

Item No. 296.04: Application for Environmental Clearance (Violation) under EIA Notification dated 14.09.2006 for Group Housing Project Namely “Orchard County” at Village Sante Majra, Kharar-Landran Road, Kharar, District SAS Nagar, Mohali, Punjab by M/s Ansal Lotus Melange Projects Pvt Ltd. (Proposal No. SIA/PB/INFRA2/426593/2023).

The Project Proponent was granted Terms of Reference (**Violation**) vide letter No. 5010 dated 19.01.2022 issued by SEIAA under EIA notification dated 14.09.2006 for carrying out EIA study.

The Project Proponent has applied for obtaining Environmental Clearance (**Violation**) under EIA notification dated 14.09.2006 for Group Housing Project Namely “Orchard County” at Village Sante Majra, Kharar-Landran Road, Kharar, District SAS Nagar, Mohali, Punjab for total land area of 48,090.24 sqm (11.88 acres) having built up area is 1,04,388.877 sqm. The project is covered under category 8(a) of the schedule appended with the EIA notification dated 14.09.2006.

The Project Proponent further informed that the construction of project has been exceeded the limit of built-up area as per earlier Environmental Clearance and validity of earlier Environmental Clearance also got expired.

The Project Proponent has submitted final EIA/EMP report and he has deposited of Rs. 2,08,780/- vide UTR No. HDFCR52022041361104981 dated 13.04.2022.

Deliberations during 273rd meeting of SEAC held on 12.01.2024.

The meeting was attended by the following:

- (i) Sh. Vishwa Prakash, A.G.M
- (ii) Dr. Sandeep Garg, EC-Coordinator M/s Eco Paryavaran Laboratories & Consultant Pvt Ltd.
- (iii) Mrs. Jyoti Rani, EC- Coordinator M/s Eco Paryavaran Laboratories & Consultant Pvt Ltd.

The Committee allowed the Environmental Consultant to present the salient features of the application proposal. Thereafter, the Environmental Consultant presented the case as under:

Sr. No.	Description	Details
1	Basic Details	
1.1	Name of Project & Project Proponent:	Group Housing Project namely “Orchard County” by M/s Ansal Lotus Melange Projects Pvt. Ltd.
1.2	Proposal:	SIA/PB/INFRA2/426593/2023

1.3	Location of Project:	Village Sante Majra, Kharar-Landran Road, Kharar, District S.A.S Nagar, (Mohali), Punjab.
1.4	Details of Land area & Built up area:	Site area: 48,090.24 sq.m. (11.88 acres) Built up area: 1,04,388.877 sq.m.
1.5	Category under EIA notification dated 14.09.2006	The project falls under S.No. 8 (a) - 'Building & Construction Project' as built-up area of the project will be 1,04,388.877 sq.m.
1.6	Cost of the project	Rs. 210.66 crores. Out of which, Rs. 155.42 Crores amount has already been spent on the project.
2.	Site Suitability Characteristics	
2.1	Whether project is suitable as per the provisions of Master Plan:	The project falls under Residential Zone as per Master plan of Kharar.
2.2	Whether supporting document submitted in favour of statement at 2.1, details thereof: (CLU/building plan approval status)	The Project Proponent has submitted approved layout plan approved by Municipal Council, Kharar.
3	Forest, Wildlife and Green Area	
3.1	Whether the project required clearance under the provisions of Forest Conservation Act, 1980 or not.	Yes. NOC has already been obtained for diversion of 0.0025 ha of forest land.
3.2	Whether the project required clearance under the provisions of Punjab	No. Project is not covered under PLPA, 1900.

	Land Preservation Act (PLPA), 1900.													
3.3	Whether project required clearance under the provisions of Wildlife Protection Act 1972 or not:	No. The project does not require clearance under Wildlife Protection Act, 1972.												
3.4	Distance of the project from the Critically Polluted Area.	The nearest critically polluted area is Ludhiana located at a distance of approx. 80 km from the project.												
3.5	Whether the project falls within the influence of Eco-Sensitive Zone or not.	No. The project does not fall within any eco-sensitive zone. City Bird Sanctuary and Sukhna Wildlife Sanctuary are at a distance of approx. 12 km; E & 17.3 km; E respectively from the project location.												
3.6	Green area requirement and proposed No. of trees:	Total green area: 4.37 acres (17,704.465 sq.m.) i.e. 36.8% of the total site area. No. of trees required = 601 trees. However, 660 no. of trees has already been planted.												
4.	Configuration & Population													
4.1	Proposal & Configuration	<p>The project will consist of 28 Blocks (708 Flats), 1 EWS block (72 Flats), 1 Club house and 1 Guard Room.</p> <p><u>Area Statement</u></p> <table border="1"> <thead> <tr> <th>Sr. No.</th><th>Description</th><th>Area (in sq.m.)</th></tr> </thead> <tbody> <tr> <td>1.</td><td>Total Site Area</td><td>48,090.24 sq.m. (11.88 acres)</td></tr> <tr> <td>2.</td><td>Permissible Ground Coverage (@ 35%)</td><td>16,831.584</td></tr> <tr> <td>3.</td><td>Proposed Ground Coverage (@ 24.325%)</td><td>11,698.205</td></tr> </tbody> </table>	Sr. No.	Description	Area (in sq.m.)	1.	Total Site Area	48,090.24 sq.m. (11.88 acres)	2.	Permissible Ground Coverage (@ 35%)	16,831.584	3.	Proposed Ground Coverage (@ 24.325%)	11,698.205
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		4.	Permissible FAR (@ 2)	96,180.48
		5.	Proposed FAR (@ 1.94)	93,613.32
		6.	Non FAR <ul style="list-style-type: none">Mumty & Machine room AreaBasement Area	10,775.55 1440.94 9,334.61
		7.	Built-up Area (FAR + Non FAR)	1,04,388.87
		8.	Green Area (@ 36.815%)	17,704.465
		4.2	Population details	4,324 persons
5	Water			
5.1	Total fresh water requirement:	370 KLD		
5.2	Source:	Bore wells		
5.3	Whether Permission obtained for abstraction/supply of the fresh water from the Competent Authority (Y/N) Details thereof	Permission from CGWA was already obtained. Later, application was filed to PWRDA regarding abstraction of ground water. However as per recent guidelines, permission from PWRDA is not required as water demand is utilized exclusively for Drinking and Domestic use.		
5.4	Total wastewater generation:	437 KLD		
5.5	Treatment methodology: (STP capacity, technology & components)	437 KLD of wastewater will be generated from the project which will be treated in STP of 350 KLD capacity & proposed STP of capacity 100 KLD. However, presently, STP of capacity 350 KLD has been installed within the project site to cater the current wastewater load of the project.		

5.6	Treated wastewater for flushing purpose:	186 KLD					
5.7	Treated wastewater for green area in summer, winter and rainy season:	Summer: 97 KLD Winter: 32 KLD Monsoon: 9 KLD					
5.8	Utilization/Disposal of excess treated wastewater.	Excess treated wastewater will be disposed off into MC sewer after recycling for landscaping & flushing.					
5.9	Cumulative Details:						
	S. No.	Total water Requirement	Total wastewater generated	Treated wastewater	Flushing water requirement	Green area requirement	Into sewer
	1.	556 KLD	437 KLD	428 KLD	186 KLD	Summer: 97 KLD Winter: 32 KLD Monsoon: 9 KLD	Summer: 145 KLD Winter: 210 KLD Monsoon: 233 KLD
5.10	Rain water harvesting proposal:	Total 8 Rain water recharging pits has already been constructed for artificial rain water recharge within the project premises.					
6	Air						
6.1	Details of Air Polluting machinery:	There will be provision of 3 DG sets i.e. 1 DG set of 350 KVA capacity, 1 DG set of 750 KVA and 1 DG set of 1050 KVA for standby use for emergency purposes. DG set will be provided with acoustic enclosure and will run on HSD fuel. Out of which, 2 DG sets of capacity 350 KVA & 750 KVA have been provided within the project for power backup.					

6.2	Measures to be adopted to contain particulate emission/Air Pollution	Acoustic enclosure to minimize noise generation and adequate stack height for proper dispersion.
7	Waste Management	
7.1	Total quantity of solid waste generation	1,645 kg/day
7.2	Whether Solid Waste Management layout plan by earmarking the location as well as area designated for installation of Mechanical Composter and Material Recovery Facility submitted or not.	Solid waste management area has been provided. Biodegradable waste will be composted by use of 2 composters of 500 Kg & 250 Kg. Recyclable component will be disposed off through authorized recycler vendors. Inert waste will be dumped to authorized dumping site.
7.3	Details of management of Hazardous Waste.	Hazardous Waste in the form of used oil from DG set will be generated which will be managed & disposed off to authorized vendors as per the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016 and its amendments.
8	Energy Saving & EMP	
8.1	Power Consumption:	Total power demand for the project will be 5,800 KW. Out of which, existing power load is 2,918 KW. The power is being supplied by Punjab State Power Corporation Limited (PSPCL).
8.2	Energy saving measures:	Use of only LED lighting for energy saving.

		LED lights have been used in towers, lift lobby, stair case, basement, etc. Further, solar panels are also proposed at the terrace of the Project.			
8.3	Details of activities under Environment Management Plan.				
	Sr. No.	Title	Remaining Construction Phase		Operation Phase
			Capital Cost (Rs. Lakhs)	Recurring Cost (Rs. Lakhs/ Annum)	Recurring Cost (Rs. Lakhs/ Annum)
	1.	Air Pollution Control (Tarpaulin sheets/ barricading, DG set, stack height, anti smog gun, sprinklers, etc.	15	1	1
	2.	Water Pollution Control/ Sewage Treatment Plant (Additional STP of 100 KLD, MBBR- UF)	30	3	4
	3.	Noise Pollution Control (Acoustic enclosure etc.)	2	0.5	0.5
	4.	Landscaping	6	2	3
	5.	Solid Waste Management (2 mechanical composters of 500 kg & 250 kg)	28	1.5	2.5
	6.	Rain water recharging	2	2	2
	7.	Energy Conservation (LEDs & Solar Panels)	15	2	2
	8.	Miscellaneous	8	2	2
		Total	106	14	17
In addition, adequate amount will be spent under Additional environment activities. Details regarding the AEA will be submitted prior to SEAC, Punjab meeting.					
9	DETAILS OF THE VIOLATION:				

9.1	Total cost of the project and total cost of project already executed	<ul style="list-style-type: none"> The total cost of the project is Rs. 210.66 Crores which includes the cost of land as well as construction cost. Total project cost incurred so far is Rs. 155.42 Crores. 			
9.2	Description of violation:	Sl. No.	Description	Ownership	Construction Status
		1.	Group Housing Project "Orchard County"	M/s Ansal Lotus Melange Projects Pvt. Ltd.	Approx. 75% construction has been completed and project is under partial operational phase. Tower nos. A1X, AX and club under violation
9.3	Date of commencement of the project	The construction work was started in July, 2007.			
9.4	Date of first submission of information of such violation to SEIAA	<p>The project proponent has applied for obtaining TORs under violation vide proposal no. SIA/PB/NCP/22975/2018.</p> <p>TOR application submitted to MoEF&CC on 13.09.2017.</p> <p>Violation was first identified during the PPCB visit on 11.11.2016. Copy of PPCB letter mentioning regarding the same is enclosed with the application. No construction has been done in the project after the submission of application to MoEF&CC i.e. vide dated 13.09.2017.</p>			
9.5	No. of days of violation	<p>1,297 days.</p> <p>Start Date – 25.02.2014</p> <p>End Date – 13.09.2017</p>			
9.6	Recurring and non-recurring cost for environmental damages	<p>Recurring cost = Rs. 0.01 Lakh/day or Rs. 12.97 Lakhs</p> <p>Non-recurring cost = Rs. 0.79 Lakhs</p>			

9.7	Cost of remediation plan and natural & community resource augmentation plan	Rs. 13.76 Lakhs
9.8	Details of prosecution	Prosecution has been filed under the provisions of Section 15 & 16 of Environmental Protection Act, 1986 in the district court, Kharar under the case title of Punjab Pollution Control Board VS M-s ANSAL LOTUS MELANGE PROJECTS PRIVATE LIMITED vide case no. COMA/30/2021. Copy of current status is enclosed with the application.
9.9	Penalty to be deposited with Punjab Pollution Control Board	<p>As per Office Memorandum of Government of India, Ministry of Environment, Forest and Climate Change, Impact Assessment Division dated 07.07.2021 regarding Standard Operating Procedure (SOP) for Identification and handling of violation cases under EIA Notification, 2006 in compliance to order of Hon'ble National Green Tribunal has been prepared. According to which:</p> <p>“For Expansion projects:</p> <p>i. Where operation/ production with expanded capacity has not commenced:</p> <p>1% of the project cost attributable to the expansion activity incurred upto the date of filing of application along with EIA/EMP report.</p> <p>The additional project cost (attributable to the expansion activity) incurred on the violation part up to date of filing application is Rs. 3.5 crores. Thus, 1% of the total project cost comes out to be Rs. 3.5 lakhs. Thus, Rs. 3.5 lakhs will be considered as the penalty cost. This penalty fees amount will be deposited in the account of Punjab Pollution Control Board (PPCB) as penalty fees.</p>

The Committee was apprised about the recent order dated 2.01.2024 of Hon'ble Supreme Court of India which is reproduced as under:

"1. Issue notice returnable in four weeks.

2. Until further orders, there shall be stay of operation of the Office Memorandum dated 7th July, 2021 and 28th January, 2022 issued by the Ministry of Environment, Forest and Climate Change".

The above said order of Hon'ble Supreme Court of India was also conveyed by Ministry of Environment, Forest and Climate Change, Govt. of India vide OM dated 8.01.2024. The MoEF&CC, Govt. of India vide above said OM's dated 7.07.2021 and 28.01.2022 issued a Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification 2006.

In view of above said orders of Hon'ble Supreme Court of India, the project proposal, being violation case, was deferred till the decision of the Court.

The Project Proponent has submitted reply through the Parivesh Portal.

Deliberations during the 296th meeting of SEAC held on 01.07.2024

Following were present on behalf of Project Proponent:

- (i) Mr. Vishwa Parkash, A.G.M Sales & Marketing
- (ii) Smt. Jyoti Rani, Environmental Coordinator, M/s Eco Paryavaran Laboratories and Consultants Pvt. Ltd.

The Project Proponent apprised the Committee about the NCLT Order dated 17.05.2024 stating that the applicant is not covered under the Supreme Court Order dated 02.01.2024 and grant liberty to the applicant to approach the concerned authorities for obtaining necessary Environmental Clearance and in that event, the Tribunal expect the concerned authorities to consider the case of the applicant in light of the order passed by the Hon'ble Supreme Court vide Order dated 02.02.2024.

The Hon'ble Supreme Court dated 02.02.2024 clarified that their orders dated 02.01.2024 would not come in the way of the Competent Authorities in considering the proposals for modifications/alterations in the Environmental Clearances if area of such projects had any valid Environmental Clearances prior to 07.07.21. Further, needless to state that such applications for modifications/alterations would be considered by the Competent Authorities strictly in accordance with law as it existed prior to 07.07.2021.

The Project Proponent submitted that it has applied for Environmental Clearance under violation category on 13.09.2017 i.e. well before 07.07.21 and their case be appraised in light of the Orders dated 02.02.2024 of Hon'ble Supreme Court of India.

The Committee, after detailed deliberations, decided that SEIAA be requested to advise in the matter that whether such cases, who have applied before 07.07.21 for grant of Environmental Clearance under violation category, can be appraised as per MoEF&CC Notification dated 14.03.2017, in light of Supreme Court of India Order dated 02.02.24.