

Minutes of the 676th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 25.11.2022

The meeting of 676th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 25.11.2022 at the Directorate of Environment. The following were present in the meeting:-

1. Dr. Rajiv Kumar Garg	Chairman, SEIAA, U.P
2. Shri Paras Nath	Member, SEIAA, U.P
3. Shri Ajay Kumar Sharma	Member Secretary, SEIAA, U.P

Agenda A- 706th SEAC-1 Meeting Dated 24/11/2022

1. **Metro Niketan (Staff Quarters for operating staff of Delhi Metro) at Plot No. 21B, Block-F, Sector-50, Noida, U.P., M/s Delhi Metro Rail Corporation Limited. File No. 7217/Proposal No. SIA/UP/MIN/ 403181/2022**

Brief history of this project is as follows –

On 14.06.2016, under ID/proposal no. SIA/UP/NCP55670/2016 (first id for this project) DMRC submitted proposal for seeking EC to the said project. Project was considered in SEAC meeting no. 281 dated 19.07.2016 wherein SEAC raised certain queries. SEIAA considered this project in their meeting no. 167 dated 26.08.2016 and agreed with the recommendations of SEAC that project proponent to submit information as suggested by SEAC. DMRC never submitted reply to these queries and despite knowing that they need to take prior EC as per the provisions of EIA Notification, 2006 promulgated under Environment (Protection) Act, 1986, commenced / continued with the construction work in violation of prevailing statute.

On 18.08.2022, under a new ID/proposal no. SIA/UP/MIS/82254/2022 (second id for the same project), DMRC submitted another application for seeking EC to the said project. As the second ID/proposal no. generated was "even number" it went to SEAC-2 for appraisal.

On 06.09.2022, DMRC submitted request for withdrawal of their first application, ID/proposal no. SIA/UP/NCP55670/2016 submitted earlier on 14.06.2016, seeking EC to the said project.

Project was considered in SEAC-2 meeting no. 682 dated 26.09.2022 and was recommended for grant of ToR with certain terms and conditions. SEIAA considered this project in meeting no. 653 dated 28.09.2022, agreed with the terms and conditions recommended by SEAC-2 for issuance of ToR and also gave directions under the provisions of MoEFCC, GoI OM no. 22-21/2020-IA.III dated 07.07.2021 which has laid down Standard Operating Procedure (SoP) for Identification and handling of violation cases.

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On 14.10.2022, under a new ID/proposal no. SIA/UP/INFRA-2/403181/2022 (third id for the same project), DMRC submitted EIA-EMP for the said project before issuance of ToR to the said project. Thus requirement for uploading ToR document, for B1 category projects, on PARIVESH portal was bypassed.

ToR to this project was issued by the authorized signatory / Nodal Officer, SEIAA vide letter no. 225/parya/SEIAA/ 7217/2022 dated 17.10.2022.

As the third ID/proposal no. generated was odd number it went to SEAC-1 for appraisal. SEAC-1 in meeting no. 696 dated 20.10.2022 appraised the project and recommended for grant of EC.

SEIAA considered this project in meeting no. 665 dated 02.11.2022 and raised objections, the manner in which DMRC has been vitiating the entire process of seeking EC to the said project.

DMRC submitted letter dated 14.11.2022 wherein citing various reasons requested for an early grant of EC to the said project.

On 23.11.2022, on the request of DMRC, meeting with officials of DMRC was held and they were asked to submit replies to deficiencies in their EIA-EMP report which have been listed in the MoM of the said meeting.

DMRC submitted revised EIA-EMP on 23.11.2022.

SEAC-1 appraised the revised EIA-EMP, submitted by DMRC, in their meeting no. 706 dated 24.11.2022 and made following recommendations –

"The project proponent/consultant submitted the reply of queries raised by the SEIAA in the above meetings through online Parivesh Portal on 14/11/2022 and 23/11/2022. As per the direction of SEIAA, the matter was listed in 706th SEAC meeting dated 24/11/2022.

The committee gone through the replies submitted by the project proponent and found it satisfactory. Hence, the committee recommended to grant the environmental clearance for the project proposal along with general and specific conditions as earlier prescribed in 696th SEAC meeting dated 20/10/2022."

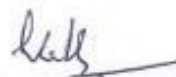
SEIAA discussed as follows –

1. MoEFCC, GoI OM no. 22-21/2020-IA.III dated 07.07.2021 (SoP for identification and handling of violation cases under EIA Notification 2006) sets the procedure and modalities for granting / not-granting EC to violation cases. SEAC / SEIAA are not competent to dilute provisions of said OM.
2. Procedure adopted by MoEFCC, GoI for handling violation cases and subsequent issuance of EC should be adopted as model for handling such cases coming up for consideration in the State.
3. One of such cases is, Project no. 6.2 "Proposed Greenfield Metallurgical Unit Sponge Iron 1,80,000.00 TPA (DRI Kiln (Coal Fired) 1 X 200 TPD & 1 X 350 TPD), Billets or TMT 2,16,000.00 TPA along with Captive Power Plant 20 MW by M/s. Fuletra Steel LLP located at Village Khijadiya, Tehsil Wankaner, District Morbi, Gujarat" [Proposal No. IA/GJ/IND/228739/2021; File No. IA-J-11011/40/2009-IA-II(I)] is a violation project which was last appraised by Expert Appraisal Committee (Industry-1 Sector), MoEFCC, GoI during the period. May 30-31, 2022
4. EC to this project has been issued vide EC Identification no. EC22A008CJ119986 dated 28.09.2022 and file no. IA-J-11011/317/2021-IA-II(IND-1)

SEIAA opined as follows –

1. Damage Assessment, Remediation Plan, and Community Augmentation Plan

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In the revised EIA-EMP report submitted by DMRC on 23.11.2022, DMRC has submitted certain details about the above three components which are at Annexure-1. Brief is as follows –

	Done Construction	During Planned Operation	During
Environment Damage Cost Assessment	45,34,600/-		
Remediation Plan	2,51,70,755/-	11,46,000/-	
Community Resource Augmentation Plan	27,91,444/-	25,50,000/-	
Total	2,34,21,599/-	36,96,000/-	

Further, DMRC has proposed as follows –

"An amount of Rs. 3,00,000 may be considered towards Natural and Community Augmentation Plan. It may be noted that project proponent will also give a bank guarantee equivalent to the amount of Remediation Plan, Natural and Community Resource Augmentation Plan i.e. Rs. 3,00,000."

SEAC-1 has recorded following appraisal –

Meeting no. 706	<i>The committee gone through the replies submitted by the project proponent and found it satisfactory. Hence, the committee recommended to grant the environmental clearance for the project proposal along with general and specific conditions as earlier prescribed in 696th SEAC meeting dated 20/10/2022</i>
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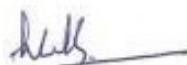
Meeting no. 696	<i>The project proponent vide letter dated 20/10/2022 also submitted that DMRC has already spent an amount of Rs. 2,79,62,199/- on protection of the environment in this project and requested to kindly waive off the submission of bank guarantee towards remediation plan. The committee agreed with the request made by the project proponent (a public sector under Ministry of Housing and Urban Affairs, Govt. of India) to waive off the submission of bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan.</i>
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SEAC-1 has recorded contradictory comments in their MoMs. At one hand they are agreeing with the details given by DMRC and on the other they are waiving it off. SEIAA opined that SEAC is not competent to dilute provisions of said OM dated 07.07.2021.

SEIAA opined that DMRC has assessed Environment Damage Cost as Rs. 45,34,600/-. This is a residual cost keeping in account environmental damage done by this project and effect of mitigation measures, if any, adopted during the project period.

DMRC to do the following –

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1. DMRC to prepare "Remediation plan; and Natural Resource Augmentation Plan and Community Resource Augmentation Plan" for a value not less than Rs. 45,34,600/- in consultation with UPPCB which shall be implemented in next three years. DMRC to submit plan along with details in following format –

S. No,	Environment Component	Activity Description	Villages / Municipal Wads Identified	Total Budget Provision in Rs.			
				1 st Year	2 nd Year	3 rd Year	Total
1)	Land Environment						
2)	Air Environment						
3)	Water Environment						
4)	Noise Environment						
5)	Ecology & Biodiversity						
6)	Socio Economic Environment						
	Total						

2. DMRC to deposit bank guarantee for a value equivalent to this plan but not less than Rs. 45,34,600/- with UPPCB which should be valid for a minimum period of 5 years. The bank guarantee will be deposited prior to the issuance of EC and will be released after successful implementation of the Remediation Plan and Natural & Community Resource Augmentation Plan.

2. Penalty for violation

Director, Finance, DMRC vide letter dated 22.11.2022 (Annexure-2) has stated that till date 201,64,76,774.12 (Two Hundred One Crore Sixty Four Lakhs Seventy Six Thousand Seven Hundred Seventy Four and paise Twelve Only) has been spent.

Director (Projects) DMRC vide letter dated 23.11.2022 (Annexure-3) has stated that DMRC has suo moto made application for seeking EC to the said violation category project.

SEAC-1 has recorded following appraisal –

Meeting no. 706 The committee gone through the replies submitted by the project proponent and found it satisfactory. Hence, the committee recommended to grant the environmental clearance for the project proposal along with general and specific conditions as earlier prescribed in 696th SEAC meeting dated 20/10/2022

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Meeting no. 696 The committee was informed by the Secretariat that as per records available, no complaint has been received in the Directorate of Environment, UP till this date of meeting against the said project regarding starting of construction work at site without obtaining prior environmental clearance. SEAC-1 during the meeting also informed that they did not receive any complaint regarding the project.

The project proponent also submitted a letter dated 18/10/2022 issued by Regional Officer, UPPCB, Noida and letter dated 18/10/2022 issued by New Okhla Industrial Development Authority mentioned that as per records available, no complaint has been received against the said project proposal neither any notice issued against the said project from the office.

SEIAA opined that a penalty @ 0.5% of Rs. 201,64,76,774.12 (Two Hundred One Crore Sixty Four Lakhs Seventy Six Thousand Seven Hundred Seventy Four and paise Twelve Only) i.e. Rs. 1,00,82,383.87 or Rs. 1,00,82,384 (One Crore Eighty Two Thousand Three Hundred and Eighty Four Only) be imposed on DMRC.

DMRC to submit Rs. 1,00,82,384 (One Crore Eighty Two Thousand Three Hundred and Eighty Four Only) towards penalty provisions i.e., 0.5% of project cost incurred to the expenditure on the project without seeking EC, as per SOP dated 07.07.2021 to UPPCB.

3. UPPCB is requested to take credible action u/s 15 read with section-19 of EPA, 1986, as per SoP dated 07.07.2021, against DMRC and submit details of court case filed along with documents to SEIAA.

Further, SEIAA opined that EC to be granted to this project operated under violation with standard terms and conditions as applicable for real estate projects with the conditions that MS, SEIAA / Authorized Signatory for issuing EC will issue EC only after fulfilment of following obligations on the part of DMRC –

1. DMRC to prepare "Remediation plan; and Natural Resource Augmentation Plan and Community Resource Augmentation Plan" for a value not less than Rs. 45,34,600/- in consultation with UPPCB which shall be implemented in next three years and to submit the same to UPPCB & SEIAA.
2. DMRC to deposit bank guarantee for a value equivalent to this plan but not less than Rs. 45,34,600/- with UPPCB which should be valid for a minimum period of 5 years. UPPCB to make available copy of bank guarantee to SEIAA. The bank guarantee will be released after successful implementation of the Remediation Plan and Natural & Community Resource Augmentation Plan.
3. DMRC to submit Rs. 1,00,82,384 (One Crore Eighty Two Thousand Three Hundred and Eighty Four Only) towards penalty provisions i.e., 0.5% of project cost incurred to the expenditure on the project without seeking EC, as per SOP dated 07.07.2021 to UPPCB. UPPCB to make available copy of receipt to SEIAA
4. UPPCB is take credible action u/s 15 read with section-19 of EPA, 1986, as per SoP dated 07.07.2021, against DMRC and submit details of court case filed along with documents to SEIAA

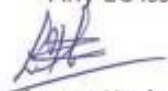
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Under no circumstances EC be issued by MS, SEIAA / Authorized Signatory for issuing EC unless all the above mentioned compliances are carried out.

Any EC issued without fulfilment of above conditions will be null and void.


Assistant Nodal/Nodal Officer
SEIAA, UP

MoM prepared by Secretariat in consultation with
Chairman & Members on the basis of decisions
taken by SEIAA during the meeting.

(Ajay Kumar Sharma)
Member-Secretary
SEIAA


(Paras Nath)
Member
SEIAA

(Dr. Rajiv Kumar Garg)
Chairman
SEIAA

Annexure-1

EIA Report for "Metro Niketan (Staff Quarters for operating staff of Delhi Metro)" at Plot No 21B, Block- F, Sector-50, Noida, Uttar Pradesh developed by Delhi Metro Rail Corporation Limited

Table 12.3: SUMMARY OF ENVIRONMENTAL DAMAGE COST ASSESSMENT, REMEDIATION PLAN AND COMMUNITY RESOURCES AUGMENTATION PLAN

S.No	Head	Done during construction	Planned during operation
1	Environmental Damage Cost Assessment	Rs 45, 34,600/-	-
2	Remediation Plan	Rs 2,51,70,755/- The cost includes the following: 1. Installation of RWH Rs 35.24 lakh 2. Solid Waste management: Rs 4.46 Lakh 3. Plantation in Community Area: Rs 29.00 Lakh 4. Installation of Barricades: Rs 1.5 Crore 5. Maintenance of nearby roads: Rs 32.99 Lakh	Rs 11,46,000/- Amount planned during Operation: 1. Waste Water Analysis: 2.0 Lakh 2. Stack Monitoring, ambient air monitoring: 3.0 Lakh 3. Noise Analysis: 2.0 Lakh 4. Solid Waste management: 4.46 Lakh
3	Community Resources Augmentation Plan*	Rs 27,91,444/- The cost includes the following: 1. Health Education Camp during COVID Period: Rs 5.73 Lakh 2. Compassionate compensation: Rs 22.18 Lakh	Rs 25,50,000/- Amount planned for next three years: Upkeep of Winter Old Age home and Salaam Balaktrust: Rs 25,50,000/-
	Total	Rs 2,79,62,199/- minus Rs 45,34,600/- = Rs 2,34,27,599/-	Rs 36,96,000/-



दिल्ली मेट्रो रेल कॉर्पोरेशन लि०
DELHI METRO RAIL CORPORATION LIMITED

(भारत सरकार एवं दिल्ली सरकार का एक संयुक्त उपक्रम)
(A JOINT VENTURE OF GOVT. OF INDIA & GOVT. OF DELHI)

Phones: 23417910 /12: Direct:23418303 Telefax: 23418303

AJIT SHARMA
Director (Finance)

Metro Bhawan,
Fire Brigade Lane,
Barakhamba Road,
New Delhi-110 001

22nd Nov' 2022

Subject: - Project Completion Cost for Metro Niketan (Staff Quarters for operating staff of Delhi Metro) at Noida for the purpose of Environmental Clearance.

As per records, the cost incurred as on date towards Land and development Cost at Metro Niketan, Sector 50, Noida is Rs 201,64,76,774.12 (Rupees Two Hundred one crore sixty-four lacs seventy-six thousand seven hundred seventy-four and paise twelve only). Total project cost being Rs. 228,01,49,249.12 (Rupees Two Hundred Twenty-Eight Crores one lac forty-nine thousand two hundred forty-nine and paise twelve only)

This excludes expense made towards security deposit and penalties. Further, approximately 88.43% of the work has been completed.

This is for kind information please:


[Ajit Sharma]
Director Finance

Annexure-3



दिनेश कुमार सैनी
निदेशक (परियोजना व नियोजन)
DINESH KUMAR SAINI
DIRECTOR (PROJECT & PLANNING)

CIN:U74089DL1995GOIDG6150

दिल्ली मेट्रो रेल कॉर्पोरेशन लि०
DELHI METRO RAIL CORPORATION LTD.

(भारत सरकार एवं दिल्ली सरकार का संयुक्त उपक्रम)
(A JOINT VENTURE OF GOVERNMENT OF INDIA AND GOVT. OF DELHI)
Phones : 23417910/12 Direct : 23418307 Telefax : 23418307

Dated: 23 Nov 2022

Sub: Applying for Environmental Clearance for DMRC's NOIDA Staff Quarter Project
(Metro Niketan), Suo Moto in violation category.

Ref: i. RO, Noida, UP Pollution Control Board Letter No. 808/C/M-617/22 dt. 18.10.2022.

ii. Mahaprabandhak (Niyojan) Patra sankhya Noida/Mukhya vastu niyojan/2022/3227 dt
18.10.2022

DMRC has constructed staff Quarter (Metro Niketan) at Sector-50, Noida. As per office record, no complaint has been received in DMRC related to environmental issues for the above related project. Letter to this effect from UPPCB, NOIDA and NOIDA Authority regarding no complaint received by them are also enclosed for ready reference. It is reiterated that DMRC has suo-moto approached the SEAC/SEIAA for grant of Environmental Clearance for the said Project.

D. Saini
Director/Project

23/11/22