

Directorate of Environment, U.P.

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Minutes of the 679th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 30.11.2022

The meeting of 679th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 30.11.2022 at the Directorate of Environment. The following were present in the meeting:-

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| 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- 700th SEAC-2 Meeting Dated 10/11/2022

1. **Building Stone (Gitti, Boulder, Khanda) Sand Stone mine at Araj No./Plot No./Gata No.- 2106, Khand No.-1B, Village – Bhatauti, Tehsil- Meja, District- Prayagraj, M/s ABC Infra Promoters Pvt. Ltd ,Area-8.097 ha. 7288/6973/Proposal No. SIA/UP/MIN/402970/2022**

SEIAA noted that SEAC-2 has recommended to grant EC to the above project. SEIAA gone through file and documents and observed ~~noted~~ that:-

1. SEAC-2 in their MoM has mentioned date of submission of EIA-EMP report as 14.10.2021 while the date of issuance of ToR has been mentioned as 27.05.2022 and PH as 27.08.2022. In the salient feature of the project item no. 6 the details are as follows:-

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|---------------|---|
| Name of River | Building Project Nearest River Tons River- 2.27 km (NW) |
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Since long it is being observed that SEAC-2 has been processing and recommending projects and submitting MoM in such a way it is not becoming possible for SEIAA to process such cases. Earlier no. of time attention of SEAC-2 was drawn but situation remains as it is. Chairman and MS SEAC-2 to enquire into the issue and fix up responsibility of the concerned persons.

2. **Riverbed morrum mining project from Yamuna River of Mohd. Arshad Siddiqui located at Gata No. 649 to 659 (Khand No. 10/10 to 10/13), Village- Kataiya, Tehsil - Chail, District - Kaushambi, Mohd Siddiqui. Area-20.00 ha File no. -7290/Proposal No. SIA/UP/MIN/ 400832/2022**

SEIAA agreed with the recommendation of SEAC- 2 to issue additional ToR to the title proposal for conducting EIA studies. SEIAA added following points to ToR-



- 1- SEIAA noted that Mine plan approval letter is issued at DGM level and LOI and certified lease map is issued at district level in which sanctioned lease area is only specified and there is no mention of workable/non-workable area with the sanctioned mine lease area. Project proponent/consultant to get this anomaly removed from the competent authority at the time of EIA submission. Further On the date of meeting KML uploaded by project proponent/consultant on google map looks as below which indicate the entire lease area is under submerge. This needs a clarification from the competent authority:-



- 2- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 3- The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.
- 4- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 5- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 6- KML file for the area and mining lease area should be provided.
- 7- Status of leases granted/to be granted in various mining khands along with production since the formulation of DSR, duly certified by the competent authority should be submitted.
- 8- In case project proponent intends to temporarily store mined out material or any tools, equipment's or other material outside mine lease area then NOC from competent authority for doing so should be submitted and details of such area and associated Environmental impacts should be included in EIA-EMP report. This should also be clearly mentioned during public hearing.

- 9- Road network to be used by the project should be clearly shown on Survey of India toposheet in 1:50,000 scale. In case road network involves forest road, permission should be obtained from Forest Department and a copy of the same should be submitted at the time of appraisal of EIA-EMP report.
- 10- The project proponent should clearly spell out whether it is a green field or brown field project. In case it is a brown field project and -
 - (i) If the earlier and present lease holder are same then compliance report of previous EC should be submitted.
 - (ii) If the earlier and present lease holder are different then environmental footprint of the site and mitigation measures should be included in EIA-EMP report.
- 11- In case of expansion / renewal of earlier EC, following information should be submitted
 - a. Status of compliance of earlier EC conditions by Integrated Regional Office, MoEFCC, Gol, Lucknow.
 - b. Copy of CTE and CTO issued by SPCB.
 - c. Status of submission of six-monthly compliance report to EC granted earlier
 - d. Court cases, if any.
- 12- Observations raised in public hearing, replies submitted by project proponent, suitable modifications carried out in EIA-EMP report.
- 13- PP / consultant in compliance to Hon'ble NGT order dated 06.05.2022 in OA no. 141/2021 (With report dated 31.03.2022) Raj Kumar Vs. State of UP and Others and with OA no. 141/2021 Rajkaran Karn Vs. State of UP and Others, will submit replenishment study, duly approved by DGM, along with EIA-EMP report for seeking EC.
- 14- Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 20,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants below Uttar Pradesh Forest Department's survival rate will be treated as violation of EC condition.
- 15- In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 100 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
- 16- Along with the EIA-EMP report, PP / consultant will also submit in tabular form as to how they have addressed entire ToR while preparing draft EIA-EMP report for PH. Further, PP / consultant will submit in tabular form as to how they have addressed issues raised during public hearing and have incorporated the same in final EIA-EMP report. A presentation to this effect should be made before SEAC at the time of EIA-EMP presentation.



3. Residential Project "Vinayak Platina" at Arazi No. 555, 557 & 557/617, 561 Mauza-Sheopurwa, Pargana-Dehat Amanat, Dist.- Varanasi, M/s Shreenath Ji Dwellings LLP, 7174/Proposal No. SIA/UP/INFRA2/403762/2022

SEIAA observed that SEAC-2 has recorded following observations in their MoM-

"The committee was also informed that approximately 65% of construction work has already been completed by the project proponent without obtaining prior environmental clearance. The Project proponent has submitted project Cost Certificate issued by Chartered Accountants, Shah Mukul & Associates, dated 15/04/2022 stating total project cost incurred is Rs. 46,53,89,260."

... "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-2 during the meeting also informed that they did not receive any complaint regarding the project."

In view of the above, as per violation SoP dated 07/07/2021 the imposed penalty of Rs. 23,26,946/- (Rs. Twenty three lakhs twenty six thousands nine hundred forty six only) (0.5% of total project cost incurred up to 15/04/2022) on project proponent which has to be deposited with UP PCB before filling of EIA Report. In case it comes to notice of SEIAA/SEAC that any complaint is received from any person/institution/departments/organization prior to suo-moto declaration of the project proponent then penalty will be increased to 1% as per SoP/OM dated 7th July, 2021."

SEIAA opined as follows:-

1. Cost estimations has been submitted by PP / consultant but it is not acceptable either in financial & administrative / vigilance scrutiny or in judicial review. Reason being it has neither being issued in light of MoEFCC, GoI OM dated 07.07.2022 nor CA Firm / Valuer have certified that they are competent to analyse construction / production carried out in violation of EC. For real estate projects UP RERA and Local Development Authority (in this case VDA) are regulatory bodies. A cost estimation for construction carried out beyond EC, issued either by UP RERA or LDA or any other competent Government body should be submitted by PP / consultant and this should become the basis for SEAC-2 recommendation.
2. The percentage rate has been halved from 1% to 0.5% on the basis of "information given by the Nodal Officer that as per records available with Directorate and written communication by all concerned in the directorate, 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." In this regard MoEFCC, GoI OM dated 07.07.2022 clearly states "The percentage rates shall be halved if the PP suo moto reports such violation without such violations coming to the knowledge of the Government either on inquiry or complaint." With regards to real estate, UP RERA, District Administration, Local Development Authority, PCB, Local Municipal Corporation, etc. can give notices and they are not under any compulsion to mark a copy to Directorate of Environment. Further, construction work, without taking EC, was started in this project and it needs to be established that it never came to the knowledge of any of the regulatory / Government bodies either through enquiry or complaint. The burden of proof should be on PP and once PP submits documents, same should be examined by SEAC-2 for making their recommendations.



3. With reference to SEAC-2 MoM –“In view of the above, as per violation SoP dated 07/07/2021 the imposed penalty of Rs. 23,26,946/- (Rs. Twenty three lakhs twenty six thousands nine hundred forty six only) (0.5% of total project cost incurred up to 15/04/2022) on project proponent which has to be deposited with UPPCB before filling of EIA Report.”

It is to be cleared that penalty @1% to be imposed on PP unless PP submits, to SEAC-2, letter / certificate issued from concerned regulatory / Government bodies viz. UP RERA, District Administration, Local Development Authority, PCB, Local Municipal Corporation, etc. that the violation never came to their either through enquiry or complaint. SEAC-2 to examine these documents and submit their recommendation to SEIAA.

4. SEAC-2 should not direct PP to deposit any amount (s). Once the amount (s) to be deposited is / are finalized, SEIAA will issue necessary orders to PP in this regard.
5. Refer back to SEAC-2 for deliberation.

Further, SEIAA opined as follows –

- PP / consultant to submit compliance report through IRO, MoEFCC, Gol, Lucknow of existing EC, if any, granted to the project
- PP / consultant to submit compliance report through UPPCB of existing CtE and CtO.
- PP to submit details of expenditure made beyond the sanctioned EC, if any, issued / verified either by UP RERA or UP Housing and Development Board or VDA or any other competent Government body in light of MoEFCC, Gol OM OM dated 07.07.2022. SEAC-1 to examine the document and submit their recommendation to SEIAA.
- PP / consultant to submit point-wise compliance, in a tabular form, of MoEFCC, Gol OM no. 22-21/2020-IA.III dated 07.07.2021 (SoP for identification and handling of violation cases under EIA Notification 2006)
- A letter shall be send to DM, Luckow; VC, VDA; UP Housing and Development Board; and MS, UPPCB to ensure that no construction is carried out until valid EC is obtained and in case construction has been carried out without valid EC then work should be stopped and legal action should be initiated against the PP.
- Without prejudice to any other consequences, action to be initiated u/s 15 read with section-19 of EPA, 1986 against the PP
- Project to be closed until EC is granted.
- UPPCB nelther to renew exlstng CtE / CtO nor to Issue fresh CtE / CtO to the expansion of this project till EC is accorded.

MS, SEIAA to send a copy of this MoM, pertaining to this agenda item, to UP RERA, UP Housing and Development Board; District Administration, Local Development Authority, PCB, and Local Municipal Corporation.

4. Group Housing Project “Excella Kutumb” located at khasra No. 2678/1, 2688/2, 2692/1, 2695/1, 2677, 2693, 2694, 2677, 2833/2, 2834, 2837 Sa, 2675 Sa, 2677, Village-Bakkas, Tehsil-Mohanlalganj, District- Lucknow, U.P., M/s ABC Infra Promoters Pvt. Ltd /Consortium. 7299/Proposal No. SIA/UP/403062/2022

SEIAA opined that this project is matter of enquiry in the State Government thus entire facts of the case be brought to the notice of SEIAA in the form of brief.

Further SEIAA opined as this a violation category project thus –



- a) A letter shall be send to DM, Lucknow; VC, Lucknow Development Authority; UP Housing and Development Board; and MS, SPCB to ensure that no construction is carried out until valid EC is obtained and in case expansion has been carried out without valid EC then work should be stopped and legal action should be initiated against the PP.
- b) Without prejudice to any other consequences, action to be initiated u/s 15 read with section-19 of EPA, 1986 against the PP
- c) Project to be closed until EC is granted.
- d) UPPCB to neither renew existing CtE / CtO nor to issue fresh CtE / CtO to this project till EC is accorded.

5. Expansion of Chaudhary Charan Singh International Airport (CCSIA) Lucknow, to enhance the Passenger Handling Capacity up to 39 MPPA & Cargo Handling Capacity up to 0.25 MTPA by M/s Lucknow International Airport Limited (LIAL). 7302/Proposal No. SIA/UP/INFRA/404074/2022

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-2 and grant EC to the said project. PP to provide bacterial disinfection and coliform disinfection related tertiary system in STP for secondary use of water.

6. "Ordinary Soil Excavation" Project at Gata No. 77, 76/1, 76/2, 199Mi, 202Mi, 203Mi, 204Mi, 228Mi, in the Village-Baripur, Tehsil & District- Moradabad, U.P., Naeem Ahmad., 7303/Proposal No. SIA/UP/404376/2022

SEIAA noted that SEAC-2 has recommended to grant EC to the above project. SEIAA gone through file and document and opined that project proponent/ consultant shall submit legible notarized copy of agreement between the land owner and lease holder along with copy of NOC from bank if the land is mortgaged.

7. Building Stone Gitti/Boulder (Dolostone) Mining Project- Billi Markundi, Village – Billi Markundi, Tehsil – Obra, District – Sonbhadra, Araj No. 5006Ka, Radhe Radhe Enterprises. Area -3.40 Ha.7306/7064/Proposal No. SIA/UP/MIN/401742/2022

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-2 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1 adding following specific conditions. **EC to be issued only after the submission of relevant document regarding inclusion of the above area in DSR.**

1. Validity period of this EC is 5 years from the date of issue as the Lol has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their

- mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
 6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
 7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
 8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 4,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
 9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 20 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
 10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
 11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
 12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
 13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
 14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
 15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.



8. Common Bio-medical Waste Treatment Facility (CBWTF) Khasra No.-1035, Village-Bhariesar, Pargana-Kada, Tehsil- Sirathu, District- Kausambi, M/s Topsy Turvy Retail Pvt. Ltd. Shri Samridhi Karvariya, Director. 5801/Proposal No. SIA/UP/5613/2020

SEIAA took note of comments recorded by SEAC-2.

9. letter of Mr. Gaurav Kumar Srivastava received on 08-09-2022 कन्सल्टेंट ग्लोबस इनवायरमेंट इंजीनियरिंग सर्विसेज, लखनऊ, उत्तर प्रदेश द्वारा दिये गये उत्तर में पुनः झूठी जानकारी दिये जाने के संबंध में।

SEIAA opined that SEAC-2 can direct the concerned person at the own level.

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