

State Environment Impact Assessment Authority, Bihar

2nd floor, Beltron Bhawan, Shastri Nagar, Patna - 800 023.

Ref. No. - 280

Patna, Date:- 03/10/19

Minutes of the meeting of SEIAA, Bihar, convened on 24th September, 2019

A meeting of SEIAA was convened today on 24-09-2019. Following members were present in the meeting:-

Present :-

- | | | |
|----------------------------------|---|-------------------|
| 1. Shri B.N. Jha, | - | Chairman |
| 2. Dr. Nityanand Singh Maurya | - | Member |
| 3. Shri Kamal Jeet Singh, I.F.S. | - | Member Secretary. |

Agenda Item No.-1

Multi- Storied Residential Project namely "Dr. R. P. Estate", Village:- Paigambarpur Kolhua, P.S.:- Ahiyapur, District:- Muzaffarpur, State:- Bihar, Plot Area - 22,425.30 m², Total Built-up Area - 1,12,600.25 m² (File No. - SIA/8(a)/683/19). Online Proposal No.:- SIA/BR/NCP/92256/2019).

➤ Proposal discussed in SEAC on 30th August, 2019.

As mentioned in the proceedings of SEAC dated 09.09.2019 the proposal has been discussed in its meeting on 31.05.2019, 28.06.2019 and 30.08.2019 and was recommended for grant of Environmental Clearance on 28.06.2019. The site inspection by one member of SEAC as well as Environment Engineer SEIAA was also carried on 10.06.2019 and its was noticed that the site is vacant and no activities has taken place.

The SEIAA after discussing the proposal in its meeting dated 25.07.2019 sent back the same for reconsideration by SEAC with a request to provide reasons for its recommendation, however the SEAC reiterated its earlier stand.

After due discussion the SEIAA resolved to grant of Environmental Clearance.

Agenda Item No.-2

RESIDENTIAL APARTMENT "SAI ENCLAVE" Developer: M/s Sri Anuanand Construction Pvt. Ltd., Village:- Mustafapur, Tehsil:- Danapur, Ditsrict:- Patna, State:- Bihar, Total Plot Area:- 24,633.43

m2 Total Built-up Area:- 72,661.74 m2. (File No. - SIA/8(a)/602/18) Online Proposal No.:- SIA/BR/MIS/83570/2018).

➤ **Proposal discussed in SEAC** on 30th August, 2019.

➤ **Background:-**

Application along with filled up 'Form - I', Form - I (A) and Conceptual Plan in the prescribed format was submitted to SEIAA, Bihar on 17th December, 2018 for obtaining Terms of Reference (ToR). SEIAA, Bihar issued ToR Vide F. No. SIA/8(a)/602/18, dated 11.04.2019. Final EIA report was submitted by Project Proponent in the prescribed format to SEIAA, Bihar on 14.06.2019 for obtaining Environmental Clearance (EC). The SEAC appraised the Proposal in its meeting on 28.06.2019 and recommended for grant of EC vide Ref. No. 181 dated 08.07.2019.

The SEIAA had sent the above mentioned proposal "*RESIDENTIAL APARTMENT "SAI ENCLAVE" Developer: M/s Sri Anuanand Construction Pvt. Ltd., Village:- Mustafapur, Tehsil:- Danapur, District:- Patna, State:- Bihar*" back (vide Ref. No. 214 dated 06.08.2019) to SEAC for reconsideration mainly on the following grounds:-

- That the time window for applying for Environmental Clearance in the case of violation has already expired on 12.04.2018.
- The same Project Proponent had earlier submitted the proposal for same site with similar details of plots & Khata - Khesra number etc.
- A compliant Case No. 82 (C2) of 2015 was filed by SEIAA in the Court of CJM, Patna, against Project Proponent "M/s Sri Anuanand Construction Pvt. Ltd. for violation of EIA Notification 2006.
- By hiding above facts & giving false undertaking the Project Proponent has tried to mislead the SEAC.

➤ **Recommendation of the SEAC.**

The resolve of the SEIAA was discussed in the SEAC meeting. The SEAC observed and held that all above facts had been thoroughly discussed and considered at the "scoping stage" of the instant proposal and decision to issue ToR was arrived at. No new facts are mentioned by

the SEIAA while referring the matter back for reconsideration therefore the SEAC stands by its recommendation contained in the SEAC MoM (Ref. No. 181) dated 08.07.2019 for granting Environmental Clearance to Project Proponent.

➤ **Resolve of the SEIAA:-**

As per records available in this "Authority" a compliant Case No. 82 (C2/2015) was filed for violation of Environment Protection Act against the Project Proponent in the Court of CJM Patna. In the complaint case the land details are mentioned as below - District Patna, Sub-division Danapur, Khagaul Road, Mauza- Mustafapur, Thana - Phulwari, No. 36, Khata No. 165, 169, 171, 193, 198, 239, 240 and 242, Plot No. 168, 179, 180, 181, 182, 183, 184, 185 and 186. A copy of complaint case lodged by the signature of the then Chairman is also available in the file on the noting side, the then Chairman has also noted the case and non-cooperation by the Project Proponent. Incidentally the Project for seeking Environmental Clearance was initially received in SEIAA on 03.06.2013 and the project was discussed in few meetings of SEAC (24.08.2013, 26.10.2013) however the matter remained far away from grant of Environmental Clearance.

In the fresh application for grant for Environmental Clearance following Khata Nos. 167, 168, 170, 190 and Plot Nos. 159, 160, 161, 162, 163, 166, 169, 170, 171, 172, 173, 174, 176, 177 have been included and Plot No. 183 was excluded.

From the above description it appears clearly that the same Project Proponent who presented a new application for same activity (on 17.12.2018) on same location have actually extended his project area (from 11,333.88 m² to 24,633.43 m²) including almost all previous land in the new application, and excluding a negligible extent of land.

The SEIAA also observed the followings:-

- (a) The present status of the complaint case filed is not known to this office.
- (b) The certificate submitted by the Project Proponent from an Advocate that no such case is filed in CJM Court Patna can not be relied upon more so when the number of case quoted by advocate is also wrong.



- (c) The Project was not submitted within the period of window 14.03.2017 to 13.09.2017 & 14.03.2018 to 13.04.2018 provided by Govt. of India for cases of violation to be opened & considered.
- (d) Previous application was not withdrawn at any point of time by Project Proponent.

The SEIAA resolved :-

To seek information regarding present status of complaint case and consider the application of Project Proponent thereafter.

Agenda Item No.-3

Sand Mining Project on Falgu river at Alipur Ghat of District- Gaya, State- Bihar, Area - 30.05 Ha (File No. - SIA/1(a)/323/16), Online proposal No.: -SAI/BR/MIN/17902/2016).

Agenda Item No.-4

Sand Mining Project on Shanti Nagar Ghat (Stretch 2 of Block -I I) of District:- Gaya, State:- Bihar, Area - 30.50 Ha (File No. - SIA/1(a) /441/17), Online Proposal No. : - SIA/BR/MIN/17923/2016).

Agenda Item No.-5

Sand Mining Project on Bajitpur Ghat (Stretch 4, Block - 2) of District:- Gaya, State:- Bihar, Area - 30 Ha (File No. - SIA/1(a)/439/17), Online proposal No.:- SIA/BR/MIN/17918/2016).

- **Proposal discussed in SEAC on 30th August, 2019.**

All above proposals were appraised together as they were considered qualitatively similar by SEAC.

As stated in the proceedings of SEAC the Project Proponent could not get desired information from Divisional Forest Officer, Gaya or Zoological Survey of India, regarding breeding ground of species like Hill Stream Fishes, Turtles, Mastacembelid Fish, Gastroopods, Bivalves etc. if is available and getting impacted on the proposed mining area and its surround. The SEAC considered the case on the certificate issued by the Head of Department of Zoology, Soghra College, Biharsarif, Nalanda in the matter. The SEAC also obtained an affidavit from the Project Proponent that "They will submit the lease deed of mining area after getting



Environmental Clearance and mining will be started after submission of the lease deed to SEIAA Bihar" which the Project Proponent has complied. Thereafter the SEAC resolved to recommend the proposal of above 3 sand mining ghats for grant of Environmental Clearance.

➤ **Resolve of the SEIAA:-**

The applications were considered in the light of recommendations of the SEAC, and its proceeding dated 09.09.2019. The SEIAA resolved to agree with the recommendations for grant of Environmental Clearance after receipt of following information / documents etc. by the Project Proponent as well as an additional condition for grant of Environmental Clearance.

1. Certificate from the concerned Divisional Forest Officer that the area for proposed activity doesn't falls within Eco-Sensitive Zone or 1 Km from the boundary of National Parks and sanctuaries.
2. Topo sheet Number wherein mining site falls.
3. Forest cover map of year 15-16 (latest).
4. Land-use map in the high resolution satellite imagery; submitted imagery is having moderate resolution.
5. Additional condition for grant of Environmental Clearance i.e the actual mining on site to began after submission of the lease deed granted by the competent Authority.

Agenda Item No.-6

Gardanibagh Housing Development Project (Officer's Enclave Type - A Quarters, Type - B Quarters, Plot No. D, Type - B Quarters, Plot No. H and Type - B Quarters Plot No.- O) Village:- Gardanibagh, Tehsil:- Patna Sadar, District - Patna, State - Bihar, Total Plot Area:- 38.65 Acres, Total Built-up Area:- 2,62,834.2 m² (File No. - SIA/8(b)/686/19). Online Proposal No.:- SIA/BR/NCP/34882/2019).

- **Proposal discussed in SEAC on 30th August, 2019.**

The SEIAA observed that

- The proposal was initially received on 18.01.2019.
- On the instruction and continued insistence of SEAC separate projects on same location were consolidated and presented to SEIAA on dated 14.05.2019.



- The Project was appraised by SEAC in its meeting dated 09.02.2019, 26.02.2019, 31.05.2019 and 31.08.2019.
- The project was finally appraised and recommended for grant of ToR on dated 31.08.2019; proceeding of the SEAC was made available on dated 09.09.2019.

After due discussion the SEIAA resolved to issue ToR for the project.


(Kamal Jeet Singh), IFS
Member Secretary, SEIAA

Sd/-
(Nityanad Singh Maurya),
Member, SEIAA


(B. N. Jha)
Chairman, SEIAA
3-10-2019