respect of starting construction activities without obtaining environmental clearance under EIA notification dated 14.09.2006, are un-intentional and will not be repeated in future. In the meantime, the project be delisted. In case, the project proponent fails to submit the said resolution within a period of 60 days, it will be presumed that the project proponent is no longer interested in pursuing the project further and the project file will be closed and the project proponent will have to initiate the procedure de novo for obtaining environmental clearance.
- b) To initiate credible action against project proponent(s), responsible person(s) & Promoter Company by invoking powers u/s 19 of the Environment (Protection) Act, 1986 as delegated by Ministry of Environment & Forests vide notification No. S.O. 638 (E) dated 28.02.2014 due to start of construction activities of the project without obtaining Environmental Clearance under EIA notification dated 14.09.2006. Punjab Pollution Control Board be written in this regard for taking necessary legal action u/s 15 read with section 16 of the Environment (Protection) Act, 1986 for the period for which the violation has taken place against the project proponent(s) and persons responsible and all the Directors of the company except Mrs. Anita Malhotra, Director.
- c) To issue directions under section 5 of the Environment (Protection) Act, 1986 as delegated by Ministry of Environment & Forests vide notification No. S.O. 637 (E) dated 28.02.2014 to restrain the promoter company from carrying out any further construction or operation activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.
- d) To inform the project proponent that the application for environmental clearance under EIA Notification dated 14.09.2006 will be considered only after the compliance of decision (a) above and action is initiated for violating the provisions of the EIA notification dated 14.09.2006 due to start of construction work of the project without obtaining environmental clearance.

However, all the above decisions are subject to the final orders of the Hon'ble Supreme Court of India in the matter of Civil Appeal No. 7191-92 of 2015 as may be applicable to this project and decision of any competent court to the extent applicable.

Accordingly, project proponent was requested vide letter no. 939 dated 27.01.2016 to comply with the decision taken by the SEIAA as para no. (a) above and submit the reply of the same. The project proponent has also informed vide letter no. 939 dated 27.01.2016 regarding the decision of SEIAA as mentioned at para (d) above. Direction u/s 5 of the EPA, 1986 has been issued vide letter no. 940 dated 27.01.2016 to the project proponent in compliance with the decision taken by the SEIAA as para no. (c) above. Further, Member Secretary Punjab Pollution Control Board was requested vide letter No. 937 dated 27.01.2016 to initiate credible action against project proponent(s) in compliance to the decision taken by the SEIAA as para (b) above.

Punjab Pollution Control Board, Zonal Office-I, Patiala vide letter no. 2434 dated 11.04.2016 informed that prosecution as directed by SEIAA against the project proponents and its responsible persons of the project namely M/s Palm Garden, Village Sahnewal Khurd, Bilga-Majra, Tehsil & Distt. Ludhiana u/s 15 & 16 read with section 19 of the Environmental (Protection) Act, 1986 has been filed in the Hon'ble Court of Law and the case has been fixed for next hearing on 08/08/2016.

The project proponent has also submitted a copy of the resolution passed in the meeting of the Board of the Directors of the company held on 10.02.2016 at the registered office of the company under the chairmanship of Sh. Ashok Malhotra to the effect that violation in respect of starting construction activities at mega housing project "Palm Garden" at Vill Sahnewal Khurd, Bilga and Majara, Tehsil & Distt. Ludhiana without obtaining Environmental Clearance under EIA notification dated 14.09.2006, are unintentional and will not be repeated in future. Further, he assured that no violation of Environmental laws will be committed in future.

The case was placed in 145th meeting & 146th meeting of SEAC held on 11.05.2016 & 30.05.2016 respectively but no one from the project proponent side attended the meeting.

As such, in light of Office Memorandum dated 25.02.2010 of the Ministry of Environment & Forests, Govt. of India, the SEAC decided to defer the case in both meetings and ask the project proponent to attend the next meeting as and when called for.

The case was considered by the SEAC in its 147th meeting held on 30.06.2016, which was attended by the following: -

(i) Sh. Deepak Ratra, General Manager of the promoter company on behalf of project proponent.

(ii) Sh. Sumitara Dutta, EIA Expert from CPTL, Mohali, Environmental Consultant of the promoter Company

The SEAC allowed the project proponent to present the salient features of the project. The Environmental Consultant of the promoter company thus presented the salient features of the project as under: -

- The total land area of the project is 670867 sqm (165.8 acres) and the total built up area is 228557.84 sqm the project consists of 998 residential plots, 2 no. group housing plots, EWS flats and commercial area (SCO/SCF, shops/booths, multiplexes).
- The total water requirement for the project is 1000 KL/day which will be met through own tubewell.
- The total load of electricity required for group housing will be 6100 KW which will be taken from the PSPCL. There is a proposal to install DG sets for stand-by arrangement.
- The e-waste generated is stored in an isolated room and will be sold to the manufacturers.
- Used oil to be generated from the DG sets will be managed & handled as per the provisions of the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules, 2008.
- The project proponent has submitted the proposed Terms of Reference (TORs).
He requested that standard ToRs prescribed by Ministry of Environment, Forests & Climate Change for such type of projects may be considered as draft ToRs proposed by them.

After deliberations on the proposed Terms of Reference (TOR) suggested by the project proponent, the SEAC decided to recommend to SEIAA to issue the "Terms of Reference" to the project proponent for Environmental Impact Assessment Study of the proposed project. A detailed draft EIA/EMP report should be prepared as per the TOR's and shall be submitted to the SEAC as per the provisions of the EIA Notification dated 14.9.2006. The 'Terms of Reference' will be valid for a period of three years from its issuance.

The case was considered by the SEIAA in its 111th meeting held on 11.07.2016, which was attended by the following on behalf of project proponent:

(i) Sh. Deepak Kumar, General Manager of the promoter company on behalf of project proponent.

- (ii) Sh. Sital Singh, EIA Expert from CPTL, Mohali, Environmental Consultant of the promoter Company.

Environmental Consultant of the promoter company presented the salient features of the project before the SEIAA and requested for issuance of TOR.

The SEIAA looked into the details of the case and was satisfied with the same. Therefore, the Authority decided to accept the recommendations of SEAC and to issue Terms of Reference as proposed by the SEAC. The SEIAA also decided that the project proponent shall submit final EIA /EMP based upon the TOR for Appraisal of its project.

Accordingly, the Terms of Reference were issued to the project vide letter no. 2960 dated 21.07.2016.

The project proponent submitted EIA report online on 20.02.2017 based on the earlier issued TORs.

The case was considered by SEAC in its 155th meeting held on 23.02.2017, which was attended by the following on behalf of project proponent:

- (i) Sh. Deepak Ratra, General Manager of the promoter company.
- (ii) Sh. Sandeep Singh Dhanoa, FAE, M/s CPTL, Chandigarh, Environmental Consultant of the promoter Company.

The SEAC allowed the project proponent to present the salient features of the project and the environmental consultant started presenting EIA report. However, the SEAC observed that the presentation is not upto the mark and needs revision.

After deliberation, the SEAC decided that the case be deferred and asked the project proponent to come up with revised presentation in the next meeting as & when held.

The case was considered by the SEAC in its 156th meeting held on 06.04.2017, which was attended by the following: -

- (i) Sh. Deepak Ratra, General Manager of the promoter company on behalf of project proponent.
- (ii) Sh. Sumitara Dutta, EIA Expert from CPTL, Mohali, Environmental Consultant of the promoter Company

Sh. Deepak Ratra submitted an authority letter wherein he has been authorized by the Managing Director of the promoter company to attend the meeting of SEAC-SEIAA for obtaining environmental clearance for its project namely Palm Gardens.

Similarly, Sh. Sumitara Dutta submitted an authority letter wherein he has been authorized by authorized signatory on behalf of CPTL-EIA Division, Mohali to present the case of the Promoter company before SEAC on 06.04. 2017. The said authority letter was taken on record by the SEAC.

The SEAC observed that Ministry of Environment, Forest and Climate change, New Delhi vide Notification No. S.O. 804(E) dated 14.03.2017 has laid down the procedure to deal with the violation cases and has made the following amendments in the EIA Notification, 2006: -

- a) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product- mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.
- b) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.
- c) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under subsection (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.
- d) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an

independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or an environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

- e) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.
- f) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

The SEAC observed that as per amendment as mentioned at (a) above, violation cases of even category "B" projects which are granted Environment Clearance by SEIAA are to appraised for grant of Environment Clearance only by the EAC and Environment Clearance is to be granted at Central level. As such, the present case also lies in the competency of the MoEF & CC, New Delhi. The present Environment Clearance application filed by the project proponent online with SEIAA Punjab is required to be transferred to MoEF & CC, New Delhi.

After detailed deliberations, the SEAC decided to recommend to SEIAA

as under: -

- (i) To reject the application for issuance of environmental clearance under EIA notification dated 14.09.2006 for developing a residential cum commercial complex namely "Palm Gardens" in the revenue estate of Village Sahnewal Khurd, Bilga, Majra, Tehsil & Distt Ludhiana.

(ii) Project proponent be informed to apply fresh application at the Central level as per the provisions of amended EIA Notification, 2006.

(iii) The proceedings be also sent to the Punjab Pollution Control Board for taking necessary action as per the provisions of sub para (3) of the para 13 of the amended Notification dated 14.03.2017.

The case was considered by the SEIAA in its 121st meeting held on 20.04.2017, but no representative from the project proponent side attended the meeting.

As the term for SEIAA & SEAC was coming to an end on 05.05.2017, the status of pending cases was discussed in the 123rd meeting of SEIAA held on 04.05.2017 wherein, it was decided that list of the EC application (with online application no. and project name) of the violation cases which were deferred in 121st meeting of SEIAA held on 20.04.2017 be forward to the MoEF&CC, New Delhi and the project proponents be informed to approach the MoEF&CC, New Delhi. The instant case was also amongst the pending violation cases. Accordingly, record file of the case was sent vide SEIAA letter no. 840 dated 05.05.2017 to the MoEF&CC, New Delhi and the project proponent was requested vide letter no. 846 dated 05.05.2017 to approach the MoEF&CC, New Delhi for further action on the pending EC application.

In compliance to the order dated 14.03.2018 passed by the Hon'ble Punjab & Haryana High Court, in the matter of CWP 21351 of 2016 titled as Janta Land Promoters Pvt. Ltd. Vs Union of India & other MoEF&CC, New Delhi vide its letter No. 19-184/2017-IA-III(Pt.) dated 26.03.2018 has transferred the record file of the case back to the SEIAA, Punjab.

It is further added here that, MoEF&CC issued amended notification dated 08.03.2018 wherein the power to decide the violation cases of category 'B' project have been delegated to SEIAA & SEAC, which were earlier vested with MoEF&CC, New Delhi. The notification while laying down the procedure, the para (4) & (5) prescribes as under: -

- (4) The cases of violations will be appraised by the Expert Appraisal Committee at the Central level or State or Union territory level Expert Appraisal Committee constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal

Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.

- (5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph(4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants, and the collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under the Environment(Protection) Act, 1986, or an environmental laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of the Council of Scientific and Industrial Research institution working in the field of environment.

It is further added here that MoEF & CC vide OM dated 16/03/2018 in compliance of the order dated 14th March, 2018 of Hon'ble High Court of Judicature at Madras in WMP Nos.3361 and 3362 of 2018 and WMP No.3721 of 2018 in WP No.11189 of 2017, has issued one of the direction among other direction for compliance with immediate effect that the project proponent, who have not submitted the proposals within six months window i.e. up to 13th September, 2017 in pursuance of this Ministry's Notification S.O.804(E) dated 14th March, 2017, are required to submit the proposals within 30 days (date of delivery of order of Hon'ble High Court, Madras in open court i.e. 13/04/2018), to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.

The status of the old proposal applied by the project proponent on the web portal of SEIAA is as under: -

| Proposal No. | File No. | Proposal Name | Date of Submission for EC | Online current status |
|------------------------|--------------------------|---------------|---------------------------|-----------------------|
| SIA/PB/NCP /18592/2015 | SEIAA/PB/NCP /EIA/2017/2 | PALM GARDEN | 17 Feb 2017 | Deferred by SEIAA |

The project proponent applied afresh vide proposal no. IA/PB/NCP/68724/2017 on dated 12.09.2017 to MoEF for issuance of TORs for obtaining

Environmental clearance in compliance to the MoEF&CC amended notification dated 08.03.2018, which has been transferred to SEIAA vide proposal No. SIA/PB/NCP/22976/2018 on 28.03.2018. The brief of the project is summarized as under:

- The project is located at Village Sahnewal Khurd, Tehsil & District Ludhiana, Punjab
- The total plot area is 6709669 sqm and total construction area of 228557 sqm. The project will comprise of 998 plots and two no. group housing, Multiplex, School and small commercial market.
- During construction phase, total water requirement is expected to be 50KLD which will be met by ground water. During the construction phase, soak pits and septic tanks will be provided for disposal of waste water. Temporary sanitary toilets will be provided during peak labor force.
- **During operational phase,**
 - i) Total water demand of the project is expected to be 2164-KLD.
 - ii) Source-Tubewell (groundwater).
 - iii) Wastewater generated-1797KLD
 - iv) Recycled Water-329KLD
 - v) Uses-Flushing-90KLD, Plantation & Irrigation-134KLD
 - vi) Treatment: -STP of 2.0MLD Capacity
- About 3.5TPD solid waste will be generated in the project. The biodegradable waste (2.1TPD) will be processed in OWC and the non-biodegradable waste generated (1.4TPD) will be handed over to authorized local vendor.
- The total power requirement during construction phase is 200KW and will be met from PSPCL, Punjab and total power requirement during cooperation phase is 6100KW and will be met from PSPCL, Punjab.
- Rooftop rainwater of buildings will be collected in 15 RWH tanks of total 350 KLD capacity for harvesting after filtration.
- Investment / Cost of the project is Rs.95 Cr.
- Employment potential- About 250 persons

The case was considered by the SEAC in its 166th meeting held on 24.05.2018, which was attended by the following on behalf of the project proponent:

- (i) Sh. Deepak Ratra, General Manager of the Promoter Company.
- (ii) Sh. S. Dutta, FAE, M/s CPTL, Mohali, Environment consultant of the promoter company.

To a query regarding site suitability of the project, the project proponent submitted a copy of the letter no. 846 dated 14.03.2012 on the subject of Mega Housing Project "Palm Garden" to be setup at village Sahnewal Khurd, Bilga & Majara, Teh & Distt. Ludhiana issued by Chief Town Planner, Deptt. of Town and Country Planning, Punjab, wherein it has been mentioned that as per the clause of approved Master Plan, Ludhiana, the project site has already been declared as "deemed to be adjusted". The said letter was taken on record by SEAC. Further, as per the Gazette Notification No CTP(Pb)/MPL-6/4538 dated 08/07/2008 issued by Department of Housing and Urban Development, the project site (165.08 acres) in Ludhiana has given exemption from the provisions of the Punjab Apartment & Property Regulation Act (PAPRA), 1995 except section 32 subject to the certain conditions. In the said notification, it has been mentioned that M/s Malhotra Land Developers & Colonizers Pvt. Ltd., S.C.F-12, Urban Estate Dugri, Phase-1, Ludhiana has already been granted approval by the Punjab Government, Department of Housing and Urban Development for setting up Residential Project at Village Sahnewal Khurd, Bilga and Majara, District Ludhiana. Moreover, layout plan of the project has also been approved by the CTP, Punjab.

The SEAC observed that in view of the above-mentioned facts, the findings in the present case regarding suitability of site to be assessed as per the provisions of sub paragraph (4) of amended EIA notification dated 08.03.2018 are affirmative and decided to proceed further for finalization of TORs as per the provision of sub para 5 of said Notification.

To another query regarding as to whether any construction activity has been carried out after filing of the case, the project proponent stated that no construction activity has been taken up after filing the case. The project proponent has submitted a letter dated 24.05.2018 which was taken on record by SEAC. As per the said letter, the status of the construction carried out by the project proponent at the project site is as under: -

| | |
|---------------------------|------------------|
| 1. No. of Houses built up | 31 |
| 2. No. of Houses occupied | 23 |
| 3. No. of Shops built up | 11 |
| 4. No. of Shops occupied | Nil |
| 5. Total area built up | 1, 40, 000 sqft. |

The SEAC further observed that the construction status of the project needs to be verified. After detailed deliberations, SEAC decided to recommend to SEIAA as under:

- 1) Punjab Pollution Control Board may be requested to verify the construction status of the project submitted by the project proponent vide letter dated 24.05.2018.
- 2) Punjab Pollution Control Board may be requested to send the latest status report of the court case filed u/s 15 & 16 read with section 19 of the Environmental (Protection) Act, 1986 against the project proponents.
- 3) Project proponent may be asked to withdraw old application (proposal no. SIA/PB/NCP/18592/2015) submitted online for obtaining Environmental clearance.
- 4) Project proponent may be issued the following additional specific TOR in line with the notification dated 14.03.2017 as amended on 08.03.2018: -

Additional specific TOR: -

- 1) The project proponent shall make an assessment of ecological damage done and economic benefit derived due to violation and prepare remediation plan and natural & community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or an environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.
- 2) The project proponent will submit copy of Memorandum of Article & Association /partnership deed /undertaking of sole proprietorship /list of Directors and names of other persons responsible for managing the day-to-day affairs of the project

The case was considered by the SEIAA in its 133rd meeting held on 06.07.2018, which was attended by the following on behalf of the project proponent:

- (i) Sh. Deepak Ratra, General Manager of the promoter company on behalf of project proponent.
- (ii) Sh. Sumitara Dutta, EIA Expert from CPTL, Mohali, Environmental Consultant of the promoter Company.

Sh. Sumitara Dutta, Environmental Consultant of the project proponent presented the salient features of the project and requested for issuance of additional specific TORs.

During discussions, representative of the promoter company agreed to comply with fully all the conditions as mentioned by SEAC.

The SEIAA observed that the SEAC along with other recommendations has recommended Additional specific TORs in line with the notification dated 14.03.2017 as amended on 08.03.2018.

The SEIAA looked into the details of the case and was satisfied with the same. Therefore, the Authority decided to accept the recommendations of SEAC and approved Additional specific TORs in line with the notification dated 14.03.2017 as amended on 08.03.2018 as finalized by SEAC along with obtaining reports from Punjab Pollution Control Board as mentioned at Sr. no. 1) & 2) & also a letter be written to the project proponent as per Sr. No.3) of the recommendation of SEAC.

In compliance with the aforesaid decisions, the following action have been taken:

- (i) Additional specific ToRs have been issued to the project proponent vide letter No. 838 dated 16.07.2018.
- (ii) Punjab Pollution Control Board has been requested vide letter no. 841 dated 16.07.2018.
- (iii) Another decision of SEIAA has been conveyed to the project proponent vide letter No. 842 dated 16.07.2018.

Further, it is submitted that after obtaining terms of reference, project proponent has t submitted the application of Environmental Clearance vide proposal no SIA/PB/MIS/45626/2018 on which EDS were raised on 21.08.2020. The PP has not submitted the reply to said EDS. Further, no report has been received from the Punjab Pollution Control Board.

1.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021, wherein SEIAA observed that the project proponent had submitted a fresh application bearing proposal no. SIA/PB/MIS/45626/2018 for obtaining Environmental Clearance on the PARIVESH web portal, which is pending with him for want of reply to the EDS and simultaneously another application having proposal no. SIA/PB/NCP/18592/2015 submitted for obtaining Environmental Clearance is also pending on the PARIVESH Portal.

After detailed deliberations, SEIAA decided to delist the application bearing proposal no. SIA/PB/NCP/18592/2015 since a fresh application bearing proposal No. SIA/PB/MIS/45626/2018 has been submitted by the project proponent. After getting the reply to the EDS from the project proponent, SEAC shall appraise the same and send the recommendation to SEIAA.

Item No.176.11: Application for obtaining environmental clearance under EIA notification dated 14.09.2006 for mining of minor minerals (Sand) from the bed of river Ravi in the revenue estate of village Kot Rajda, Tehsil Ajnala, District Amritsar, Punjab filed by Sh. Premdeep Singh Shergill S/o Amarjit Singh (Proposal No. SIA/PB/MIN/75585/2018)

SEIAA observed as under:

Sh. Premdeep Singh Shergill S/o Amarjit Singh vide online application bearing proposal no. SIA/PB/MIN/75585/2018 has applied for obtaining environmental clearance under EIA notification dated 14.09.2006 for mining of minor minerals (Sand) from the bed of river Ravi in the revenue estate of village Kot Rajda, Tehsil Ajnala, District Amritsar. The project is covered under category 1 (a) of the Schedule appended to the said notification.

1.0 Background

1.1 Deliberations during 175th meeting of SEAC held on 22.01.2019

The case was placed in the various meeting of SEAC and finally in the 175th meeting held on 22.01.2019 wherein after detailed deliberations, the SEAC decided to recommend the case to SEIAA: -

- i. For advising the GMDIC, Amritsar/M/s Shivalik Solid Waste Management Ltd., Zirakpur, Environmental Consultant to withdraw the old application earlier submitted online (Proposal No. SIA/PB/MIN/70513/2017) for the same site.
- ii. For grant of environmental clearance for mining of minor minerals to Sh. Premdeep Singh Shergill S/o Sh. Amarjit Singh in an area of 6.085 hectares having HB No. 59, bearing Khasra Nos 40//21, 22, 23, 24, 25, 43//1, 2, 3, 4, 5/1, 5/2, 6/1, 6/2, 7, 8, 15, 44//1/1, 1/2, 10/1, 10/2, 11 Geo Coordinates 31° 56'40.94"N 74°48'27.92"E, 31°56'38.87"N, 75°48'33.91"E, 31° 56'33.14"N, 74°48'24.51"E, 31°56'30.37"N, 74°48'26.80"E, 31°56'26.35"N, 74°48'18.30"E, 31°56'20.11"N,74°48'30.24"E, 31°56'36.86"N, 74°48'26.76"E, 31°56'28.38"N, 74°48'38.32"E from the bed of river ravi in the revenue estate of village Kot Rajada, Tehsil Ajnala, District Amritsar, by semi mechanized method, subject to the proposed measures and certain conditions.

1.2 Deliberations during 144th meeting of SEIAA held on 22.02.2019

The case was considered by the SEIAA in its 144th meeting held on 22.02.2019 and the same was attended by the following on behalf of the project proponent: -

- (i) Sh. Premdeep Singh S/o Sh. Amarjit Singh, Proprietor of the promoter company.
- (ii) Dr. Sandeep Garg, EIA coordinator, M/s ECO laboratories & Consultants Pvt. Ltd., Environment consultant of the promoter company.

Before allowing the environmental consultant of project proponent to present the salient features of the project, SEIAA queried to the project proponent regarding distance of

international boundary from the mining site. In reply to the query, the project proponent submitted that though the distance of the international boundary is 2.5 kms but as per notification dated 14.08.2018 issued by the MoEF&CC, New Delhi, the clause of "General Conditions" shall apply except for project or activity of mining of minor minerals of Category 'B2' (up to 25 ha of mining lease area) and their mining project site is category B2 project having mining lease area of approx. 6 hectares which is less than 25 hectares. Thus, General Condition is not applicable to their project. He submitted a copy of aforesaid notification in the meeting and the same was taken on record by the SEIAA.

SEIAA further queried that whether public hearing has been carried out as per the provision of OM dated 12.12.2018. To this, he replied that public hearing is not required as per the MoEF&CC, New Delhi notification dated 15.01.2016. SEIAA informed that Hon'ble NGT has passed the order dated 11.12.2018 in the Executive Application 55/2018 in Original Application No. 520 Of 2016 and made it clear that till a fresh Notification is issued by the MoEF&CC, notification dated 15.01.2016 will not be acted upon.

SEIAA observed that as per the OM dated 12.12.2018, the mining projects with mining area between 5 ha to 25 ha under Category B2 are required to be dealt at par with Category B1 and Public Consultation has been made mandatory for the same. However, in present case, no public hearing has been conducted.

After deliberations, SEIAA decided to remand the case to SEAC to re-examine the same in light of the NGT orders dated 13.09.2018, 11.12.2018 and MoEF&CC Office Memorandum dated 12.12.2018 w.r.t applicability of the General Conditions and public hearing in this case and send the recommendations accordingly

1.3 Deliberations during 177th meeting of SEAC held on 13.03.2019

The case was considered by the SEAC in its 177th meeting held on 13.03.2019 and the same was attended by Dr. Sandeep Garg, EIA coordinator, M/s ECO laboratories & Consultants Pvt. Ltd., Environment consultant of the promoter company. He stated that the project proponent is not able to attend the meeting due to some unavoidable circumstances and requested to consider the case in the next meeting of SEAC. An email dated 12.03.2019 has also been received from the Environmental Consultant wherein a request letter of Sh. Premdeep Singh Shergill S/o Sh. Amarjit Singh, (Project Proponent) has been attached mentioning that due to unavoidable circumstances, he will not be able to present his case in 176th meeting of SEAC & has requested to consider the case in next meeting. SEAC took the request letter of project proponent on record. However, SEAC asked the Environmental Consultant as to whether he has to say anything in the matter except what has been conveyed by him in the 144th meeting of SEIAA held on 22.02.2019. To this, the environmental consultant stated that they have not any additional document at this stage to support their claim.

Thereafter, SEAC perused to orders dated 13.09.2018 & 11.12.2018 passed by Hon'ble NGT, New Delhi and observed that Hon'ble NGT has suspended notification dated 15.01.2016 till fresh notification is issued by MoEF&CC & same will not be acted upon. SEAC also perused the notification dated 14.08.2018 and observed that General Conditions are not applicable for category B2 cases having mining area up to 25 ha. SEAC opined that Hon'ble NGT has not passed any direction in reference to the MoEF notification dated 14.08.2018 in its order dated 13.09.2018 & 11.12.2018, as such, clarification is required to be taken from the MoEF&CC, New Delhi w.r.t validity of notification dated 14.08.2018 so as to decide the applicability of General Condition in the matter.

SEAC also perused the office Memorandum dated 12.12.2018 and noted that the cases of category B2 are required to be considered at par with category B1 as such, the present case is required to go through the process of Public hearing to be conducted by State Pollution Control Board.

After detailed deliberations, SEAC decided to defer the case and decided that:

1. SEIAA be recommended to seek a clarification from the MoEF&CC as to whether notification 14.08.2018 is operative or not, in light of the Hon'ble NGT orders dated 11.12.2018 so as to decide the applicability of General Condition in the matter.
2. SEIAA be recommended to advise the project proponent to submit an application to Punjab Pollution Control Board for getting the Public Hearing to be conducted in light of the OM dated 12.12.2018.
3. Project Proponent be informed that he is at liberty to bring any additional document in support of his claim regarding non-applicability of General condition in their case. In case, any document is submitted by him, the same will be placed before SEAC in its next meeting.

1.4 Deliberations during 145th meeting of SEIAA held on 15.03.2019

The case was considered by the SEIAA in its 145th meeting held on 15.03.2019. But no one has attended the said meeting on behalf of project proponent.

SEIAA observed that SEAC has recommended to seek a clarification from the MoEF&CC as to whether notification 14.08.2018 is operative or not, in light of the Hon'ble NGT orders dated 11.12.2018 so as to decide the applicability of General Condition in the matter. SEIAA further observed that as per the procedure laid in the EIA Notification, 2006 amended from time to time for conducting Public Hearing, initially TOR are required to be issued to the Project Proponent in order to enable his Environmental Consultant to prepare draft EIA report. After the preparation of draft EIA report, the project proponent

can submit the same to SPCB for getting the Public Hearing to be conducted in the matter.

In the present case, TOR to project proponent cannot be issued till clarification from MoEF&CC regarding applicability of General Condition has been received to decide competency of project lies with SEIAA or MoEF&CC. Therefore, at this stage, Project Proponent cannot be advised to act as per recommendation of SEAC mentioned at Sr.No.2 & Sr.No.3.

After detailed deliberation, SEIAA decided as under:

1. Clarification be sought from the MoEF&CC as to whether notification 14.08.2018 is operative or not, in light of the Hon'ble NGT orders dated 11.12.2018 so as to decide the applicability of General Condition in the matter.
2. Decision w.r.t Sr.No.2 & 3 of the recommendation of the SEAC will be taken after the clarification at Sr.No.1 is received.

In compliance to the aforesaid decision, MoEF&CC, New Delhi has been requested vide no.335 dated 02.04.2019 to clarify as above. It is submitted that however, no reply has been received from the MoEF&CC so far.

It is relevant to mention here that while deciding the other application for obtaining environmental clearance under EIA notification dated 14.09.2006 for mining of minor minerals (Sand) from the bed of river Ravi in the revenue estate of village Kot Rajda, Tehsil Ajnala, District Amritsar, Punjab of General Manager cum Mining Officer, District Industries Centre, Amritsar.(Proposal No. SIA/PB/MIN/70513/2017)placed in its 160th meeting held on 30.01.2020, SEIAA decided among other decision as under:-

- 1) Directorate of Environment & Climate Change be requested to engage advocate on behalf of SEIAA to defend the matter in the Hon'ble High Court.
- 2) Reply in the CWP No 20853 of 2019 titled Premdeep Singh Shergill Vs State of Punjab be prepared and sent to Counsel engaged in the case for seeking any further additions / suggestions. As and when draft reply is received from the counsel, the same may be placed in the meeting of SEIAA for perusal/consideration, for filing the final reply in the Hon'ble High Court before 23.03.2020.

In compliance to the above decision, the following actions have been taken:

- i) Since, DECC has no legal cell, it was decided in the similar case that PPCB be asked to extend legal support in the matter. Accordingly, Member Secretary, PPCB was requested vide letter no 1434 dated 03.02.2020 to engage Sh. Suveer Sheokand, Addl. AG, Punjab as counsel on behalf of SEIAA in the matter so that reply can be filed in the Hon'ble Punjab & Haryana High Court at the earliest.

Accordingly, Sh. Suveer Sheokand, Addl. AG, Punjab has been engaged by the PPCB in the matter vide letter no 5711 dated 19.02.2020.

- ii) Draft reply in the matter is being prepared, which is will be placed in the next meeting of SEIAA.

It is further added here that

- 1) MoEF vide notification no. S.O. 3977(E) dated 14.08.2018 has made the following amendment in the EIA Notification dated 14.09.2006:-
 - a) The project/ activities related to mining of minerals (Non-Coal Mines) of area less than 100 hectare fall under Category-B projects.
 - b) General Conditions shall apply except:
 - a. for project or activity of mining of minor minerals of Category 'B2' (up to 25ha of mining lease area);
 - b. for project or activity of mining of minor minerals of Category 'B1' in case of cluster of mining lease area; and
 - c. River bed mining projects on account of inter-state boundary.
- 2) SEAC also perused the office Memorandum dated 12.12.2018 and noted that the cases of category B2 are required to be considered at par with category B1 as such, the present case being area more than 5 ha, is required to go through the process of Public hearing to be conducted by State Pollution Control Board.

1.5 Deliberations during 161st meeting of SEIAA held on 27.02.2020.

The case was considered by the SEIAA in its 161st meeting held on 27.02.2020. But no one has attended the said meeting on behalf of project proponent.

SEIAA was apprised that project proponent was requested vide email dated 26.02.2020 to attend the meeting of SEIAA to be held on 27.02.2020 at 11:00 AM in Conference Hall-3, PSCST, MGSIPA Complex, Sector 26, Chandigarh and copy of the same was also forwarded to his consultant for information and necessary action.

After detailed deliberation, SEIAA decided as under:

- i) Another opportunity be given to the project proponent to attend the next meeting of SEIAA as and when scheduled.
- ii) Draft reply in the matter be prepared in consultation with advocate engaged in the matter at the earliest and same be placed in the next meeting of SEIAA as and when scheduled

In compliance to the above decision, the following actions have been taken:

- i) Project proponent was requested to attend vide email dated 18.03.2020 to attend the meeting of SEIAA to be held on 19.03.2020 at 11:00 AM in Conference Hall of PSCST, MGSIPA Complex, Sector 26, Chandigarh and also informed telephonically on dated 18.03.2020

- ii) Draft reply in the matter has been prepared in consultation with advocate engaged in the matter, which is annexed as Annexure-A of the agenda.

1.6 Deliberations during 162nd meeting of SEIAA held on 19.03.2020.

The case was considered by the SEIAA in its 162th meeting held on 19.03.2020 and the same was attended by the following on behalf of the project proponent: -

- (i) Sh. Premdeep Singh S/o Sh. Amarjit Singh, project proponent.
- (ii) Sh. S.K Rana and Sh. Ashish Rana, Advocates on behalf of the project proponent
- (iii) Dr. Sandeep Garg, EIA coordinator, M/s ECO laboratories & Consultants Pvt. Ltd., Environment consultant of the project proponent.

SEIAA perused the written statement to be filed in the Hon'ble Court in the matter and suggested some amendments. Sh. Premdeep Singh Shergill, complainant requested to consider the pending application for grant of Environmental Clearance in light of MoEF Notification dated 14.08.2018, as the NGT order dated 13.09.2018 & 11.11.2018 had already been challenged in the Hon'ble Supreme Court and they were suffering from huge financial loss.

To a query of SEIAA regarding availability of any stay order in the matter passed by the Hon'ble Supreme Court, the project proponent failed to show any such order.

SEIAA further observed that clarification in the matter from the MoEF&CC regarding notification dated 14.08.2018, is yet awaited. Even if it is assumed that notification dated 14.08.2018 is operational even then General condition is applicable to their project as the river bed mining projects are exempted only in case of interstate boundary and not for the project where the international boundary falls within 5 Km of the project site. In this case, as per the coordinates mentioned in the application, the international boundary is located at a distance of about 1.6 Km from the nearest point of the project site. Hence, the competency to decide the application lies with MoEF&CC only, as the project is to be treated as a Category A project.

After considering the above facts, Project proponent requested to defer the application submitted for obtaining environmental clearance under EIA notification dated 14.09.2006 for mining of minor minerals (Sand) from the bed of river Ravi in the revenue estate of village Kot Rajda, Tehsil Ajnala, District Amritsar, Punjab (Proposal No. SIA/PB/MIN/75585/2018)

After detailed deliberations, SEIAA decided as under: -

- i) to defer the case since clarification sought from MoEF&CC is still awaited and project proponent requested to defer the case.
- ii) Member Secretary, SEIAA shall file the amended written statement by way of affidavit (Annexure-A) on behalf of Respondents No. 05 i.e., SEIAA, Punjab, in the Hon'ble Punjab & Haryana High Court, Chandigarh.

With respect no decision no (i), it is pertinent to mention here that no clarification has been received from the MoEF&CC till date. Further, the reply was filed in the Hon'ble Punjab and Haryana High Court and the case is listed for hearing on 23.03.2021.

1.7 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021, wherein, SEIAA observed that clarification in the matter from the MoEF&CC regarding notification dated 14.08.2018, is still awaited. Even if it is assumed that notification dated 14.08.2018 is operational, General conditions would be applicable to their project as the river bed mining projects are exempted only in case of interstate boundary and not for the projects where the international boundary falls within 5 Km of the project site.

In this case, as per the coordinates mentioned in the application, the international boundary is located at a distance of about 1.6 Km from the nearest point of the project site. Hence the competency to decide the application lies with MoEF&CC only, as the project is to be treated as a Category A project.

After detailed deliberations, SEIAA decided that the advocate engaged in the matter be reminded a day before the date of hearing to attend the Court and the matter be followed up regularly.

Item No. 176.12: Requests from the various project proponents for withdrawal of their applications filed under EIA notification, 14.09.2006 for obtaining issuance of Terms of References (TORs) or Environmental Clearance.

SEIAA observed as under:

It is submitted that number of requests have been received from various project proponents for withdrawal of their applications filed under EIA notification, 14.09.2006 for issuance of Terms of References (5 Nos application of TORs), Environmental Clearance (7 Nos of application of EC) and modification of Environmental Clearances (8 Nos of cases). The details of these requests were annexed as **Annexure-10** of the agenda.

1.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The matter was considered by SEIAA in its 176th meeting held on 19.02.2021. SEIAA perused the reasons for withdrawal mentioned in the Annexure-10 of the Agenda. After detailed deliberations SEIAA decided as under:

1. Applications for withdrawal of their respective TOR's Proposals listed at Sr. No. 1, 2, 3 and 5 be accepted as these were new applications which could not be processed by SEIAA prior to its term expiring in November 2020 and the Project Proponents had resubmitted their respective applications to MOEF&CC which had

accepted and was processing the same. Project proponent of application listed at Sr. No. 4 of list of proposals for withdrawal of TOR applications (Annexure-3 of proceedings) be asked to attend the next meeting of SEIAA for providing additional details / information.

2. Application for withdrawal of their respective EC Proposals listed at Sr. No. 1, 2, 3 and 6 be accepted as these were new applications which could not be processed by SEIAA prior to its term expiring in November 2020 and the Project Proponents had resubmitted their respective applications to MOEF&CC which had accepted and was processing the same. Project proponents of applications listed at Sr. No. 4, 5 and 7 of list of proposal for withdrawal of EC applications (Annexure-3 of proceedings) be asked to attend the next meeting of SEIAA for providing additional details / information.
3. Application for withdrawal of their respective proposals for modifications in their EC applications listed at Sr. No. 1, 2, 3 & 7 be accepted as these were new applications which could not be processed by SEIAA prior to its term expiring in November 2020 and the Project Proponents had resubmitted their respective applications to MOEF&CC which had accepted and was processing the same. Project proponents of applications listed at Sr. No. 8 of the list of proposals for withdrawal of Modification in EC application (Annexure-3 of proceedings) be accepted as in this case Mining site has been re-auctioned in the name of some other party. Project proponents of applications listed at Sr. No. 4,5 and 6 of the list of proposals for withdrawal of Modification in EC application (Annexure-3 of proceedings) be asked to attend the next meeting of SEIAA for providing additional details / information.

Item No. 176.13: Application for issuance of ToRs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for establishment of Group Housing Project namely "Sunny Heights" located in the Sector 125, Tehsil Kharar, District- SAS Nagar by M/s Bajwa Developers Ltd. (SIA/PB/NCP/22973/2018)

SEIAA observed as under:

1.0 Background

M/s Bajwa Developers Ltd. has submitted an application for issuance of TORs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for establishment of Group Housing Project namely "Sunny Heights" located in Sector 125, Tehsil Kharar, District- SAS Nagar. The project proponent submitted as under: -

- i) Total 07 Blocks are being constructed at the project site comprising 406 Flats, 45 EWS, School, and Meeting Hall. About 60% of the construction work has

been completed on-site.

- ii) The total land area for the project is 25,600.36 sqm. (6.33 acres) and the built-up area of the project is 56,872.19 sqm
- iii) Municipal Council, Kharar vide letter no: 1638 dated 23/2/2012 approved the layout plan.
- iv) They had started the construction without getting Environmental Clearance.

Since it is a case of violation of the provisions of EIA notification dated 14.09.2006 and as per amendment notification vide No S.O. 804 (E) dated 14-03-2017, violation cases even of category "B" projects which are granted Environmental Clearance by SEIAA, are to be appraised for grant of Environmental Clearance only by the EAC and granted at the central level.

Accordingly, the project proponent has submitted an online application for issuance of TORs for obtaining Environmental Clearance vide proposal no. IA/PB/NCP/ 69083/ 2017 on 13/09/2017 to MOEF&CC.

MoEF&CC issued amended notification dated 08.03.2018 and the gist of relevant paras (2), (4) and (5) of the notification, is reproduced as under: -

Para (2) For category B projects, the appraisal, and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.

Para (4) The cases of violations will be appraised with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.

Para (5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of

ecological damage, remediation plan and natural and community resource augmentation plan.

In view of the above, MoEF&CC has transferred the project to SEIAA vide proposal no. SIA /PB/NCP /22973/2018 on 28/03/2018.

1.2 Deliberation during 167th meeting of SEAC held on 26.05.2018

The matter was considered by SEAC in its 167th meeting held on 26.05.2018. In the said meeting, the SEAC was apprised that project proponent has not yet submitted a hard copy of the application after acceptance of its online application as stipulated vide MoEF OM No. J-11013/49/2014-IA. I dated 06/06/2014.

After detailed deliberations, SEAC decided to defer the case and ask the project proponent to submit a hard copy of the application. Till such time his case will not be taken up for consideration. Accordingly, ADS was raised online on 14.06.2018.

Thereafter, notice was issued to the project for delisting the case vide no. 922 dated 29/10/2019

1.3 Deliberation during 185th meeting of SEAC held on 29.11.2019

The case was considered by SEAC in its 185th meeting held on 29.11.2019, which was attended by the authorized representative on behalf of the project proponent. SEAC was apprised that the project is a violation case and was applied in the window given by MoEF vide Notification dated 14.03.2017. SEAC was further apprised that as per the clause 3 of the said notification in cases of violation, action will be taken against the project proponent by the respective State Pollution Control Board under the provisions of section 15 & 16 read with section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the Environmental Clearance.

SEAC raised the following observations to the project proponent:

1. As to whether a hard copy of the application along with a list of persons responsible for the violation has been submitted.
2. As to whether the project has been constructed at a site which under prevailing law is permissible. if yes, has the project proponent submitted any documentary proof in this regard.
3. Whether permission has been obtained for the abstraction of the groundwater from the CGWA or not?
4. Whether any specific TORs for the project on assessment of ecological damage, remediation plan, and natural and community resources augmentation plan have

been submitted?

To the above observations, the project proponent stated that a hard copy of the application has been submitted. However, a reply to the ADS is yet to be submitted. He sought time to comply with the other observations.

After detailed deliberations, SEAC decided to accept the request of the project proponent, to defer the case, and the same be placed in the next meeting after getting the reply from the project proponent.

The observations were conveyed to the project proponent vide letter no 1431 dated 03.02.2020. However, reply to the said letter is yet awaited.

2.0 Present Case

2.1 Summary of the project

The project proponent submitted the application for TOR along with the summary of the project & EMP and detail of the project is given as under:

| S.No. | Item | Details |
|-------|--|--|
| 1 | Name & Location of the project | Sunny Heights Sector 125, Tehsil Kharar, District- SAS Nagar |
| 2 | Project/activity covered under item of scheduled to the EIA Notification, 14.09.2006 | 8(a) 'Building & Construction Project' |
| 3 | Copy of the Master plan duly marked with the project site | Submitted |
| 4 | Pre-feasibility report as per Ministry of Environment & Forests, Circular dated 30.12.2010. | Not Submitted |
| 5. | Proof of ownership of land | Submitted |
| 6. | Copy of Memorandum of Article & Association/partnership deed/undertaking of sole proprietorship/list of Directors and names of other persons responsible for managing the day-to-day affairs of the project. | Submitted |
| 7 | Proposed ToRs (based on the standard ToRs) | Submitted |
| 8 | Does it attract the general condition? If yes, please specify | No |

| | | |
|-----|--|--|
| 9 | Whether the proposal involves approval/clearance under the Forest (Conservation) Act, 1980 | No |
| 10 | Does the project cover under PLPA, 1900 | No |
| 11 | Whether the proposal involves approval/clearance under the Wildlife (Protection) Act, 1972? | No |
| 12 | Classification/Land use pattern as per Master Plan | Residential Zone |
| 13 | Cost of the project | 90 Crores. |
| 14. | TORs Fee details | NA as the application submitted on 13.09.2017 i.e., before the date of Notification 27.06.2019 |
| 15. | Total Plot Area, Built-up Area, and Green area | |
| | DESCRIPTION | TOTAL |
| | Total Area | 25600.36 sqm |
| | Built-up Area | 56872.19 sqm |
| | There are total Seven Blocks constructed at the project site comprising 406 Flats, 45 EWS, School, and Meeting Hall. The layout plan has been approved by the "Municipal Council – Kharar" vide drawing no. DRG. NO. 01. Letter for approval of layout plan has been obtained from the office of Municipal Council, Kharar vide letter no: 1638 dated 23/2/2012. | |
| 16. | Estimated Population | 2200 persons |
| 17. | Source of water supply | Ground Water (Tube well) |
| 18. | Total water demand | 440 KLD |
| 19. | Waste Water generation | 352 KLD The Sewage treatment will be done in the common STP of capacity 5MLD proposed at Sunny Enclave. The Treated water will be used for flushing (99 KLD), green area (21.67 KLD) and remaining will be disposed of to the sewer |
| 20 | Effluent utilization | Recycled Water-121 KLD, i) Flushing-99 KLD, ii) Plantation & Irrigation-22KLD iii) Excess water discharged into Sewer |
| 21 | Proposed Green Area | 15.4 % i.e., 3941 sqm |

| | | |
|-----|------------------------------|--|
| 22. | Rainwater harvesting | 7 number of rainwater harvesting pits provided at the site instead of required 04 pits for stormwater of quantity 355 cum/hr |
| 23 | Air pollution control | Chimney on DG sets |
| 24 | Solid waste | About 880 kg/day solid waste will be generated in the project. The biodegradable waste (30% i.e., 211 kg/day) will be converted into manure by mechanical composter and the non-biodegradable waste (70% i.e., 493 kg/day) generated will be handed over to the authorized local vendors. The waste will be disposed of as per Solid Waste Management Rules, 2016. |
| 23 | Hazardous waste | Used oil will be stored in HDPE drums and kept in covered rooms under lock and key and will be sold as per EPA Rules to approved recyclers only |
| 22. | Energy Requirements & Saving | <ul style="list-style-type: none"> i) The total power requirement during operation phase is 1429 KW and will be met from PSPCL, Punjab ii) 3 DG Sets equipped with canopies (Capacity- 500KVA each) will be installed as stand-by arrangements. iii) 28 KW energy will be saved by using 7W LED lamps instead of using 15W CFL lamps. iv) 30% of the rooftop area space is proposed to set up the 198 KW f solar power generation plant. |

2.2 Complete details of the case are summarised as under:

| | | |
|---|--|----------------------------------|
| 1 | Proposal No | SIA/PB/NCP/22973/2018 |
| 2 | Date of submission of application | 13.09.2017 |
| 3 | Date of acceptance of application | 22.05.2018 |
| 4 | Meeting of SEAC in which case was considered | 167th meeting held on 26.05.2018 |
| 5 | Observations | As mentioned above |
| 6 | Date of ADS & its reply | 14.06.2018 & |

| | | |
|----|---|--|
| | | Reply submitted on 14.02.2020, which was found incomplete. ADS raised on 05.05.2020 as per the decision of the 185 th meeting held on 29.11.2019. |
| 7 | Details of notice issued, if any | Issued vide no. 922 dated 29/10/2019 |
| 8 | Reply to the notice received or not | Project proponent attended the 185 th meeting of SEAC. |
| 9 | Lastly, the case was considered by SEAC | 185 th meeting held on 29.11.2019 |
| 10 | Observations | As mentioned above |
| 11 | Observation conveyed to the Project Proponent | Vide no 1431 dated 03.02.2020. |
| 12 | Reply in reference to letter no 1431 dated 03.02.2020 | The project proponent has not submitted a reply to the observations so far. |
| 13 | Reminder | A reminder was issued through email 06.05.2020 wherein it was requested to submit the reply online to the observations immediately, otherwise, it will be presumed that the project proponent has nothing to say and the project will be delisted in light of the OM dated 30.10.2012. The Project Proponent submitted a reply through email on 21.05.2017. |

3.0 Deliberation during 189th meeting of SEAC held on 28.05.2020

The meeting was attended by the following through video conference:

1. Sh. Rajesh Gupta, GM, representing the Project Proponent.
2. Ms. Daksha Gupta, EIA Coordinator, M/s Shiwalik Solid Waste Management Ltd., Environment Consultant of the project proponent.

The SEAC, after going through the presentation submitted by the Project Proponent observed a lot of discrepancies in the documents submitted by the Project Proponent regarding the details of the directors of the company & list of persons responsible for the violation of the EIA notification dated 14.09.2006, w.r.t signatures of the authorized signatory and the documents were without date & reference number. The Committee took serious note of this on part of the Environmental Consultant of project proponent and desired that his explanation be called.

SEAC further observed that as per the said notification, in cases of violation, action has to be taken against the project proponent by the respective State Pollution Control Board

under the provisions of section 15 & 16 read with section 19 of Environment (Protection) Act,1986.

It was apprised to the SEAC that SEIAA vide letter no 354 dated 02.04.2019 had sent a list of 13 violation projects including the name of this project to PPCB to deal with these cases in accordance with the provisions of MoEF&CC Notification dated 14.03.2017 & 18.03.2018.

After detailed deliberations, SEAC decided that the following action be taken:

- a) SEIAA be requested to ask the PPCB to provide the details of the legal action taken against the responsible persons of the project in response to SEIAA letter no 354 dated 02.04.2019 and the construction status of the project (completed/not completed, if not completed then % of built-up area completed as on)
- b) Project proponent be asked to submit a copy of Memorandum of Article & Association/partnership deed/undertaking of sole proprietorship/ List of Directors and names of other persons (with designation & complete address) responsible for the violation of the EIA Notification 14.09.2006, the verified signature of the authorized signatory and other documents (with date & reference number) duly signed by the EIA Coordinator & the project proponent.
- c) Explanation of the Environmental Consultant of the project proponent i.e., M/s Shivalik Solid Waste Management Ltd., be called in light of discrepancies found in the documentation work.

In compliance with the decision (b) & (c) of SEAC, the following actions have been taken by the SEAC:

- a) Project proponent was asked vide letter no 1679 dated 17.06.2020 to submit the information as sought above.
- b) Explanation of the Environmental Consultant of the project proponent i.e., M/s Shivalik Solid Waste Management Ltd. was called vide letter no 1678 dated 17.06.2020

In compliance with the decision taken at a), the case was placed before SEIAA for consideration.

4.0 Deliberation during 166th meeting of SEIAA held on 26.06.2020

The case was considered by the SEIAA in its 166th meeting held on 26.06.2020. SEIAA perused the deliberations made during the 189th meeting of SEAC held on 28.05.2020. After detailed deliberations, SEIAA decided as under: -

- i) To accept the recommendation of SEAC mentioned at Sr. No. 'a' and to take action as proposed by SEAC. Further, it was directed that separate letters be written to the Board mentioning all the previous correspondence for asking the construction status report and action taken report against the responsible person as per the Clause 3 of MoEF & CC Notification dated 14.03.2017 and as amended on 08.03.2018. A copy of the same be also endorsed to the Zonal Office and Regional Office of the Board.
- ii) Direction under Section 5 of the Environment (Protection) Act, 1986 be issued to the project proponent to restrain him from carrying out further construction activity of the project and not to create any third-party interest in the project till it obtains the environmental clearance under EIA Notification dated 14.09.2006.

In compliance with the aforesaid decisions, the following actions have been taken:

- (i) The Member Secretary, PPCB has been requested vide letter no. 1874 dated 29.07.2020 to launch prosecution against the responsible persons and send the construction status report vide letter no. 1875 dated 29.07.2020. A copy of the same has not been endorsed to the other concerned due to the directions given by the MS, SEIAA on 29.07.2020.
- (ii) Direction u/s 5 have been issued vide letter no. 1876 dated 29.07.2020 to the Project proponent and a copy of the same has been endorsed vide letter no. 1877 dated 29.07.2020 to MS, PPCB for ensuring the compliance.

No report has been received from the PPCB, so far.

5.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 wherein, SEIAA observed that no report from the PPCB has been received so far. SEIAA took a serious view of this being a major and long pending violation case.

After detailed deliberations, SEIAA decided to issue a reminder to the PPCB for sending the report in the matter. It was also decided that the matter be taken up with the Chairman, PPCB through e-office file.

Item No. 176.14: Application for issuance of ToRs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for the establishment of area development Project namely "Sunny Enclave (177.72 Acres)" located in the revenue estate of Village Jandpur, Sihanpur & Hasanpur, Sector 120,123, 124 & 125 Kharar, Distt SAS Nagar by M/s Bajwa Developers Ltd. (SIA/PB/NCP/23385/2018).

SEIAA observed as under: -

1.0 Background

M/s Bajwa Developers Ltd. has submitted an application for issuance of TORs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for the establishment of area development Project namely "Sunny Enclave (177.72 Acres)" located in the revenue estate of Village Jandpur, Sihanpur & Hasanpur, Sector 120,123, 124 & 125 Kharar, Distt SAS Nagar. The project proponent submitted as under: -

- 1) The project site is having a spread of 7,19,235.04 sqm. (177.726 Acres) and falls under the Residential land use as per Master Plan. The net planned area for the project site is 6,64,162.2 sqm (164.11 acres).
- 2) The plan for the project is divided into Plot area, Group Housing, EWS. This comprises a park Area of 53,168 sqm. and roads, open spaces & other utilities area of 2,98,014.35 sqm. for adequate parking spaces with modern infrastructure facilities.
- 3) Approval of revised layout plan of Mega residential project falling in Sector-120,123,124 and 125 has been obtained from Chief Town Planner, Punjab vide letter no: 1685 CTP (Pb)/MPR-23 Dated 06-04-2016
- 4) About 30% of the construction has been completed at the site without getting Environmental Clearance under EIA Notification, 14.09. 2006.

As per amendment notification vide No S.O. 804 (E) dated 14-03-2017, violation cases even of category "B" projects which are granted Environmental Clearance by SEIAA, are to appraised for grant of Environmental Clearance only by the EAC and granted at the central level.

Accordingly, the project proponent has submitted an online application for issuance of TORs for obtaining Environmental Clearance vide proposal no. IA/PB/NCP/69083 /2017 to MOEF&CC on 13/09/2017.

MoEF&CC issued amended notification dated 08.03.2018 and the gist of relevant

paras (2), (4) and (5) of the notification, is reproduced as under: -

Para (2) For category B projects, the appraisal, and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.

Para (4) The cases of violations will be appraised with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.

Para (5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at subparagraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan.

Now, the MoEF&CC has transferred the project to SEIAA vide proposal no. SIA /PB/NCP /22973/2018 on 03/04/2018.

1.1 Deliberation during 167th meeting of SEAC held on 26.05.2018

The matter was considered by SEAC in its 167th meeting held on 26.05.2018 wherein, the SEAC was apprised that project proponent has not yet submitted a hard copy of the application after acceptance of its online application as stipulated vide MoEF OM No. J-11013/49/2014-IA. I dated 06/06/2014.

After detailed deliberations, SEAC decided to defer the case and ask the project proponent to submit a hard copy of the application. Till such time his case will not be taken up for consideration. Accordingly, ADS was raised online on 14.06.2018.

Thereafter, notice was issued to the project for delisting the case vide no. 921 dated 29/10/2019

1.2 Deliberation during 185th meeting of SEAC held on 29.11.2019

The case was considered by SEAC in its 185th meeting held on 29.11.2019, which was attended by the authorized representative on behalf of the project proponent. SEAC was apprised that the project is a violation case and was applied in the window given by MoEF vide notification dated 14.03.2017. SEAC was further apprised that as per the clause 3 of the said notification in cases of violation, action will be taken against the project proponent by the respective State Pollution Control Board under the provisions of section 15 & 16 read with section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the Environmental Clearance.

SEAC raised the following observations to the project proponent:

1. As to whether a hard copy of the application along with a list of persons responsible for the violation has been submitted.
2. As to whether the project has been constructed at a site which under prevailing law is permissible. If yes, has the project proponent submitted any documentary proof in this regard?
3. Whether permission has been obtained for the abstraction of the groundwater from the CGWA or not?
4. Whether any specific TORs for the project on assessment of ecological damage, remediation plan, and natural and community resources augmentation plan have been submitted?

To the above observations, the project proponent stated that a hard copy of the application has been submitted. However, a reply to the ADS is yet to be submitted. He sought time to comply with the other observations

After detailed deliberations, SEAC decided to accept the request of the project proponent, to defer the case, and the same be placed in the next meeting after getting the reply from the project proponent.

The observations were conveyed to the project proponent vide letter no 1432 dated 03.02.2020 However, reply to the said letter is yet awaited.

2.0 Summary of the project

The project proponent submitted the application for TOR along with the summary of the project & EMP and detail of the project is given as under:

| S.No. | Item | Details |
|--------------|--------------------------------|-----------------------------------|
| 1 | Name & Location of the project | Sunny Enclave (Area-177.72 Acres) |

| | | |
|----|--|--|
| | | Village Jandpur, Sihanpur & Hasanpur, Sector-120,123,124 & 125, Tehsil Kharar, District SAS Nagar. |
| 2 | Project/activity covered under item of scheduled to the EIA Notification,14.09.2006 | 8(b) Townships and Area Development projects. |
| 3 | Copy of the Master plan duly marked with the project site | Submitted |
| 4 | Pre-feasibility report as per Ministry of Environment & Forests, Circular dated 30.12.2010. | Not Submitted |
| 5. | Proof of ownership of land | Submitted |
| 6. | Copy of Memorandum of Article & Association/partnership deed/undertaking of sole proprietorship/list of Directors and names of other persons responsible for managing the day-to-day affairs of the project. | Submitted |
| 7 | Proposed ToRs (based on the standard ToRs) | Submitted |
| 8 | Does it attract the general condition? If yes, please specify | No |
| 9 | Whether the proposal involves approval/clearance under the Forest (Conservation)Act,1980 | No |
| 10 | Does the project cover under PLPA, 1900 | No |
| 11 | Whether the proposal involves approval/clearance under the Wildlife (Protection)Act,1972? | No |
| 12 | Classification/Land use pattern as per Master Plan | Residential Zone, Letter for approval of Revised layout plan obtained from Punjab urban planning & Development Authority, Puda Bhawan, Sector 62 SAS Nagar vide letter no. 1685 CTP(PB)/MPR-23 Dated 06.04.2016 |
| 13 | Cost of the project | 312.79 Crores. |

| | | | |
|-----|--|---|------------------------|
| 14. | TORs Fee details | NA as the application submitted on 13.09.2017 i.e., before the date of Notification 27.06.2019 | |
| 15. | Total Plot Area, Built-up Area, and Green area, etc. | | |
| | Sr.No | Particulars | Area (m ²) |
| | 1. | TOTAL AREA | 7,19,235.04 |
| | 2. | E.W.S Area | 36,785.92 |
| | 3. | Area Reserved for Kajauli water line | 11,318.24 |
| | 4. | Reserved Area | 6,968.68 |
| | 5. | NET PLANNED AREA | 6,64,162.2 |
| | 6. | Residential Area | 2,70,096.5 |
| | 7. | Commercial | 14,940.99 |
| | 8. | Education | 15,814.71 |
| | 9. | Public Building | 12,127.61 |
| | 10. | Park Area | 53,168 |
| | 11. | Road, Open Spaces, Parking & Utilities & Reserved Area | 2,98,014.35 |
| | 12. | Total Number of Plots | 1,322 |
| 16. | Estimated Population | 17376 persons | |
| 17. | Source of water supply | Ground Water (1 no. Tubewell) | |
| 18. | Total water demand | 3.311 MLD | |
| | Freshwater demand | 2.246 MLD | |
| 19. | Waste Water generation | 2.516 MLD The Sewage treatment will be done in the STP of capacity 3 MLD based on MBBR technology. The Treated water will be used for flushing (1065 KLD), green area (292.4 KLD) and remaining will be disposed of two MC sewer | |
| 20 | Effluent utilization | i) Flushing-1.065 MLD ii) Plantation & Irrigation-293 KLD iii) Excess water discharged into Sewer | |
| 21 | Proposed Green Area | 53168 sqm | |
| 22. | Rainwater harvesting | 9 number of rainwater harvesting pits provided at the site | |
| 23 | Air pollution control | Chimney on DG sets | |
| 24 | Solid waste | About 6739 kg/day solid waste will be generated in the project. Biodegradable wastes & Non-Bio degradable waste will be | |

| | | |
|-----|------------------------------|--|
| | | disposed of according to Solid Waste Management Rules, 2016. |
| 23 | Hazardous waste | There will be no generation of hazardous waste in the project. |
| 22. | Energy Requirements & Saving | The total demand load is estimated at 9,345 KW which will be supplied by Punjab State Power Corporation Limited. |

2.1 Complete details of the case are summarised as under:

| | | |
|----|---|--|
| 1 | Proposal No | SIA/PB/NCP/23385/2018 |
| 2 | Date of submission of application | 13.09.2017 |
| 3 | Date of acceptance of application | 22.05.2018 |
| 4 | Last meeting of SEAC in which case was considered | 167 th meeting held on 26.05.2018 |
| 5 | Observations | As mentioned above |
| 6 | Date of ADS | 14.06.2018 Reply submitted on 14.02.2020, which was found incomplete. ADS raised on 05.05.2020 as per the decision of the 185 th meeting held on 29.11.2019. |
| 7 | Details of notice issued, if any | Issued vide no. 921 dated 29/10/2019 |
| 8 | Reply to the notice received or not | Project proponent attended the 185 th meeting of SEAC. |
| 9 | Lastly, the case was considered by SEAC | 185 th meeting held on 29.11.2019 |
| 10 | Observations | As mentioned above |
| 11 | Observation conveyed to the Project Proponent | Vide no 1432 dated 03.02.2020. |
| 12 | Reply in reference to letter no 1432 dated 03.02.2020 | The project proponent has not submitted a reply to the observations. |
| 13 | Reminder | A reminder was issued through email 06.05.2020 wherein it was requested to submit the reply online to the observations immediately, otherwise, it will be presumed that the project proponent has nothing to |

| | | |
|--|--|---|
| | | say and the project will be delisted in light of the OM dated 30.10.2012. The Project Proponent submitted a reply through email on 21.05.2017. |
|--|--|---|

3.0 Deliberation during 189th meeting of SEAC held on 28.05.2020

The meeting was attended by the following through video conference:

1. Sh. Rajesh Gupta, GM, representing the Project Proponent.
2. Ms. Daksha Gupta, EIA Coordinator, M/s Shiwalik Solid Waste Management Ltd., Environment Consultant of the project proponent.

The SEAC, after going through the presentation submitted by the Project Proponent observed a lot of discrepancies in the documents submitted by the Project Proponent regarding the details of the directors of the company & list of persons responsible for the violation of the EIA notification dated 14.09.2006, w.r.t signatures of the authorized signatory and the documents were without date & reference number. The Committee took serious note of this on part of the Environmental Consultant of project proponent and desired that his explanation be called.

It was apprised to the SEAC that SEIAA vide letter no 354 dated 02.04.2019 had sent a list of 13 violation projects including the name of this project to PPCB to deal with these cases in accordance with the provisions of MoEF&CC Notification dated 14.03.2017 & 18.03.2018.

After detailed deliberations, SEAC decided that the following action be taken:

- a) SEIAA be requested to ask the PPCB to provide the details of the legal action taken against the responsible persons of the project in response to SEIAA letter no 354 dated 02.04.2019 and the construction status of the project (completed/not completed, if not completed then % of built-up area completed as on)
- b) Project proponent be asked to submit a copy of Memorandum of Article & Association/partnership deed/undertaking of sole proprietorship/ List of Directors and names of other persons (with designation & complete address) responsible for the violation of the EIA Notification 14.09.2006, the verified signature of the authorized signatory and other documents (with date & reference number) duly signed by the EIA Coordinator & the project proponent.
- c) Explanation of the Environmental Consultant of the project proponent i.e., M/s Shiwalik Solid Waste Management Ltd., be called in light of discrepancies found

in the documentation work.

In compliance with the decision (b) & (c) of SEAC, the following actions have been taken by the SEAC:

- a) Project proponent was asked vide letter no 1681 dated 17.06.2020 to submit the information as sought above.
- b) Explanation of the Environmental Consultant of the project proponent i.e., M/s Shivalik Solid Waste Management Ltd. was called vide letter no 1680 dated 17.06.2020

In compliance with the decision taken at a), the case was placed before SEIAA for consideration.

4.0 Deliberation during 166th meeting of SEIAA held on 26.06.2020

The case was considered by the SEIAA in its 166th meeting held on 26.06.2020. SEIAA perused the deliberations made during the 189th meeting of SEAC held on 28.05.2020. After detailed deliberations, SEIAA decided as under: -

- i) To accept the recommendation of SEAC mentioned at Sr. No. 'a' and to take action as proposed by SEAC. Further, it was directed that separate letters be written to the Board mentioning all the previous correspondence for asking the construction status report and action taken report against the responsible person as per the Clause 3 of MoEF & CC Notification dated 14.03.2017 and as amended on 08.03.2018. A copy of the same be also endorsed to the Zonal Office and Regional Office of the Board.
- ii) Direction under Section 5 of the Environment (Protection) Act, 1986 be issued to the project proponent to restrain him from carrying out further construction activity of the project and not to create any third-party interest in the project till it obtains the environmental clearance under EIA Notification dated 14.09.2006.

In compliance with the aforesaid decisions, the following actions have been taken:

- (i) The Member Secretary, PPCB has been requested vide letter no. 1878 dated 29.07.2020 to launch prosecution against the responsible persons and send the construction status report vide letter no. 1879 dated 29.07.2020.
- (ii) A copy of the same has not been endorsed to the concerned due to other the directions given by the MS, SEIAA on 29.07.2020.
- (iii) Direction u/s 5 have been issued vide letter no. 1880 dated 29.07.2020 to the Project proponent and a copy of the same has been endorsed vide letter no. 1881 dated 29.07.2020 to MS, PPCB for ensuring the compliance.

No report has been received from the PPCB, so far.

5.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 wherein, SEIAA observed that no report from the PPCB has been received so far. SEIAA took a serious view of this being a major and long pending violation case.

After detailed deliberations, SEIAA decided to issue a reminder to the PPCB for sending the report in the matter. It was also decided that the matter be taken up with the Chairman, PPCB through e-office file.

Item No. 176.15: Application for issuance of TORs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for the establishment of area development Project namely "Sunny Enclave (139.376 Acres)" located in the revenue estate of Village Jandpur, Hasanpur & Manana, Sector 123, Tehsil Kharar, District SAS Nagar by M/s Bajwa Developers Ltd. (SIA/PB /NCP /23386 /2018)

SEIAA observed as under: -

1.0 Background

M/s Bajwa Developers Ltd. has submitted an application for issuance of TORs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for establishment of Group Housing Project namely "SUNNY ENCLAVE (139.376 Acres)" located in the revenue estate of Village Jandpur, Hasanpur & Manana, Sector 123, Tehsil Kharar, District SAS Nagar. The project proponent submitted as under: -

- 1) The project plan has been segmented into the area for Plots, for Group Housing, for EWS, for Commercial, for Educational, etc.
- 2) The proposed project is a township project, which is spread over a land of 5,64,034.66 Sq.m. (139.376 Acres).
- 3) The proposed project comprises a Green Area of 34,209.69sq.m. and roads, open spaces & other utility areas of 1,65,282.92 sqm. for adequate parking spaces with modern infrastructure facilities.
- 4) About 30% of the construction has been completed at the site without getting Environmental Clearance under EIA Notification, 14.09.2006.
- 5) Letter for approval of Revised layout plan obtained from Greater Mohali Area Development Authority vide Memo No: GMADA/DTP/2016/1358 dated

06.04.2016 & letter of correction of date vide Memo No:
GMADA/STP/2017/260 dated 30.01.2017.

As per amendment notification vide No S.O. 804 (E) dated 14-03-2017, violation cases even of category "B" projects which are granted Environmental Clearance by SEIAA, are to appraised for grant of Environmental Clearance only by the EAC and granted at the central level.

Accordingly, project proponent had submitted an online application for issuance of TORs for obtaining Environmental Clearance for the project vide proposal no. vide proposal no. IA/PB/NCP/68632/2017 on 12/09/2017.

MoEF&CC issued amended notification dated 08.03.2018 and the gist of relevant paras (2), (4) and (5) of the notification, is reproduced as under: -

- Para (2) For category B projects, the appraisal, and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.
- Para (4) The cases of violations will be appraised with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.
- Para (5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at subparagraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan.

In view of the above, MoEF&CC has transferred the project to SEIAA vide proposal no. SIA /PB/NCP /22973/2018 on 03.04.2018.

1.1 Deliberation during 167th meeting of SEAC held on 26.05.2018

The matter was considered by SEAC in its 167th meeting held on 26.05.2018. In the said meeting, the SEAC was apprised that project proponent has not yet submitted a hard copy of the application after acceptance of its online application as stipulated vide MoEF OM No. J-11013/49/2014-IA. I dated 06/06/2014.

After detailed deliberations, SEAC decided to defer the case and ask the project proponent to submit a hard copy of the application. Till such time his case will not be taken up for consideration. Accordingly, ADS was raised online on 14.06.2018.

Thereafter, notice was issued to the project for delisting the case vide no. 920 dated 29/10/2019

1.2 Deliberation during 185th meeting of SEAC held on 29.11.2019

The case was considered by SEAC in its 185th meeting held on 29.11.2019, which was attended by the authorized representative on behalf of the project proponent. SEAC was apprised that the project is a violation case and was applied in the window given by MoEF vide notification dated 14.03.2017. SEAC was further apprised that as per the clause 3 of the said notification in cases of violation, action will be taken against the project proponent by the respective State Pollution Control Board under the provisions section 15 & 16 read with section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the Environmental Clearance.

SEAC raised the following observations to the project proponent:

1. As to whether a hard copy of the application along with a list of persons responsible for the violation has been submitted.
2. As to whether the project has been constructed at a site which under prevailing law is permissible. If yes, has the project proponent submitted any documentary proof in this regard?
3. Whether permission has been obtained for the abstraction of the groundwater from the CGWA or not?
4. Whether any specific TORs for the project on assessment of ecological damage, remediation plan and natural and community resources augmentation plan have been submitted?

To the above observations, the project proponent stated that a hard copy of the application has been submitted. However, a reply to the ADS is yet to be submitted. He sought time to comply with the other observations.

After detailed deliberations, SEAC decided to accept the request of the project proponent, to defer the case, and the same be placed in the next meeting after getting

the reply from the project proponent.

The observations were conveyed to the project proponent vide letter no 1433 dated 03.02.2020 However, reply to the said letter is yet awaited.

2.0 Present Case

2.1 Summary of the project

The project proponent submitted the application for TOR along with the summary of the project & EMP and detail of the project is given as under:

| S.No. | Item | Details |
|-------|--|--|
| 1 | Name & Location of the project | Sunny Enclave (Area-139.76 Acres) Village Jandpur, Hasanpur & Manana. Sector-123, Dist. SAS Nagar |
| 2 | Project/activity covered under item of scheduled to the EIA Notification,14.09.2006 | 8(b) Townships and Area Development projects. |
| 3 | Copy of the Master plan duly marked with the project site | Submitted |
| 4 | Pre-feasibility report as per Ministry of Environment & Forests, Circular dated 30.12.2010. | Not submitted. |
| 5. | Proof of ownership of land | Submitted |
| 6. | Copy of Memorandum of Article & Association/partnership deed/undertaking of sole proprietorship/list of Directors and names of other persons responsible for managing the day-to-day affairs of the project. | Submitted |
| 7 | Proposed ToRs (based on the standard ToRs) | Submitted |
| 8 | Does it attract the general condition? If yes, please specify | No |
| 9 | Whether the proposal involves approval/clearance under the Forest (Conservation)Act,1980 | No |
| 10 | Does the project cover under PLPA, 1900 | No |

| | | | | |
|-----|---|--|------------------------|--------------|
| 11 | Whether the proposal involves approval/clearance under the Wildlife (Protection) Act, 1972? | No | | |
| 12 | Classification/Land use pattern as per Master Plan | Residential Zone, Letter for approval of Revised layout plan obtained from Greater Mohali Area Development Authority vide Memo No: GMADA/DTP/2016/1358 dated 06.04.2016 & letter of correction of date vide Memo No: GMADA/STP/2017/260 dated 30.01.2017. | | |
| 13 | Cost of the project | 231.36 Crores. | | |
| 14. | TORs Fee details | NA as the application submitted on 13.09.2017 i.e., before the date of Notification 27.06.2019 | | |
| 15. | Total Plot Area, Built-up Area, and Green area, etc. | | | |
| | Sr. No | Particulars | Area (m ²) | Area (Acres) |
| | 1. | Total Site Area (A) | 5,64,034.66 | 139.376 |
| | 2. | Area Excluded from Site (B) | 10,958.88 | 2.708 |
| | 3. | Net Area (C)= (A-B) | 5,53,075.77 | 136.668 |
| | 4. | Area under Revenue Rasta (D) | 13,832.15 | 3.418 |
| | 5. | Total Area of the scheme(E)= (C+D) | 5,66,907.92 | 140.086 |
| | 6. | Area transferred to Govt. free of cost 2.5% under Punjab Govt. Policy dated 02.06.2015 of Sector Road) (F) | 13,826.89 | 3.4167 |
| | 7. | Area Not including scheme(G) | 22,060.62 | 5.4513 |
| | 8. | Net Planned Area(H)=[E-(F+G)] | 5,31,015.10 | 131.2167 |
| | 9. | Residential Area (Plotted) | 2,01,469.5 | 49.7842 |
| | 10. | Group Housing Area | 16,996.79 | 4.2 |
| | 11. | EWS Area | 61,536.9 | 15.2061 |
| | 12. | Commercial | 11,110.64 | 2.7455 |
| | 13. | Education | 21,228.19 | 5.2456 |

| | | | | |
|-----|------------------------------|--|---|---------|
| | 14. | Public Buildings | 13,330.74 | 3.2941 |
| | 15. | Green Area | 34,209.69 | 8.4534 |
| | 16. | Reserved Area | 5,849.73 | 1.4455 |
| | 17. | Road, Open Spaces, Parking and Utilities | 1,65,282.92 | 40.8423 |
| | 18. | Total Number of Plots | 985 | -- |
| 16. | Estimated Population | | 23562 persons | |
| 17. | Source of water supply | | Ground Water (Tubewell) | |
| 18. | Total water demand | | 3.4 MLD | |
| | Freshwater demand | | 2.4 MLD | |
| 19. | Waste Water generation | | 2.7 MLD The Sewage treatment will be done in the common STP of capacity 7 MLD based on MBBR technology. The Treated water will be used for flushing and remaining will be disposed off to green area and sewer | |
| 20 | Effluent utilization | | Waste Water available at the outlet of STP -2.5 MLD, i) Flushing- 1.0 MLD ii) Plantation & Irrigation-188.15 KLD iii) Excess water discharged into Sewer | |
| 21 | Proposed Green Area | | 34209.69 sqm | |
| 22. | Rainwater harvesting | | 8 number of rainwater harvesting pits provided at the site | |
| 23 | Solid waste | | About 9199 kg/day solid waste will be generated in the project. Biodegradable wastes & Non-Bio degradable waste will be disposed of according to Solid Waste Management Rules, 2016. | |
| 24 | Hazardous waste | | There will be no generation of hazardous waste in the project. | |
| 25. | Energy Requirements & Saving | | The total demand load will be supplied by Punjab State Power Corporation Limited. | |

2.2 Complete details of the case are summarised as under:

| | | |
|---|-----------------------------------|-----------------------|
| 1 | Proposal No | SIA/PB/NCP/23386/2018 |
| 2 | Date of submission of application | 13.09.2017 |
| 3 | Date of acceptance of application | 22.05.2018 |

| | | |
|----|---|--|
| 4 | Last meeting of SEAC in which case was considered | 167 th meeting held on 26.05.2018 |
| 5 | Observations | As mentioned above |
| 6 | Date of ADS & its reply | 14.06.2018 Reply submitted on 14.02.2020, which was found incomplete. ADS raised on 05.05.2020 as per the decision of the 185 th meeting held on 29.11.2019. |
| 7 | Details of notice issued, if any | Issued vide no. 920 dated 29/10/2019 |
| 8 | Reply to the notice received or not | Project proponent attended the 185 th meeting of SEAC. |
| 9 | Lastly, the case was considered by SEAC | 185 th meeting held on 29.11.2019 |
| 10 | Observations | As mentioned above |
| 11 | Observation conveyed to the Project Proponent | Vide no 1433 dated 03.02.2020. |
| 12 | Reply in reference to letter no 1433 dated 03.02.2020 | The project proponent has not submitted a reply to the observations. |
| 13 | Reminder | A reminder was issued through email 06.05.2020 wherein it was requested to submit the reply online to the observations immediately, otherwise, it will be presumed that the project proponent has nothing to say and the project will be delisted in light of the OM dated 30.10.2012. The Project Proponent submitted a reply through email on 21.05.2017. |

3.0 Deliberation during 189th meeting of SEAC held on 28.05.2020

The meeting was attended by the following through video conference:

1. Sh. Rajesh Gupta, GM, representing the Project Proponent.
2. Ms. Daksha Gupta, EIA Coordinator, M/s Shiwalik Solid Waste Management Ltd., Environment Consultant of the project proponent.

The SEAC, after going through the presentation submitted by the Project Proponent observed a lot of discrepancies in the documents submitted by the Project Proponent regarding the details of the directors of the company & list of persons responsible for

the violation of the EIA notification dated 14.09.2006, w.r.t signatures of the authorized signatory and the documents were without date & reference number. The Committee took serious note of this on part of the Environmental Consultant of project proponent and desired that his explanation be called.

SEAC further observed that as per the said notification, in cases of violation, action has to be taken against the project proponent by the respective State Pollution Control Board under the provisions of section 15 & 16 read with section 19 of Environment (Protection) Act,1986.

It was apprised to the SEAC that SEIAA vide letter no 354 dated 02.04.2019 had sent a list of 13 violation projects including the name of this project to PPCB to deal with these cases in accordance with the provisions of MoEF&CC Notification dated 14.03.2017 & 18.03.2018.

After detailed deliberations, SEAC decided that the following action be taken:

- a) SEIAA be requested to ask the PPCB to provide the details of the legal action taken against the responsible persons of the project in response to SEIAA letter no 354 dated 02.04.2019 and the construction status of the project (completed/not completed, if not completed then % of built-up area completed as on
- b) Project proponent be asked to submit a copy of Memorandum of Article & Association/partnership deed/undertaking of sole proprietorship/ List of Directors and names of other persons (with designation & complete address) responsible for the violation of the EIA Notification 14.09.2006, the verified signature of the authorized signatory and other documents (with date & reference number) duly signed by the EIA Coordinator & the project proponent.
- c) Explanation of the Environmental Consultant of the project proponent i.e. M/s Shivalik Solid Waste Management Ltd., be called in light of discrepancies found in the documentation work.

In compliance with the decision (b) & (c) of SEAC, the following actions have been taken by the SEAC:

- a) Project proponent was asked vide letter no 1682 dated 17.06.2020 to submit the information as sought above.
- b) Explanation of the Environmental Consultant of the project proponent i.e. M/s Shivalik Solid Waste Management Ltd. was called vide letter no 1683 dated 17.06.2020

In compliance with the decision taken at a), the case was placed before SEIAA for consideration.

4.0 Deliberation during 166th meeting of SEIAA held on 26.06.2020

The case was considered by the SEIAA in its 166th meeting held on 26.06.2020. SEIAA perused the deliberations made during the 189th meeting of SEAC held on 28.05.2020. After detailed deliberations, SEIAA decided as under:-

- i) To accept the recommendation of SEAC mentioned at Sr. No. 'a' and to take action as proposed by SEAC. Further, it was directed that separate letters be written to the Board mentioning all the previous correspondence for asking the construction status report and action taken report against the responsible person as per the Clause 3 of MoEF & CC Notification dated 14.03.2017 and as amended on 08.03.2018. A copy of the same be also endorsed to the Zonal Office and Regional Office of the Board.
- ii) Direction under Section 5 of the Environment (Protection) Act, 1986 be issued to the project proponent to restrain him from carrying out further construction activity of the project and not to create any third-party interest in the project till it obtains the environmental clearance under EIA Notification dated 14.09.2006.

In compliance with the aforesaid decisions, the following actions have been taken:

- (i) The Member Secretary, PPCB has been requested vide letter no. 1882 dated 29.07.2020 to launch prosecution against the responsible persons and send the construction status report vide letter no. 1883 dated 29.07.2020. A copy of the same has not been endorsed to the concerned due to other the directions given by the MS, SEIAA on 29.07.2020.
- (ii) Direction u/s 5 have been issued vide letter no. 1884 dated 29.07.2020 to the Project proponent and a copy of the same has been endorsed vide letter no. 1885 dated 29.07.2020 to MS, PPCB for ensuring the compliance.

No report has been received from the PPCB, so far.

5.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 wherein, SEIAA observed that no report from the PPCB has been received so far. SEIAA took a serious view of this being a major and long pending violation case.

After detailed deliberations, SEIAA decided to issue a reminder to the PPCB for sending the report in the matter. It was also decided that the matter be taken up with the Chairman, PPCB through e-office file.

Item No. 176.16: Application for issuance of TORs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for expansion of a Group Housing Project namely "Mona Green-II" located in the revenue estate of Village Gazipur, Zirakpur, Tehsil Derabassi, District SAS Nagar, Punjab by M/s Mona Township Pvt. Ltd. (SIA/PB/NCP/22970/2018).

SEIAA observed as under: -

1.0 Background

The project namely Mona Green -II was started in 2013 & the built-up area of the project was less than 20,000 Sqm and thereafter, they got the plan revised and the built-up area has been increased which is more than 20000 Sqm i.e. 21711 sqm. They had started the construction without getting Environmental Clearance.

As per amendment notification vide No S.O. 804 (E) dated 14-03-2017, violation cases even of category "B" projects which are granted Environmental Clearance by SEIAA, are to appraised for grant of Environmental Clearance only by the EAC and granted at the central level.

Accordingly, the project proponent had submitted the online application vide proposal no. IA/PB/NCP/69246/2017 on 13/09/2017 for issuance of TORs for obtaining Environmental Clearance to MOEF&CC,

MoEF&CC issued amended notification dated 08.03.2018 and the gist of relevant paras (2), (4) and (5) of the notification, is reproduced as under: -

Para (2) For category B projects, the appraisal, and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.

Para (4) The cases of violations will be appraised with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category-A or State or Union territory level Expert Appraisal Committee for projects under category- B is negative, closure of the project will be recommended along with other actions under the law.

Para (5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan.

In view of the above, MoEF&CC has transferred the project to SEIAA vide proposal no. SIA/PB/NCP/22970/2018 on 28/03/2018.

1.1 Deliberation during 167th meeting of SEAC held on 26.05.2018

The matter was considered by SEAC in its 167th meeting held on 26.05.2018. In the said meeting, the SEAC was apprised that project proponent has not yet submitted a hard copy of the application after acceptance of its online application as stipulated vide MoEF OM No. J-11013/49/2014-IA.I dated 06/06/2014.

After detailed deliberations, SEAC decided to defer the case and ask the project proponent to submit a hard copy of the application. Till such time his case will not be taken up for consideration. Accordingly, ADS was raised online on 14.06.2018.

Thereafter, notice was issued to the project for delisting the case vide no. 917 dated 29/10/2019

1.2 Deliberation during 185th meeting of SEAC held on 29.11.2019

The case was considered by SEAC in its 185th meeting held on 29.11.2019, which was attended by the authorized representative on behalf of the project proponent. SEAC was apprised that the project is a violation case and was applied in the window given by MoEF vide notification dated 14.03.2017. SEAC was further apprised that as per the clause 3 of the said notification in cases of violation, action will be taken against the project proponent by the respective State Pollution Control Board under the provisions of section 15 & 16 read with section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the Environmental Clearance.

Sh. Rishi Kapoor, representative of the project proponent informed SEAC that due to some pressing circumstances the project proponent was not in a position to present the case in the meeting and requested to consider the case in the next meeting.

SEAC raised the following observations to the project proponent:

1. As to whether a hard copy of the application/Complete Proposal along with a list of persons responsible for the violation has been submitted.
2. As to whether the project has been constructed at a site which under prevailing law is permissible. if yes, has the project proponent submitted any documentary proof in this regard
3. Whether permission has been obtained for the abstraction of the groundwater from the CGWA or not?
4. Whether any specific TORs for the project on assessment of ecological damage, remediation plan and natural and community resources augmentation plan have been submitted?

To the above observations, the project proponent sought time to comply with the said observations.

After detailed deliberations, SEAC decided to accept the request of the project proponent, to defer the case, and the same be placed in the next meeting after getting the reply from the project proponent.

The observations were conveyed to the project proponent vide letter no 1429 dated 03.02.2020. However, no reply has been received so far.

2.0 Present Case

2.1 Summary of the project

The project proponent submitted the application for TOR along with the summary of the project and EMP and detail of the project is given as under:

| S.No. | Item | Details |
|-------|---|---|
| 1 | Name & Location of the project | Expansion of a Group Housing Project namely "Mona Green-II" located in the revenue estate of Village Gazipur, Zirakpur, Tehsil Derabassi, District SAS Nagar, Punjab |
| 2 | Project/activity covered under item of scheduled to the EIA Notification,14.09.2006 | 8(a) 'Building & Construction Project' |
| 3 | Copy of the Master plan duly marked with the project site | Not Submitted. However MC, Zirakpur issued certificate vide letter no 2116 dated 15.04.2013 regarding land use to the effect that site is located within MC limit and as per the master plan of Zirakpur, project site falls in the |

| | | | | |
|-----|---|--|------------|-----------|
| | | residential zone and therefore, as per the guidelines issued by the Govt vide memo no 9/59/08-5/LG(3)/1166 dated 16.07.2008, CLU for the project, is not required. | | |
| 4 | Pre-feasibility report as per Ministry of Environment & Forests, Circular dated 30.12.2010. | Not submitted. | | |
| 5. | Proof of ownership of land | Not Submitted | | |
| 6. | Copy of Memorandum of Article & Association/partnership deed /undertaking of sole proprietorship/list of Directors and names of other persons responsible for managing the day-to-day affairs of the project. | Not Submitted | | |
| 7 | Proposed ToRs (based on the standard ToRs) | Submitted | | |
| 8 | Does it attract the general condition? If yes, please specify | No | | |
| 9 | Whether the proposal involves approval/clearance under the Forest (Conservation)Act,1980 | No | | |
| 10 | Does the project cover under PLPA, 1900 | No | | |
| 11 | Whether the proposal involves approval/clearance under the Wildlife (Protection)Act,1972? | No | | |
| 12 | Classification/Land use pattern as per Master Plan | The project site is located at Gazipur, Zirakpur. The land for the proposed project conforms to the land use as per the Master plan | | |
| 13 | Cost of the project | 32 Crores. | | |
| 14. | TORs Fee details | NA as the application submitted on 13.09.2017 i.e. before the date of Notification 27.06.2019 | | |
| 15. | Total Plot Area, Built-up Area, and Green area | | | |
| | DESCRIPTION | EXISTING* | ADDITIONAL | TOTAL |
| | Total Area | 10060 sqm | - | 10060 sqm |

| | | | | |
|-----|---|-----------|--|-----------|
| | Built-up Area | 17398 sqm | 19850 | 21711 sqm |
| | Flats | 157 | 30 | 187 |
| | * Note: CTE was issued by the PPCB vide No. O14SASCTE637267 dated 02.01.2014, which was valid up to 31.1.2014 for the establishment of a group housing project named as "Mona Green-II" in an area measuring 10065 sqm. having 157 flats (built-up area of 17398 sqm.) at Village Gazipur, Zirakpur, Tehsil Dera Bassi, Distt. SAS Nagar. | | | |
| 16. | Source of water supply | | Ground Water (Tubewell) | |
| 17. | Total water demand | | 126 KLD | |
| 18. | Waste Water generation | | 100 KLD Treatment: -STP of 110 KLD Capacity | |
| 19. | Effluent utilization | | Recycled Water-15KLD, i) Uses- Flushing-7KLD, ii) Plantation & Irrigation-8KLD | |
| 20. | Rainwater harvesting | | Rooftop rainwater of buildings will be collected in 3 RWH tanks of total 50KLD capacity for harvesting after filtration | |
| 21 | Air pollution control | | Chimney on DG sets | |
| 22 | Solid waste | | About 0.37 TPD solid waste will be generated in the project. The biodegradable waste will be sent to the approved site and the non-biodegradable waste generated will be handed over to the authorized local vendor. | |
| 23 | Hazardous waste | | Used oil will be stored in HDPE drums and kept in covered rooms under lock and key and will be sold as per EPA Rules to approved recyclers only | |
| 22. | Energy Requirements & Saving | | i) The total power requirement during operation phase is 1050 KW and will be met from PSPCL, Punjab ii) Proposed energy-saving measures would save about 18 % of power | |

2.2 Complete details of the case are summarised as under:

| | | |
|---|-----------------------------------|-----------------------|
| 1 | Proposal No | SIA/PB/NCP/22970/2018 |
| 2 | Date of submission of application | 13.09.2017 |

| | | |
|----|--|--|
| 3 | Date of acceptance of application | 22.05.2018 |
| 4 | Last meeting of SEAC in which case was considered | 167 th meeting held on 26.05.2018 |
| 5 | Observations | As mentioned above |
| 6 | Date of ADS | 14.06.2018 |
| 7 | Details of notice issued, if any | Issued vide no. 917 dated 29/10/2019 |
| 8 | Reply to the notice received or not | Project proponent attended the 185 th meeting of SEAC. |
| 9 | Lastly, the case was considered by SEAC | 185 th meeting held on 29.11.2019 |
| 10 | Observations | As mentioned above |
| 11 | Observation conveyed to the Project Proponent | Vide no 1429 dated 03.02.2020. |
| 12 | Reply received in reference to letter no 1429 dated 03.02.2020 | The project proponent has not submitted its reply online to the ADS. |
| 13 | Reminder | A reminder was issued through email 06.05.2020 to submit the reply online to the observations immediately, otherwise, it will be presumed that the project proponent has nothing to say and the project will be delisted in light of the OM dated 30.10.2012. The Project Proponent submitted a reply through Email on 21.05.2017. |

3.0 Deliberation during 189th meeting of SEAC held on 28.05.2020

The meeting was attended by the following through video conference:

1. Sh. Vikram Kumar, Project Head, and Sh. Deepak Gupta, Environmental Advisor, representing the Project Proponent.
2. Sh. Sital Singh, EIA coordinator, M/s Chandigarh Pollution Testing Laboratory, E-126, Phase-VII, Industrial Area, Mohali, Punjab, Environmental consultant of the Project Proponent.

The SEAC, after going through the presentation submitted by the Project Proponent observed document submitted by the Project Proponent regarding the details of the directors of the company & list of persons responsible for the violation of the EIA notification dated 14.09.2006 was not duly signed & stamped by the EIA consultant &

the project proponent.

It was apprised to the SEAC that SEIAA vide letter no 354 dated 02.04.2019 had sent a list of 13 violation projects including the name of this project to PPCB to deal with these cases in accordance with the provisions of MoEF&CC Notification dated 14.03.2017 & 18.03.2018.

After detailed deliberations, SEAC decided that the following action be taken:

- a) SEIAA be requested to ask the PPCB to provide the details of the legal action taken against the responsible persons of the project in response to SEIAA letter no 354 dated 02.04.2019 and the construction status of the project (completed/not completed, if not completed then % of built-up area completed as on)
- (ii) Project proponent be asked to submit a copy of Memorandum of Article & Association/partnership deed/undertaking of sole proprietorship/List of Directors and names of other persons (with designation & complete address) responsible for the violation of the EIA Notification 14.09.2006 duly signed by the EIA Coordinator & him and verified signature of the authorized signatory duly signed by the EIA Coordinator & the project proponent.

In compliance to the decision (b) of SEAC, the project proponent was asked vide letter no 1684 dated 17.06.2020 to submit the information as above.

In compliance with the decision taken at a), the case was placed before SEIAA for consideration.

4.0 Deliberation during 166th meeting of SEIAA held on 26.06.2020

The case was considered by the SEIAA in its 166th meeting held on 26.06.2020. SEIAA perused the deliberations made during the 189th meeting of SEAC held on 28.05.2020. After detailed deliberations, SEIAA decided as under:-

- i) To accept the recommendation of SEAC mentioned at Sr. No. 'a' and to take action as proposed by SEAC. Further, it was directed that separate letters be written to the Board mentioning all the previous correspondence for asking the construction status report and action taken report against the responsible person as per the Clause 3 of MoEF & CC Notification dated 14.03.2017 and as amended on 08.03.2018. A copy of the same be also endorsed to the Zonal Office and Regional Office of the Board.
- ii) Direction under Section 5 of the Environment (Protection) Act, 1986 be issued to the project proponent to restrain him from carrying out further construction

activity of the project and not to create any third-party interest in the project till it obtains the environmental clearance under EIA Notification dated 14.09.2006.

In compliance with the aforesaid decisions, the following actions have been taken:

- (i) The Member Secretary, PPCB has been requested vide letter no. 1886 dated 29.07.2020 to launch prosecution against the responsible persons and send the construction status report vide letter no. 1887 dated 29.07.2020. A copy of the same has not been endorsed to the concerned due to other the directions given by the MS, SEIAA on 29.07.2020.
- (ii) Direction u/s 5 have been issued vide letter no. 1888 dated 29.07.2020 to the Project proponent and a copy of the same has been endorsed vide letter no. 1889 dated 29.07.2020 to MS, PPCB for ensuring the compliance.

No report has been received from the PPCB, so far.

5.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 wherein, SEIAA observed that no report from the PPCB has been received so far. SEIAA took a serious view of this being a major and long pending violation case.

After detailed deliberations, SEIAA decided to issue a reminder to the PPCB for sending the report in the matter. It was also decided that the matter be taken up with the Chairman, PPCB through e-office file.

Item No. 176.17: Application for issuance of TORs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for expansion of Group Housing Project namely "Orchard County" located in the revenue estate of village Sante Majra, Kharar - Landran Road, Kharar, District SAS Nagar, Punjab by M/s Ansal Lotus Melange Projects Pvt. Ltd. (SIA/PB/ NCP/ 22975/2018)

SEIAA observed as under: -

1.0 Background

M/s Ansal Lotus Melange Projects Pvt Ltd. was granted Environmental Clearance vide no 21-686/2007-IA.III dated 23.04.2008 for construction of group housing "Orchard County" at having built-up area 69388.316 sqm in the plot area 48090.24 sqm in the revenue estate of village Sante Majra, Kharar - Landran Road, Kharar, District SAS Nagar, Punjab, subject to the certain conditions by MoEF, New Delhi and for the following proposal:-

- (i) The project proponent had proposed to construct a residential colony with 584 flats (1 Block-56 EWS-16 Blocks-528 flats-2BR-252, 3BR-248, and Penthouse-22).
- (ii) The total water requirement will be 394 KLD (freshwater - 198 KLD).
- (iii) The capacity of STP proposed will be 394 KLD. Treated Wastewater will be used for flushing of toilets - 131 KLD and horticulture - 65 KLD and balance - 158 KLD will be disposed of in local municipal sewers.
- (iv) The total solid waste generation will be 1168 Kg/day (biodegradable - 584 Kg/day, Non-biodegradable - 350 Kg/day and inert waste - 233 Kg/day).
- (v) The total power requirement proposed is 4300 KW. Total parking spaces proposed are for 964 cars (Basement - 601, open -363).
- (vi) The total cost of the project was Rs. 95.03 Crores.

Later on, planning was changed and while submitting the application for expansion, M/s Ansal Lotus Melange Projects Pvt Ltd. submitted as under: -

- (i) The proposed project is located at Village Sante Majra, Kharar - Landran Road, Kharar, District Sahibzada Ajit Singh Nagar (Mohali), Punjab on a plot area of 48090.24 sqm. The total built-up area is approximately 104388.87 sqm
- (ii) The area falls within MC limits of Kharar and is under residential use as per the Master Plan of the area.

- (iii) They had increased the built-up area more than the area mentioned in environmental clearance granted to the project. Further, the validity of environmental clearance has also been expired.
- (iv) They had expanded the production beyond the limit of EC.

Being a case of violation of the provisions of EIA notification dated 14.09.2006 and as per amendment notification vide No S.O. 804 (E) dated 14-03-2017, they had submitted an online application for issuance of TORs for obtaining Environmental Clearance vide proposal no. IA/PB/NCP/ 69078/ 2017 to MOEF&CC on 13/09/2017

MoEF&CC issued amended notification dated 08.03.2018 and the gist of relevant paras (2), (4) and (5) of the notification, is reproduced as under: -

Para (2) For category B projects, the appraisal, and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.

Para (4) The cases of violations will be appraised with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.

Para (5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan

In view of the above, MoEF&CC has transferred the project to SEIAA vide proposal no. no. SIA/PB/NCP/22975/2018 on 28/03/2018.

1.1 Deliberation during 167th meeting of SEAC held on 26.05.2018

The matter was considered by SEAC in its 167th meeting held on 26.05.2018, wherein, after detailed deliberations, SEAC decided to defer the case and ask the project

proponent to submit a hard copy of the application. Till such time his case will not be taken up for consideration.

The project proponent submitted a hard copy of the application on 23.10.2019.

1.2 Salient Features of the project

The project proponent applied for issuance of TORs. The summary of the project is as under:

| Sr.No. | Item | Details |
|--------|---|---|
| 1 | Name & Location of the project | Group Housing Project "Orchard County" Village Sante Majra, Kharar - Landran Road, Kharar, District Sahibzada Ajit Singh Nagar (Mohali), Punjab |
| 2 | Project/activity covered under item of scheduled to the EIA Notification,14.09.2006 | 8(a) 'Building & Construction Project' |
| 3 | Copy of the Master plan duly marked with the project site | Not Submitted |
| 4 | Pre-feasibility report as per Ministry of Environment & Forests, Circular dated 30.12.2010. | Not submitted. |
| 5. | Proof of ownership of land | Not Submitted |
| 6. | Copy of Memorandum of Article & Association/partnership deed /undertaking of sole proprietorship/list of Directors and names of other persons responsible for managing the day-to-day affairs of the project. | Not Submitted |
| 7 | Proposed ToRs (based on the standard ToRs) | Not submitted |
| 8 | Does it attract the general condition? If yes, please specify | No |
| 9 | Whether the proposal involves approval/clearance under the Forest (Conservation)Act,1980 | No |

| | | | | |
|-----|---|--|-------------|---------|
| 10 | Does the project cover under PLPA, 1900 | No | | |
| 11 | Whether the proposal involves approval/clearance under the Wildlife (Protection) Act, 1972? | No | | |
| 12 | Classification/Land use pattern as per Master Plan | Not submitted. However, it has mentioned that the area falls within MC limits of Kharar and is under residential use as per the Master Plan of the area. | | |
| 13 | Cost of the project | 200 Crores. | | |
| 14. | TORs Fee details | NA as the application submitted on 10.09.2017 i.e. before the date of Notification 27.06.2019 | | |
| 15. | Detail of various components | | | |
| | SN | Description | Particulars | Unit |
| | 1 | Plot Area (11.88 acres) | 48090.24 | SQM |
| | 2 | Proposed Built Up Area | 104388.87 | SQM |
| | 3 | Number of Building Blocks (9 Res+1EWS) | 10(9+1) | NOS |
| | 4 | Total no of Saleable DU's (708+72EWS) | 780 | NOS |
| | 5 | Max Height of Building | 50.3 | M |
| | 6 | Max No of Floors (Residential Tower) | G+15 | NOS |
| | 7 | Expected Population | 4012 | PERSONS |
| | 8 | Permissible Ground Coverage Area (35%) | 16831.584 | SQM |
| | 9 | Proposed Ground Coverage Area (24.325%) | 11698.205 | SQM |
| | 10 | Permissible FAR Area (2.00) | 96180.48 | SQM |
| | 11 | Proposed FAR Area (1.94) | 93613.32 | SQM |
| | 12 | Non-FAR & Other areas | 8635.84 | SQM |
| | 13 | Proposed Built Up Area | 104388.87 | SQM |
| | 14 | Water to be supplied | GMADA | - |
| | 15 | Total Water Requirement | 397 | KLD |
| | 16 | Freshwater requirement | 246 | KLD |
| | 17 | Wastewater Generation | 280 | KLD |
| | 18 | Proposed STP Capacity | 340 | KLD |

| | | | | |
|----|--|--|---|---------|
| | 19 | Treated Water Available for Reuse | 224 | KLD |
| | 20 | Recycled Water | 151 | KLD |
| | 21 | Surplus treated water | 73 | KLD |
| | 22 | Rain Water Harvesting Potential | 14934.82 | CUM |
| | 23 | No of RWH of Pits Proposed | 12 | NOS |
| | 24 | Proposed Total Parking | 756 | |
| | 25 | Surface Parking | 379 | ECS |
| | 26 | Basement Parking | 377 | ECS |
| | 27 | Required Green Area | 4106.336 | SQM |
| | 28 | Proposed Green Area (36.85%) | 17704.465 | SQM |
| | 29 | Municipal Solid Waste Generation | 2.01 | TPD |
| | 30 | Quantity of E-Waste Generation-Kg/Day | 13.0 | KG/DAY |
| | 31 | Quantity of Hazardous Waste Generation | Oil =0.3 | LTS/DAY |
| | 32 | Quantity of Sludge Generated from STP | 56 | KG/DAY |
| | 33 | Total Power Requirement | 5800 | KW |
| | 34 | DG set backup | 1050 | KVA |
| 16 | Municipal wastes (domestic and or commercial wastes) | | <p>(i) Solid waste generated from the residential block and other areas will be collected daily on door to door basis by the dedicated and trained housekeeping staff. Twin bin systems will also be provided for segregation at sources. Recyclable wastes will be sold to vendors and non- recyclable wastes will be disposed of through authorized agencies to the municipal waste disposal site.</p> <p>(ii) Biodegradable waste will be treated in an organic waste converter and will be used as a manure for horticulture development.</p> | |

| | | |
|----|--|--|
| | | (iii) MSW including horticulture waste will be handled as per the Municipal Solid Waste Management & Handling Rules, 2016 |
| 17 | Detail of DG sets | DG set of 1050 KVA (1 X 300+ 1 X 750) is being used as a power backup during power failure. HSD (low sulfur variety as per availability) fuel is being used for DG sets. |
| 18 | Air pollution control | (i) Chimney on DG sets (ii) Generators will be placed either in acoustic chambers or a canopy. |
| 19 | Hazardous wastes (as per Hazardous Waste Management Rules) | (i) Waste oil from DG sets is only hazardous waste generation from the project. This waste oil is being carefully stored in HDPE drums in isolated covered space and sold to recyclers authorized by CPCB/SPCB. (ii) Suitable care is being taken to prevent spills/leaks of used oil from storage. |
| 20 | Give details of the water requirements met from water harvesting? Furnish details of the facilities create | (i) The rainwater collected from the rooftop, green area, and other paved areas will be collected through the network of stormwater drainage lines & conveyed to the RWH system. (ii) RWH system shall consist of de-silting cum filter chamber, oil and grease separator and pits are designed to store 15 minutes peak hour rainfall, for recharge into ground aquifer & to prevent flooding in the complex |
| 21 | Energy Requirements & Saving | The building envelop materials shall comply with ECBC norms on the whole building performance basis. The energy-saving shall be more than base capacity based on ECBC norms. |

1.3 Complete details of the case, are summarised as under:

| | | |
|---|--|--|
| 1 | Proposal No | SIA/PB/NCP/22975/2018 |
| 2 | Date of submission of application | 13.09.2017 |
| 3 | Date of acceptance of application | 22.05.2018 |
| 4 | Meeting of SEAC in which case was considered | 167 th meeting held on 26.05.2018 |
| 5 | ADS 14.06.2018 | Submit a hard copy of the application. |
| 7 | Reply received in reference to ADS | The project proponent submitted the hard copy of the application on 23/10/2019 |
| 6 | ADS 05.05.2020 | <p>1. As to whether the list of persons responsible for the violation has been submitted.</p> <p>2. As to whether the project has been constructed at a site that under prevailing law is permissible. if yes, has the project proponent submitted any documentary proof in this regard.</p> <p>3. Whether permission has been obtained for the abstraction of the groundwater from the CGWA or not?</p> <p>4. Whether any specific ToRs for the project on assessment of ecological damage, remediation plan and natural and community resources augmentation plan have been submitted?</p> |
| 8 | Reminder | <p>A reminder was issued through email 06.05.2020 wherein it was requested to submit the reply online to the observations immediately, otherwise, it will be presumed that the project proponent has nothing to say and the project will be delisted in light of the OM dated 30.10.2012.</p> <p>However, no reply has been received so far.</p> |

2.0 Deliberation during 190th meeting of SEAC held on 27.06.2020

The case was considered by SEAC in its 190th meeting held on 27.06.2020 through video conference which was attended by Sh. Sandeep Garg, EIA Co-ordinator, M/s Eco Laboratories & Consultants Pvt. Ltd on behalf of the project proponent.

SEAC was apprised that this case is a violation case and was applied in the window given by the MoEF vide Notification dated 14.03.2017 & 08.03.2018.

SEAC was further apprised that the project proponent vide letter dated 25.06.2020 had intimated that he was not able to attend the meeting and sought time to submit the reply of Additional Details Sought (ADS) by SEAC due to the present situation of Covid-19.

SEAC observed that the project proponent was not taking interest in pursuing the application in the past also. However, SEAC also recognized the current situation due to Covid-19.

3.0 Recommendation of SEAC

After detailed deliberations, SEAC decided as under:

- d) SEIAA be requested to issue a direction under Section 5 of the Environment (Protection) Act, 1986 to the Project Proponent as under: -
 - i) It shall not carry out any further construction activity at its project site namely "Orchard County" Village Sante Majra, Kharar - Landran Road, Kharar, District Sahibzada Ajit Singh Nagar till it obtains environmental clearance under EIA notification dated 14/9/2006.
 - ii) It shall neither execute any sale deed within the project area nor create any third-party interest in the project till it obtains the environmental clearance under EIA Notification dated 14.09.2006.
- e) SEIAA be requested to ask PPCB to provide the details of the legal action taken against the responsible persons of the project as per the Clause 3 of MoEF & CC Notification dated 14.03.2017 (as amended on 08.03.2018) in response to SEIAA letter no 354 dated 02.04.2019 along with construction status of the project (completed/not completed, if not completed then % of built-up area completed as on)
- f) Simultaneously, the SEAC may ask the project proponent to submit the reply to ADS raised on 05.05.2020, within 15 days and to attend the meeting as and when the case is placed before SEAC. In case, the project proponent fails to submit the reply & appears in the meeting of SEAC, it will be presumed that the project proponent is

not taking the matter seriously and the case will be delisted without any further communication.

- g) The case be placed again before SEAC after getting the reply to ADS from the project proponent and prosecution status from the PPCB.

In compliance with the decision taken at a) & b), the case is placed before SEIAA for consideration.

4.0 Deliberation during 167th meeting of SEIAA held on 31.07.2020

The case was considered by the SEIAA in its 167th meeting held on 31.07.2020. SEIAA perused the deliberations made during the 190th meeting of SEAC held on 27.06.2020.

After detailed deliberations, SEIAA decided to accept the recommendation of SEAC mentioned at Sr. No. 'a' & 'b' and to take action as proposed by the SEAC. Further, it was directed that separate letters be written to the Board mentioning all the previous correspondence for asking the construction status report and action taken report against the responsible person as per the Clause 3 of MoEF & CC Notification dated 14.03.2017 and as amended on 08.03.2018.

In compliance with the aforesaid decisions, the following actions have been taken:

- (i) Direction u/s 5 have been issued vide letter no. 1925 dated 08.09.2020 to the Project proponent and a copy of the same has been endorsed vide letter no. 1926 dated 08.09.2020 to MS, PPCB for ensuring the compliance.
- (ii) The Member Secretary, PPCB has been requested vide letter no. 1923 dated 08.09.2020 to launch prosecution against the responsible persons and send the construction status report vide letter no. 1924 dated 08.09.2020.

No report has been received from the PPCB, so far.

5.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 wherein, SEIAA observed that no report from the PPCB has been received so far. SEIAA took a serious view of this being a major and long pending violation case.

After detailed deliberations, SEIAA decided to issue a reminder to the PPCB for sending the report in the matter. It was also decided that the matter be taken up with the Chairman, PPCB through e-office file.

Item No. 176.18: Application for issuance of TORs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for the establishment of a Group Housing Project namely " OMEGA CITY" located at Kharar- Ludhiana Road, Tehsil Kharar, District SAS Nagar, Punjab by M/s Omega Infra Estates Pvt. LTD. (SIA/PB/NCP/22977/2018).

SEIAA observed as under: -

1.0 Background

The project proponent submitted that project namely "Omega City" was started in 2013 & the built-up area of the project was 16774 sqm which was less than 20,000 sqm and thereafter, they got the plan revised and the built-up area has been increased to 36445 sqm, which is more than 20000 Sqm. They had started the construction without obtaining Environmental Clearance.

Being a case of violation case and as per amendment notification vide No S.O. 804 (E) dated 14-03-2017, violation cases even of category "B" projects which are granted Environmental Clearance by SEIAA, are to appraised for grant of Environmental Clearance only by the EAC and granted at the central level.

Accordingly, they had submitted the online application for issuance of TORs for obtaining Environmental Clearance vide proposal no. IA/PB/NCP/68670/2017 to MOEF&CC on 12/09/2017.

MoEF&CC issued amended notification dated 08.03.2018 and the gist of relevant paras (2), (4) and (5) of the notification, is reproduced as under: -

Para (2) For category B projects, the appraisal, and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.

Para (4) The cases of violations will be appraised with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.

Para (5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan.

In view of the above, MoEF&CC has transferred the project to SEIAA vide proposal no. SIA/PB/NCP/22977/2018 on 28/03/2018.

1.1 Deliberation during 167th meeting of SEAC held on 26.05.2018

The case was considered by SEAC in its 167th meeting held on 26.05.2018 wherein, SEAC was apprised that project proponent has not yet submitted a hard copy of the application after acceptance of its online application as stipulated vide MoEF OM No. J-11013/49/2014-IA.I dated 06/06/2014. The SEAC asked the project proponent why he has not yet submitted a hard copy of the application. To this, the project proponent replied that hard copy will be submitted shortly.

After detailed deliberations, SEAC decided to defer the case and ask the project proponent to submit a hard copy of the application. Till such time his case will not be taken up for consideration.

Accordingly, ADS were raised online, and the project proponent submitted hard copy of the application on 06.09.2019

1.2 Salient features of project

The project proponent applied for issuance of TORs. The summary of the project and EMP is as under:

| S.No. | Item | Details |
|--------------|--|--|
| 1 | Name & Location of the project | Group Housing Project "OMEGA CITY" located at Kharar- Ludhiana Road, Tehsil Kharar, District SAS Nagar, Punjab |
| 2 | Project/activity covered under item of scheduled to the EIA Notification, 14.09.2006 | 8(a) 'Building & Construction Project' |
| 3 | Copy of the Master plan duly marked with the project site | Not Submitted |

| | | | | |
|-----|---|--|------------|-----------|
| 4 | Pre-feasibility report as per Ministry of Environment & Forests, Circular dated 30.12.2010. | Not submitted. | | |
| 5. | Proof of ownership of land | Submitted | | |
| 6. | Copy of Memorandum of Article & Association/partnership deed /undertaking of sole proprietorship/list of Directors and names of other persons responsible for managing the day-to-day affairs of the project. | Not Submitted | | |
| 7 | Proposed ToRs (based on the standard ToRs) | Submitted | | |
| 8 | Does it attract the general condition? If yes, please specify | No | | |
| 9 | Whether the proposal involves approval/clearance under the Forest (Conservation)Act,1980 | No | | |
| 10 | Does the project cover under PLPA, 1900 | No | | |
| 11 | Whether the proposal involves approval/clearance under the Wildlife (Protection)Act, 1972? | No | | |
| 12 | Classification/Land use pattern as per Master Plan | Not submitted. However, it has mentioned that the project site is located at village Khanpur near Kharar and the land for the proposed project conforms to the land use as per the Master plan | | |
| 13 | Cost of the project | 50 Crores. | | |
| 14. | TORs Fee details | NA as the application submitted on 10.09.2017 i.e. before the date of Notification 27.06.2019 | | |
| 15. | Total Plot Area, Built-up Area, and Green area | | | |
| | Description | Existing | Additional | Total |
| | Total Area | 22825 sqm | - | 22825 sqm |
| | Built-up Area | 16774 sqm | 19971 | 36445 sqm |
| | Flats | 188 flats | 218 flats | 406 |
| 16. | Source of water supply | Ground Water Supply | | |
| 17. | Quantity of water | 274 KLD | | |

| | | |
|-----|------------------------------|--|
| 18. | Waste Water generation | 219 KLD |
| 19. | STP Capacity | 225 KLD |
| 20. | Effluent utilization | 69 KLD (i) Uses- Flushing-49 KLD, (ii) Plantation & Irrigation-20 KLD |
| 21 | Rainwater harvesting | Rooftop rainwater of buildings will be collected in 3 RWH tanks of total 70 KLD capacity for harvesting after filtration |
| 22 | Air pollution control | i) All the D.G. Sets shall be acoustically treated to restrict the noise within the permissible limits. ii) Stack of adequate height will be provided on DG sets |
| 23 | Solid waste | 810 kg/day Bio-degradable and Non-biodegradable waste will be handled as per the MSW Rules, 2016 |
| 24 | Hazardous waste | Used oil of D.G. Sets, will be stored in HDPE drums and kept in covered rooms under lock and key and will be sold to approved recyclers only. |
| 25 | Energy Requirements & Saving | i) 2200 KW from the PSPCL ii) Proposed energy-saving measures would save about 21% of the power. |
| 26 | Other facts | i) Consent to operate under the Water Act, 1974 for 188 flats have been issued by the SPCB. ii) Regional Deputy Director, Local Govt., Patiala vide letter no 15737 dated 25.10.2013 has issued amendment and CLU granted for 33 Bighe and 12 Biswa |

1.3 Complete details of the case, are summarised as under:

| | | |
|---|--|--|
| 1 | Proposal No | SIA/PB/NCP/22977/2018 |
| 2 | Date of submission of application | 12.09.2017 |
| 3 | Date of acceptance of application | 22.05.2018 |
| 4 | Meeting of SEAC in which case was considered | 167 th meeting held on 26.05.2018 |
| 5 | Observations | As mentioned above. |

| | | |
|---|------------------------------------|--|
| 6 | Date of ADS | - |
| 7 | Reply received in reference to ADS | The project proponent submitted the hard copy of the application on 06.09.2019 |
| 8 | Reminder | A reminder was issued through email 06.05.2020 wherein it was requested to submit the reply online to the observations immediately, otherwise, it will be presumed that the project proponent has nothing to say and the project will be delisted in light of the OM dated 30.10.2012. The project proponent submitted reply on 25.06.2020 |

2.0 Deliberation during 190th meeting of SEAC held on 27.06.2020

The case was considered by SEAC in its 190th meeting held on 27.06.2020 through video conference and was attended by the following:

3. Sh. Amritpal Singh, Director, on behalf of the project proponent.

4. Sh. Sandeep Garg, EIA Co-ordinator, M/s Eco Laboratories & Consultants Pvt. Ltd. SEAC was apprised that this case is a violation case and was applied in the window given by the MoEF vide notification dated 14.03.2017 & 08.03.2018 and the project proponent submitted a reply on 25.06.2020 in response to the Additional Details Sought from him which was taken on record.

Before allowing the project proponent to give a presentation, the following observations were made by the Committee:

1. The project proponent is required to submit the details of Forest Clearance obtained for diversion of forest land.
2. As per the letter bearing no. 1567 dated 22.08.2019 issued by the Municipal Council, Kharar, the sewer facility is not available near the project. However, MC, Kharar has no objection, in case, the project proponent connects its internal sewer discharging treated wastewater in the sewer laid down by it. The Committee observed that the proposal of the project proponent for providing the sewer connection at its own level does not seem to be feasible and he required to submit the following in this regard:
 - i) The project proponent shall submit the detailed drawing indicating:
 - (a) Distance of the project sewer from the main sewer.

- (b) Sewer alignment for joining the main sewer.
 - (c) Private land or Govt. land along with details of ownership from where the sewer passes
- ii) The project proponent shall submit proper NOC/permission from the owner of the land.
 - iii) The project proponent shall submit a revised letter of MC, Kharar mentioning the carrying capacity of MC sewer & treatment capacity of STP with comments on the adequacy of the STP in light of the increased pollution load due to the project.
3. As per the proposal submitted by the project proponent, the present pollution load due to 188 flats was 217 KLD for which STP of 250 KLD capacity has been provided. However, after carrying out total construction, there will be 406 residential flats including 40 EWS flats.
- SEAC observed that the proposed STP of capacity 250 KLD for complete project will not be adequate as the wastewater generation will be far higher than the treating capacity of the STP. Thus, the project proponent is required to submit a revised water balance along with a revised proposal for the treatment of sewage.
4. The water requirement of the project does not match with the CGWA requirement.

3.0 Recommendation of SEAC

After detailed deliberations, the Committee decided as under:

- a) SEIAA be requested to issue a direction under Section 5 of the Environment (Protection) Act, 1986 to the project proponent as under:-
 - i) It shall not carry out any further construction activity at its project site namely "OMEGA CITY" located at Kharar- Ludhiana Road, Tehsil Kharar, District SAS Nagar, Punjab till it obtains environmental clearance under EIA notification dated 14/9/2006.
 - ii) It shall neither execute any sale deed within the project area nor create any third-party interest in the project till it obtains the environmental clearance under EIA Notification dated 14.09.2006.
- b) SEIAA be requested to ask the PPCB to provide the details of the legal action taken against the responsible persons of the project as per the Clause 3 of MoEF & CC Notification dated 14.03.2017 (as amended on 08.03.2018) and as amended on 08.03.2018 in response to SEIAA letter no 354 dated 02.04.2019 along with construction status of the project (completed/not completed, if not completed

then % of built-up area completed as on)

- c) Simultaneously, the SEAC may ask the project proponent to submit the reply to aforesaid observations (Sr No. 1 to 4) of SEAC, within 15 days and appear in the meeting as and when the case is placed before SEAC. In case, the project proponent fails to submit the reply & appears in the meeting of SEAC, it will be presumed that the project proponent is not taking the matter seriously and the case will be delisted without any further communication.
- d) The case be placed again before SEAC after getting the reply from the project proponent and prosecution status from the PPCB.

In compliance to the decision taken at a) & b), the case is placed before SEIAA for consideration.

4.0 Deliberation during 167th meeting of SEIAA held on 31.07.2020

The case was considered by the SEIAA in its 167th meeting held on 31.07.2020. SEIAA perused the deliberations made during the 190th meeting of SEAC held on 27.06.2020.

After detailed deliberations, SEIAA decided to accept the recommendation of SEAC mentioned at Sr. No. 'a' & 'b' and to take action as proposed by the SEAC. Further, it was directed that separate letters be written to the Board mentioning all the previous correspondence for asking the construction status report and action taken report against the responsible person as per the Clause 3 of MoEF & CC Notification dated 14.03.2017 and as amended on 08.03.2018.

In compliance with the aforesaid decisions, the following actions have been taken:

- (i) Direction u/s 5 have been issued vide letter no. 1928 dated 08.09.2020 to the Project proponent and a copy of the same has been endorsed vide letter no. 1929 dated 08.09.2020 to MS, PPCB for ensuring the compliance.
- (ii) The Member Secretary, PPCB has been requested vide letter no. 1927 dated 08.09.2020 to launch prosecution against the responsible persons and send the construction status report vide letter no. 1930 dated 08.09.2020.

No report has been received from the PPCB, so far.

5.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 wherein, SEIAA observed that no report from the PPCB has been received so far. SEIAA took a serious view of this being a major and long pending violation case.

After detailed deliberations, SEIAA decided to issue a reminder to the PPCB for sending the report in the matter. It was also decided that the matter be taken up with the Chairman, PPCB through e-office file.

Item No.176.19: High Court matter regarding application for obtaining Environmental Clearance under EIA notification dated 14.09.2006 for development of a residential project namely 'Falcon View' at Sector-66 A, Distt. Mohali by M/s Janta Land Promoters Limited (Proposal No. SIA/PB/NCP/10626 /2013).

SEIAA observed as under: -

1.0 Background

Earlier, the SEIAA in its 132nd meeting held on 10.05.2018, after detailed deliberations decided to accept the recommendations of SEAC and to issue the specific ToRs as recommended by the SEAC. The pending application of 'Falcon View' for obtaining environmental clearance will be appraised and decided after the receipt of the revised EIA report incorporating the compliance of specific ToRs in accordance with the provisions of EIA notifications dated 14.03.2017 and amendment dated 08.03.2018 issued by the MoEF&CC, New Delhi.

In compliance to the decision of SEIAA, the Terms of Reference were issued to the project proponent vide no. 609 dated 11.05.2018.

Thereafter, Hon'ble Punjab & Haryana High Court, Chandigarh was attended on 14.05.2018 by the Secretary (SEAC) & EE (SEAC) in the matter of CWP 21351 of 2016 and the Hon'ble Court has passed as order as under: -

"Learned counsel for respondents No. 4 and 5 states that a notice has been issued to the petitioner for appearance on 11.05.2018 for submitting fresh terms of reference for obtaining environmental clearance.

Copy of the said notice is taken on record. Learned counsel for the parties pray for time. Adjourned to 19.07.2018."

Thereafter, the project proponent i.e. Petitioner filed an additional affidavit dated 12.07.2018 in the same matter i.e. CWP 21351 of 2016. In the said affidavit, the petitioner has alleged that a separate set of action has been initiated by the SEIAA & SEAC instead of concentrating on the main issue i.e. as to whether separate environmental clearance is required to the Falcon View when already the environmental clearance has been granted to the main Project namely "Super Mega Mixed Use integrated industrial park". The Hon'ble Punjab & Haryana High Court, Chandigarh Court was attended on 19.07.2018 by the Secretary (SEAC) & EE (SEAC) in the CWP 21351 of 2016 but the turn of the case could not come up due to paucity of time and the next date of hearing in the said case is 08.10.2018. The matter was discussed with Counsel of the Board on 04.09.2018 and he informed that the additional affidavit of the Petitioner was listed as Civil Miscellaneous before the Hon'ble Court on 19.07.2018 but notice on the same has not been issued. However, the Hon'ble Court can direct the Respondent no.4 & 5 to file the reply of the additional affidavit on 08.10.2018. Thus, a status report may be prepared in advance to save time.

Accordingly, a draft status report was prepared in consultation with the counsels engaged in the matter.

The matter was considered by the SEIAA in its 137th meeting held on 06.09.2018. The SEIAA examined the draft status report prepared in consultation with the Counsel engaged in the matter in detail and suggested some additions/ amendments in the status report. Accordingly, the Counsel was contacted telephonically to brief the additions/ amendments to be made in the status report and he was satisfied with the amendments suggested by SEIAA. After detailed deliberations, SEIAA decided as under:

- i. Amended draft reply be sent to SEAC for perusal/consideration for submitting the final reply to the Hon'ble High Court.
- ii. Since the Member Secretary, SEIAA is proceeding on leave for one month, the SEIAA hereby authorizes the Chairman to approve the additions/amendments, if any, suggested by SEAC after consideration of the draft reply.
- iii. Secretary, SEAC shall file the reply on behalf of Respondents No. 4 & 5 on or before 08.10.2018 in the Hon'ble Punjab & Haryana High Court, Chandigarh, after getting approval on record file from the Chairman, SEIAA.

The case file was sent to SEAC. The SEAC considered the amended draft reply in its 171st meeting held on 24.09.2018 and concurred with the draft reply sent by the SEIAA. After taking approval on the record file of "Falcon View" from Chairman SEIAA, the final reply has been handed over to the Counsel which was to be filed on 08.10.2018 but the turn of the case could not come up due to the paucity of time. However, the Counsel has informed that the final reply will be filed on the next date of hearing i.e. 24.01.2019 after the notice of motion moved by the Hon'ble Punjab & Haryana High Court, Chandigarh.

The Hon'ble High Court, Chandigarh was attended by the Environmental Engineer (SEIAA/SEAC) along with A.E.E. (SEIAA/SEAC) on 24.01.2019. The petitioner has filed new C.M. No. 1117 of 2019 in the matter, which was listed at Sr. No. 113 of the cause list and the main case (CWP No. 21351 of 2016) was listed at Sr. No. 209 of the cause list. The new C.M. has not been heard being attached with the main case. But the main case could not be heard due to the paucity of time. It is added here that earlier, reply handed over to the Advocate in the case has not yet filed before the Hon'ble High Court as the notice of motion has not been issued as yet. In the meanwhile, a copy of new C.M. has been obtained, which was annexed as annexure with the agenda.

The matter was considered by the SEIAA in its 142nd meeting held on 30.01.2019. After detailed deliberations, SEIAA decided that copy of new C.M. No. 1117 of 2019 filed by the project proponent be sent to SEAC in original for perusal and preparing reply to be filed in the Hon'ble High Court.

The matter was considered by the SEAC in its 177th meeting held on 13.03.2019. SEAC was apprised that new CM filed could not be placed in the 176th meeting of SEAC held on 05.02.2019 as the minutes of 142nd meeting of SEIAA were released on 06.02.2019. Thereafter, no meeting of SEAC was held. However, the draft reply to the aforesaid CM has been prepared and the same has been apprised to the Counsel. In the meanwhile, the court case was attended on 11.03.2019 but turn of the case could not come up for hearing. Notice of motion is yet to be issued in both the CMs. The Hon'ble Court has fixed the next date of hearing on 16.07.2019.

SEAC perused the copy of CM, the new application filed for expansion of the Super Mega Mixed Use Integrated Industrial Park, and the reply prepared to the new CM. SEAC observed that the project proponent has mentioned in its application that 68% construction of Falcon View has been completed and is continuously constructing its project without obtaining environmental clearance. SEAC further observed that the said application is lying pending in the portal of SEIAA for scrutiny for more than one month and is at the verification stage.

SEAC further observed that although in the reply prepared in consultation with counsel, it has been mentioned that the petitioner has filed a separate application for expansion of its project. However, the matter is sub-judice before the Hon'ble High court with respect to the requirement of separate environmental clearance for group housing project namely Falcon View developed by the Petitioner. Further, the Specific Terms of Reference have been issued to the Petitioner for its group housing project namely Falcon View for submission of EIA report in accordance with the provisions of the amended notification dated 08.03.2018. The petitioner is yet to submit the EIA report, as such, SEAC and SEIAA cannot take further action on the application filed for obtaining environmental clearance for developing group housing project as well as the new application filed by the Petitioner for expansion of Super Mega Mixed Land Use Integrated Industrial Park but, the Hon'ble Court has not passed any order w.r.t scrutiny of the application.

After detailed deliberations, SEAC decided to recommend to SEIAA as under: -

- i) Legal Opinion may be taken from the Counsel Ms. Rita Kohli and Sh. Gurminder Singh separately as to whether new application filed by the Petitioner for expansion of Super Mega Mixed Land Use Integrated Industrial Park is required to be considered for scrutiny or the same will be left pending till 16.07.2019 i.e. next date of hearing.
- ii) Hon'ble Court be apprised through the Counsel regarding construction work of Falcon view being carried out continuously by the project proponent even after the direction u/s 5 of Environment Protection Act, 1989, has been passed by SEIAA to stop the construction work immediately and request the Hon'ble Court to pass

an appropriate order to stop the construction work of project Falcon View till the petition has not been decided.

2.0 Deliberation during 146th meeting of SEIAA held on 16.04.2019

The matter was considered by SEIAA in its 146th meeting held on 16.04.2019. SEIAA perused the recommendations sent by SEAC and observed that Ms. Rita Kohli is counsel engaged by the Board for defending the case on behalf of Board whereas Sh. Nitin Kaushal & Sh. Gurminder Singh are the Counsels engaged by the Board for defending the case on behalf of SEIAA. However, in the case, Sh. Gurminder Singh, Senior Advocate, is appearing before the Hon'ble court. SEIAA further observed that before submitting any statement through the Counsel in the Hon'ble Court, there is a need to obtain fresh construction status report of Falcon view project from the PPCB.

After detailed deliberations, the SEIAA decided as under:

- (i) Legal Opinion be obtained from the Senior Advocate Sh. Gurminder Singh as to whether new application filed by the Petitioner for expansion of Super Mega Mixed Land Use Integrated Industrial Park is required to be considered for scrutiny or the same will be left pending till 16.07.2019 i.e. next date of hearing.
- (ii) PPCB be asked to send the latest status of construction carried out by the project proponent of Falcon view to take further action in the matter.

In compliance with the aforesaid decisions, the following actions were taken:

- i) Senior Advocate Sh. Gurminder Singh told telephonically that he will charge Rs.1.5 lacs for giving a legal opinion. Therefore, after having discussion with the Competent Authority of SEIAA, the letter was issued to Sh. Nitin Kaushal, Counsel engaged by the Board on behalf of SEIAA vide no. 417 dated 22.05.2019 to give legal Opinion.
- ii) The decision to PPCB, Regional Office, Mohali was conveyed vide letter no. 418 dated 22.05.2019.

The matter was discussed telephonically on 21.06.2019 by the Secretarial Staff with Sh. Nitin Kaushal. After discussion, he advised that as the Falcon View project is a case of violation & the matter regarding the requirement of environmental clearance of the same is sub-judice before Hon'ble High Court, acceptance of new Environmental clearance application for expansion of Super Mega Mixed Use Integrated Industrial Park including Falcon View will not be appropriate at this stage. If the new application is accepted then violation case of the Falcon View project proceeds to a case of regularization & dilute the stand of SEIAA/SEAC before the Hon'ble High Court. Therefore, SEIAA-SEAC should pray before the Hon'ble High Court to issue appropriate direction regarding the new application on the next date of hearing.

3.0 Deliberation during 148th meeting of SEIAA held on 26.06.2019

The matter was considered by SEIAA in its 148th meeting held on 26.06.2019. SEIAA was apprised regarding the legal opinion given by Sh. Nitin Kaushal telephonically as above. SEIAA was also apprised regarding the latest construction status report of Falcon view received from Environmental Engineer PPCB regional office Mohali vide letter no. 3307 dated 25/06/2019. The report is reproduced as under:

“The group housing project namely Falcon View developed by M/s Janta Land Promoters Limited was visited by AEE of this office on 21.06.2019 and it was observed that:

- i) The promoter company has the group housing society namely Falcon View in an area of 34.17 acres.
- ii) The promoter company has a proposal to construct 31 towers at this site.
- iii) The promoter company has presently constructed and finished the work of 9 towers namely X,Y,A,B,G,H and 2 no. blocks i.e. Block C and Block A.
- iv) The promoter company has given possession of approximately 330 flats and approximately 150 families are residing in the complex.
- v) I,J,K,L,M & N, the structure work of these 6 towers is almost complete and finishing work is in progress.
- vi) For the towers V & W the structure work has been completed up to G+4 level.”

SEIAA perused the aforesaid report and observed as under:

- a) The project proponent of Falcon View has not stopped the construction inspite of directions issued u/s 5 of the Environment (Protection) Act, 1986 by the SEIAA vide letter no. 1390 dated 05.03.2015 restraining the project proponent not to carry out any further construction without obtaining environmental clearance.
- b) The project proponent has submitted an application for expansion of Super Mega Mixed Use Integrated Industrial Park including the project of Falcon View which cannot be considered at this stage and is kept pending at verification level due to the reasons as under: -
 - i) The project of falcon view is a case of violation as it has violated the provision of EIA notification 2006. The matter is sub judice before the Hon’ble High court and the same is yet to be decided.
 - ii) Application for expansion of Super Mega Mixed Use Integrated Industrial Park is a move for regularisation of the case of Falcon view project for which the terms of reference have already been issued to the project proponent vide letter no. 605 dated 10/05/2018 but the project proponent has not yet submitted the EIA report.
 - iii) SEIAA has already filed an affidavit before the Hon’ble High Court wherein it has been stated that separate Environment Clearance is required for the project Falcon view due to the reason that all the environmental impacts have not been considered while obtaining environmental clearance for Super Mega Mixed Use Integrated Industrial Park. As per EIA notification, 14.09.2006, the

project proponent is required to obtain environmental clearance prior to the construction of the project. Present case of Falcon View is a violation case and required to be dealt as per EIA notification 14.03.2017 amended on 08.03.2018. Moreover, as per the construction status report, project proponent has not stopped the construction inspite of the direction issued u/s 5 of Environment (Protection) Act, 1986.

After detailed deliberation, SEIAA decided that in view of the above facts, draft status report be prepared in consultation with the Counsel engaged on behalf of SEIAA for apprising the Hon'ble High Court about the latest status of construction of Falcon View as well as about the new application filed by the Petitioner for expansion of the project namely Super Mega Mixed Land Use Integrated Industrial Park as a move to regularise the Falcon View project and same be filed in Hon'ble High Court, Chandigarh after obtaining approval from SEIAA well before 16.07.2019.

The status report to be filed by way of affidavit in the Hon'ble Punjab & Haryana High Court has been prepared in consultation with Counsel engaged on behalf of SEIAA. The same is annexed as Annexure-A of agenda. The case was last listed on 16.07.2019 and could not come up for hearing due to the paucity of time. The next date of hearing is 19.11.2019.

4.0 Deliberation during 151st meeting of SEIAA held on 05.08.2019

The matter was considered by SEIAA in its 151st meeting held on 05.08.2019. SEIAA perused the aforesaid draft status report prepared in consultation with the Counsel and suggested some amendments therein. A copy of the amended status report to be filed by way of affidavit in the Hon'ble Punjab & Haryana High Court is annexed at Annexure-A1 of agenda

After deliberations, SEIAA decided as under:

- i) Final approved status report (Annexure-A1) be handed over to the standing counsel for filing the same in the Hon'ble Punjab & Haryana High Court, Chandigarh on behalf of Respondents No. 4 & 5 through the Member Secretary, SEIAA, on or before next date of hearing i.e. 19.11.2019.
- ii) Member Secretary, PPCB be asked to initiate credible action against project proponents / responsible persons / Promoter Company under the Environment (Protection) Act, 1986 due to continued violation by way of continuously carrying out the construction activities of the project in spite of the directions issued by the SEIAA and even after filing of the earlier complaint in the court of Competent Law & without obtaining Environmental Clearance under EIA notification dated 14.09.2006.

In compliance with the above action, the following action has been taken:-

- i) The final approved status report (Annexure-A1) has been handed over to Sh.

Aman Arora, standing counsel for filing the same in the Hon'ble Punjab & Haryana High Court, Chandigarh on behalf of Respondents No. 4 & 5 through the Member Secretary, SEIAA He informed that notice of motion is yet to be issued for the CM. The status report shall be filed as and when Hon'ble Court issues notice in the matter. If required, latest status shall be apprised to the Hon'ble Court on the next date of hearing

- ii) Member Secretary, PPCB has been requested vide letter no 862-864 dated 22/08/2019 to initiate credible action against project proponents / responsible persons / Promoter Company under the Environment (Protection) Act, 1986 due to continued violation by way of continuously carrying out the construction activities of the project in spite of the directions issued by the SEIAA and even after filing of the earlier complaint in the court of Competent Law & without obtaining Environmental Clearance under EIA notification dated 14.09.2006.

5.0 Deliberation during 159th meeting of SEIAA held on 08.01.2019

The matter was considered by the SEIAA in its 159th meeting held on 08.01.2019, wherein SEIAA was apprised that M/s JLPL vide letter no. JLPL/82/2019/3875 dated 16.12.2019 has submitted as under:

1. They have already been accorded environmental clearance for our Super Mega Mixed Used Integrated Industrial Park Project at Sector 66 A, 82 & 83 Mohali which includes Falcon View Project as well. All critical components considered for Super Mega Project include parameters for Falcon View as well. The same has been reiterated by us earlier too stating that statute does not ask for separate environmental clearance for built-up project (which is a sub-part of land development project) once land development project has been accorded environmental clearance.
2. They have subsequently submitted revised environmental clearance for Super Mega Mixed Use Integrated Industrial Park Project vide dated 17.01.2019 which is under consideration of the competent authority for approval.
3. Both SEAC and SEIAA have at their level found Falcon View Project fit for construction, in spite of the alleged violation and there is no irregularity and infirmity in the implementation of the project duly approved by the State Government.
4. Moreover, the application submitted by the company for environmental clearance in respect of the Falcon View Project was withdrawn by the applicant promoter.

In view of the above submissions, the project proponent has requested not to take any further action on the letter of SEIAA issued vide no. 611 dated 11.05.2018.

After detailed deliberations, SEIAA decided to consult advocate engaged in the matter for the following: -

- i) Fresh application filed by the Petitioner for expansion of Super Mega Mixed Land Use Integrated Industrial Park" which includes group housing project namely "Falcon view".
- ii) Petitioner request submitted vide letter no 3875 dated 16.12.2009 regarding no further action is required on the SEIAA letter no. 609-611 dated 11.05.2018 by which additional specific TOR issued to him.

Status of various Court Cases pending before the Hon'ble Court was reviewed by SEIAA in its 160th meeting held on 30.01.2020, wherein SEIAA was apprised that the next date of hearing is 19.02.2020

In compliance with the above decision, it is submitted that the case (CWP 21351 of 2016 was attended on 19.02.2020 by the EE (SEIAA) along with Sh. Aman Arora, Advocate. After hearing, the Hon'ble Court issued the notice of motion to the CM. The matter was adjourned to 06.05.2020.

Further, the matter was discussed with Advocate for point no i) and ii) above and it was advised as under:-

- ii) Fresh application filed by the Petitioner for expansion of Super Mega Mixed Land Use Integrated Industrial Park" which includes group housing project namely "Falcon view" may be decided after hearing the project proponent.
- iii) Appropriate reply be also given to the project proponent in reference to his request letter no 3875 dated 16.12.2009.

The facts of the case of expansion of Super Mega Mixed Land Use Integrated Industrial Park" is as under: -

- i) The project proponent has submitted an application on 17.01.2019 for issuance of Terms of References (TORs) for obtaining environmental clearance for the expansion of Super Mega Mixed Use Integrated Industrial Park, Sector- 66A, 82 & 83, District SAS Nagar (Mohali), Punjab being developed by M/s. Janta Land Promoters Limited. (Proposal No SIA/PB/NCP/30759/2019)
- ii) At present, the application is pending at the verification stage of earlier TOR/EC details issued by the SEIAA in the Parivesh portal which can be rejected with an appropriate reason.
- iii) The project proponent has purchased additional land and accordingly change of land use has been obtained for 24.911 acres of land. The layout plan for expansion is also approved by CTP, Punjab vide Letter no. 6739 CTP (Pb) / SMPM- 3 dated 31.10.2018. The details of the conceptual plan submitted by the project proponent is as under:-

Comparison of EC Accorded & Total proposed (After Expansion) details

| Sr. No. | Description | EC Accorded | Total proposed (After Expansion) |
|---------|-------------------|--------------|----------------------------------|
| 1) | Total Scheme Area | 263.38 acres | 278.171 acres |

| | | | |
|-----|-------------------------|---|--|
| 2) | Net Planned Area | 200.41 acres | 235.51 acres |
| 3) | Built-up Area | 11,27,578.74 sqm | 11,75,000 sqm |
| 4) | Estimated Population | 22,145 Persons | 27,655Persons |
| 5) | Total Water Requirement | 3,204 KLD | 3,108 KLD |
| 6) | Fresh water Demand | 2,322 KLD | 2,051 KLD |
| 7) | STP capacity | STP of 2.8 MLD capacity | |
| 8) | Solid waste generation | 8.64 MT/day | 10.855 MT/day |
| 9) | Power Load | 30 MVA or 30,000 KVA | 41.7 MVA or 41,782 KVA |
| 10) | DG sets | 4 No. D.G sets of 50 KVA, 1 No. DG set of 125 KVA and 18 No. DG sets of 500 KVA | 18 No. DG sets of 500 KVA, 9 No. DG sets of 380 KVA, 8 No. DG sets of 320 KVA, 2 No. DG sets of 250 KVA and 2 No. DG sets of 125 KVA |
| 11) | Project Cost | Rs. 1059.39 Crores | Rs. 1103.21 Crores |

As per EC accorded, 80% development work has already been done at the project site. Construction/occupancy status of residential/commercial Built-up works is given below in Table.

Construction Status of Residential/Commercial Built-up works

| Sr. No. | Pockets | Construction status |
|---------|-----------------|---------------------|
| 1. | IT Twin Towers | 45% |
| 2. | Falcon View | 68% |
| 3. | Sky Garden | 83% |
| 4. | Galaxy Height-1 | 62% |

Comparison of Water Demand & Wastewater Generation Details as per EC Accorded and Total proposed (After Expansion)

| SI. No. | Description | EC Accorded | Total proposed (After Expansion) |
|---------|--------------------|-------------|----------------------------------|
| 1. | Total Water Demand | 3,204 KLD | 3,108 KLD |
| 2. | Fresh Water Demand | 2,322 KLD | 2,051 KLD |

| | | | |
|----|----------------------|-------------------------|-----------|
| 3. | Wastewater generated | 2,563 KLD | 2,486 KLD |
| 4. | STP capacity | STP of 2.8 MLD capacity | |

Water Demand & Wastewater Generation Details of Total proposed (After Expansion)

| S.No. | Area Details | Population | Water requirement |
|---|---|--------------------|--|
| 1. | Residential Pockets including EWS | 3,549 x 5 = 17,745 | 17,745 x 150 = 2,661.75 KLD |
| 2. | Industrial/ Institutional/ Commercial plots | 9,910 | 9,910 x 45 = 445.995 KLD |
| Total water requirement | | | 3,107.74 KLD say 3108 KLD |
| Total sewage generation | | | 2,486 KLD |
| Treated sewage recycled for flushing | | | 710 (for 1 @ 40 lpcd) + 347 KLD (for 2 @ 35 lpcd) = 1,057 |
| Fresh water requirement | | | 2,051 KLD (3108 KLD – 1057 KLD) |
| Green area water req | | | 57,708.17 sqm |
| Summer (@ 5.5 lt./m ² /day) | | | 317 KLD |
| Winter (@ 1.8 lt./m ² /day) | | | 104 KLD |
| Monsoon (@ 0.5 lt./m ² /day) | | | 29 KLD |

Parking Required Details for Residential/Commercial Pockets in Total proposed (After Expansion)

| SI. No. | Description | DUs / Area | Norms | Calculations | Required Parking (in ECS) |
|---------|------------------|------------|---|--|---------------------------|
| 1. | Falcon View | 1602 | @ 3 ECS/DU | 1602 x 3 | 4,806 |
| 2. | Sky Garden | 368 | <ul style="list-style-type: none"> • 1.5 ECS/DU Below 1,200 sqft. • 10% for visitors • 2 ECS/100 sq.m. for convenient/shopping | <ul style="list-style-type: none"> • 1.5 x 368 = 552 • 10% of 552 = 55 • 97.685 sq.m. x 2/100 = 2 | 609 |
| 3. | Galaxy Height-I | 411 | 1.5 ECS/DU Below 1,200 sq.ft. | 1.5 x 411 | 617 |
| 4. | Galaxy Height-II | 348 | 1.5 ECS/DU Below 1,200 sqft. + 2 | • 1.5 x 316 = 474 | 592 |

| | | | | | |
|---------------------------------|---------------|----------------|---|--|-----------|
| | | | ECS/DU above 1200 sq.ft. + 10% for visitors | <ul style="list-style-type: none"> • 2 x 32 = 64 • 10% of 538 = 54 | |
| 5. | IT Twin Tower | 32,897.98 sqm. | 2 ECS/100 sq.m. | 32897.98 x 2/100 | 658 |
| Total Parking Required (in ECS) | | | | | 7,282 ECS |

Parking Proposed Details for Residential/Commercial Pockets in Total proposed (After Expansion)

| SI. No. | Description | Parking provisions | Parking Proposed (in ECS) |
|--|------------------|--|---------------------------|
| 1. | Falcon View | <ul style="list-style-type: none"> • Basement = 3,750 ECS • Surface = 1,243 ECS • Stilt = 37 ECS | 5,030 |
| 2. | Sky Garden | <ul style="list-style-type: none"> • Stilt(Mechanical) = 84 ECS • Basement = 224 ECS • Lower Ground Floor (Mechanical) = 42 ECS • Open = 309 ECS | 659 |
| 3. | Galaxy Height-I | <ul style="list-style-type: none"> • Ground Floor = 54 ECS • Basement = 322 ECS • Basement (Mechanical) = 135 ECS • Open = 169 ECS | 680 |
| 4. | Galaxy Height-II | <ul style="list-style-type: none"> • Ground Floor = 42 ECS • Basement = 320 ECS • Basement (Mechanical) = 120 ECS • Open = 123 ECS | 605 |
| 5. | IT Twin Tower | <ul style="list-style-type: none"> • Basement = 246 ECS • Stilt = 192 ECS • Open = 126 ECS • Basement (Mechanical) = 132 ECS | 696 |
| Total Parking Proposed (in ECS) | | | 7,670 ECS |

- iv) In spite of submitting the EIA report, M/s JLPL vide letter no. JLPL/82/2019/3875 dated 16.12.2019 informed that no further action is solicited on the SEIAA letter no. 609- 611 dated 11.05.2018 vide which additional specific TOR was issued for development of project namely "Falcon View" at Sector 66 A Distt. Mohali (Proposal No. SIA/PB/NCP/10626/2013)

- v) SEIAA vide letter no.418 dated 22.05.2019, had sought the latest construction status report of group housing project namely "Falcon view" from Environmental Engineer, Punjab Pollution Control Board, Regional Office Mohali.
- vi) Environmental Engineer, Punjab Pollution Control Board, Regional Office Mohali vide letter no. 3307 dated 25/06/2019 has sent the report as under:
 - a) The group housing project namely Falcon View developed by M/s Janta Land Promoters Limited was visited by Assistant Environmental Engineer of the Regional Office, Mohali on 21.06.2019 and it was observed that:
 - b) The promoter company has the group housing society namely Falcon View in an area of 34.17 acres.
 - c) The promoter company has a proposal to construct 31 towers at this site.
 - d) The promoter company has presently constructed and finished the work of 9 towers namely X,Y,A,B,G,H and 2 no. blocks i.e. Block C and Block A.
 - e) The promoter company has given possession of approximately 330 flats and approximately 150 families are residing in the complex.
 - f) The structure work of six towers having nomenclature I, J,K,L,M & N is almost complete and finishing work is in progress.
 - g) For the towers V & W the structure work has been completed upto G+4 level."
- vii) The project proponent has not stopped the construction of group housing project "Falcon View inspite of directions issued u/s 5 of the Environment (Protection) Act, 1986 by the SEIAA vide letter no. 1390 dated 05.03.2015 restraining the project proponent not to carry out any further construction without obtaining environmental clearance.
- viii) MoEF&CC vide OM dated 9.09.2019 clarified that only those proposals may be taken for consideration under the provisions of Ministry Notification, dated 14.03.2017 and 08.03.2018 which had been submitted to SEAC during the window (14.03.2017 to 13.09.2017 & 14.03.2018 to13.04.2018) or prior to it.
- ix) In the expansion application, the construction status of the falcon view has been reported 68%. Thus, the fresh application filed by the project proponent for expansion of Super Mega Mixed Land Use Integrated Industrial Park" which includes group housing project namely "Falcon view" as one of the components of the Super Mega project is itself a violation case and their request regarding grant of ToRs is over & above to the requirement of environment clearance to the pending application of the Falcon View for which additional ToR have already been issued.

6.0 Deliberation during 161st meeting of SEIAA held on 27.02.2020

The case was placed in the 161st meeting of SEIAA held on 27.02.2020, which was attended by the following:

- i) Sh. Hardeep Singh, Deputy Chief Engineer of the promoter company
- ii) Sh. Sandeep Garg, MD, M/s Eco Laboratories & Consultants Pvt. Ltd. Mohali, Environment Consultant of the promoter company

To a query of SEIAA regarding as to whether construction activities or any aspect/impact related to the environment of the "Falcon view" (for which matter is pending before Hon'ble High Court), has been considered in the new application (Proposal No SIA/PB/NCP/30759/2019), the project proponent replied that the components of Falcon view have been considered in the new application submitted by them.

To another query of the SEIAA regarding as to why the new application for issuance of TORs (proposal no. SIA/PB/NCP/30759/2019) be not rejected considering the whole case as violation case being "Falcon view" one of the components of the expansion of Super Mega project, which itself is a violation case. In reply, the project proponent requested to give some time to submit their reply.

After detailed deliberations, SEIAA decided to accept the request of the project proponent, defer the case and the case be placed in the next meeting of SEIAA as and when scheduled.

Sh. Nitin Kaushal, Advocate engaged initially in the matter by PPCB on behalf of SEIAA vide letter dated 18.02.2020 addressed to Member Secretary, PPCB submitted that due to personal reasons, he was not in a position to represent the PPCB (i.e. SEIAA). Further, he requested that this case may be assigned to some other lawyer on the panel of the Board at the earliest.

7.0 Deliberation during 162nd meeting of SEIAA held on 19.03.2020

The case was placed in the 162nd meeting of SEIAA held on 19.03.2020, which was attended by the following:

- i) Sh. Hardeep Singh, Deputy Chief Engineer of the promoter company
- ii) Sh. Sandeep Garg, MD, M/s Eco Laboratories & Consultants Pvt. Ltd. Mohali, Environment Consultant of the promoter company.

To a query of SEIAA regarding whether he wanted to say/ submit any written representation w.r.t discussion held in the last meeting, i.e. 161st meeting of SEIAA held on 27.02.2020. In reply, he submitted that he does not want to submit any written submission and their stand is the same, which the company had taken in the Hon'ble High Court i.e. their project "Falcon view" do not require the

separate environmental clearance as they had already obtained the Environmental Clearance for Super Mega Mixed Land Use Integrated Industrial Park.

SEIAA observed as under: -

- i) Application of expansion of Super Mega Mixed Land Use Integrated Industrial Park" submitted on 17.01.2019 includes the group housing project namely "Falcon view" as one of the components. "Falcon view" project(a component of Super Mega Mixed Use Industrial Park) is a violation case and thus the expansion of Super Mega Mixed Land Use Integrated Industrial Park project for which fresh application is submitted, will also be considered as a violation case.
- ii) MoEF&CC vide OM dated 09.09.2019 has clarified that only those violation proposals may be taken up for consideration under the provisions of Ministry's Notification, dated 14.03.2017 and 08.03.2018, which had been submitted to SEAC during the window (14.03.2017 to 13.09.2017 & 14.03.2018 to 13.04.2018) or prior to it. The promoter company has failed to submit the case in the prescribed window as the application was filed on 17.01.2019.
- iii) M/s Janta Land Promoters Ltd. has not stopped the construction of group housing project "Falcon View in spite of directions issued u/s 5 of the Environment (Protection) Act, 1986 by the SEIAA vide letter no. 1390 dated 05.03.2015 restraining the promoter company not to carry out any further construction without obtaining environmental clearance.
- iv) The promoter company vide letter no. JLPL/82/2019/3875 dated 16.12.2019 informed that no further action is solicited on the SEIAA letter no.609- 611 dated 11.05.2018 instead of submitting EIA report in compliance to the specific Terms of Reference issued vide SEIAA letter no 609- 611 dated 11.05.2018.
- v) Submission of Fresh application for expansion of Super Mega Mixed Use Integrated Industrial Park, is an action through which promoter company wants to regularize the group housing project "Falcon view" through back door entry, which cannot be considered as the case is sub-judice in the Hon'ble High Court.

After detailed deliberations, SEIAA decided as under

- i) Application for issuance of Terms of References (TORs) for obtaining environmental clearance for the expansion of Super Mega Mixed Use Integrated

Industrial Park, Sector- 66A, 82 & 83, District SAS Nagar (Mohali), Punjab submitted by M/s Janta Land Promoters Limited. (Proposal No SIA/PB/NCP/30759/2019) be rejected due to the reasons mentioned above.

- ii) Case be assigned to some other lawyer at the earliest. Sh. Aman Sharma, Advocate may be contacted as suggested being familiar with the facts of the case as he had already appeared in the court on behalf of SEIAA/SEAC in this case.
- iii) Draft status report in the matter be prepared in consultation with advocate engaged in the matter and the same be placed in the next meeting of SEIAA. The meeting be scheduled at the earliest to avoid any delay in the matter.

In compliance with the aforesaid decision, the following actions have been taken:-

- i) The decision of SEIAA has been conveyed to the project proponent vide letter no. 1594 dated 20.05.2020
- ii) Sh. Aman Sharma was contacted and he informed that if the senior advocate Sh. GurminderSingh (who was earlier engage to defend the notice issued to Senior Environmental Engineer, Sh. Samarjeet Goyal), is engaged then he will be available to assist him. He also informed that whatever fee was paid to him to defend the notice earlier by the PPCB, the same amount (approx. 3,30,000/-) will be charged to defend the case.

However, in the matter, MS PPCB has been requested vide letter No 1675 dated 03.6.2020 to engage a lawyer and asked to appear on 03.07.2020 on behalf of respondents No. 4 (SEAC) & respondent 5 (SEIAA) before the Hon'ble High Court Chandigarh to plead, defend and watch the interest of said respondents in the case.

- iii) Draft reply in the matter was prepared and placed before the SEIAA for perusal.

It is further submitted that JLPL vide memo no JLPL/PPCB-632/2020/3290 dated 15.06.2020 submitted his presentation to withdraw the order dated 20.05.2020 and pass a fresh order on merits on your fresh terms of reference submitted on 17.01.2019. A copy of the said memo no is annexed as Annexure-III of the agenda.

The matter was considered by SEIAA in its 165th meeting held on 19.06.2020 and SEIAA perused the aforesaid draft status report and suggested some amendments therein. A copy of the amended status report to be filed by way of the Status report by way of an affidavit in the Hon'ble Punjab & Haryana High Court, Chandigarh is annexed at **Annexure-A1** of proceedings.

After deliberations, SEIAA decided as under:

- i) In light of the urgency of the matter and the fact that Directorate is yet to have its own panel of advocates, Board be requested to engage Ms. Rita Kohali, Senior Advocate on behalf of respondents No. 4 (SEAC) & respondent 5 (SEIAA) in the

matter for defending the case (as she is already appearing in this case on behalf of PPCB) and copy of the same be forwarded to Director, DECC, to reimburse the professional fee paid by the PPCB to the new lawyer.

- ii) Status report (**Annexure-A1**) be got vetted from the Legal Counsel and be filed in the Hon'ble Punjab & Haryana High Court, Chandigarh on behalf of Respondents No. 4 & 5 through the Member Secretary, SEIAA, on or before next date of hearing i.e. 03.07.2020
- iii) Request of the JLPL submitted vide memo no JLPL /PPCB-632/2020/3290 dated 15.06.2020 be put up as a separate agenda in the next meeting of SEIAA.

In compliance with the aforesaid decisions, the following actions have been taken:

- (i) Chairman, PPCB was requested vide letter no. SPL-1 dated 20.06.2020 to engage Ms. Rita Kohali, Senior Advocate on behalf of respondents No. 4 (SEAC) & respondent 5 (SEIAA).
- (ii) Status report (Annexure-A1) has been vetted from Ms Reeta Kohli, Senior Advocate, the same has been got signed from the MS(SEIAA) and dully signed copy handed over to her to file in the Hon'ble Punjab & Haryana High Court, Chandigarh on behalf of Respondents No. 4 & 5. Ms Reeta Kohli was contacted and she informed that status report has been filed on 28.07.2020.
- (iii) With respect to the request of the JLPL submitted vide memo no JLPL /PPCB-632/2020/3290 dated 15.06.2020, a separate agenda was placed at item no. 166.11 of 166th meeting of SEIAA wherein it has been decided to reject the request of M/s JLPL

After obtaining the additional specific TOR, project proponent has not submitted the application for obtaining Environmental Clearance along with the EIA report to SEIAA so far.

8.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 wherein, SEIAA observed that Hon'ble NGT vide order dated 04.01.2021 has dismissed the Appeal OA No. 19/2020 made by the JLPL against the PPCB.

The Appeal was made by the JLPL under Section 16 (c) of the NGT Act, 2010 against order dated 20.07.2020 passed by the Punjab Pollution Control Board (PPCB) directing stopping of construction activity of the appellants under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and passing other incidental directions. It was held that the appellant did not have the requisite EC under the EIA Notification dated 14.09.2006 and the Consent to Establish (CTE) under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.

A detailed order has been passed by the Hon'ble NGT, which would be extremely useful to SEIAA, Punjab in defending the case in the Hon'ble High Court, Chandigarh as the substantive issues raised in both cases are similar.

After detailed deliberations, SEIAA decided to ask Sr. Advocate engaged in the matter to file a copy of the Hon'ble NGT order dated 04.01.2021 in the Hon'ble High Court, Chandigarh in the matter of CWP 21351 of 2016 titled JLPL vs. UOI & Ors. and the matter be followed up regularly till the disposal of the case.

Item No. 176.20: Application of environmental clearance under EIA notification dated 14.09.2006 for expansion of petroleum product storage capacity from 82,515 KL to 1,99,725 KL at existing petroleum terminal in Sangrur i.e. at Jind Road Sangrur by M/s Indian Oil Corporation Ltd. (Proposal No. SIA/PB/IND2 /28816/2016).

SEIAA observed as under:

Earlier, the matter was considered by the SEIAA in its 141st meeting held on 24.12.2018. After detailed deliberations, SEIAA decided as under:

1. To forward the case to the MoEF&CC, New Delhi with the recommendation to consider the same for grant of environmental clearance, subject to the conditions as proposed by the SEAC with certain amendments in addition to the proposed measures.
2. Ministry of Environment, Forest and Climate change, New Delhi be also requested to shift the online application of this project bearing proposal no. SIA/PB/IND2 /28816/2016 from the State portal of SEIAA Punjab to National portal of MoEF&CC as there is no provision on web portal to transfer the Environment Clearance applications online by SEIAA to MoEF&CC.
3. The project proponent be informed to approach Ministry of Environment, Forest and Climate change, New Delhi for further action on their EC application of this case.

Thereafter, in compliance, MoEF&CC was requested vide letter no.122 dated 24.01.2019 and copy of the same was endorsed to project proponent vide endst. no. 123 dated 24.01.2019 for taking further action as per above in the matter. However, MoEF&CC had not transferred the application online.

The project proponent filed new application on the web portal of MoEF&CC which is yet to be decided. Further, as per the notification dated 13.06.2019 issued by MoEF&CC, the category 6(b) has been omitted from EIA notification, 2006.

The matter was again considered by SEIAA in its 148th meeting held on 26.06.2019. SEIAA was apprised as above. SEIAA perused the said notification and observed that category 6(b) has been omitted from EIA notification, 2006. SEIAA also observed that the project proponent has filed new application in the MoEF&CC for obtaining environmental clearance and EDS has been raised by the Ministry. As such, till the Ministry allows the project proponent to withdraw his new application in light of the

aforesaid notification, no decision w.r.t the recommendation part of the application on web portal of SEIAA, Punjab can be taken.

After detail deliberations, SEIAA decided to keep the online application pending at the stage of recommendation till the Ministry allows the withdrawal of new application filed by the project proponent under Category 6(b) of EIA notification, 2006.

It is pertinent to mention here that MoEF&CC vide S.O. 1960 (E) dated 13.06.2019 omitted item no. 6 (b) and entries relating thereof from EIA Notification 14.09.2006. As such, project proponent does not required Environmental Clearance under the provision of EIA Notification, 14.09.2006.

Further, Sh. Rakesh Gupta, Environmental Consultant of the promoter company was contacted telephonically (094221-46107) to know the status of the application filed with the MoEF&CC. He informed that the application transferred by the SEIAA is pending with MoEF&CC and no action has been taken by the Ministry. In the meantime, Ministry exempted the category 6 (b) projects from the EIA Notification 14.09.2006. However, they are going to be submit request for the withdrawal of application pending with SEIAA/SEAC.

1.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 wherein it was noted that this case is pending since long with SEIAA since the Project Proponent is not following up the case with Ministry and whereas, MoEF&CC vide S.O. 1960 (E) dated 13.06.2019 omitted item no. 6 (b) and entries relating thereof from EIA Notification 14.09.2006. As such, Environmental Clearance under the provision of EIA Notification, 14.09.2006 is not required to be issued to the Project Proponent by SIEAA.

After detailed deliberations, SEIAA decided to delist the case as Ministry has exempted category 6 (b) projects from the EIA Notification 14.09.2006.

Item No. 176.21: Application for exemption of Environmental Clearance for M/s. Innovative Housing & Infrastructure Pvt. Ltd. (Mega Integrated Residential Township) at Vill. Togan and Teera, New Chandigarh, Kharar, Distt. SAS Nagar.

SEIAA observed as under: -

M/s Innovative Housing & Infrastructure(P) Ltd. vide reference no PCL/2020/2049 dated 13.10.2020 submitted as under:-

The project layout plan (Drawing No. PCL/ RD/ 16 dated 19/09/2017) has been approved vide CTP Letter No. 4439 CTP (Pb. IMPM-161 dated 11-72018 and the same has also notified by the Govt. of Punjab vide letter No. 18/26/18-5hg2/1968 dated. 29/11/2018 This shows that CLU area is 155.9 acres but the net planning/Licensed area of the project is 95.0250 acres, which is about 42.42 hectares, which is less than 50 hectares and being an area development project, they cannot calculate total built-up area at this stage. As such, as per EIA Notification, 2006, it is not covered under any project/activity.

M/s. Innovative Housing & Infrastructure Pvt. Ltd., requested to exempt their case (Mega Integrated Residential Township) from prior Environmental Clearance as per EIA notification, 2006.

1.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021. SEIAA observed that such type of queries may come up again time to time after the Ministry clarified vide its letter dated that as on date projects with land area less than 50 ha. but built-up area more than 20,000 sq.mts may be appraised as per the provisions of schedule 8(a) of the EIA Notification 2006 as amended from time to time.

SEIAA felt that to clarify the issue, a detailed guideline for the activity: Building/Construction projects/Area Development Project and Townships (8a & 8b) of schedule appended to the EIA Notification are required to be made.

After detailed deliberations, SEIAA decided to remand the case to SEAC for sending the recommendations in the matter and detailed guidelines to be followed up for the activity by the EIA consultants in the State of Punjab.

Item No. 176.22: Request regarding release of Bank Guarantee (BG) of Rs. 22.05 Lacs submitted by Indian Railway Welfare Org (IRWO) for Remediation Plan and Natural & Community Resource Augmentation Plan regarding 'RAIL VIHAR' Group Housing Project at VIP Road, Zirakpur.

SEIAA observed as under:

1.0 Background:

Earlier, the case was considered by the SEIAA in its 145th meeting held on 15.03.2019 and during the meeting, the project proponent submitted a copy of the receipt of bank guarantee of amount Rs 22.05 lacs submitted in the Regional Office of Punjab Pollution Control Board at Mohali as an assurance to comply with remediation plan and Natural and Community Resource Augmentation Plan. SEIAA took the copy of receipt of Bank Guarantee on record and allowed the project proponent to present the salient features of the Project.

Environmental Consultant of the promoter company presented the salient features of the project. The SEIAA observed that the case stands recommended by SEAC and the Committee has awarded 'Silver Grading' to the project proposal. The SEIAA looked into the details of the case and was satisfied with the same. Therefore, the Authority decided to accept the recommendations of SEAC and grant environmental clearance to the project for establishment of group housing project namely "Rail Vihar" at VIP Road, Zirakpur, Punjab, subject to the conditions as proposed by the SEAC in addition to the proposed measures.

In compliance to the above said decision, Environmental Clearance was granted to the project vide letter No. 311 dated 02.04.2019.

2.0 Present Case:

Indian Railway Welfare Organization (IRWO) vide letter dated 07.01.2021 requested to release the Bank Guarantee of Rs. 22.05 lacs submitted in the Regional Office of Punjab Pollution Control Board at Mohali as an assurance to comply with remediation plan and Natural and Community Resource Augmentation Plan. Further, IRWO submitted a fresh Bank Guarantee No. 084071120000011 dated 13.10.2020 valid up to 12.04.2021 with the Regional Office of PPCB, Mohali as the validity of the old Bank Guarantee was expired.

It was informed that as they had completed all the works/ activities considered under Remediation Plan and Natural & Community Resource Augmentation Plan as mentioned in the Environment Clearance condition No. 12 (4) on or before 12-03-2020, Regional Office, Mohali of the PPCB was requested with a copy to the Chairman SEIAA vide letter dated 19.03.2020 and again on 22.10.2020 to release the said Bank Guarantee.

PPCB was again requested vide letter dated 18.12.2020 to release the Bank Guarantee. However, PPCB Officials informed that as the Bank Guarantee was submitted by IRWO

on the directions of SEIAA, Punjab, as such, IRWO have to approach with SEIAA to release the said Bank Guarantee.

Subsequently, IRWO requested SEIAA, Punjab to kindly direct PPCB Mohali office to release their Bank Guarantee No. 084071120000011, dated 13-10-2020 of amount Rs. 22.05 lacs as the liability has already been fulfilled by them. Copies of completion certificates for each work/activity against which Bank Guarantee submitted, were also attached with the request letter.

3.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021. SEIAA perused the MoEF&CC Notification dated 14.03.2017 as amended vide notification dated 08.03.2018 and observed that bank guarantee is required to be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

After detailed deliberations, SEIAA decided to remand the case to SEAC for sending their recommendation regarding release of the Bank Guarantee after getting the physical verification of the compliances made by the project proponent through a field visit by a member of the SEAC.

Item No. 176.23: Regarding monitoring of conditions imposed in the Environmental Clearance under EIA notification dated 14.09.2006 for the establishment of a residential project namely "Green Lotus Utsav" at village- Chatt (H.B. NO. 286), Zirakpur, SAS Nagar, Punjab by M/s Maya Estate (Proposal No. SIA/PB/NCP/82384/2018).

SEIAA observed as under: -

MoEF&CC/Regional Office Chandigarh vide letter no. 16-81/2020-IRO CHD/11 dated 04.01.2021 has sent the compliance report of the conditions imposed in the Environment Clearance granted to the subject cited project. A copy of the said compliance report is placed at **Annexure- 11** of agenda.

The project site was visited on 24.12.2020 and it was observed that no work was executed at the site except construction of few shops for marketing purposes. Thus, a comprehensive report was not being prepared. However, the main observations are submitted below for further consideration of SEIAA to accord Environmental Clearance for the proposed expansion, as deemed fit:

- (i) Structural safety approval issued by the Competent Authority, as stipulated in Environmental Clearance, has not been submitted yet.

- (ii) PP has not submitted the advertisement published regarding grant of Environmental Clearance in two news-papers.

1.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 and observed that Regional Office of MoEF&CC, Chandigarh during visit on 24.12.2020 made certain observations on the compliance of the conditions of Environmental Clearance granted to the project.

After deliberations, SEIAA decided to ask the project proponent to submit their detailed reply to all the observations made by the Regional Office of MoEF&CC, Chandigarh, within 30 days, failing which suitable action including show cause notice for revocation of Environmental Clearance may be issued.

Item No. 176.24: Regarding monitoring of conditions imposed in the Environmental Clearance under EIA notification dated 14.09.2006 for developing a residential complex namely "Trishla city" in the revenue estate of Village Nabha Sahib, Tehsil Dera bassi, SAS Nagar, Punjab by M/s Trishla Buildtech Pvt. Ltd.

SEIAA observed as under:-

MoEF&CC/Regional Office Chandigarh vide letter no. letter no. 5-433/2013-RO (NZ)/8 dated 04.01.2021 has sent the compliance report of the conditions imposed in the Environment Clearance granted to the subject cited project. A copy of the said compliance report is placed at **Annexure-12** of agenda

The project site was visited on 24.12.2020 and the following observations were made:

- (i) Adequacy report of the installed STP certified by PPCB has not been submitted yet [Sp. Cond. (OP) No. (i)]. In the absence of proper cleaning schedule, RWH pits were found filled with standing water [Sp. Cond. (OP) No. (v)].
- (ii) PP has not submitted the details of overall hazardous waste generated from the projects and copy of the MoU with authorized recyclers approved by the PPCP along with the copy of the current year's returns (Form-4 and Form-13) [Sp. Cond. (OP) No. (vii)].
- (iii) PP has not submitted the details of green belt development (e.g. area covered no. of plants planted, species, expenditure etc.), AAQ and noise monitoring data since 2015 [Sp. Cond. (OP) Nos. (viii), (ix) & (x)].
- (iv) Solar panels have not been installed in the building and report on energy conservation measures related to building materials & technology has not been submitted yet [Sp. Cond. (OP) Nos. (xi) & (xiii)].

- (v) Environment Management Cell has not been formed and item wise and year wise EMP details were not provided by the PP [Sp. Cond. (OP) No. (xiv) and GC No. (iii)].
- (vi) Six monthly compliance reports are not being submitted to RO regularly and URL provided by the PP was not working [GC Nos. (iv), (xii) & (xiii)].
- (vii) PP has not submitted documents and expenditure details related with EMP & CSR [GC No. (xvi)]. Groundwater abstraction data [GC No. (xv)] and partial completion certificate have not been submitted yet.

1.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 and observed that Regional Office of MoEF&CC, Chandigarh during visit on 24.12.2020 made certain observations on the compliance of the conditions of Environmental Clearance granted to the project.

After deliberations, SEIAA decided to ask the project proponent to submit their detailed reply to all the observations made by the Regional Office of MoEF&CC, Chandigarh, within 30 days, failing which suitable action including show cause notice for revocation of Environmental Clearance may be issued.

Item No. 176.25: Regarding review of conditions imposed in the Environmental Clearance being granted to the induction furnace industrial units under the provisions of EIA notification dated 14.09.2006.

SEIAA observed as under:

Member Secretary, Punjab Pollution Control Board vide letter no. 4144 dated 23.12.2020, inform that earlier SEIAA was requested vide letter no. 1892 dated 02.07.2020 to review some of the conditions being imposed in the Environmental Clearances being granted by the SEIAA and issue the necessary modification letter in the form of Corrigendum, so that the Punjab Pollution Control Board may grant consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 to the industrial units. However, necessary action/response from SEIAA, Punjab is still awaited.

The comments of Punjab Pollution Control Board on their relevancy/ applicability of conditions of Environmental Clearances are as under:

| Sr. No. | Condition of EC | Comments of PPCB |
|----------------|---|---|
| 1. | The project proponent shall install system carryout Continuous Ambient Air Quality monitoring for common/criterion parameters | It is intimated that a common CAQMS has been installed in the Mandi Gobindgarh area as per the guidelines of CPCB and no separate |

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| | <p>relevant to the main pollutants released (e.g. PM₁₀ and PM_{2.5} in reference to PM emission, and SO₂ and NO_x emissions) within and outside the plant area (at least at four locations one within and three outside the plant area at an angle of 120° each) covering upwind and downwind directions. (case to case basis small plants: Manual; Large plants: Continuous)-</p> | <p>CAQMS may be insisted upon to be installed by each Separate unit.</p> |
| 2. | <p>The project proponent shall install 24x7 continuous effluent monitoring system with respect to standards prescribed in Environment (Protection) Rules 1986 vide G.S.R 277 (E) dated 31st March 2012 (applicable to IF/EAF) as amended from time to time; S.O. 3305 (E) dated 7th December 2015 (Thermal Power Plants) as amended from time to time) and connected to SPCB and CPCB online servers from time to time according to equipment supplier specification through labs recognized under Environment (Protection) Act, 1986 or NABL accredited laboratories. (case to case basis small plants: Manual; Large plants: Continuous) Adhere to 'Zero Liquid Discharge'.</p> | <p>Continuous effluent monitoring system is not required as there is no discharge of waste water from the process of induction furnace units.</p> |
| 3. | <p>Sewage Treatment Plant shall be provided for treatment of domestic wastewater to meet the prescribed standards.</p> | <p>There is no colony/labour quarter in most of the industrial premises. There is generation of about less than 10 KLD of domestic effluent for which the industry installs septic tank. The treated domestic effluent is being discharged onto land for plantation/into Public sewer depending upon location of unit. As</p> |

| | | |
|----|--|---|
| | | such, STP conditions may not be imposed in such units. |
| 4. | Green belt shall be developed in an area equal to 33% of the plant area with a native tree species (having Wide canopy type structure and especially trees not grass) in accordance with CPCB guidelines. The greenbelt shall inter alia cover the entire periphery of the plant as assured during the presentation. The industry shall ensure that most of the periphery shall be provided with green belt by removing the unwanted/non-productive structures already provided in the existing project near the boundary wall. Wide canopy trees shall also be planted around the parking area to provide shade to the parked vehicles. | In most of the induction furnace units, no space is available for plantation to comply with the conditions imposed in the Environmental Clearance. This office is of the opinion that at the time of submission of documents for obtaining Environmental Clearance, the industry may be asked to submit the layout plan showing the plantation to be carried out and the same should be shared with Punjab Pollution Control Board, to ensure compliance. |
| 5. | The project proponent shall provide STP for treatment of waste water & reutilization of the treated water for core/non-core activities so as to achieve the Zero Liquid Discharge Condition as per the III (iv) of OM dated 09.08.2018 issued by the MoEF&CC for such units. | Mostly, there is no colony/labour quarter in the industrial premises. There is generation of about less than 10 KLD of domestic effluent for which the industry installs septic tank. The treated domestic effluent is discharged onto land for plantation. As such, STP condition may not be imposed on such units. |

Further, it was informed that the Punjab Pollution Control Board will continue to grant consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 to the industrial units with compliance as above for the said conditions of Environmental Clearance granted in the past so that industrial growth in the State is not hampered in view of industry being already under economic stress due to COVID-19.

1.0 Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The matter was considered by SEIAA in its 176th meeting held on 19.02.2021. After deliberation SEIAA decided to remand the matter to SEAC for examination of the

condition of Environmental Clearance viz-a-viz comments of the PPCB and sending recommendations in the matter.

Item No. 176.26: Certified Compliance Report; Environmental Clearance granted for Expansion of housing project namely "Royal Residency" at Village Dad & Thakarwal, Dist. Ludhiana by M/s Omaxe Ltd.

Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 and observed that Regional Office of MoEF&CC, Chandigarh during visit on 27.10.2020 made certain observations on the compliance of the conditions of Environmental Clearance granted to the project.

After deliberations, SEIAA decided to ask the project proponent to submit their detailed reply to all the observations made by the Regional Office of MoEF&CC, Chandigarh, within 30 days, failing which suitable action including show cause notice for revocation of Environmental Clearance may be issued.

Item No. 176.27: Certified Compliance Report; Environmental Clearance granted under EIA notification dated 14.09.2006 for establishment of group housing project namely "AGI Smart Homes" in the revenue estate of Village Pholriwal, Jalandhar by M/s AGI Infra Ltd.

Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 and observed that Regional Office of MoEF&CC, Chandigarh during visit on 01.12.2020 made certain observations on the compliance of the conditions of Environmental Clearance granted to the project.

After deliberations, SEIAA decided to ask the project proponent to submit their detailed reply to all the observations made by the Regional Office of MoEF&CC, Chandigarh, within 30 days, failing which suitable action including show cause notice for revocation of Environmental Clearance may be issued.

Item No. 176.28: Certified Compliance Report; Environmental Clearance granted under EIA notification dated 14.09.2006 for establishment of group housing project namely "AGI Sky Garden" in the revenue estate of Village Khajurla, Phagwara, Kapurthala, Punjab by M/s AGI Infra Ltd.

Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 and observed that Regional Office of MoEF&CC, Chandigarh during visit on 01.12.2020 made certain observations on the compliance of the conditions of Environmental Clearance granted to the project.

After deliberations, SEIAA decided to ask the project proponent to submit their detailed reply to all the observations made by the Regional Office of MoEF&CC, Chandigarh, within 30 days, failing which suitable action including show cause notice for revocation of Environmental Clearance may be issued.

Item No. 176.29: Certified Compliance Report of Environmental Clearance granted for expansion of an Integrated Residential Township namely "Chandigarh Extension" in the revenue estate of Village Kansal, Rani Majra, Dhode Majra, Rasoolpur in Mullanpur (LPA), District Mohali by M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.

Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 and observed that Regional Office of MoEF&CC, Chandigarh during visit on 26.10.2020 made certain observations on the compliance of the conditions of Environmental Clearance granted to the project.

After deliberations, SEIAA decided to ask the project proponent to submit their detailed reply to all the observations made by the Regional Office of MoEF&CC, Chandigarh, within 30 days, failing which suitable action including show cause notice for revocation of Environmental Clearance may be issued.

Item No.176.30: Complaint regarding violation of EIA notification, 2006 by Preet City, Sector 86, Mohali received through email dated 09.02.2018 from Ravi Kumar

Deliberations during 176th meeting of SEIAA held on 19.02.2021.

The case was considered by SEIAA in its 176th meeting held on 19.02.2021 wherein it was observed that no report had been received from the Punjab Pollution Control Board as sought vide letter no. 451 dated 06.06.2019.

After deliberations, SEIAA decided as under:

- (i) A reminder be issued to the Punjab Pollution Control Board for sending the reply to SEIAA letter No. 451 dated 06.06.2019.
- (ii) Show cause notice along with opportunity of personal hearing be issued to the project proponent to explain why legal action should not be initiated against the project proponent and person(s) responsible for violating the provisions of EIA Notification, 2006.

General Discussions:

Table Item No. 1: Regarding Monitoring of conditions of environment clearance.

The matter was deliberated in length and necessary action have been taken.

Table Item No. 2 : Application for the issuance of TOR to M/s Khasa Distillery Company (Proposal No. SIA/PB/IND/ 52182/2020)

SEIAA observed as under:

The case was considered by SEIAA in its 176th meeting held on 19.02.2020 wherein SEIAA was apprised that M/s Khasa Distillery Company had submitted an application regarding for issuance of TOR with proposal no. SIA/PB/IND/52182/2020 for expansion of Grain based Distillery from 45 KLPD to 190 KLPD and co-generation power plant from 0.8 MW to 6 MW in existing plant premises.

The application (Form I, Pre-feasibility report and other additional documents) were scrutinized and Essential Details were sought on 07.04.2020 & 14.09.2020 to which project proponent replied on 27.08.2020 and 10.10.2020 respectively. Further, processing fee was deposited in two instalments of Rs. 2,25,000/- and Rs. 66,277/- on 14.08.2020 and 03.10.2020 respectively through NEFT. After getting the complete reply, application was accepted online on 20.10.2020 for consideration in the SEAC meeting scheduled on 23.10.2020.

On accepting the case on 20.10.2020, Auto TORs were generated by the system. However, it was later detected that auto TORs were generated due to submission of misleading details at Point no. 11 of online filled form B (Appendix 1) on Parivesh Portal i.e. "Details of previous EC issued along with MoEF file no. and copy of EC letter".

The consultant had submitted the misleading details of previous EC issued as MoEF file no. SIA/PB/IND2/52181/1947 and uploaded the corrupt file whereas, in the PFR report submitted to SEIAA, Punjab no details of previous EC or its copy was submitted. In the Executive summary of PFR, it was mentioned that, TORs were earlier issued vide MoEF&CC letter no. J-11011/105/2016-1A II dated 15.07.2016 valid for 3 years.

Further, project proponent vide email dated 22.10.2020 informed that his application bearing proposal no. SIA/PB/IND/52182/2020 may not be considered for issuance of TOR and requested that a fresh application for issuance of TOR would be submitted since auto TOR generated by the Parivesh Portal.

After detailed deliberations, SEIAA decided to take the following action: -

- (i) Auto TOR generated by the system be revoked as the same was generated on the misleading information.
- (ii) EIA Consultant of the project proponent be asked to explain the reasons for submitting misleading information failing which suitable action would be taken against him.

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