

Minutes of 151st Meeting of SEIAA, Haryana, held on 16.12.2022 & 17.12.2022 under the Chairmanship of Sh. Sameer Pal Srow, IAS (Retd.), Chairman, State Environment Impact Assessment Authority (SEIAA), Haryana at Bay's No. 55-58, 1st Floor, Paryatan Bhawan, Sector-2, Panchkula, Haryana.

(Prof. R. Baskar joined the 151st meeting through "Video Conference")

List of participants is annexed as Annexure-A.

At the outset, the Chairman SEIAA welcomed the Member and Member Secretary of the SEIAA and requested the Member Secretary to give a brief background of the items listed as the Agenda of 151st meeting.

"Minutes of the 150th Meeting of SEIAA held on 25.11.2022 are confirmed as part of the proceedings of 151st Meeting".

Project Proposals along with recommendations received from SEAC and Agenda Items as listed in 151st Meeting of SEIAA were discussed and following decisions were taken:

Item No. 151.01: Corrigendum in Environmental Clearance (EC) for "Addition of (minor mineral) Boulder and Gravel" as per the DMG letter at Kanalsi Block/YNR B-5, over an area of 44.14 Hectares in Village Kanalsi, Tehsil Chhachhrauli, District Yamunanagar, Haryana by M/s P S Buildtech.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIN/293365/2022 dated 28.10.2022**, praying for Corrigendum in the communication dated 07.10.2022 of Environmental Clearance dated 15.09.2016, under category 1(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 505444 dated 28.10.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the **APPLICATION FORM** is at ₹ 5.0 Crore by the Project Proponent.

The case was taken up during 256th meeting of SEAC, Haryana held on 30.11.2022 and recommended the case to SEIAA for issuance of Corrigendum with same quantity of production as mentioned in earlier EC issued

to PP for mining of Boulder, Gravel in addition to Sand Minor mineral mining of “Kanalsi Block/YNR B-5” Village Kanalsi, Tehsil Chhachhrauli, District Yamunanagar, over an area of 44.14 Hectares proposed by M/s P. S. Buildtech.

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 16.12.2022.

After having gone through the details & record placed on the file & further considering the recommendations of the Appraisal Committee, the Authority observed that major issue in the present proposal, pertains to variations, reflected, due to a communication dated 07.10.2022 in the scope & activities to be allowed for operations to the Project Proponent.

Variations reflected in the content as communicated vide letter dated 15.09.2016 (Grant of EC) & subsequent communication dated 07.10.2022 regarding extension of validity of EC as detailed below:

Communication dated 15.09.2016 (Environment Clearance letter)

1. **Subject:** Environmental Clearance for proposed Boulder, Gravel and Sand Minor Mineral Mines of “Kanalsi Block/YNR B-5” over an area of 44.14 Ha. In Tehsil Jagadhri, District-Yamuna Nagar by M/s P.S. Buildtech.

Communication dated 07.10.2022 regarding extension of validity of Environment Clearance dated 15.09.2016

2. **Subject:** Extension of Validity of EC for proposed project Mining of sand minor mineral from the riverbed Yamuna river with 19,50,000 MT production capacity over an area of 44.14 hectare located at Village Kanalsi, Tehsil Chhachhrauli, District Yamuna Nagar, Haryana.

In view of the above, the Authority understood that some activities (i.e. Boulder & Gravel), which were allowed earlier also, along with Sand Mining as per the original EC dated 15.09.2016, got missed out (appears to be a typographical miss), while considering the proposal for the grant of extension of validity of EC dated 15.09.2016 during 146th Meeting of SEIAA held on 20.09.2022 as well as in the communication dated 07.10.2022 later, issued by the Authority.

Therefore, the Authority decided to restore the original scope of activities for the operations to be allowed to carry out by the Project Proponent as mentioned in the EC letter dated 15.09.2016, by considering the proposal of corrigendum and accordingly, amending the contents of communication dated 07.10.2022 with the directions for **strict compliance of Enforcement & Monitoring Guidelines-2020, for Sand Mining issued by Ministry of Environment, Forest and Climate Change, Government of India.**

The Authority further deemed it appropriate & necessary to direct and re-emphasized that there is no change accorded / considered in terms of earlier & original location i.e. (Longitude - 30°08'09''N to 30°08'31''N & Latitude - 77°24'00''E to 77°24'46''E) with total area 44.14 hectares, Production Capacity – 19,50,000 TPA (as per EC dated 15.09.2016).

Project Proponent shall also comply with the directions of Hon'ble Punjab & Haryana High Court issued, vide Order dated 13.09.2022 (CWP No. 10588 of 2022, titled as M/s Ganaga Yamuna Mining Company V/s State of Haryana & CWP No. 10595 of 2022 titled as Ram Pal V/s State of Haryana & Ors.) without any exception.

Accordingly, case is disposed of.

Item No. 151.02: Amendment/Modification of EC for Expansion of International Tech Park (ITPG), IT/ITES, SEZ (63.25 Acres), Village Behrampur, Near Sector 59, Gurugram, Haryana by M/s ITPG Developers PVT. LTD.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/293760/2022 dated 10.11.2022** for obtaining Modification of Environmental Clearance under category 8(b) of EIA Notification dated 14.09.2006. The Project Proponent has deposited, due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 765263 dated 10.10.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as

mentioned in the APPLICATION FORM is at ₹ 2737.793 Crore by the Project Proponent.

The case was taken up during 256th meeting of SEAC, Haryana held on 30.11.2022 and recommended the case to SEIAA for Amendment/Modification of earlier EC granted on 22.11.2021.

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 16.12.2022.

After having gone through the details & record along with recommendations of SEAC, the Authority observed that initiative proposed, to improve the discharge of effluent & waste water from the Project by the Project Proponent is Environment friendly, encouraging & welcoming.

The Authority decided to agree with the recommendations of Appraisal Committee to consider the proposal for approval.

Accordingly, proposal is approved.

Item No. 151.03: ToR for Project Commercial Colony at Village Fazilpur Jharsa, Sector 48, Gurgaon, Haryana by M/s Victory Infraedge Pvt. Ltd.

The Project was submitted to the SEIAA, Haryana vide online **Proposal No. SIA/HR/MIS/82897/2022 dated 24.08.2022** for approval of Terms of Reference under Violation Category 8(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No.504182 dated 01.09.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

Earlier, the recommendations of SEAC were taken up in the 148th meeting of SEIAA held on 28.10.2022. After discussion; the Authority decided to constitute a Sub-Committee comprising of Shri Vijay Kumar Gupta, Chairman, SEAC, Bhupender Singh Rinwa, Member Secretary, SEAC and

Concerned Regional Officer, HSPCB (to assist the Sub-committee) to visit the site and to submit status report of the project site before Appraisal Committee and copy to the office of Authority. Further, the Authority decided to refer back this case to SEAC to re-look into all the aspects pertaining to violations and other activities being carried out by the project proponent at site.

Thereafter, **the case was taken up by SEAC during 256th meeting held on 30.11.2022.** The sub-committee submitted Site Inspection Report during the meeting. The report was circulated among all the members. The detailed discussion was held on the report and after deliberation, the committee decided to send the case to SEIAA alongwith site visit report (in original) and also reiterated its recommendations conveyed to SEIAA vide MoM of 250th SEAC meeting for granting Terms of Reference to the project (**under violation**).

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 16.12.2022.

The Authority after having gone through the relevant record, perusal of report of the Sub-Committee and further, upon considering the recommendation of the Appraisal Committee, observed as under:

1. That Project Proponent initially applied for grant of EC vide application dated 19.10.2016. During 145th Meeting of SEAC held on 30.11.2016, certain observations were communicated to PP as part of the proceedings. PP failed to respond and comply with the observations. Thereafter, SEAC issued a final Show Cause Notice dated 20.04.2018 to Project Proponent for not responding to the queries / observations.
2. That Project Proponent applied for TOR under Violation Category for the said project on 27.04.2018 and same was Granted on 07.08.2018 with certain terms & conditions, **having validity till 06.08.2022 for 04 years. (As per MOEF & CC, GOI Notification No. S.O.751(E) dated 17.02.2020).**
3. That Project Proponent has applied again for TOR under Violation Category on 24.08.2022 (whereas the earlier TOR granted for the Project on

07.08.2018 has out lived its validity of 04 years). Further, perusal of record indicates as under:

- (a) Application dated 27.04.2018 under Violation Category for (Plot Area – 8093.70 Sqmtr & Built Up Area - 24,494.78 Sqmtr. (Green Area – 2114.53 Sqmtr), Project Cost is ₹ 98 Crore.
- (b) Application dated 24.08.2022 under Violation Category for (Plot Area – 8093.70 Sqmtr & **Built Up Area - 38,661.65 Sqmtr.** (Green Area – 1762.11 Sqmtr), Project Cost is ₹ 148 Crore (at Page D-6 of application) & ₹ 516.44 Crore at the title Page.

The Authority after having perused the details above i.e. at (a) & (b) along with the relevant record, understood that the Project Proponent has indulged in multiple violations, even before applying for grant of EC & TOR in the year 2016 & 2018 by constructing Built Up Area 24,494.78 Sqmtr (without EC). Later applied for TOR under Violation Category in 2018 and again making construction in addition to the earlier construction of 24,494.78 Sqmtr. Now, Project Proponent again seek TOR for Built Up Area 38,661.65 Sqmtr, when the earlier granted TOR dated 07.08.2018 by the Authority has already lived passed its valid period 04 years. Meaning thereby Project Proponent continued to violate the provision of Environment Act / Rules & instructions issued by MOEF & CC, GOI, instead of responding to the proceedings, pending before the Authority. It is understood that PP has tried to jump through violation window, despite pending queries to be responded to the Authority to earn the status of voluntary disclosure.

Sequence of factual matrix discussed above, indicate that Project Proponent has shown utter defiance and no observance to the provisions of EIA Notification dated 14.09.2006.

Therefore, the Authority observed that Project Proponent has Built, 38,661.65 Sqmtrs (416150.54 Sqfts), Area without Environment Clearance.

In view of the discussions made above, the Authority decided to proceed to take necessary action for the violations within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 along with the observations made by the Hon'ble Courts in the below mentioned Cases:

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

Penalty & Environmental Damage Assessment Cost is calculated as under:

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Cost of the area involved under violation (416150.54 Sqft x ₹ 4950 i.e. average construction cost per Sqft)	₹ 206 Crore approx. & same is revised to ₹ 225 Crore (in view of the cost of land & other activities like license fees /EDC / IDC etc. forming the cost of the Project).	
		<u>Thus, Total revised Cost of the Project is assessed at ₹ 225 Crore (Approx).</u>	
2	1% Penalty as per SOP 7 th July 2021, Clause No 12.a (ii) on Rs 225 Crore	₹ 225.00	1 %
3	Additional 0.25 % Penalty as per SOP 7 th July 2022 on Rs 206 Crore	₹ 56.25	0.25 %
4	Environmental Damage Assessment Cost	₹ 450.00	2 %
	Total Amount	₹ 731.25	

The Project Proponent to pay :

(a) Penalty : ₹ 281.25 Lakh

(b) Environment Damage Assessment Cost : ₹ 450.00 Lakh

Total : ₹ 731.25 Lakh

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

In view of the above, the Authority directs the Project Proponent to deposit the PENALTY & ENVIRONMENT DAMAGE ASSESSMENT COST, so assessed in the said case i.e. **₹ 731.25 Lakh** within **30 days** from the date of Order ***in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.***

On receipt of PENALTY & ENVIRONMENT DAMAGE ASSESSMENT COST, so assessed in the said case i.e. **₹ 731.25 Lakh**, the Proposal for Approval of Terms of Reference (ToR) shall be taken up for further consideration by the Authority.

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

Accordingly, the case is deferred.

Item No. 151.04: EC for proposed expansion of Affordable Residential Plotted Colony Project under DDJAY-2016 located at Village Dhunela, Sector-33, Tehsil Sohna & District Gurugram Haryana by M/s Global Horizon Holdings Private Limited.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/279337/2022 dated 22.06.2022** for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 1,50,000/- vide DD No. 001837 dated 29.04.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

Earlier, the case was considered during 149th meeting of SEIAA held on 08.11.2022 and the Authority decided to refer back this case to SEAC for consideration as Shri Sandeep Kumar Gupta, Member SEAC has already been nominated in place of Shri Rajbir Singh Bhondwal, IFS (Retd.) for site visit to verify the **status of construction on the ground.**

The case was taken up during 256th meeting of SEAC, Haryana held on 30.11.2022 and the sub-committee submitted Site Inspection Report during the meeting. The report was circulated among all the members. The Committee held a detailed discussion on the report and after deliberation, the Committee decided to send the case to SEIAA alongwith site visit report (in original) and reiterated the previous recommendations conveyed to SEIAA vide MoM of 244th SEAC meeting for granting EC.

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 16.12.2022.

After having gone through the details & record placed on the file i.e. Form-1 & 1A, Report of the Sub-committee and upon considering the recommendations made in 244th and 256th Meeting of SEAC, the Authority observed that the following issues required to be re-looked into:

1. **Scrutiny fee as due has not been paid by the PP; an amount of ₹ 1,50,000/- has been deposited vide DD. No. 001837 dated 29.04.2022 instead ₹ 2,00,000/- as due & applicable.**
2. Variations in the cost of the project as gathered ₹ 90 Crore from the page No. 06 of the 244th Meeting of SEAC and ₹ 168.99 Crore shown in the Consent of Operate issued by HSPCB.
3. Permission for Sewerage connection is required to be obtained by PP for disposal of treated water.
4. RWH Calculation is required to be carried out by taking into consideration Rainfall data @ 90MM peak per hour.

In view of above, the Authority decided to refer back this case to SEAC to re-look and further examine the aforesaid and other relevant issues in this regard.

Item No. 151.05: EC for VSR Mall Retail-cum-Office Complex at Sector-114, Village Bajghera, Gurgaon, Haryana-122017 by M/s VSR Mall Retail.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/290750/2022 dated 29.08.2022** for obtaining for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 112829 dated 26.04.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the **APPLICATION FORM** is at ₹ 91.68 Crore by the Project Proponent. The ToR was granted under Violation Category to the project on 03.08.2022.

The case was taken up during 256th meeting of SEAC, Haryana held on 01.12.2022 and recommended the case to SEIAA **for grant of Environment Clearance under Violation Category.**

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 16.12.2022.

After having gone through the details & record placed on the file pertaining to the proposal along with perusal of recommendations of SEAC, the Authority observed that Violation for excess construction of 4145 Sqmtr, beyond the prescribed limit of Environment Clearance dated 28.05.2013, emerged as major point for deliberations & decision.

The Appraisal Committee during 256th Meeting held on 01.12.2022 proposed Penalty and Environment Damage Compensation Cost for the Violations made by the Project Proponent, as under:

Total summarised Cost on Environmental Damage, Natural resource, community augmentation (% contribution w.r.t. total project cost)

Sr. No.	Particular	Cost in Rs. In (lacs)	% of total Project Cost	Timeline
	Project Cost	₹ 600	100	-
1.	Cost on Remediation of Environmental damages	₹ 3.00	0.87	In 3 years
2.	Cost towards Natural Resource Augmentation	₹ 0.425	0.07	In 3 years
3.	Cost towards Community Resource Augmentation	₹ 2.58	0.06	In 3 years
	Total Damage Cost Proposed – A	₹ 6.005	1.00	
4.	1% Penalty as per SOP 7 th July 2021, Clause No 12.a (ii)	₹ 6.00	1.00	
	Total Penalty as per SOP 7 th July, 2021 – B		6.00	-
	Total Cost : (A+B)	₹ 12.005		

Keeping in mind the scope & meaning of SOPs dated 07.07.2021 along with examination of relevant record pertaining to the case, the Authority concluded as under:

1. Violation in the instant case was pointed out by the Authority vide Show Cause Notice dated 23.11.2021.
2. Since the Occupation Certificate has been obtained by the Project Proponent, therefore the penalty is required to be imposed @ 1% on the cost of the project involved in the excess construction i.e. 4145.0083 Sqmtr

along with 0.25%, which seems to have escaped the attention of Appraisal Committee.

3. The Authority further observed that 4145.0083 Sqmtr recommended for penalty for the excess construction i.e. beyond the prescribed limit of EC has been calculated to ₹ 6 Crore as construction cost of the project. Proposed Penalty on the same @ 1% has been recommended as ₹ 6 lakh. This appears to be highly un-realistic and apparently erroneous as cost of construction for the Commercial Project i.e. Mall (Retail-cum-Office Complex) in Gurugram at the current Market rate may be far more higher and greater than the recommendations made by the Appraisal Committee. May be the Appraisal Committee erred in judgement by working out the cost of construction by taking into consideration, only, the bare structures & ignoring the finishing cost to be incurred on the project (latest amenities & support systems like escalators / lifts / air conditioning / security & safety features & customer friendly fancy infrastructure).

Upon taking into consideration all the details discussed above, the Authority decided to **revise the cost of the construction** of the area involved into violation to ₹ 22 Crore from ₹ 6 Crore for the purpose of invoking penalty provisions as available under SOPs dated 07.07.2021. Accordingly, the Authority deemed it appropriate to re-calculate penalty as under:

i.	Construction beyond permissible limit	:	4145.0083 Sqmtr
ii.	Estimated Cost of Construction (Mall) (Retail-cum-Office Complex)	:	₹ 22 Crore
	Penalty @ 1%	:	₹ 22.00 Lakh
	Additional Penalty @ 0.25%	:	₹ 5.50 Lakh
			<hr/>
	Total	:	₹ 27.50 Lakh
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In view of the discussions made above, the Authority decided to proceed to take necessary action for the violations within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 along with the observations made by the Hon'ble Courts in the below mentioned Cases::

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

Penalty & Environmental Damage Assessment Cost is calculated as under:

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Cost of the area involved under violation (44616 Sqft x ₹ 4950 i.e. average cost of construction per Sqft)	<u>₹ 22.00 Crore (approx.)</u>	
2	1% Penalty as per SOP 7 th July 2021, Clause No 12.a (ii) on ₹ 22 Crore	₹ 22.00	1 %
3	Additional 0.25 % Penalty as per SOP 7 th July 2022 on ₹ 22 Crore	₹ 5.50	0.25 %
4	Environmental Damage Assessment Cost	₹ 44.00	2 %
	Total Amount	₹ 71.50	

The Project Proponent to pay :

(a) Penalty	:	₹ 27.50 Lakh
(b) Environment Damage Assessment Cost	:	₹ 44.00 Lakh

Total	:	₹ 71.50 Lakh

It is relevant to mention that **Hon'ble NGT** vide Order dated 21.10.2022 in **OA No. 976/2019 & M.A. No. 74/2022 (Gurinder Singh & Ors Versus Union of**

India & Ors.) and Order dated 11.11.2022 in OA No. 10 of 2021 & I.A. No. 282 of 2022 (Sanjay Kumar Versus Union of India & Ors.), made directions that PENALTY & DAMAGE ASSESSMENT COST recovered from Project Proponent on account of Violations / Non-compliances “is to be utilized for RESTORATION, PROTECTION & CONSERVATION of Environment through State/ District Environment Plans”.

In view of the above, the Authority directs the Project Proponent to deposit the PENALTY & ENVIRONMENT DAMAGE ASSESSMENT COST, so assessed in the said case i.e. ₹ 71.50 Lakh in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.

The Authority upon considering all the facts & details discussed above, deemed it fair & appropriate to Grant Environment Clearance to the Project subject to the condition that above mentioned revised Penalty & Environment Damage Assessment Cost, so assessed i.e. ₹ 71.50 Lakh by this Authority, shall be deposited by the Project Proponent within 30 days, from the date of Grant of Environment Clearance.

Accordingly, Environment Clearance in favour of M/s VSR Mall Retail for the Project Retail-cum-Office Complex at Sector-114, Village Bajghera, Gurgaon, Haryana-122017 is hereby Granted.

In case of failure to comply with the above (within stipulated period), Environment Clearance, so Granted, to the Project shall deemed to have been withdrawn under Section 5 of the Environment (Protection) Act, 1986 without any further notice.

Item No. 151.06: Environment Clearance for Expansion of Commercial Office Complex “Signature Tower-III” at Sector-15, Gurugram by M/s Unitech Limited.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/226633/2022 dated 01.09.2021** for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of **₹ 2,00,000/- vide DD No. 883970 dated 10.11.2021** (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the **APPLICATION FORM** is at **₹ 190 Crore** by the Project Proponent. The ToR was granted under Violation Category to the project on 20.10.2020.

The case was taken up during 256th meeting of SEAC, Haryana held on 01.12.2022 and recommended the case to SEIAA for grant of **Environment Clearance (under violation category) as recommended vide 243rd MoM of SEAC Meeting held on 30.06.2022.**

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 16.12.2022.

After having gone through the details & record placed on the file pertaining to the proposal along with perusal of recommendations of SEAC, the Authority observed that Violation for **excess construction of 18,698 Sqmtr (201263 Sqft)** beyond the prescribed limit of Environment Clearance dated 11.07.2012, emerged as major point for deliberations & decision.

The Appraisal Committee during 256th Meeting held on 01.12.2022 proposed **Penalty and Environment Damage Compensation Cost** for the Violations made by the Project Proponent, as under:

Total Summarised Cost on Environmental Damage, Natural resource, community augmentation (% contribution w.r.t. Project cost for violation area)

S.No.	Particular	Cost in INR (lacs)	% of total project cost	Timeline
	Total Project Cost	₹ 19000		
	Project Cost for Violation area	₹ 2400	100.00	

1	Cost on Remediation of Environmental damages	₹ 37.58	1.57	In 3 years
2	Cost towards Natural Resource augmentation	₹ 5.00	0.21	In 3 years
3	Cost towards Community Resource augmentation	₹ 1.00	0.04	In 3 years
Total Cost		₹ 43.58	1.82	
Penalty as per SOP dated 07.07.21- B		₹ 24.0	1.00	
Total Cost (A+B)		₹ 67.58		

Keeping in mind the SOPs dated 07.07.2021 along with details emanating from the record pertaining to this case & examination of the same, the Authority concluded as under:

1. That violation in the instant case was pointed out by the State Expert Appraisal Committee during 197th Meeting held on 26.02.2020.
2. That Environment Clearance dated 11.07.2012, Project Proponent was allowed to carry out construction upto 86,802 Sqmtr at the Project site, whereas, actual construction at the site was made beyond the permissible limit to 1,05,500 Sqmtrs i.e. excess construction of 18,698 Sqmtr (201263 Sqft). This amounts to a clear cut violation under EIA Notification dated 14.09.2006 & thus, Project Proponent has rendered himself liable for action under SoPs dated 07.07.2021.
3. That the Authority after due deliberation, understood that cost of excess construction for 18,698 Sqmtr (201263 Sqft) @ ₹ 1192 per Sqft to arrive at ₹ 24 Crore, appears to be lower & un-realistic by any stretch of benchmark & imagination for the Commercial Office Complex located at Gurugram. It is amply clear that Commercial Infrastructure studded with modern amenities, safety / security support system along with customer / client friendly infrastructure cannot be achieved @ ₹ 1192 per Sqft as construction cost. This could be possible for the bare structure construction i.e. without involving / incurring finishing cost of the project.

Therefore, the Authority after due deliberations, deem it appropriate to **revise the construction cost for the violation part of construction i.e. 18,698 Sqmtr (201263 Sqft) to @ ₹ 4950 per Sqft (this is deemed to be inclusive of finishing final cost + GST component etc i.e. ready to move in cost). Thus, revising the construction cost of the violation part i.e. (201263 Sqft x ₹ 4950 = ₹ 99.63 Crore).**

As per the SoPs dated 07.07.2021, such violations to attract Penalty @ 1% of the Cost & @ 0.25 % :

i.	Construction beyond permissible limit	:	18,698	Sqmtr
			(201263 Sqft)	
ii.	Estimated Cost of Construction	:	₹ 99.63	Crore
	(Commercial-cum-Office Complex)			
	Penalty @ 1%	:	₹ 99.63	Lakh
	Additional Penalty @ 0.25%	:	₹ 24.91	Lakh
	Total	:	₹ 124.54	Lakh

In view of the discussions made above, the Authority decided to proceed to take necessary action for the violations within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 along with the observations made by the Hon'ble Courts in the below mentioned Cases:

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

Penalty & Environmental Damage Assessment Cost is calculated as under:

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Cost of the area involved under violation (201263 Sqft x ₹ 4950 i.e. average cost of construction per Sqft)	<u>₹ 99.63 Crore (approx.)</u>	
2	1% Penalty as per SOP 7 th July 2021, Clause No 12.a (ii) on ₹ 99.63 Crore	₹ 99.63	1 %
3	Additional 0.25 % Penalty as per SOP 7 th July 2022 on ₹ 99.63 Crore	₹ 24.91 Lakh	0.25 %
4	Environmental Damage Assessment Cost	₹ 199.26	2 %
Total Amount		₹ 323.80	

The Project Proponent to pay :

(a) Penalty	:	₹ 124.54 Lakh
(b) Environment Damage Assessment Cost	:	₹ 199.26 Lakh
Total		₹ 323.80 Lakh

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

In view of the above, the Authority directs the Project Proponent to deposit the **PENALTY & ENVIRONMENT DAMAGE ASSESSMENT COST**, so assessed in the said case i.e. **₹ 323.80 Lakh** ***in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.***

The Authority upon considering all the facts & details discussed above, deemed it fair & appropriate to Grant Environment Clearance to the Project **subject to the condition** that above mentioned revised Penalty & Environment Damage Assessment Cost, so assessed i.e. **₹ 323.80 Lakh** by this Authority, shall be deposited by the Project Proponent **within 30 days**, from the date of Grant of Environment Clearance.

Accordingly, **Environment Clearance in favour of M/s Unitech Limited for Expansion of Commercial Office Complex “Signature Tower-III” at Sector-15, Gurugram is hereby Granted.**

In case of failure to comply with the above (within stipulated period), Environment Clearance, so Granted, to the Project shall deemed to have been withdrawn under Section 5 of the Environment (Protection) Act, 1986 without any further notice.

Item No. 151.07: EC under violation Notification dated 14.03.2017 for Integrated Residential Colony (Plotted & Group Housing) “Sushant City/Royale” at Sector-35/36, Karnal, Haryana by M/s Ansal Landmark (Karnal) Township Pvt. Ltd.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/56727/2017 dated 25.09.2020** for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. **The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 280960 dated 30.11.2021 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the APPLICATION FORM is at ₹ 441.75 Crore by the Project Proponent. The ToR was granted under Violation Category to the project on 07.08.2018.**

The case was taken up during 256th meeting of SEAC, Haryana held on 01.12.2022 and recommended the case to SEIAA for grant of Environment Clearance (under Violation Category) as recommended vide

MoM of 219th meeting along with additional recommendations conveyed vide 225th and 241st MoM of SEAC.

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 16.12.2022.

The Authority after having gone through the record pertaining to the case along with recommendations made by the SEAC during 256th meeting held on 01.12.2022, observed that Project Proponent has indulged in multiple violations of the provisions of EIA Notification dated 14.09.2006.

The Authority gathered that Project Proponent was granted Environment Clearance on 30.10.2007 for a period of **5 years (valid up to 29.10.2012)** under Category 8(b) for Plot Area of 1132000 Sqmtr with permissible Built up area of 85374.10 Sqmtr (Group Housing).

Further, on perusal of relevant record, it is reflected that Project Proponent has **carried out construction upto 92605.04 Sqmtr (excess construction 12026 Sqmtr (129446 Sqft), beyond the prescribed limit, even during “No, EC Period” i.e. after 29.10.2012.**

It is pertinent to place on the record that the above mentioned violations were recorded by the Appraisal Committee in the year 2016, where Project Proponent was trying to conceal the factual position by seeking adjournment after adjournments. Later the Project Proponent applied for TOR under Violation Category in the year 2018. Same was granted vide letter dated 07.08.2018.

Now, the Appraisal Committee has recommended action for the violations against the Project Proponent by invoking provisions of EIA Notification dated 14.09.2006 through SoPs dated 07.07.2021 by proposing Penalty of Rs. 5.4 lakhs & Remediation and Environment Damage Cost to the tune of Rs 23,88,300/- (Total Rs 29,28,300/-).

Whereas, Hon’ble Special Environment Court, Kurukshetra vide Order dated 14.10.2022 made certain observations in the

Case No. 10 of 2021 titled as Central Government / Union of India/ MoEF through RO, HSPCB Versus M/s Ansal Landmark (Karnal) Township Pvt. Ltd.

The Authority observed that in the above mentioned case, the Hon'ble Special Environment Court, Kurukshetra, held Project Proponent guilty for the violation under Section 15 R/w Section 19 of Environment (Protection) Act, 1986 & sentenced to pay fine of ₹ 75,000/- each.

Hon'ble Court further pronounced that convicts shall undergo simple imprisonment for 15 days, in case of failure to pay aforesaid fine.

In view of the discussions made above, the Authority decided to proceed to take necessary action for the violations within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 along with the observations made by the Hon'ble Courts in the below mentioned Cases:

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

Penalty & Environmental Damage Assessment Cost is calculated as under:

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Cost of the area involved under violation (129446 Sqft x ₹ 4950 i.e. average cost of construction per Sqft)	<u>₹ 64.00 Crore (approx.)</u>	
2	1% Penalty as per SOP 7 th July 2021, Clause No 12.a (ii) on ₹ 64 Crore	₹ 32.00	0.50 % This is due to the

			voluntarily disclosure of the PP
4	Environmental Damage Assessment Cost	₹ 128.00	2 %
	Total Amount	₹ 160.00	

The Project Proponent to pay :

(c) Penalty : ₹ 32.00 Lakh
(d) Environment Damage Assessment Cost : ₹ 128.00 Lakh

Total : ₹ 160.00 Lakh

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

In view of the above, the Authority directs the Project Proponent to deposit the **PENALTY & ENVIRONMENT DAMAGE ASSESSMENT COST**, so assessed in the said case i.e. **₹ 160.00 Lakh** ***in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.***

The Authority upon considering all the facts & details discussed above, deemed it fair & appropriate to Grant Environment Clearance to the Project **subject to the condition** that above mentioned revised Penalty & Environment Damage Assessment Cost, so assessed i.e. **₹ 160.00 Lakh** by this Authority, shall be deposited by the Project Proponent **within 30 days**, from the date of Grant of Environment Clearance.

Accordingly, Environment Clearance in favour of M/s Ansal Landmark (Karnal) Township Pvt. Ltd for Integrated Residential Colony (Plotted & Group Housing) “Sushant City/Royale” at Sector-35/36, Karnal, Haryana is hereby Granted.

In case of failure to comply with the above (within stipulated period), Environment Clearance, so Granted, to the Project shall deemed to have been withdrawn under Section 5 of the Environment (Protection) Act, 1986 without any further notice.

Item No. 151.08: EC under violation notification dated 14.03.2017 for an Institutional “Office Building” Project at Plot No. 6, Sector –32, Gurgaon, (Haryana) by M/s Focus Energy Ltd.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/ HR/MIS/189290/2020 dated 12.01.2021** for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 534264 dated 11.07.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the **APPLICATION FORM** is at ₹ 81 Crore by the Project Proponent. The ToR was granted under Violation Category to the project on 24.06.2020.

The case was taken up during 256th meeting of SEAC, Haryana held on 01.12.2022 and recommended the case to SEIAA **for grant of Environment Clearance (under Violation Category)** as recommended vide MoM of 215th meeting along with additional recommendations conveyed vide 242nd MoM of SEAC.

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 16.12.2022.

The Authority after having gone through the details, record pertaining to the instant case along with recommendations made by Appraisal Committee during 256th meeting held on 01.12.2022, observed that action has been

recommended for certain Violations stated to have been committed by the Project Proponent under EIA Notification dated 14.09.2006, by invoking the provisions as contained in SOPs dated 07.07.2021.

The Authority, while examining the details submitted by the Project Proponent in the format/ shape of EIA/ EMP Report dated 21.12.2020, observed that an attempt has been made to mislead / mis-represent before the Authority by placing the data pertaining to EIA / EMP Report **(Page No. E-155 to E-218)** of “some other Project Proponent, having different & separate nature of Project” (i.e. Group Housing Colony Project being developed by M/s Jubilant Software Services Limited at Sector-91, Gurugram). It is relevant to understand that the details pertaining to EIA / EMP Report narrates the status of **Ambient Air Analysis, Ground Water Analysis, Surface Water Analysis, Soil / Sediments Analysis & Ambient Noise Analysis**. It is needless to elaborate that EIA / EMP Report is the backbone & core / essence point of Environment Impact Assessment of any Project.

“THIS APPEARS TO BE AN ACT OF FUDGING / MIS-REPRESENTATION OF FACTS, BEFORE THE AUTHORITY”.

It is further strange & baffling to understand as why the Appraisal Committee could not capture the details pertaining to EIA / EMP Report placed on the record. The SEAC is an August Body of experienced and learned luminaries, whose mandate is to recommend core & important information / analysis based on data & details submitted by the Project Proponent to SEIAA for consideration. It is expected that the State Expert Appraisal Committee will remain conscious & careful in forwarding details / data after careful examinations & perusal in future, so that such kind of attempts in future, if made by any Project Proponent / Project Consultant can be spotted & foiled / defeated in the beginning.

Upon perusal of record, the Authority arrived at the following conclusions:

1. That 72,871.16 Sqmtr (784378.64 Sqft) has been constructed without obtaining Environment Clearance.

2. That Occupation Certificate for Built up Area of 62,999.72 Sqmtr for the said Project has been issued to the Project Proponent vide letter dated 12.07.2013 by Haryana Shehri Vikas Pradhikaran (earlier known as Haryana Urban Development Authority).
3. That Project Proponent applied for approval of Terms of Reference (TOR) for the said Project under Violation Category on 08.09.2017 & subsequently same was approved on 07.08.2018 by the Authority.
4. Project cost of ₹ 81 Crore as disclosed by the Project Proponent at the time of submission of TOR application on 08.09.2017.

The State Expert Appraisal Committee during 256th Meeting held on 01.12.2022 recommended action (Penalty & Environment Damage Assessment Cost) for the Violations made by the Project Proponent.

S.No.	Particular	Cost in INR (lacs)
	Project Cost	₹8100
1	Cost on Remediation of Environmental damages	₹70.95
2	Cost towards Natural Resource augmentation	₹5.67
3	Cost towards Community Resource augmentation	₹4.86
Total damage cost proposed-A		₹81.48
Total penalty cost required as per SOP dated 07.07.2021-B		₹40.5
Total Cost (A+B)		₹121.98

The Authority after due deliberations decided to re-look into the proposed action as recommended for the violations of EIA Notification dated 14.09.2006 by invoking SOPs dated 07.07.2021 by SEAC.

Project Proponent raised a plea, relevant part of the same is reproduced as under:

“Due to unawareness of applicability of EIA Norms and EIA Notification on our project, the construction of the project was started in

April, 2008 & till date all the built up area which is 72871.16 Sqm has been constructed without having prior Environmental Clearance permission for the project. Hence, the project was declared under violation as per EP Act, 1986 under MOEF & CC Notification No. S.O.804 (E) dated 14.03.2017”.

The Authority after due deliberations decided to out rightly reject & decline the plea advanced by the Project Proponent regarding having no awareness of the applicability of EIA Norms and EIA Notification on the Project. Whereas, record placed on the file indicates that Project Proponent has applied / obtained many clearances from the relevant Authorities like :

1. Air Port Authority of India regarding height clearance
2. Urban Local Bodies (for Fire NOC)
3. Mines & Geology Department for excavation
4. Building Plans approval from the then Authority
5. Applicability of Forest Laws
6. Regarding applicability of Aravalli NOC
7. Electricity Connection
8. Water Assurance / Connection
9. Sewerage Connection
10. Occupation Certificate

From time to time, till completion of the Project. The Authority understood that Project Proponent never applied for Environment Clearance for more than 10 years (applied for TOR on 08.09.2017 & started project around 2008) & remained oblivion to the applicability of Environment Clearance along with Consent to Establish & Consent to Operate from the competent authority is not convincing and plausible plea. Therefore, the Authority deem it appropriate to **REFUSE TO ACCORD, NOD** to the plea of ignorance & being unaware made by the Project Proponent, who amidst the professional teams, remained elusive to the fact & requirement / applicability of Environment Clearance for the project. It is more strange & difficult to buy this plea of being ignorant & unaware about applicability / requirement for the Project. Therefore, this plea is not worth considering & accordingly, dismissed.

In view of the discussions made above, the Authority decided to proceed to take necessary action for the violations within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 along with the observations made by the Hon'ble Courts in the below mentioned Cases:

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

Penalty & Environmental Damage Assessment Cost is calculated as under:

Sr. No.	Particular	Cost in ₹ In (lacs)	% age
1	Project Cost of the area involved under violation (784378.64 Sqft x @ ₹ 4950 i.e. current market construction cost per Sqft)	₹ 388.00 Crore (approx.)	
2	1% Penalty as per SOP 7 th July 2021, Clause No 12.a (ii) on ₹ 388 Crore	₹ 388 Lakh	1 %
3	Additional 0.25 % Penalty as per SOP 7 th July 2022 on ₹ 388 Crore	₹ 97 Lakh	0.25 %
4	Environmental Damage Assessment Cost	₹ 776 Lakh	2 %
Total Amount		₹ 1261 Lakh	

The Project Proponent to pay :

- (a) Penalty : ₹ 485 Lakh
 (b) Environment Damage Assessment Cost : ₹ 776 Lakh

Total : ₹ 1261 Lakh

It is relevant to mention that Hon'ble NGT vide Order dated 21.10.2022 in OA No. 976/2019 & M.A. No. 74/2022 (Gurinder Singh & Ors

Versus Union of India & Ors.) and Order dated 11.11.2022 in OA No. 10 of 2021 & I.A. No. 282 of 2022 (Sanjay Kumar Versus Union of India & Ors.), made directions that PENALTY & DAMAGE ASSESSMENT COST recovered from Project Proponent on account of Violations / Non-compliances “is to be utilized for RESTORATION, PROTECTION & CONSERVATION of Environment through State/ District Environment Plans”.

In view of the above, the Authority directs the Project Proponent to deposit the PENALTY & ENVIRONMENT DAMAGE ASSESSMENT COST, so assessed in the said case i.e. **₹ 1261 Lakh within 30 days** from the date of Order in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.

Failure to comply with the above may result in initiation of proceedings against the Project under Section 5 of the Environment (Protection) Act, 1986.

1. In addition to the above, the Authority deem it appropriate **to reject the proposal under consideration for grant of Environment Clearance** for the said project as details & data (**EIA/ EMP Report**) submitted & placed on the record by the Project Proponent / Project Consultant are factually incorrect & wrong as same pertains to some other location & project owner. Therefore, the Proposal submitted by the Project Proponent and appraised by the SEAC is hereby rejected & declined. The Authority further strongly feel that the project Consultant, who have indulged in the act of misrepresentation & fudging, needs to be black-listed.

“Member Secretary, SEIAA is to issue a Show-Cause Notice to M/s Perfact Enviro Solutions Pvt. Ltd (Project Consultant), for the misrepresentation / fudging of EIA / EMP Report / Data in the said case, within 2 weeks before taking up the matter with the NABET for necessary disciplinary action as deem it appropriate, including de-panelling / de-listing from the NABET Forum to appear before the SEIAA, Haryana”.

2. The Authority further clarifies that a fresh application for grant of Environment Clearance will be considered only, after deposit of the Penalty

& Environment Damage Assessment Cost. (as per the details mentioned above)

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

Accordingly, case is disposed of.

Item No. 151.09: EC for the Project “Corporate Office” at Plot No. 13, Sector-32, Urban Estate Gurugram-II, Haryana by M/s Padmini Technologies Ltd.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/278481/2022 dated 17.06.2022** for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 535727 dated 02.04.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the APPLICATION FORM is at Rs. 60.134 Crore by the Project Proponent. The ToR was granted under Violation Category to the project on 28.04.2022.

The case was taken up during 256th meeting of SEAC, Haryana held on 01.12.2022 and recommended the case to SEIAA **for grant of Environment Clearance (under Violation Category)** as recommended vide 244th and 247th MoM of SEAC Meeting.

The recommendations of SEAC were taken up during **151st meeting of SEIAA held on 16.12.2022.**

The Authority examined the relevant record placed on the file along with perusal of the recommendations made by the State Expert Appraisal Committee during 256th meeting held on 01.12.2022 and observed that **the Project Proponent has made construction 27,988.827 Sqmtr (301269 Sqft) without obtaining Environment Clearance. Project Proponent obtained Occupation Certificate from the Competent Authority for Built up area of 27,988.827 Sqmtr (301269 Sqft) on 17.08.2016.**

The Appraisal Committee recommended Penalty & Environment Damage Assessment Cost for the Violations of EIA Notification dated 14.09.2006 by invoking SOPs dated 07.07.2021, as per the details below:

S.No.	Particular	Cost in INR (lacs)
	Project Cost	₹ 6,013.4
1	Cost on Remediation of Environmental damages	₹ 52.32
2	Cost towards Natural Resource augmentation	₹ 4.2
3	Cost towards Community Resource augmentation	₹ 3.62
Total Damage Cost Proposed- A		₹ 60.14
4	1% penalty as per SOP 7th July 2021, Clause no 12.a(ii)	₹ 60.13
	0.25 % of Total Turnover as per SOP 7th July 2021, Clause no 12.a(ii)	₹ 25.3512
Total Penalty as per SOP 7th July 2021-B		₹ 85.49
Total cost-(A+B)		₹ 145.63

The Authority after detailed examination of the recommendation above, decided to revise the cost of construction from proposed above @ ₹ 1996 per Sqft to @ ₹ 4950 per Sqft as per the current Market rate, evenly & uniformly applied to establishment of the similar nature & kind i.e. **Corporate Office** / Commercial outlet / Mall etc. (as such establishment have updated infrastructure with Modern safety & security, support system / lift

elevators / escalators / Air Conditioning with Modern amenities of the top category).

In view of the discussions made above, the Authority decided to proceed to take necessary action for the violations within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 along with the observations made by the Hon'ble Courts in the below mentioned Cases:

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

Penalty & Environmental Damage Assessment Cost is calculated as under:

Sr. No.	Particular	Cost in ₹ In (lacs)	% age
1	Project Cost of the area involved under violation (301269 Sqft x @ ₹ 4950 i.e. average cost of construction per Sqft)	₹ 149.13 Crore (approx.)	
2	1% Penalty as per SOP 7 th July 2021, Clause No 12.a (ii) on ₹ 149.13 Crore	₹ 149.13	1 %
3	Additional 0.25 % Penalty as per SOP 7 th July 2022 on ₹ 149.13 Crore	₹ 37.28	0.25 %
4	Environmental Damage Assessment Cost	₹ 298.26	2 %
	Total Amount	₹ 484.67	

The Project Proponent to pay :

(a) Penalty	:	₹ 186.41 Lakh
(b) Environment Damage Assessment Cost	:	₹ 298.26 Lakh

Total	:	₹ 484.67 Lakh

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

In view of the above, the Authority directs the Project Proponent to deposit the PENALTY & ENVIRONMENT DAMAGE ASSESSMENT COST, so assessed in the said case i.e. ₹ 484.67 Lakh ***in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.***

The Authority upon considering all the facts & details discussed above, deemed it fair & appropriate to Grant Environment Clearance to the Project **subject to the condition** that above mentioned revised Penalty & Environment Damage Assessment Cost, so assessed i.e. ₹ 484.67 Lakh by this Authority, shall be deposited by the Project Proponent **within 30 days**, from the date of Grant of Environment Clearance.

Accordingly, Environment Clearance in favour of M/s Padmini Technologies Ltd for the Project “Corporate Office” at Plot No. 13, Sector-32, Urban Estate Gurugram-II, Haryana is hereby Granted.

In case of failure to comply with the above (within stipulated period), Environment Clearance, so Granted, to the Project shall deemed to have been withdrawn under Section 5 of the Environment (Protection) Act, 1986 without any further notice.

Item No. 151.10: EC for proposed Expansion of Plotted Colony on 23.2999 acres land under DDJAY Scheme at Village Behrampur & Ullawas, Sector-61, Gurugram, Haryana by M/s Commander Realtors Private Limited and others.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/NCP/57972/2020 on 07.06.2022** for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of Rs.2,00,000/- vide DD No. 701380 dated 06.04.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the APPLICATION FORM is at ₹ 466 Crore by the Project Proponent.

Earlier the project was considered by SEIAA in its 144th and 146th meeting of SEIAA and it was decided to refer back this case for the want of RoW permission for the use of Revenue Rasta.

The case was taken up during 256th meeting of SEAC, Haryana held on 01.12.2022 and PP submitted the reply of observations raised by SEIAA vide letter dated 25.11.2022. The committee discussed the reply in detail. The PP has submitted a copy of letter dated 15.11.2022 vide which they have requested to competent authority for granting permission of construction of 10 mtr. wide culverts along with services A & B (2 Nos.) crossing through the MCG land and 10 mtrs wide culverts along with services C & D (2 Nos.) and 10 mtrs. wide culverts along with services F (1 No.) crossing through the MCG land and services E (1 no.) crossing over the revenue rasta falling in Sector 61 in the revenue estate of Village Ullawas, Tehsil Sohna, District Gurgram.

After detailed deliberation, the Committee found the reply of PP in order and reiterated the previous recommendation conveyed to SEIAA vide MoM of 244th along with additional recommendations conveyed vide 247th and 251st SEAC meeting for granting EC (Environment Clearance) to the project.

The recommendations of SEAC were taken up during **151st meeting of SEIAA held on 16.12.2022.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority decided to defer this case, till next meeting.

Item No. 151.11: EC for Expansion of Residential Plotted Colony at Village Kabri, Faridpur, Ratipur and Mehmampur, Sector 36-39, Panipat, Haryana by M/s TDI Infratech Limited.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/80813/2021 dated 16.07.2021** for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 980763 dated 27.05.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the **APPLICATION FORM** is at ₹ 152 Crore by the Project Proponent. The project was granted Terms of Reference from SEIAA, Haryana vide letter no. SEIAA(129)/HR/2021/971 dated 26.10.2021.

Lastly, the case was taken up during 256th meeting of SEAC, Haryana held on 01.12.2022 and after due deliberation, the committee was of the unanimous view that the project shall be sent to SEIAA for granting EC to the project and further reiterated the recommendations conveyed to SEIAA vide MoM of 246th meeting of SEAC.

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 17.12.2022.

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority concluded that more facts are required to be examined before passing an Order, therefore, the case is deferred, till the next meeting.

Item No. 151.12: EC for Expansion of Proposed Group Housing Project at Sector 36A, Gurgaon Manesar Urban Complex, Haryana by M/s Krisumi Corporation Private Limited.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/402959/2022 dated 12.10.2022** for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 907042 dated 26.05.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the **APPLICATION FORM** is at ₹ 275.24 Crore by the Project Proponent.

The said case was taken up during 253rd meeting of SEAC held on 21.10.2022 and SEAC recommended the Project to SEIAA for Grant of Expansion in existing EC (Environment Clearance) dated 30.01.2018.

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

After having gone through the details & record placed on the file and upon considering the recommendations of SEAC, the Authority decided to refer back this case to Appraisal Committee with the following observations:

1. Status of Sewerage Permission from the Competent Authority
2. Status of Storm drainage Permission from the Competent Authority
3. Clarity with regard to **Height** of building before the Expansion and post Expansion Proposal at Page No. 9 (Column No. 7).
4. Appraisal Committee's Comments on the RO's report and Action Taken Report by the PP.

Thereafter, the case was taken up during 256th meeting held on 01.12.2022 and the PP submitted the reply dated 18.11.2022 to the observations raised by SEIAA. The committee discussed the reply in detail and after deliberation, the Committee decided to recommend the case to SEIAA and reiterated the previous recommendation conveyed to SEIAA vide MoM of 253rd SEAC meeting for granting EC (Environment Clearance) to the project.

The recommendations of SEAC were taken up during **151st meeting of SEIAA held on 17.12.2022.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority observed that the recommendations made by the Appraisal Committee partially in Table No. 1 at Page No. 10 do not reflect harmony and rather reflects variation in consistency by mentioning of the facts i.e. without having increase in the Total Plot Area, the Built up Area is shown to be going up by 62671.73 Sqm and Green Area 4213.85 is shown to be increased; which appears to be unconvincing. Further, the Height of the building is unchanged i.e. 119.1 Mtr and all other parameters with regard to pollution load are in the increasing side. The complete details narrated in the Application Form are also to be unconvincing.

In view of above, the Authority deems it appropriate to refer back this case to the Appraisal Committee with the directions to re-appraise the basic details properly.

Item No. 151.13: Extension of EC validity for Mining of Boulder, Gravel and Sand Minor Mineral at Mandewala Block/ YNR B-38" Village Mandewala, Tehsil Chhachhrauli, District Yamunanagar, Haryana over an area 15.00 Ha with total production capacity of 2,40,000 TPA by M/s Saharanpur Mines Management Services Pvt. Ltd.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/217849/2021 on 16.08.2021** for obtaining Extension in EC under category 1(a) EIA Notification dated 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 000542 dated 27.10.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the APPLICATION FORM is at ₹ 7 Crore by the Project Proponent.

The case was taken up during 256th meeting held on 01.12.2022 and a detailed discussion was held on the documents, affidavit regarding status of court case as well as details submitted by the PP and after discussion, the committee found the details given as well as documents submitted by the PP, in order and decided to recommend the case to SEIAA for granting extension in EC issued to PP till the validity of Mining Plan i.e. 18.06.2024 for

mining of Boulder, Gravel and Sand Minor Mineral at Mandewala Block/ YNR B-38" Village Mandewala, Tehsil Chhachhrauli, District Yamunanagar, Haryana over an area 15.00 Ha with total production capacity of 2,40,000 TPA by M/s Saharanpur Mines Management Services Pvt. Ltd.

The recommendations of SEAC were taken up during **151st Meeting of SEIAA held on 17.12.2022.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, **the Authority decided to consider the proposal to extend the validity as per the approved Mining Plan & leasing rights granted by Mines & Geology Department, Haryana.**

It is clarified that the Authority has decided to accord, only, extension of validity period of the Environment Clearance dated 27.06.2016 Granted to the Project as recommended by the SEAC; subject to the final outcome of OA. No. 306/2022 dated 30.05.2022, pending before the Hon'ble National Green Tribunal.

The Authority further, deemed it appropriate to re-emphasize that Project Proponent shall strictly comply with Enforcement & Monitoring Guidelines – 2020 for Sand Mining issued by Ministry of Environment, Forest & Climate Change, Government of India. The Project Proponent shall also comply with directions made by the Hon'ble Courts in regard to the site & operations, if any.

Accordingly, the case is disposed of.

Item No. 151.14: Corrigendum in EC of Proposed Residential Plotted Colony over an area measuring of 34.229 Acres in village Bhagwanpur, Sector-3, Pinjore Kalka Urban Complex, Panchkula, Haryana by M/s DLF Homes Panchkula Pvt. Ltd.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/293395/2022 dated 31.10.2022** for obtaining Corrigendum in Environmental Clearance under category 8(b) of EIA Notification dated 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as

applicable) of ₹ 2,00,000/- vide DD No. 520619 dated 19.04.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the APPLICATION FORM is at ₹ 806 Crore by the Project Proponent.

The case was taken up during 256th meeting held on 01.12.2022 and a detailed discussion was held on the submission as well as information provided by PP during the presentation. The EC letter no. EC-22-B-039-HR-139137 dated 19.09.2022 has also been discussed. At page no.1, S.No.6 in Name of project it is mentioned that “Proposed Residential Plotted Colony” over an area measuring 34.0104 acres in the revenue estate of Village-Bhagwanpur, Sector-3, Pinjore Kalka Urban Complex, District Panchkula Haryana is being developed by M/s DLF Homes Panchkula Pvt. Ltd.” However, at Page No.2 of EC in the title of the project, area of 34.229 Acres is mentioned. In the table of details at Sr. No.4 the plot area is mentioned as 1,38,519.8 m² /34.229 Acres. The PP also relied upon the copy of zoning plan dated 04.07.2022 wherein also the plot area is mentioned as 34.229 acres. Thus, the committee found the documents produced by PP in their contention, in order and after due deliberation, the committee decided to **recommend the case to SEIAA for issuing Corrigendum in EC of Proposed Residential Plotted Colony over an area measuring of 34.229 Acres.**

The recommendations of SEAC were taken up during **151st Meeting of SEIAA held on 17.12.2022.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority, observed that an arithmetical error occurred during the process of uploading of Environment Clearance (EC) details on PARIVESH Web Portal; **the Authority decided to agree with the recommendation of Appraisal Committee and approve the proposal for making necessary correction.**

Item No. 151.15: **EC for Project 1197 acres “Township Development Project” at village Banmola, Ladpur, Munimpur, Nimana, Pelpa and Sondhi, District Jhajjar, Haryana by M/s Model Economic Township Limited Formerly Known as Reliance Haryana Sez Limited.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/81379/2022 dated 10.08.2022** for obtaining Corrigendum in Environmental Clearance under category 8(b) of EIA Notification

dated 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 840112 dated 11.05.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the APPLICATION FORM is at ₹ 138.81 Crore by the Project Proponent. The ToR was granted by SEIAA, Haryana vide letter dated 24.05.2022.

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

The recommendations of SEAC were taken up during **151st Meeting of SEIAA held on 17.12.2022.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, **the Authority decided that some more facts are required to be looked into before passing an appropriate Order in this case. Accordingly, the case is deferred, till next meeting.**

Item No. 151.16: **EC under Violation Notification dated 14.03.2017 for Expansion of Group Housing Project “Parsvnath Exotica Phase-II” (under violation) at Village Wazirabad, Sector 53, Gurugram, Haryana by M/s Parsvnath Developers Ltd.**

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/212482/2021** for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 012914 dated 11.01.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the APPLICATION FORM is at ₹ 154.27 Crore by the Project Proponent. The ToR was granted under Violation Category by SEIAA, Haryana vide Letter No. SEIAA/HR/2018/855 dated 07.08.2018.

The said case was taken up during 256th meeting of SEAC held on 01.12.2022 and SEAC decided to recommend the case to SEIAA for grant of **Environment Clearance under Violation Category** to the project.

The recommendations of SEAC were taken up during **151st Meeting of SEIAA held on 17.12.2022.**

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

1. That Project Proponent was Granted Environment Clearance for the Housing Project “Parsvnath Exotica” (Plot Area – 96375 Sqmtr with Built up Area – 1,68,377.91 Sqmtr) under Category 8 (b), Village - Wazirabad, Sector-53, Gurugram on 05.12.2006 by Ministry of Environment & Forest, Government of India.
2. That later, Project Proponent vide application dated 17.01.2012 again applied for Grant of Environment Clearance for the Project titled as “Parsvnath Exotica-II” (under the Expansion Category) on the additional land of 3.94 Acres with Built up Area – 28,533.29 Sqmtr.
3. That State Expert Appraisal Committee (SEAC), while processing the proposal dated 17.01.2012, constituted a Sub-Committee vide communication dated 12.05.2014 to capture the details / status of project. Sub-committee submitted report on 26.08.2014, **(Relevant part of the same is reproduced as under) :**

“PP had obtained EC vide no 21-186/2006-IA. III dated 05.12.2006 for the existing group housing project “Parsvnath Exotica” and had obtained completion certificate too. Now, the PP is going for an expansion for group Housing project namely “ Parsvnath Exotica – II” for which they have started construction work without obtaining prior EC. During site inspection, it was found that the plot area for the expansion part is 15960.78 Sq. Meters (3.944 acres) vide license no 1079 dated 02.09.2006 and the built up area is 39346.57 Sqmtr (as given in table-I).

Three towers C4 (G+13), B5 (G+13) and B6 (G+13) are constructed upto G+13, G+12 and to G+11 respectively. Other environmental concerns like green area development, construction of Rain Water Harvesting Pits and STP etc. have not been taken care of”.

FAR AND NON FAR DETAILS (TABLE - I)

Towers	FAR	NON FAR	FAR Achieved	FAR yet to achieve	NON FAR Achieved	NON FAR yet to be achieve
C 4	7733.9 Sqm	4444.19 Sqm	100%	Nil	100%	Nil
B 5	9893.71 Sqm	5072.87 Sqm	9151.42 Sqm	742.29 Sqm	4955.99 Sqm	116.88 Sqm
B 6	9893.71 Sqm	1636.32 Sqm	8409.13 Sqm	1484.58 Sqm	1402.56 Sqm	233.76 Sqm

4. That in view of the reported violations of EIA Notification dated 14.09.2006, Sub-committee, recommended for prosecution under Section 15 of the Environment (Protection) Act, 1986. Accordingly, the process of prosecution was initiated against the Project Proponent vide letter dated 07.11.2014.
5. That Project Proponent applied for Terms of Reference (TOR) under Violation Category on 19.04.2018 for the Built up area of 28,193 Sqmtr, and the Authority approved the ToR on 07.08.2018.
6. That a status report dated 12.08.2022 submitted by Regional Officer, MoEF & CC, GoI, Chandigarh placed on the record indicate **(Relevant portion is reproduced as under) :**

“iv. As observed and informed by PP that they have constructed 03 nos of additional towers (B5, B6 & C4), without obtaining environment clearance. Structure of these towers already completed. No construction activity has been observed at project site in these towers”

In view of the facts and details narrated above, the Authority after due deliberations concluded as under:

- (A) That the Project Proponent violated the provisions of EIA Notification dated 14.09.2006, by carrying out (excess) construction of **38647.7 Sqmtr (416000.3806 Sqft), without obtaining required, Environment Clearance.** As per EC dated 05.12.2006, Project Proponent was, only, allowed to construct / built 1,68,377.91 Sqmtr area for the said project, whereas actual built up area at site have been reported as 2,07,025.61 Sqmtr. (1,68,377.91 Sqmtr + 38647.7 Sqmtr).

This fact is established beyond doubt from the Report dated 26.08.2014 submitted by the Sub-committee and later Certified Compliance Report dated 12.08.2022 submitted by the Regional Officer (MOEF & CC, GOI, Chandigarh).

State Expert Appraisal Committee made recommendations for the action against Project Proponent for the Violations under EIA Notification dated 14.09.2006 by invoking provisions of SOPs dated 07.07.2021.

The details are as under:

1. SEAC recommended for an amount of ₹ 46,10,039/- towards Remediation plan and Natural and Community Resource Augmentation plan to be spend within a span of three years.
2. The PP shall deposit ₹ 22 lakhs with SEIAA for 1% penalty as per SOP 7th July 2021, Clause no 12.a(i).

In view of the discussions made above, the Authority decided to proceed to take necessary action for the violations within the scope & meaning of EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021 along with the observations made by the Hon'ble Courts in the below mentioned Cases:

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

3. Original Application No. 1017/2018 titled as Shashikat Vithal Kamble Versus Union of India & Ors.

Penalty & Environmental Damage Assessment Cost is re-calculated as under:

Sr. No.	Particular	Rupees in lacs	% age
1	Project Cost of the area (Built up area – 38647.7 Sqmtr) involved under violation (416000.3806 Sqft x @ ₹ 4950 i.e. average cost of construction per Sqft)	<u>₹ 206 Crore (approx.)</u>	
2	1% Penalty as per SOP 7 th July 2021, Clause No 12.a (ii) on ₹ 206 Crore	₹ 206.00	1 %
3	Additional 0.25 % Penalty as per SOP 7 th July 2022 on ₹ 206 Crore	₹ 51.50	0.25 %
4	Environmental Damage Assessment Cost	₹ 412.00	2 %
	Total Amount	₹ 669.50	

The Project Proponent to pay :

(a) Penalty : ₹ 257.50 Lakh
(b) Environment Damage Assessment Cost : ₹ 412.00 Lakh

Total : ₹ 669.50 Lakh

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

Finally the Authority directs the Project Proponent to deposit the revised, **PENALTY & ENVIRONMENT DAMAGE ASSESSMENT COST**, so assessed in the said case i.e. **₹ 669.50 Lakh within 30 days in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022 to be utilized for the RESTORATION, CONSERVATION, PROTECTION & PROMOTION OF ENVIRONMENT THROUGH STATE / DISTRICT ENVIRONMENT PLANS.**

The Authority upon considering all the facts & details discussed above, deemed it appropriate **to decline / reject the earlier, Proposal dated 19.04.2018 submitted for the approval of TOR for the project.** The Authority further directs the Project Proponent to submit **a fresh proposal for approval of TOR for the said project in the light of Built up area / construction of 38,674.7 Sqmtr (416000.3806 Sqft) standing tall presently at the Site without Environment Clearance.**

The Authority clarifies that a fresh application for grant of TOR / Environment Clearance will be considered only, after deposit of the Penalty & Environment Damage Assessment Cost.

In case of failure to comply with the above directions, the Authority may contemplate to initiate action under Section 5 of the Environment (Protection) Act, 1986 to issue directions against the unauthorized construction made by the Project Proponent by asking the Competent Authority to take up the demolition of the structure as may be required.

Accordingly, case is disposed of.

Item No. 151.17: Modification of EC for Expansion of Warehouse for storage of non agro produce (Logistic) project Revenue Estate of Village Jamuvas, Tehsil Taoru, Mewat, Haryana by Sh. Mahipal Singh And Others.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/275628/2022 dated 30.05.2022** for obtaining Modification of Environmental Clearance under Category 8(a) of EIA Notification

14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 500398 dated 30.05.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the APPLICATION FORM is at ₹ 36 Crore by the Project Proponent.

The said case was taken up in 249th meeting of SEAC held on 22.09.2022 and SEAC recommended the Project to SEIAA for grant of Modification in existing EC (Environment Clearance).

The recommendations of SEAC were taken up in the 148th meeting of SEIAA held on 27.10.2022. After examining/perusal of the relevant records, the Authority observed that recommendations made by SEAC do not reflect comments and views on the following:

1. Aravali NOC, which was required to be submitted at the time of grant of EC to the Project Proponent is still not visible/available.
2. No comments/views have been expressed by the SEAC on the report of Regional Officer, MOEF & CC, GOI and action taken report submitted by the Project Proponent, where compliance with regard to certain issues has been left un-attended i.e. issues like setting up and operation of STP, Green Belt etc.

SEAC, being an Expert and August Body is expected to give a detailed/comprehensive appraisal and inputs in respect of each case and to further assist SEIAA in quick and timely disposal of case(s).

Under these circumstances, the Authority decided to refer back the said case to the Appraisal Committee (SEAC) to re-look into the omissions and violations made by the Project Proponent in the existing EC.

Thereafter, the case was taken up during 256th meeting held on 01.12.2022 and the PP submitted the reply of observation raised by SEIAA vide letter dated 24.11.2022.

The PP further submitted that they have already obtained “EC” from SEIAA, Haryana vide letter No. SEIAA/HR/2019/422 dated 06/11/2019 and the present proposal was for amendment due to increase in population. As per the O.M dated. 04/10/2022, Clarification regarding Gazette Notification No.S.O.3252(E) dated 22/12/2014 clause 6 & 7, the Industrial shed mentioned in Notification S.O. 3252 (E) dated 22/12/2014 implies buildings/warehouses/ sheds (whether RCC or otherwise), need not to have prior-EC provided the built-up area is less than

1,50,000 m². The PP further stated that the area being built-up in our project is only 23,480.943 mtr, therefore as per Notification S.O. 3252 (E) dated 22/12/2014 and subsequent clarification in form of O.M. dated 04/10/2022, our project does not need to have “Environmental Clearance”.

Considering above mentioned facts, PP has requested to exempt them from submitting the compliances under the EC taken vide letter no. SEIAA/HR/2019/422 dated 06/11/2019.

The committee after deliberation unanimously decided to recommend the case to SEIAA for exemption and delisting.

The recommendations of SEAC were taken up during **151st meeting of SEIAA held on 17.12.2022.**

After having gone through the record placed on the file (including report from the office of Deputy Commissioner, Mewat at Nuh) along with the recommendations of SEAC, the Authority decided to agree with the recommendation of SEAC to de-list the proposal.

However, Project Proponent shall continue to ensure strict compliance of the Guidelines issued vide OM dated 09.06.2015, by MoEF & CC, GoI, in the larger interest and awareness regarding Protection, Conservation & Promotion of Environmental activities in the close proximity of the Project.

Accordingly, case is disposed of.

Item No. 151.18: EC under violation notification dated 14.03.2017 for Group Housing Project “EDGE TOWER” at Ramprastha City, Sector-37 D, District-Gurgaon, Haryana by M/s Ramprastha Promoters & Developers Pvt Ltd.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/43144/2017** for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD

No. 009591 dated 25.05.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021). Cost of the Project as mentioned in the APPLICATION FORM is at ₹ 373.1 Crore by the Project Proponent. ToR was granted by SEIAA, Haryana under Violation Category vide letter no. SEIAA/HR/18/ dated 07.08.2018.

The case was taken up during 256th meeting of SEAC held on 01.12.2022. The PP along with consultant appeared before the Committee and presented their case.

It is submitted by PP that after submission of Augmentation & Remedial Plan of ₹ 3.80 Crores with SEAC in 197th and 202nd meeting, the authority (SEIAA) approved the environmental clearance in principle subject to submission of Bank Guarantee of required amount with Haryana State Pollution Control Board. The PP was asked to submit Bank Guarantee vide letter dated 24.12.2020. The PP further submitted that due to COVID period of almost two years, and slowdown in Real Estate Sector, could not arrange the huge amount of Rs.3.80 Crores. The PP has submitted that the Bank Guarantee dated 09.02.2022 of required amount has been submitted with HSPCB. The PP also enclosed receipt dated of depositing the Bank Guarantee.

The PP further submitted that they came to know vide 143rd meeting of SEIAA that their case was forwarded to LR for opinion which were received on 04.10.2022.

The PP also submitted that their case is different from G. P. Realtors and also in this case the final remediation budget has already been decided by SEIAA in the month of October 2020 much before the SoP dated 07.07.2021 issued by MoEF&CC and EC has also been approved in principle subject to submission of Bank Guarantee of ₹ 3.80 Crore which has also been deposited with HSPCB.

The Committee held a discussion on the submission made by the PP. After due deliberation, it was decided that since required Bank Guarantee has been deposited by PP in this case, therefore, the case shall be sent to **SEIAA for further consideration to grant EC under Violation Category.**

The recommendations of SEAC were taken up during **151st meeting of SEIAA held on 17.12.2022.**

The Authority after having gone through the recommendations & details emanating from the relevant record pertaining to the case, **decided to agree with the recommendations of the Appraisal Committee.** It is relevant to understand that under EIA Notification dated 14.09.2006, there are clear cut provisions available for the Grant of Environment Clearance, Transfer of Environment Clearance (Para 11 of the EIA Notification dated 14.09.2006) & Surrendering of Environment Clearance under the OM dated 29.03.2022 issued by MOEF & CC, GOI and withdrawal / to keep Environment Clearance, under abeyance under Section 5 of the Environment (Protection) Act, 1986. Since, the action and proceedings in the instant case have been completed and finalized by the Authority earlier during 125th Meeting held on 07.10.2020, therefore, no scope for action of the kind of revision can be initiated at this stage.

In view of the above, the Authority deemed it appropriate to consider the proposal & recommendations of SEAC to Grant Environment Clearance under the Violation Category for the project with the directions to adhere to the provisions of EIA Notification dated 14.09.2006, strictly.

Item No. 151.19: EC for Proposed Affordable Group Housing Colony, Village- Badha & Sikanderpur Badha, Sec-85, Gurugram, Haryana by M/s Conmin Projects India Private Limited.

Facts of the Case:

1. The project was applied vide proposal no. SIA/HR/MIS/219795/2021 dated 12.01.2021 Category 8(a) of EIA Notification 14.09.2006. During the appraisal of the case, the project proponent submitted a written request for withdrawal of the case in view of the change in planning, accordingly they had submitted application to DTCP for migration of License no. 26 of 2021 from Affordable group housing to Affordable Plotted colony under DDJY scheme.

2. Thereafter, SEAC recommended this case to SEIAA for withdrawal the case in view of their application for migration of license.
3. Thereafter, the Case was taken up in 132nd Meeting and the Authority decided to request MS, HSPCB to direct RO, HSPCB of the concerned area to carry out the spot inspection and submit its report at the earliest possible.
4. Thereafter, the case was taken up in the 137th meeting of SEIAA held on 26.03.2022; after deliberations; the Authority decided to issue a reminder letter to Member Secretary, HSPCB for seeking the report from the concerned Regional Officer and also decided to refer back this case to SEAC to make recommendations after the receipt of report from the concerned agency.
5. The case taken up in 243rd meeting of SEAC. Consultant on behalf of the PP appeared and stated that SEIAA in its 132nd meeting decided to obtain report from Regional Officer concerned, in this case. However, till date no report received.
6. After detailed examination, Committee recommended the case to SEIAA with a request to attach the report of concerned Regional Officer with the file for making any recommendations.

The recommendation of SEAC was taken up in the 143rd meeting of SEIAA held on 17.07.2022 and after going through the records and the Authority observed that site inspection report from HSPCB is awaited. Therefore, the Authority decided to make request to HSPCB to direct concerned officers to provide site inspection report to the authority which will be provided to SEAC on priority and to refer back the case to SEAC to recommend the case after examining the same.

The case was taken up in 251st meeting of SEAC held on 10.10.2022. During scrutiny of documents, it was observed that the prescribed scrutiny fee has not been deposited by the PP in this case. The site inspection report not received. The committee decided to send the case to SEIAA with a request to write a reminder letter to MS, HSPCB to direct concerned RO to conduct site inspection and submit the report at the earliest as well as PP be directed to submit pending prescribed scrutiny fee.

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

The Authority after due deliberations; decided to defer this case and further to request the Member Secretary, HSPCB to further direct concerned Regional Officer, HSPCB to submit its report within 10 days, positively.

Now, vide letter dated 05.12.2022, Office of Member Secretary, HSPCB forwarded site inspection report carried out by the Regional Officer, HSPCB vide which the following is reported:

“In reference to HO letter 1/109252/2022 dated 22.09.2022. Project Proponent has not done any construction at above mentioned location. Site Photograph attached”.

The recommendations of SEAC were taken up during 151st meeting of SEIAA held on 17.12.2022.

After having gone through the details & record placed on the file, Report of the Regional Officer, HSPCB, and along with considering the recommendations made during 227th meeting of SEAC; the Authority gathered that the no construction activity has been made by the Project Proponent at the project site.

Keeping in view of Site Inspection Report of Regional Officer, HSPCB; **the Authority decided to agree with the recommendation of SEAC i.e. to allow withdrawal of the pending Proposal.**

Item No. 151.20: Transfer of Environment Clearance in name of Elan Buildcon Pvt. Ltd for Commercial Colony at Village Badshahpur, Sector-67, Gurugram, Haryana by M/s Elan Buildcon Pvt. Ltd.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/294120/2022 dated 16.11.2022** for Transfer of Environment Clearance under EIA Notification dated 14.09.2006 issued by MoEF& CC, GoI to the SEIAA. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 1,50,000/- vide DD No. 038459 dated 28.11.2022 (in

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

The Project was granted Environment Clearance by SEIAA, Haryana vide letter No. SEIAA/HR/2017/460 dated 14.07.2017 **in favour of M/s Khanna Developers Pvt. Ltd for total Plot Area of 7826.608 Sqmt (1.934 Acres) and Built up Area of 25530.849 Sqmtr.**

Now, the PP has intimated that the License No. 84 of 2012 dated 28.08.2012 by DTCP was granted in favour of M/s Khanna Developers Pvt. Ltd & others for development of above mentioned Commercial Colony. Further, the said License as well as Change of Developer had been transferred in the name of **Elan Buildcon Pvt. Ltd** by DTCP, Haryan vide its Order No. LC-2015/JE(VA)/2019/9333 dated 08.04.2019.

The matter for Transfer of EC was taken up during **151st meeting of SEIAA held on 17.12.2022** and the application submitted by PP has been examined in the light of **Para (11) of EIA Notification dated 14.09.2006** and observed that:

1. The validity of Environment Clearance (EC) granted **in favour of Transferor i.e. M/s Khanna Developers Pvt. Ltd** by SEIAA, Haryana vide letter No. SEIAA/HR/2017/460 dated 14.07.2017 **is valid upto 13.07.2027 in accordance with the MoEF & CC, GoI Notification No. S.O.1807 (E), dated the 12th April, 2022.**
2. The **Transferee i.e. Elan Buildcon Pvt. Ltd** has submitted an undertaking that they will comply with all the terms and conditions of Environment Clearance (EC) vide letter No. SEIAA/HR/2017/460 dated 14.07.2017 which was granted to M/s Khanna Developers Pvt. Ltd for the said Commercial Colony Project at Village Badshahpur, Sector-67, Gurugram, Haryana.
3. License No. 84 of 2012 dated 28.08.2012 granted in favour of **M/s Khanna Developers Pvt. Ltd & others** as well as Change of Developer **had been transferred in the name of Elan Buildcon Pvt. Ltd** by DTCP, Haryan vide its Order No. LC-2015/JE(VA)/2019/9333 dated 08.04.2019.
4. PP (**Elan Buildcon Pvt. Ltd**) has submitted a copy of Bank Demand Draft of **₹ 1,50,000/- vide DD No. 038459 dated 28.11.2022 on account**

of requisite Scrutiny Fee as per Notification No. DE&CCH/3060 dated 14th October, 2021 issued by the Haryana Government.

Keeping in view of above, the Authority decided to agree with proposal and considered to transfer Environment Clearance letter dated 14.07.2017 from M/s Khanna Developers Pvt. Ltd & others to M/s Elan Buildcon Pvt. Ltd; subject to strict compliance of the stipulated conditions imposed vide Environment Clearance letter dated 14.07.2017 for all intent & purposes.

Item No. 151.21: Transfer of Environment Clearance in name of Advance India Projects Ltd. for proposed IT Park at Sector-66, Village Maidawas, Gurugram, Haryana by M/s Advance India Projects Limited.

The Project was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/MIS/294526/2022 dated 25.11.2022** for Transfer of Environment Clearance under EIA Notification dated 14.09.2006 issued by MoEF& CC, GoI to the SEIAA. The Project Proponent has deposited due Scrutiny fee (as applicable) of ₹ 2,00,000/- vide DD No. 001476 dated 05.12.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

The Project was granted Environment Clearance by SEIAA, Haryana vide letter No. SEIAA/HR/2018/560 dated 05.06.2018 **in favour of M/s Gupta Promoters Private Limited for total Plot Area of 24837.603 Sqmt (6.1375 Acres) and Built up Area of 140604.1801 Sqmtr.**

Now, the PP has intimated that the License No. 112 of 2012 dated 27.10.2012 by DTCP was granted in favour of M/s Gupta Promoters Private Limited for IT Park at Sector-66, Village Maidawas, Gurugram, Haryana. Further, the said License as well as Change of Developer had been transferred in the name of Advance India Projects Ltd by DTCP, Haryana vide its Order No. LC-2403-JE(VA)/2020/12942 dated 02.06.2021.

The matter for Transfer of EC was taken up during **151st meeting of SEIAA held on 17.12.2022** and the application submitted by PP has been examined in the light of **Para (11) of EIA Notification dated 14.09.2006** and observed that:

1. The validity of Environment Clearance (EC) granted **in favour of Transferor i.e. M/s Gupta Promoters Private Limited** by SEIAA, Haryana vide letter No. SEIAA/HR/2018/560 dated 05.06.2018 **is valid upto 04.06.2028 in accordance with the MoEF & CC, GoI Notification No. S.O.1807 (E), dated the 12th April, 2022.**
2. The **Transferee i.e. Advance India Projects Ltd** has submitted an undertaking that they will comply with all the terms and conditions of Environment Clearance (EC) vide letter No. SEIAA/HR/2018/560 dated 05.06.2018 which was granted to M/s Gupta Promoters Private Limited for the said IT Park Project at Sector-66, Village Maidawas, Gurugram, Haryana.
3. License No. 112 of 2012 dated 27.10.2012 granted in favour of **M/s Gupta Promoters Private Limited** as well as Change of Developer **had been transferred in the name of Advance India Projects Ltd** by DTCP, Haryana vide its Order No. LC-2403-JE(VA)/2020/12942 dated **02.06.2021.**
4. PP (**Advance India Projects Ltd**) has submitted a copy of Bank Demand Draft of ₹ 2,00,000/- vide DD No. 001476 dated **05.12.2022 on account of requisite Scrutiny Fee as per Notification No. DE&CCH/3060 dated 14th October, 2021 issued by the Haryana Government.**

Keeping in view of above, the Authority decided to agree with proposal and considered to transfer Environment Clearance letter dated 05.06.2018 from M/s Gupta Promoters Private Limited to M/s Advance India Projects Ltd; subject to strict compliance of the stipulated conditions imposed vide Environment Clearance letter dated 05.06.2018 for all intent & purposes.

The meeting ended with a vote of thanks.

List of Participants

1. **Prof. R. Baskar,** Expert Member
FGGS School of Sciences.
IGNOU, Delhi

2. **Shri Pardeep Kumar, IAS** Member Secretary
Director, Environment & Climate Change
Department, Haryana
