

Proceedings of 196th meeting of State Environment Impact Assessment Authority (SEIAA) held on 28.12.2021 (Tuesday) in the Conference Hall no. 1 (Room No 311), 2nd Floor of MGSIPA at 10:30 AM, MGSIPA Complex, Sector-26, Chandigarh.

The meeting was attended by the following members:

- 1) Sh. Hardeep Singh Gujral,
Chairman, SEIAA
- 2) Sh. Rajesh Dhiman, IAS
Member Secretary, SEIAA
- 3) Dr. Adarsh Pal Vig, Member SEIAA -cum
Chairman, Punjab Pollution Control Board, Patiala

Er. Parveen Saluja, Environmental Engineer SEIAA and Sh. Aushwinder Singh, Scientist-B along with other supporting staff also attended the meeting.

Item No. 01: Confirmation of the proceedings of 195th meeting of State Environment Impact Assessment Authority held on 14.12.2021.

The proceedings of 195th meeting of State Environment Impact Assessment Authority (SEIAA) held on 14.12.2021 were circulated through E-mail on 19.12.2021. Since no observations have been received from any member of SEIAA, the Proceedings of the 195th meeting as circulated stand confirmed.

ItemNo.02: Action taken on the proceedings of 194th and 195th meeting of State Environment Impact Assessment Authority held on 29.11.2021 & 14.12.2021 respectively.

SEIAA was apprised regarding the action taken report of 194th meeting of SEIAA held on 29.11.2021. SEIAA noted that action on item no. 193.04 is still pending. SEIAA directed that action on the item no. 193.04 be completed at the earliest and action taken report of 195th meeting of SEIAA held on 14.12.2021 be placed in the next meeting of SEIAA.

Item No.196.01: Application for issuance of TORs for Industrial Manufacturing Cluster located at Villages- Sehra, Sehri, Aakri, Pabra and Takhtu Majra, Tehsil- Rajpura, District- Patiala, Punjab by M/s Punjab Urban Planning and Development Authority (PUDA) (Proposal No. SIA/PB/NCP/68717/2021).

SEIAA observed that:

M/s Punjab Urban Planning and Development Authority (PUDA) has applied for issuance of ToR for Industrial Manufacturing Cluster located at Villages- Sehra, Sehri, Aakri, Pabra and Takhtu Majra, Tehsil- Rajpura, District- Patiala, Punjab. The plot area of the project is 1098.85 acres, out of which 1098.25 acres is planned and 0.6 acres is reserved for future development. The project comprises of various industries like Machinery & Equipments, Fabricated Metal Products, Food & Beverages, Chemicals, ESDM, Pharma, Logistics, Rubber & Plastic Products, Non-Metallic Mineral Products and Textiles and Apparels etc. The Project is covered under Schedule 7(c) and Category 'B' as per EIA Notification, 2006.

The project proponent submitted the Form I, Pre-feasibility report and other additional documents on online portal. He has also deposited the requisite fee of Rs. 22,50,000/- through UTR No. CNRBR52021102270529788 dated 22.10.2021, as verified by the supporting staff SEIAA as 25% of the total fee prescribed for the Environmental Clearance being at ToR stage and the rest 75% of the fee i.e., Rs. 67,50,000/- will be paid at the time of applying for Environmental Clearance.

1.0 Deliberations during 209th meeting of SEAC held on 27.11.2021.

The meeting was attended by the following:

1. Sh. Varun Garg, Divisional Engineer (PUDA), on behalf of Project Proponent.
2. Dr. Sandeep Garg, EIA Coordinator, M/s Eco laboratories Pvt Ltd.
3. Ms. Priyanka, EIA Coordinator, M/s Eco Laboratories Pvt Ltd.

SEAC allowed the Environmental Consultant of the Project Proponent to present salient features of the project which he presented as under:

Sr. No.	Item	Details
1.	Online Proposal No.	SIA/PB/NCP/68717/2021
2.	Name and Location of the project	Industrial Manufacturing Cluster located at Village- Sehra, Sehri, Aakri, Pabra and Takhtu Majra, Tehsil- Rajpura, District- Patiala, Punjab
4.	Project/ activity covered	The project falls under S. No. 7(c) 'Industrial estates/ parks/

	under item of scheduled to the EIA Notification, 14.09.2006	complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes'.
5.	Whether the project is in critical polluted area or not.	No, the project does not fall in critical polluted area.
6.	If the project involves diversion of forest land. If yes, a) Extent of the forest land. b) Status of the forest clearance.	No, project does not involve diversion of forest land.
7.	a) Is the project covered under PLPA, 1900, if no but located near to 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. b) Is the project covered under PLPA, 1900, if yes then Status of the NOC? w.r.t PLPA, 1900.	Project is not covered under PLPA 1900 as well as not located near to PLPA area. Not applicable.
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 National Board for Wild Life (NBWL).	Not applicable, as no Eco-sensitive area/ National Park/ Wild Life Sanctuary falls within 10 km of the project site.
9.	Classification/ Land use pattern as per Master Plan	The project falls in Industrial zone as per Master Plan of Patiala and Rajpura.

10.	Cost of the project	The estimated cost of the project is Rs. 900 Crores (Rs. 385 Crores for land & Rs. 515 Crores Development Cost)				
11.	Total Plot area, Built-up area and green area: The plot area of the project is 1098.25 acre. Land is in possession of Punjab Urban Planning and Development Authority (PUDA) which is also the nodal agency to coordinate and supervise the project development activities related to IMC project. Landuse distribution is given as table below:					
	Attribute	Plot Size (Acres)	Number of Plots	Total Area (Acres)	Cumulative Area (Acres)	Percentage (%)
	Machinery & Equipments	5.24	2	10.48	62.76	63.15
		5.0	6	29.90		
		3.75	4	15.00		
		2.02	1	2.02		
		3.13	1	3.13		
		2.24	1	2.24		
	Fabricated Metal Products	5.03	2	10.05	80.79	
		4.74	1	4.74		
		6.26	1	6.26		
		8.02	2	16.04		
		10.05	1	10.05		
		2.82	1	2.82		
		10.23	1	10.23		
		11.00	1	11.00		
	Food & Beverages	9.60	1	9.60	161.57	
		5	12	60.00		
		11.55	1	11.55		
		5.14	1	5.14		
		4.72	2	9.45		
		4.17	1	4.17		
		4.79	1	4.79		
		5.57	1	5.57		
		5.62	1	5.62		
		6.14	1	6.14		
		7.73	1	7.73		
		5.51	1	5.51		
		5.69	1	5.69		
		6.51	1	6.51		
		7.43	1	7.43		
	5.01	1	5.01			
	6.98	1	6.98			

		4.26	1	4.26	
	Chemicals	26.60	1	26.60	62.39
		19.91	1	19.91	
		15.88	1	15.88	
	ESDM	23.16	1	23.16	142.18
		11.10	1	11.10	
		14.33	1	14.33	
		9.60	1	9.60	
		25.01	1	25.01	
		14.98	1	14.98	
		22.00	1	22.00	
		22.00	1	22.00	
	Pharma	8.02	2	16.04	16.04
	Logistic	19.32	1	19.32	19.32
	Rubber & Plastic Products	4.98	2	9.97	14.40
		4.43	1	4.43	
	Non-Metallic Mineral Products	2.34	8	18.73	70.38
		1.65	1	1.65	
		1.94	2	3.87	
		2.23	1	2.23	
		3.31	1	3.31	
		2.14	1	2.14	
		1.68	1	1.68	
		2.00	8	16.00	
		2.02	2	4.04	
		1.96	1	1.96	
		1.92	3	5.75	
		2.36	1	2.36	
		3.04	1	3.04	
		2.40	1	2.40	
		1.21	1	1.21	
	Textiles & Apparels	4.78	1	4.78	58.27
		6.82	1	6.82	
		4.01	1	4.01	
		5.43	1	5.43	
		8.42	1	8.42	
		5.00	5	25.00	
		3.82	1	3.82	
	Common Ready Built Sheds	5.42	1	5.42	5.42
	Total Area Under Industrial				693.51
	District Centre	5.46	1	5.46	4.30

	SDI	5.12	1	5.12	
	Incubation Centre/centre for Excellence	3.47	1	3.47	
	Commercial Centre	3.01	1	3.01	
	Hotel	3.04	1	3.04	
	Canteen	2.00	1	2.00	
	Offices	2.71	1	2.71	
	Residential	11.59	1	11.59	
	Nursing Home	1.48	1	1.48	
	Dispensary	0.4	3	1.20	
	PU	0.37	2	0.75	
	Police Post	0.11	2	0.22	
	ADM.+TEL.+CCC	7.19	1	7.19	
	Area under Commercial+ Support Infrastructure			47.24	
	STP	1	2	2.00	3.75
	CETP	5.66	1	5.66	
	SWM	2	1	2.00	
	WTP+ESR	13	1	13.00	
	GSR+ESR+WTP	3	1	3.00	
	200 K V Substation	9.8	1	9.80	
	Fire Station	1.65	1	1.65	
	Fuel Station	1	2	2.00	
	Substation	0.3	7	2.10	
	Area Under Utilities			41.21	
	Waterbody	0.28	1	0.28	15.81
	Nala	14.95	1	14.95	
	Green Belt 15m	48.56	1	48.56	
	Active Green	108.59	1	108.59	
	Plazas	1.26	1	1.26	
	Area Under Greens			173.64	
	Area Under Roads	55.1	1	132.18	12.99
	Parking	8.01	1	8.01	
		2.47	1	2.47	
	Area Under Roads & Parking			142.66	
	Total Area			1098.254	
The proposed built-up area is approx. 93.71 Lakhs sqm.					
12.	Population (when fully operational)				
		Sr. No.	Cumulative Population and Employment	Final Phase 2029	

		1	Residential Workers	1565					
		2	Dependent Population (Residential)	2481					
		3	Industrial workers (Non-Resident)	31581					
		4	Additional Non-Resident Working Population	8282					
		Total [Employment + Population]		43909					
13.	Water Requirements & source in Construction Phase	During construction phase, total water requirement will be 3.68 MLD							
14.	Break up of Water Requirements & source in Operation Phase (Summer, Rainy, Winter):	Total water requirement will be 15.90 MLD (during Summer Season), 15.58 MLD (during Winter Season) and 14.67 MLD (during Monsoon Season). Source- Akash Distributary. Further, water supply from Ground water through bore wells will be taken as an alternate supply during the time when Akash distributary is being cleaned for a month in June. Permission will be obtained from PWRDA for abstraction of groundwater.							
15.	Sr. No	Season	Fresh water (MLD)			Reuse water (MLD)			Total (MLD)
			Domestic	Industrial Water Demand including Cooling	Other (Fire-Demand, UAF Losses)	Flushing purposes	Green area	HVAC	
	1	Summer	2.98	8.75	2.74	0	1.43	0	15.90
	2	Winter	2.98	8.75	2.71	0	1.14	0	15.58
	3	Rainy	2.98	8.75	2.62	0	0.32	0	14.67
	S. No.	Purposes	Source of water						
	1.	Domestic	Akash Distributary						
2.	Cooling water demand	Akash Distributary							
3.	Flushing purposes	-							
4.	Green area	Treated water							
5.	HVAC	-							
16.	Treatment & Disposal arrangements of wastewater in Construction Phase	The treatment of industrial wastewater (5.25 MLD) shall be done in CETP of capacity 6 MLD and domestic wastewater (2.38 MLD) shall be treated in STP of capacity 3 MLD which will be installed in phased manner/modules.							

17.	Disposal Arrangement of Wastewater in Operation Phase	<p>7.63 MLD of total wastewater will be generated which will be treated in CETP and STP separately. STP, CETP will be installed in phased manner/modules. In the IMC, Rajpura, wastewater will be treated and reused for industrial activities and other project related activities with the project area.</p> <table border="1" data-bbox="699 537 1446 915"> <thead> <tr> <th data-bbox="699 537 773 711">Sr. No</th> <th data-bbox="773 537 922 711">Season</th> <th data-bbox="922 537 1068 711">Flushing purposes (MLD)</th> <th data-bbox="1068 537 1190 711">Green area sq.m (MLD)</th> <th data-bbox="1190 537 1325 711">Cooling purpose (MLD)</th> <th data-bbox="1325 537 1446 711">MC Sewer (MLD)</th> </tr> </thead> <tbody> <tr> <td data-bbox="699 711 773 779">1.</td> <td data-bbox="773 711 922 779">Summer</td> <td data-bbox="922 711 1068 779">-</td> <td data-bbox="1068 711 1190 779">1.43</td> <td data-bbox="1190 711 1325 779">-</td> <td data-bbox="1325 711 1446 779">-</td> </tr> <tr> <td data-bbox="699 779 773 846">2.</td> <td data-bbox="773 779 922 846">Winter</td> <td data-bbox="922 779 1068 846">-</td> <td data-bbox="1068 779 1190 846">1.14</td> <td data-bbox="1190 779 1325 846">-</td> <td data-bbox="1325 779 1446 846">-</td> </tr> <tr> <td data-bbox="699 846 773 915">3.</td> <td data-bbox="773 846 922 915">Monsoon</td> <td data-bbox="922 846 1068 915">-</td> <td data-bbox="1068 846 1190 915">0.32</td> <td data-bbox="1190 846 1325 915">-</td> <td data-bbox="1325 846 1446 915">-</td> </tr> </tbody> </table>	Sr. No	Season	Flushing purposes (MLD)	Green area sq.m (MLD)	Cooling purpose (MLD)	MC Sewer (MLD)	1.	Summer	-	1.43	-	-	2.	Winter	-	1.14	-	-	3.	Monsoon	-	0.32	-	-
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1.	Summer	-	1.43	-	-																					
2.	Winter	-	1.14	-	-																					
3.	Monsoon	-	0.32	-	-																					
18.	Rain water recharging detail	Rainwater Harvesting will be done only for ground water recharge in common green areas of IMC. Individual plot owners may either recharge ground water or store and utilize rainwater.																								
19.	Solid waste generation and its disposal	<p>a) Approximately, 41.37 MTPD of municipal solid waste will be generated from the industrial unit and it will be disposed off as per Solid Waste Management Rules, 2016.</p> <p>b) Approximately, 4.1 MTPD of Construction demolition Waste will be generated which will be disposed off according to Construction and Demolition Waste Management Rules, 2016.</p>																								
20.	Hazardous Waste & E- Waste	Hazardous waste generated by individual industry will be handled by them only.																								
21.	Energy Requirements & Saving	Total power demand for the proposed project will be 170 MVA which will be provided by Punjab State Power Corporation Limited (PSPCL). Solar power generation is also proposed which will help in reducing the net power load required from PSPCL.																								
22.	Environment Management Plan along with Budgetary break up phase wise and responsibility to implement	Detailed EMP will be worked out at the time of preparation of EIA report and the same will be incorporated in EIA report.																								

23.	CER activities along with budgetary break up and responsibility to implement	No CER is to be undertaken, as now it is a part of EMP.
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SEAC observed that 8 petitions (CWP No. 20170 of 2020, CWP No. 21408 of 2020, CWP No. 21850 of 2020, CWP No. 1373 of 2021, CWP No. 5450 of 2021, CWP No. 7791 of 2021, CS No. 697 of 2020 and CS No. 698 of 2020) are pending in the Court. The Project Proponent has submitted the summary of all the litigations mentioning area involved as well as the grounds on which litigation has been done. Further, all the litigations relate to paying compensation i.e., on the rate at which compensation has been paid or additional compensation is sought and under review of the competent authority.

SEAC was satisfied with the presentation given by the Environmental Consultant of Project Proponent and the reply to the observations raised by the SEAC.

After detailed deliberations, it was decided to categorize the project under Activity 7(c); B with public consultation as required for the project and to forward the application of the project proponent to SEIAA with the recommendations to grant Terms of Reference for Industrial Manufacturing Cluster located at Villages- Sehra, Sehri, Aakri, Pabra and Takhtu Majra, Tehsil- Rajpura, District- Patiala, Punjab, for preparing Environmental Impact Assessment (EIA) report for the proposed project along with additional TOR that the Project Proponent shall submit the compliance of decisions of the Hon'ble Court for all the litigations related to the Project at the time of obtaining the Environmental Clearance.

TERMS OF REFERENCE

1. Reasons for selecting the site details of alternate sites examined/rejected/selected on merit with comparative statement and reason/basis for selection. The examination should justify site suitability in terms of environmental damage, resources sustainability associated with selected site as compared to rejected sites. The analysis should include parameters considered along with weightage criteria for short-listing selected site.
2. Submit the details of the land use break-up for the proposed project. Details of land use around 10 km radius of the project site. Analysis should be made on latest satellite imagery for land use with raw images. Check on flood plain of any river.
3. Submit details of environmentally sensitive places, land acquisition status, rehabilitation of communities/villages and present status of such activities.
4. Examine the impact of proposed project on the nearest settlements.
5. Examine baseline environmental quality along with projected incremental load due to the project taking into account of the existing developments nearby.

6. Environmental data to be considered in relation to the project development would be (a) land, (b) groundwater, (c) surface water, (d) air, (e) bio-diversity, (f) noise and vibrations, (g) socio-economic and health.
7. Submit a copy of the contour plan with slopes, drainage pattern of the site and surrounding area and any obstruction of the same by the project.
8. Details regarding project boundary passing through any eco-sensitive area and within 10 km from eco-sensitive area.
9. Green buffer in the form of green belt to a width of 15 meters should be provided all along the periphery of the industrial area. The individual units should keep 33% of the allotted area as a green area.
10. Submit the details of the trees to be felled for the project.
11. Submit the details of the infrastructure to be developed.
12. Submit the present land use and permission required for any conversion such as forest, agriculture etc.
13. Submit details regarding R&R involved in the project.
14. Zoning of the area in terms of 'types of industries' coming-up in the industrial area based on the resource requirement along with likely pollutants with quantity from the various industries.
15. The project boundary area and study area for which the baseline data is generated should be indicated through a suitable map. Justification of the parameters, frequency and locations shall be discussed in the EIA.
16. Submit legal frame work for the implementation of Environmental Clearance conditions- to be clearly spelt out in the EIA report.
17. Submit roles and responsibility of the developer etc. for compliance of environmental regulations under the provisions of EP Act.
18. Site justification of the identified industry sectors from environmental angle and the details of the studies conducted if any.
19. Ground Water classification as per the Central Ground Water Authority.
20. Submit the source of water, requirement vis-à-vis waste water to be generated along with treatment facilities, use of treated waste water along with water balance chart taking into account all forms of water use and management.

21. Rain water harvesting proposals should be made with due safeguards for ground water quality. Maximize recycling of water and utilization of rain water. Examine details.
22. Examine soil characteristics and depth of ground water table for rainwater harvesting.
23. Examine details of solid waste generation treatment and its disposal.
24. Examine and submit details of use of solar energy and alternative source of energy to reduce the fossil energy consumption.
25. In case of DG sets are likely to be used during construction and operational phase of the project, emissions from DG sets must be taken into consideration while estimating the impacts on air environment. Examine and submit details.
26. Examine road/rail connectivity to the project site and impact on the traffic due to the proposed project. Present and future traffic and transport facilities for the region should be analysed with measures for preventing traffic congestion and providing faster trouble-free system to reach different destinations in the city.
27. A detailed traffic and transportation study should be made for existing and projected passenger and cargo traffic.
28. Examine the details of transport of materials for construction which should include source and availability.
29. Examine the details of National Highways/State Highways/Expressways falling along the corridor and the impact of the development on them.
30. Examine noise levels-present and future with noise abatement measures.
31. Identify, predict and assess the environmental and sociological impacts on account of the project. A detailed description with costs estimates of CSR should be incorporated in the EIA/EMP report.
32. Examine separately the details for construction and operation phases both for Environmental Management Plan and Environmental Monitoring Plan with cost and parameters.
33. Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.
34. The Public Hearing should be conducted for the project in accordance with provisions of Environmental Impact Assessment Notification, 2006 and the issues raised by the public should be addressed in the Environmental Management Plan. The Public Hearing should be conducted based on the TOR letter issued by the Ministry and not on the basis of Minutes of the Meeting available on the website.

35. A detailed draft EIA/EMP report should be prepared in accordance with the above additional TOR and should be submitted to the Ministry in accordance with the Notification.
36. Details of litigation pending against the project, if any, with direction/order passed by any Court of Law against the project should be given.
37. The cost of the project (capital and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.

ADDITIONAL ToR:

1. The Project Proponent shall submit the compliance of decisions of the Hon'ble Court for all the litigations related to the Project at the time of obtaining the Environmental Clearance.

2.0 Deliberations during 195th meeting of SEIAA held on 14.12.2021.

The case was considered by SEIAA in its 195th meeting which was attended by the following:

- (i) Sh. Varun Garg, Divisional Engineer (PUDA), on behalf of Project Proponent.
- (ii) Dr. Sandeep Garg, EIA Coordinator, and Ms. Priyanka, EIA Coordinator from M/s Eco Laboratories Pvt Ltd.

SEIAA observed that 8 petitions (CWP No. 20170 of 2020, CWP No. 21408 of 2020, CWP No. 21850 of 2020, CWP No. 1373 of 2021, CWP No. 5450 of 2021, CWP No. 7791 of 2021, CS No. 697 of 2020 and CS No. 698 of 2020) are pending in the Hon'ble High Court of Punjab and Haryana. To a query by SEIAA regarding the latest status / areas involved in these petitions and additional queries regarding details of proposed units to be allocated sites in the proposed Industrial Cluster, Divisional Engineer, PUDA failed to give satisfactory reply. SEIAA observed that PUDA appeared to have taken a casual attitude with respect to grant of Terms of Reference (TOR) for this large and prestigious Project which is proposed to be set up in 1100 acres area with an outlay of over Rs 900 crores since neither any senior officers of PUDA nor the main Project Consultant attended the meeting. The MOEF&CC has also vide its OM dated 25.02.2010 directed that senior officers/ official of Project proponents must attend such meetings.

After deliberations, SEIAA decided to defer the case and ask senior officers of Punjab Urban Planning & Development Authority (PUDA) well conversant with all aspects of the Project along with the main Project Consultant who can respond to the queries/suggestions of the Authority to attend its next meeting scheduled on 28.12.2021.

The decision of SEIAA has been conveyed to PUDA vide letter dated 23.12.2021.

3.0 Deliberations during 196th meeting of SEIAA held on 28.12.2021.

The case was considered by SEIAA in its 196th meeting, which was attended by the following:

- (i) Sh. Balwinder Singh, Chief Engineer (PUDA), on behalf of Project Proponent

- (ii) Dr. Sandeep Garg, EIA Coordinator, and Ms. Priyanka, EIA Coordinator from M/s Eco Laboratories Pvt Ltd.
- (iii) Ms Archana Sharma, VP & Head Urban Planning (Antea Group) & Ms Roshmi Ghosh, Senior Urban Planner (Antea Group), Project Consultant of PUDA

To a query raised by SEIAA in the previous meeting, Chief Engineer, PUDA informed that PUDA has already acquired the land for the project and is in peaceful possession of the same. He further clarified that the above said court cases relate to disputes regarding the persons to whom compensation is to paid. 01 case has already been dismissed, 02 cases are pending with the Deputy Commissioner, Patiala and the remaining cases are under trial.

Thereafter, Consultant of the Promoter Company presented the salient features of the project and requested for issuance of TORs. A copy of the presentation submitted by the project proponent was also taken on record by the SEIAA.

To a query by SEIAA regarding the CER activities, project proponent requested that an additional TOR may be imposed for which compliance shall be submitted at the time of Environmental Clearance.

To another query by SEIAA it was informed that 15% Green area shall be provided in the main (common) project areas by PUDA and remaining 18% green area shall be maintained by the individual units to make 33% green area for which condition shall be imposed in the sale deeds of the individual units.

SEIAA observed that several agencies were involved in the development / operation of the Project. It was, therefore, essential to define the specific roles and responsibilities for compliance of all relevant Environmental Regulations and of the EC Conditions of different Stakeholders (PUDA, proposed SPV, Allottees of Units etc) over the entire life of the project. Project proponent and their consultant agreed to provide a separate chapter in the EIA report in which these roles and responsibilities would be clearly defined.

Project Proponent and Consultant, in reply to another query by SEIAA informed that the list with percentages of various categories of Industries which has been submitted by them in their application was a theoretical exercise on the basis of market surveys and projected future requirements whereas the actual allotment to various categories of industries in the Estate could vary depending upon specific applications received for allotment.

PUDA representatives submitted that at present they had submitted proposal for the issuance of Terms of Reference. The detailed calculations with respect to Population, Quantity of Fresh Water, Waste Water, Solid Waste Generation, Built-up Area, Storm Water Management, Detailed Environmental Management Plan shall be provided with the final EIA Report at the time of submission of application for grant of Environmental Clearance for the Project. During discussions,

Environmental Consultant of the promoter company agreed to prepare detailed EIA on the basis of Terms of Reference as recommended by the SEAC and additional ToRs included by SEIAA.

SEIAA observed that the SEAC has categorized the project under activity 7(c): as B-1 category with public consultation as required for the project and recommended to grant Terms of Reference for preparing Environmental Impact Assessment (EIA) report.

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 the Terms of Reference for the project under Activity 7(c); B-1 with public consultation for Industrial Manufacturing Cluster located at Villages- Sehra, Sehri, Aakri, Pabra and Takhtu Majra, Tehsil- Rajpura, District- Patiala, Punjab, for preparing Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) with following additional TORs:

- (i) Submit an undertaking to the effect that no category A industry (as per the schedule appended to the EIA Notification 14.09.2006) shall be allowed to be established in the proposed project.
- (ii) Submit the proposal for plantations in the Periphery of the Estate and in other Green Areas using planting stock which is over 6 ft height and including arrangements for the proper protection and maintenance of the Plantations.
- (iii) Prepare a separate chapter in the EIA Report on the specific roles and responsibilities for compliance of all relevant Environmental Regulations and of the EC Conditions of different Stakeholders (PUDA, proposed SPV, Allottees of Units etc) over the entire life of the project.
- (iv) Submit a sample of the allotment / sale letter to be issued to the individual units in which above roles and responsibilities of the Allottees are clearly defined.
- (v) Since the Project Planning at this stage is entirely based on a theoretically calculated mix of Industries which would be allocated units in the Industrial Cluster and since different categories of Industries have considerably different environmental loads, Sensitivity Analysis should be carried out in respect of the key environmental parameters relating to population, water requirement, Sewage and effluent generation etc to study the effect of variations in these parameters on the total Environmental load of the Project.
- (vi) Submit NOC from the concerned territorial / wildlife DFO's that no Forest/PLPA/Wildlife areas are involved at the time of submission of EIA report.
- (vii) Submit a copy of the application/ NOC/permission from PWRDA for abstraction of ground water.
- (viii) Submit a copy of the NOC/Permission from the competent authority for utilization of Surface Water in case of alternative supply from Akash Distributary.

- (ix) Submit undertaking that no construction or other activity (apart from securing the land) will be commenced in respect of the proposed project till grant of EC.
- (x) Submit undertaking that the natural drainage channels in the project site including streams, drains, choes, creeks, rivulets etc. will not be disturbed and that the natural flow of rain water etc will not be impeded or disrupted in any manner.
- (xi) Undertake to provide 1% of the total cost of the project for Corporate Social Responsibility activities under the Environmental Management Plan.
- (xii) For any further clarification on carrying out the above studies including anticipated impacts due to the project and mitigation measures, project proponent can refer to the model TOR available on Ministry website "[http://moef.nic.in/Manual/ Industrial Estate](http://moef.nic.in/Manual/Industrial%20Estate)".
- (xiii) Four advance copies of the Draft EIA report should be submitted (2 each for SEIAA and SEAC) for perusal so that the observations / concerns of SEIAA and SEAC in this regard can be duly addressed in the final EIA report to be uploaded after following due procedures including public consultation.

Item No.196.02: 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 Shergil 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 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 with at par with Category B1 Projects 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 and 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 do not have any additional document at this stage to support their claim.

Thereafter, SEAC perused the 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 whether competency to deal with this 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 Rajada, 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.

The progress of the ongoing court cases was reviewed by SEIAA in its various meeting held time to time and lastly in the 195th meeting held on 14.12.2021.

In compliance with the decision of 195th meeting held on 14.12.2021, a copy of the order dated 10.11.2021 passed in the CWP 20853/2019 has been sent vide letter no. 4946 dated 20.12.2021 to the Regional Office, MoEF&CC, Chandigarh through email on 20.12.2021.

Hon'ble High Court heard the CWP 20853/2019 on 21.12.2021. In compliance with the previous order dated 10.11.2021, MoEF&CC has submitted affidavit to the effect that as per the notification dated 14.08.2018, the clause of General Conditions shall apply except for project r activity of mining of minor minerals of Category B2 (up to 25.0 ha of mine lease area). Therefore, SEIAA is the competent authority to grant Environmental Clearance to the petitioner. The order passed by the Hon'ble High Court on 21.12.2021 is annexed as Annexure-1 of the agenda for kind perusal. The case is now listed on 14.01.2022.

Project proponent and his Environmental Consultant has already been requested telephonically as well as through whatsapp message dated 22.12.2021 to appear in the 196th meeting of SEIAA to be held on 28.12.2021 (Tuesday) in the Conference Hall no. 1 (Room No 311), 2nd Floor of MGSIPA at 10:30 AM, MGSIPA Complex, Sector-26, Chandigarh and present the case.

In compliance with the order dated 21.12.2021 passed by the Hon'ble High Court, the matter is again placed before SEIAA for consideration.

2.0 Deliberations during 196th meeting of SEIAA held on 28.12.2021.

The case was considered by SEIAA in its 196th meeting held on 28.12.2021, which was attended by the following on behalf of the project proponent:

- (i) Sh. Premdeep Singh Shergill S/o Sh. Amarjit Singh, project proponent (Lease Holder).
- (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 was apprised background of the case as above. SEIAA perused the orders of Hon'ble High Court passed on 21.12.2021 and observed as under:

- (i) Respondent No.4 (MoEF&CC) had filed an affidavit dt.20.12.2021 in the Hon'ble High Court, specifically stating that respondent No.5 (SEIAA, Punjab) is the competent authority to consider the grant of Environmental Clearance of Mining Lease to the petitioner.
- (ii) Having regard to the said affidavit placed on record by the counsel for respondent No.4, it is stated by the counsel for respondent No.5 (SEIAA) that respondent No.5 will consider the application of the petitioner for granting Environmental Clearance of Mining Lease to him on 28.12.2021, in accordance with law.
- (iii) Learned counsel for the petitioner shall instruct the petitioner to be present in the hearing before respondent No.5 on 28.12.2021.
- (iv) The matter was adjourned to 14.01.2022.

Environmental Engineer, SEIAA apprised 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 with at par with Category B1 Projects and Public Consultation has been made mandatory for the same. The applicant has submitted an application for obtaining Environmental Clearance for mining in an area of 6.085 ha from the bed of river Ravi in the revenue estate of village Kot Razada, Tehsil Ajnala, District Amritsar by semi-mechanized method. In the present case, no public hearing has been conducted which is mandatory as per the OM dated 12.12.2018.

To this, the project proponent informed that Ministry of Environment, Forest & Climate Change, New Delhi has issued notification dated 14.08.2018 according to which an affidavit has been submitted before the Hon'ble High Court, Chandigarh stating that the competency to decide the case lies with the State Environment Impact Assessment Authority. Accordingly, in this regard, Hon'ble High Court has issued order and directed SEIAA, Punjab, to consider the case on 28.12.2021 in accordance with the law.

Advocate for the Project Proponent present in the meeting submitted that as per the notification dated 14.08.2018, there is no requirement of public hearing when the area of lease is between 5 ha to 25 ha. In the present case, mining area is less than 25 ha i.e., 6.084 ha, as such no public hearing is required. With respect to the OM dated 12.12.2018 issued by the Ministry, both the Advocate for the Project Proponent as also the Project Proponent himself submitted that this OM was not required to be considered and that EC should be granted on the basis of earlier Notification dated 14.08.2018.

SEIAA carefully considered the request of the project proponent and observed that on the basis of the affidavit submitted by the MOEF&CC, Hon'ble High Court of Punjab and Haryana has directed that case shall be considered and dealt with in accordance with law by Respondent No 5 (SEIAA, Punjab). However, Hon'ble High Court has not granted any exemption to the petitioner from following due process which includes conducting the mandatory public consultation.

SEIAA further observed that the MOEF&CC issues Office Memorandums from time-to-time inter-alia in pursuance of the orders of Hon'ble NGT, various Hon'ble High Courts and Hon'ble Supreme Court and the directions in these OM's are binding on the SEIAAs constituted for States all over the country. The Office Memorandum dated 12.12.2018 was similarly issued by the Ministry in pursuance of the orders of Hon'ble NGT dated 04.09.2018 in the matter titled Sudarsan Das Vs State of West Bengal & Ors & Order dated 13.09.2018 titled Satendra Pandey Vs Ministry of Environment Forest & Climate. The operative parts of OM dated 12.12.2018 are reproduced below:

"2. The Hon'ble NGT vide order dated 13th September, 2018 in OA No 186 of 2016 (Satendra Pandey Vs Ministry of Environment Forest and Climate Change and Anr) has inter-alia directed as follows:-

- i) *Providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under category B-2 at par with Category B-1 by SEAC / SEIAA as well as for cluster situation wherever it is not provided.*
- ii) *Form- 1 M be made more comprehensive*
- iii) *If a cluster or an individual lease site exceeds 5 ha the EIA / EMP be made applicable in the process of grant of environmental clearance.*

xxx xxx xxx xxx xxx xxx

3. *In view of the above, the undersigned is directed to forward the copy of the aforementioned order for necessary compliance and inform the Ministry about the action taken.*

4. *This issues with the approval of the competent authority."*

As evident from the foregoing, OM dated 12.12.2018 was issued by the MOEF&CC in compliance with and to give effect to the directions of the Hon'ble NGT in OA No's 173 of 2018 and OA No 186 of 2016.

The SEIAA further observed that SEAC in its 177th meeting held on 13.03.2019 has also recommended that the project proponent be advised to submit an application to PPCB for getting the public consultancy conducted in light of OM dated 12.12.2018.

For the aforesaid reasons and considerations, the Authority found no merit in the submissions made by the Project Proponent that OM dated 12.12.2018 issued by the MOEF&CC should be disregarded and that the Environmental Clearance for sand mining should be granted for their Project without conducting Public Consultancy as mandated under this OM.

After detailed deliberations, SEIAA decided as under:

- (i) Being a mandatory pre-condition and part of the due process for consideration of the case for grant of Environmental Clearance in such category of cases, Terms of Reference (TORs) be issued to the project proponent for preparing EIA report and conducting public consultation as per **Annexure-1**.
- (ii) A copy of the TOR letter be sent to the Regional Office, MoEF&CC, Chandigarh for information stating that procedure defined in the OM dated 12.12.2018 and appendix-IV of the EIA Notification 14.09.2006 as amended time to time has been followed for the public consultation. In case there is any discrepancy in the procedure prescribed, SEIAA Punjab may be informed accordingly as this is the first such case within 5 km of International Boundary which has been decided by SEIAA, Punjab, in view of the affidavit submitted by the MoEF&CC in this matter in the Hon'ble High Court.
- (iii) SEIAA further decided that after issuing the Terms of Reference to the project proponent, in view of the order passed by the Hon'ble High Court on 21.12.2021, the status report be filed in the Hon'ble High Court through Member Secretary, SEIAA.

Annexure-1

A. Terms of Reference:

- 1) Submit duly filled checklist with the application for environmental clearance available on the website of DECC https://decc.punjab.gov.in/wp-content/uploads/2021/04/Final-checklist_178.21.pdf.
- 2) Deposit the requisite fee as per Notification No. 10/167/2013-STE(5)/1510178 dated 27.06.2019 issued by the Govt. of Punjab, Department of Science, Technology, and Environment.
- 3) Project Proponent is required to conduct public hearing in light of the OM dated 12.12.2018 issued by MoEF. The draft EIA-EMP report shall be submitted to the Punjab Pollution Control Board for the conduct of Public Hearing. The PPCB shall conduct the Public Hearing district-wise, as per the provisions of EIA notification, 2006. The Public Hearing shall be chaired by an Officer not below the rank of Additional District Magistrate.
- 4) Ensure participation of the adjoining land owners of the mining site during the public consultation. Their grievances, if any be addressed and compliance thereof be incorporated in the EIA report.
- 5) Submission of Final District Survey report approved by SEIAA containing apart from other details as mentioned in the Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Sand Mining Guidelines, 2020 issued by the MOEF&CC, the following points specifically:
 - a) Recommendation regarding Environmentally safe depth of mining, safe distance from banks and suitability of site for mining or prohibition thereof, duly signed by the members of the Sub Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest department, Geology or mining officer.
 - b) Submit the annual replenishment report certified by an authorized agency in case of river bed mining. In case the replenishment is lower than the approved rate of production then mining activity/production level shall be decreased/ stopped accordingly till the replenishment study is completed.
- 6) Preferred manual method of mining over any other method of mining otherwise submit proper justification of use of semi-mechanized/mechanized method, if any, over the manual method of mining considering the location, thickness of sand deposition, agriculture land/river bed, with detailed calculations and benefits to be achieved for the Environment.

- 7) The Project proponent shall provide the exact coordinates of all the corners of the site and the shortest distance of mining site from the following: -
 - a. Protected area notified under the Wildlife (Protection) Act, 1972.
 - b. Critically Polluted areas as identified by the Central Pollution Control Board from time to time,
 - c. Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986,
 - d. Inter-State boundaries and international boundaries.
- 8) Submit a copy of visit report of Sub Divisional committee comprising of Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest department, Geology or mining officer indicating the recommendation regarding the Environmentally safe depth of mining, a safe distance from banks and suitability of the site for mining or prohibition thereof as per the Sustainable Sand Mining Management Guidelines, (SSMMG)-2016 issued by MOEF&CC.
- 9) Demarcation of the mining site in the presence of the Revenue officer, Mining officer, Lambardar, project proponent/ contractor, owner of the land and owners of the adjoining land and submission of the demarcation report duly signed by them.
- 10) Submit complete transportation plan giving detailed procedure (details of route plan to be followed by trucks transporting minor minerals with traffic volume data etc.)
- 11) Submit a copy of ownership of land such as copy of latest jamabandi and consent of all the owners of land.
- 12) A copy of Mining Plan dully approved by the State Geologist
- 13) Submit the contour plan showing river bed level, water level and present surface levels at various cross sections etc.
- 14) Red line to be marked on the x-sections in case of riverbed mining.
- 15) Submit 1.0 Km radius map of the area from periphery of project site clearly indicating the physical features.
- 16) Submit an undertaking to the effect that there is no other mine within 500 m. radius from the periphery of this site.
- 17) Submit photographs of the mining site taken from all the four sides mentioning the coordinates of the project.
- 18) Mining lay out plan showing key distances of the mining site from the various features such as river bank, active channels, bundh and other structures in the vicinity, if any,

drawn on portion of 'Aks Sajra' of the mining site, so as to ensure that minimum statutory distances are maintained. The route map to be followed should also be marked on the layout plan away from the habitational area to the maximum extent possible.

- 19) Submit Corporate Environment Responsibility (CER) Plan as per the OM dated 01.05.2018.
- 20) The project proponent is required to get the hydrogeological survey of the existing water level done and to submit the impact on the water level regime due to the project. This report is required to be submitted at the time of submission of the EIA report.
- 21) The project proponent shall submit site specific rain water harvesting details at the time of submission of EIA report.
- 22) The project proponent is required to submit a report regarding the preservation of topsoil excavated during the mining process at the time of submission of the EIA report.
- 23) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994.
- 24) Submit a copy of the document in support of the fact that the Proponent is the rightful lessee of the mine such as letter of Intent (LOI) from the State government /Allotment letter of mining site etc.
- 25) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
- 26) All corner coordinates of the mine lease area, superimposed on a High-Resolution Imagery/toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
- 27) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
- 28) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.

- 29) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/violation of the environmental or forest norms/conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the proposed safeguard measures in each case should also be provided.
- 30) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining should be detailed. The proposed safeguard measures in each case should also be provided.
- 31) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
- 32) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- 33) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
- 34) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.
- 35) Status of forestry clearance for the broken-up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.
- 36) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.

- 37) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
- 38) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
- 39) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/Elephant Reserves/ (existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
- 40) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan along with budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
- 41) Proximity to Areas declared as 'Critically Polluted' or the Project areas attracting court restrictions for mining operations, should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Dept. Should be secured and furnished to the effect that the proposed mining activities could be considered.
- 42) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need-based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.
- 43) One season (non-monsoon) [i.e., March - May (Summer Season); October - December (post monsoon season); December - February (winter season)] primary baseline data on ambient

air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.

- 44) Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modelling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
- 45) The water requirement for the Project, its availability, source and zone should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- 46) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- 47) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
- 48) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
- 49) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
- 50) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be.

- 51) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and BGL. A schematic diagram may also be provided for the same.
- 52) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.
- 53) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
- 54) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
- 55) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
- 56) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
- 57) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
- 58) Measures of socio-economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
- 59) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the

- proposed Project.
- 60) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
 - 61) Submit an undertaking to the effect that no litigation/court case is pending before any court of law against the project and/or on land in which mining is to be carried out else submit the details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
 - 62) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
 - 63) A Disaster Management Plan shall be prepared and included in the EIA/EMP Report.
 - 64) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
 - 65) Besides the above, the below mentioned general points are also to be followed:
 - a. The EIA document shall be printed on both sides, as far as possible.
 - b. All documents to be properly referenced with index and continuous page numbering.
 - c. The copy of the letter received from the SEIAA, Punjab, shall be also attached as an annexure to the final EIA-EMP Report.
 - d. Where data are presented in the Report especially in Tables, the period in which the data was collected and the sources should be indicated.
 - e. Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
 - f. Where the documents provided are in a language other than English, an English translation should be provided.
 - g. The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
 - h. While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF vide O.M. No. J- 11013/41/2006-IA. II (I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
 - i. Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
 - j. As per the circular no. J-11011/618/2010-IA. II (I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the

existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.

- k. The EIA report should also include
 - (i) surface plan of the area indicating contours of main topographic features, drainage and mining area,
 - (ii) geological maps and sections and
 - (iii) Sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.
 - l. Submit a copy of presentation in PPT format along with application.
- 66) The 'Terms of Reference' (TORs) prescribed will be valid for a period of four years from its issuance as per the MoEF&CC notification No. S.O.751 (E) dated 17th February, 2020. The final EIA report shall be submitted to the SEIAA, Punjab for obtaining environmental clearance

Additional TORs:

1. Submit proper certificate regarding the “cluster formation issued by the concerned Executive Engineer of the Mining Department.
2. Submit the lease deed of the mining area.

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