

**Supplementary Proceedings of the 166<sup>th</sup> meeting of State Environment Impact Assessment Authority (SEIAA) held on 26.06.2020 at 10:30 AM in the Conference Hall No -2, Ist Floor, MGSIPA Complex, Sector- 26, Chandigarh.**

**Item No. 166.06 Application for extension in validity & amendment in environmental clearance granted under EIA Notification, 14.09.2006 for Township & area development project namely "Imperial Golf Estate" located at Village Mullanpur, Ludhiana, Punjab by M/s Spark Buildcon Pvt. Ltd. (Proposal No. SIA/PB/NCP/28432/2011).**

SEIAA observed that :

### **1.0 Background**

M/s Spark Buildcon Pvt. Ltd was granted environmental clearance vide no. 31028 dated 28.07.2011 for Township & area development project namely "Imperial Golf Estate" located at Village Mullanpur, Ludhiana. The total plot area of the project is 279.98 acres (11,33,073.70 sq.m), out of which 80.3 acres are meant for the golf course, 197.91 acres for residential, 13.91 acres for housing for EWS, 1.76 acres for the widening of roads and remaining is meant for parking of vehicles having a total built-up area of the project is 5,42,744 sqm. The said environmental clearance was granted for five years, which was valid up to 27.07.2016.

As per circular dated 12.04.2016 issued by MoEF, the Environmental Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e. 29.04.2015, their validity will stand automatically extended to seven (7) years. Therefore, the project was having environmental clearance valid up to 27.07.2018.

The project proponent submitted an online application on 26.07.2018 i.e. within the validity of environmental clearance. The background of the case has already been given in the agenda circulated to the committee through an email dated 18.01.2019.

### **Deliberation during 175<sup>th</sup> meeting of SEAC held on 22.01.2019**

The case was placed in the 175<sup>th</sup> meeting of SEAC held on 22.01.2019. The item could not be taken up due to paucity of time as the meeting was forced to wind up by 5:30 pm due to bad weather conditions in the State. The SEAC decided to convene a special meeting at short notice to place the pending items of the 175<sup>th</sup> meeting to consider these cases on priority.

### **Deliberation during 176<sup>th</sup> meeting of SEAC held on 05.02.2019**

The case was placed in the 176<sup>th</sup> meeting of SEAC held on 05.02.2019 and the same was attended by Dr. Sandeep Garg, MD, 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 04.02.2019 was also received from Sh. Paras Kumar Jain, Authorized Signatory of M/s SPARK Buildcon Pvt. Ltd. wherein, he has mentioned that due to unavoidable circumstances, he will not be able to present his case in 176<sup>th</sup> meeting of SEAC & has requested to consider the case in next meeting.

SEAC accepted the request of the project proponent & decided to defer the case in light of the request submitted by the project proponent and OM dated 25.02.2010 of MoEF&CC and ask the project proponent to attend the next meeting as and when called for.

### **Deliberation during 178<sup>th</sup> meeting of SEAC held on 15.04.2019**

The case was placed in the 178<sup>th</sup> meeting of SEAC held on 15.04.2019 and the same was attended by Dr. Sandeep Garg, MD, 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 10.04.2019 was also received from Sh. Paras Kumar Jain, Authorized Signatory of M/s SPARK Buildcon Pvt. Ltd. wherein, he has mentioned that due to unavoidable circumstances, he will not be able to present his case in 178<sup>th</sup> meeting of SEAC & has requested to consider the case in next meeting in June 2019.

SEAC observed that the project proponent is continuously asking for deferment from the past two meetings, it seems, the project proponent is not interested in pursuing the case. SEAC took a serious note and observed that this results in wastage of precious time of SEAC. After detailed deliberations, SEAC decided to recommend the case to SEIAA for issuance of notice to the project proponent proposing to delist the application as per the OM dated 30.10.2012 issued by MoEF&CC.

### **Deliberation during 149<sup>th</sup> meeting of SEIAA held on 05.07.2019**

The case was considered by SEIAA in its 149<sup>th</sup> meeting held on 05.07.2019. But no one on behalf of the project proponent attended the said meeting. SEIAA also observed that there is no facility available for transferring the online application from the portal of SEAC to SEIAA in delisting mode.

After detailed deliberation, SEIAA decided that case be remanded to SEAC for issuing the notice to delist the project giving project proponent a last opportunity to appear before SEAC failing which project be delisted from the web-portal of SEAC.

### **Deliberation during 185<sup>th</sup> meeting of SEAC held on 29.11.2019**

The matter was considered in the 185<sup>th</sup> meeting of SEAC held on 29.11.2019. After detailed deliberation, it was decided that a notice for delisting the application be issued to the project proponent. In case, the project proponent fails to submit a reply, within the stipulated time, the case of the project proponent to be placed in the SEAC meeting for delisting. Accordingly, Notice was issued to the project proponent vide letter no SEAC/2020/1462/195 dated 06.02.2020.

In response, the project proponent submitted the reply vide ref no. NKG/ELIPL/2020/064 dated 21.02.2020 and informed that vide order dated 02.01.2020 passed by Hon'ble National Company Law Tribunal, New Delhi Bench (NCLT), Emerald has been admitted to corporate insolvency resolution process ("CIRP") and in terms of the provisions of Insolvency and Bankruptcy Code, 2016 ("Code"). He requested as under: -

- i) Kindly take note of the order dated 02.01.2020 and refrain from canceling/delisting any license of the Emerald during the CIRP of Emerald as the intent of the Code is to keep the company as a going concern and in case the project is 'delisted, it will create hindrance incomplete the corporate insolvency
- ii) Please grant adequate time to pursue the application for proponent.

### **3.0 Deliberation during 189<sup>th</sup> meeting of SEAC held on 28.05.2020**

SEAC was apprised about the MoEF&CC,OM dated 30.10.2012 regarding the procedure to be adopted for delisting of various cases and the relevant part of the same is given as under:

- i) All projects where additional information desired has not been submitted even after 6 months of the Expert Appraisal Committee (EAC) meeting should be delisted from the list of pending projects.
- ii) For the projects pending between 3 to 6 months of the EAC meeting for want of information, a reminder may be sent seeking information within a month. If the information is not received within this period, even these projects may be de-listed.

Since the project proponent was not pursuing the case since the beginning and was pending for more than six months. Thus, it is a fit case to be delisted as per the OM dated 30.10.2012. Further, the maximum period up to which the validity of the Environmental Clearance could be extended had also expired on 27.07.2018. Thus, no action is required to be taken by SEAC.

SEAC decided to recommend the case to SEIAA for delisting the application in light of the provisions of OM dated 30.10.2012, issued by MoEF&CC.

#### **4.0 Deliberation during 166<sup>th</sup> meeting of SEIAA held on 26.06.2020**

The case was considered by SEIAA in its 166<sup>th</sup> meeting held on 26.06.2020. SEIAA observed that the project proponent was not interested to pursue his case after submission of application for obtaining environmental clearance.

After detailed deliberations, SEIAA decided to accept the recommendation of SEAC and to take the action as proposed by SEAC. Further, the Punjab Pollution Control Board be asked to verify as to whether project proponent is carrying out or has carried out construction at the site in violation of EIA notification 14.09.2006. In case of violation, as per the clause 3 of MoEF&CC Notification dated 14.03.2017, action be initiated against the responsible persons by the Punjab 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 be issued till the project proponent obtains the revised Environmental Clearance.

**Item No166.07: Request regarding transfer of environmental clearance granted under EIA notification dated 14.09.2006 to General Manager-cum-Mining Officer, Nawan Shahar for mining of minor minerals (Sand) in the revenue estate of Village Burj Tehal Dass, Tehsil Nawan Shahar, District SBS Nagar in the name of Sh. Jagvirinder Singh S/o Sh. Gulsher Singh R/o VPO Railon Khurd, Distt. Rupnagar. (SIA/PB/MIN /17572/2014)**

SEIAA observed that:

### **1.0 Background**

Earlier, the General Manager-Cum-Mining Officer, Nawanshahar was granted environmental clearance under EIA notification dated 14.09.2006 vide no. 7593 dated 31.01.2014 for carrying out the mining of minor minerals (Sand) @ 1,00,310 Ton/year in River Sutlej in an area of 21.50 Hectares in the revenue estate of Village Burj Tehal Dass (Hadbast no. 292), Tehsil Nawan Shahar, District S.B.S. Nagar, subject to certain conditions,

Sh. Jagvirinder Singh S/o Sh. Gulsher Singh R/o VPO Railon Khurd, Distt. Rupnagar, submitted an online application (proposal no SIA/PB/MIN/17572/2014) on 17.10.2016, in amendment category with a request to transfer environmental clearance earlier granted to General Manager-cum-Mining Officer, Nawan Shahar on his name. The said application was accepted by SEAC on 18.10.2016.

Sh. Jagvirinder Singh had also submitted another request (off-line) separately to SEIAA regarding the transfer of the Environmental Clearance on his name. The said offline request was placed before SEIAA in its 116<sup>th</sup> meeting of SEIAA held on 20.10.2016, wherein authority decided to transfer the environmental clearance in the name of Sh. Jagvirinder Singh s/o Sh. Gulsher Singh, for the remaining validity period of environmental clearance i.e. up to 30.01.2019.

Accordingly, the said environmental clearance was transferred vide letter no. 3537 dated 07.11.2016 in the name of Sh. Jagvirinder Singh s/o Sh. Gulsher Singh r/o VPO Railon Khurd, Distt. Rupnagar, for the remaining validity period of environmental clearance i.e. up to 30.01.2019 subject to the same conditions.

### **2.0 Present Case**

Application (Proposal No SIA/PB/MIN/17572/2014) regarding the amendment is still pending online before the SEAC. However, the request of the applicant regarding the transfer of environmental clearance has already been decided by SEIAA in its 116<sup>th</sup> meeting and the transfer letter has already been issued to the applicant vide letter no. 3537 dated 07.11.2016.

In view of the above, online application (Proposal No SIA/PB/MIN/17572/2014), be recommended to SEIAA for delisting as no further action is required to be taken by SEAC

### **3.0 Deliberation during 189<sup>th</sup> meeting of SEAC held on 28.05.2020**

SEAC observed that the Environmental Clearance was already transferred in the name of the project proponent based on offline application and thus the online application submitted by the project proponent has become infructuous and no action is required to be taken.

SEAC decided to recommend the case to SEIAA for delisting the application (proposal no. SIA/PB/MIN /17572/2014).

### **4.0 Deliberation during 166<sup>th</sup> meeting of SEIAA held on 26.06.2020**

The case was considered by SEIAA in its 166<sup>th</sup> meeting held on 26.06.2020. SEIAA perused the deliberation of the 189<sup>th</sup> meeting of SEAC held on 28.05.2020 and it was decided to accept the recommendation of SEAC to delist the application.

Meeting ended with a vote of thanks to the Chair.

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