

Minutes of the 577th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 04.04.2022

The meeting of 577th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 04.04.2022 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

Nodal Officer SEIAA informed that agenda is prepared by Secretariat and approved by MS SEIAA which is hereby put up for the consideration of SEIAA and placed files and documents related to below mentioned projects before SEIAA.

Agenda-A:- Minutes of 640th SEAC-2 Meeting Dated 04/04/2022

1. **Commercial Project "Lulu Mall" at IBB-2, Plot No., T4A, T-5, Sushant Golf City (Hi Tech Township), Shaheed Path, Village-Hariharpur, Tehsil, Sarojani Nagar, Lucknow, M/s Lulu India Shopping Mall Pvt. Ltd. File No. 6807/6467/Proposal No. SIA/UP/MIS/70564/2021**

MS, SEIAA placed before the Authority that ACS, Environment, Forest and Climate Change, GoUP vide letter no. 750/ACS-F/2022 dated 05.04.2022 (copy attached) has written to MS, SEIAA-UP as follows –

Commercial Project "Lulu Mall" at IBB-2, Plot No., T4A, T-5, Sushant Golf City (Hi Tech Township), Shaheed Path, Village-Hariharpur, Tehsil, Sarojani Nagar, Lucknow, M/s Lulu India Shopping Mall Pvt. Ltd. File No. 6807/6467/Proposal No. SIA/UP/MIS/70564/2021 द्वारा पर्यावरणीय स्वीकृति हेतु ई0आई0ए0 रिपोर्ट SEIAA UP में प्रस्तुत किए लगभग 100 दिन पूर्ण हो चुके हैं जिससे यह डीमंड ग्रांट हो सकती है। अतः यह प्रकरण प्राथमिकता के आधार पर अविलम्ब SEIAA की बैठक में प्रस्तुत किया जाए।

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In light of above letter dated 05.04.2022 the said project is being taken up on priority.

Chairman, SEIAA opined as follows –

- a) This is a private sector real estate project which has operated in violation of provisions of Environment (Protection) Act, 1986 and is now seeking EC
- b) This project was discussed in SEIAA meeting no. 497th dated 04.10.2021. There was a difference of opinion between Chairman, and Member Secretary & Member. Member-Secretary, SEIAA opined that ToR should be granted to this project. Chairman, SEIAA opined this is a real estate project which has operated without seeking environmental clearance. MoEFCC vide OM dated 07.07.2021 has issued standard operation procedure (SOP) for identification and handling of violation cases under EIA Notification, 2006. This OM was issued in light of Honorable NGT's judgments dated 03.06.2021 and 24.05.2021. Honorable Supreme Court vide their judgment dated 30.07.2021 has granted stay on the application of Honorable NGT order dated 03.06.2021. MoEFCC has taken a view that projects operating in violation cannot be considered under their OM dated 07.07.2021. MoEFCC has submitted affidavit, to this effect, on 17.09.2021 in Honorable Supreme Court in Civil Appeal No. 281 of 2021. All violation projects can be taken up only after OM dated 07.07.2021 (SOP) becomes effective.
- c) Even when the minutes of the said meeting were under the consideration of Chairman, SEIAA for approval, ToR to the said project was issued on 07.10.2022 under approval from MS, SEIAA
- d) Chairman, SEIAA vide letter no. 7/CH/SEIAA-UP/2021 dated 07.10.2021 referred the irregularity committed by concerned officers to Secretary, MoEFCC, GoI and CS, GoUP. Further, vide letter no. 9/CH/SEIAA-UP/2021 dated 28.10.2021 directed MS, SEIAA to cancel the ToR.
- e) PP / consultant to the said project has submitted a letter dated 27.01.2022 requesting to permit them to withdraw the application submitted for prior Environmental Clearance since as per their argument there is no need for a separate EC of Lulu Mall as the instant project is within the Shushant Golf City Hi-tech Township and this township project possess the integrated EC. This letter was marked for necessary action to SEAC-2, which has been deliberating on this project.
- f) SEAC-2 referred this letter to SEIAA on 08.03.2022. SEIAA deliberated on this letter in their meeting no. 573 dated 11.03.2022 and decided to refer back to SEAC-2 for giving their opinion on issues raised by the PP / consultant related to non-requirement of EC, in light of EC granted to Shushant Golf City vide letter no. 1323/parya/SEAC/621/2011/TAJ dated 09.06.2011.
- g) PP / consultant on one hand are saying that they don't need separate EC for their project while on the other they made a presentation before SEAC-2 for seeking EC. It was in the knowledge of SEAC-2 that PP / consultant has made a request for withdrawal of their application and this was under the consideration of SEIAA, still they deliberated upon the EIA-EMP.
- h) Consultant for this project has handled this project in most unprofessional manner. On one hand this has led to harassment of project proponent while on other the

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consultant has wasted time and effort of SEIAA and SEAC and has created unnecessary confusion. A show cause notice be issued to consultant.

- i) MS, SEIAA should appraise ACS, Environment, Forest and Climate Change, GoUP with the facts of the case in light of GoUP above mentioned letter dated 05.04.2022.

Member Secretary and Member, SEIAA opined as follows –

SEIAA noted that ToR has been granted to the above project on the had recommendation SEAC dated 24.08.2021. SEIAA observed that MoEFCC in its OM no. 22-21/2020-IA III (E138949) dated 28.01.2022 has mentioned that – the Ministry issued a SoP dated 07.07.2021 bearing the file no. 22-21/2020-IA III for identification and handling of violation cases under EIA notification 2006 in compliance to Order of the Hon'ble NGT in OA no. 34/2020(WZ) titled Tanaji B. Gambhir Vs Chief Secretary Govt. of Maharashtra. In OA no. 34/2020(WZ) Hon'ble NGT in its Order dated 24.05.2021 has directed that "...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAA in the country."

In para-3 of MoEFCC OM no. 22-21/2020-IA III (E138949) dated 28.01.2022 it is clearly mentioned that –

3. Recently, in the Order dated 9th December, 2021 in the matter of Civil Appeal Nos. 7576-7577 of 2021 in Electrosteel Steels Limited Vs Union of India and Ors., the Hon'ble Supreme Court of India has inter-alia observed the following:

"93 The interim Order passed by the Madras High Court appears to be misconceived. However, this Court is not hearing an appeal from that interim order. The interim stay passed by the Madras High Court can have no application to operation of the Standard Operating Procedure to projects in territories beyond the territorial jurisdiction of Madras High Court. Moreover, final decision may have been taken in accordance with the Orders/Rules prevailing prior to 7th July, 2021."

SEIAA noted that the above project has been granted ToR vide letter no. 211/parya/SEIAA/6467/2021 dated 07.10.2021. Since there was difference of opinion letter dated 08.01.2022 regarding issuing of ToR has been referred to MoEFCC.

The project proponent has not applied online for withdrawal of EC application and there is no provision of offline seeking permission to withdraw. Although the project proponent had applied for EC on 27.12.2021.

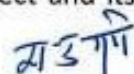
SEIAA noted that SEAC-2 has recommended to grant EC to the above project in its meeting dated 04.04.2022. SEIAA also gone through GoUP, letter no. 750/ACS-F/2022 dated 05.04.2022 to consider the above project on priority in the light of inordinate delay in the disposal of application. SEIAA also noted that the above project has been granted ToR vide letter no. 211/parya/SEIAA/6467/2021 dated 07.10.2021. Letter dated 08.01.2022 regarding issuing of ToR has been referred to MoEFCC. The project proponent uploaded EIA in violation category as per MoEFCC OM dated 07.07.2021, on Parivesh portal on 27.12.2021.

After going through file and documents agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project with the condition that any communication received from MoEFCC shall be binding on project and its proponent









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along with all the general and specific conditions as suggested by the SEAC in its meeting dated 04/04/2022 adding the following conditions:-

1. EC will be issued only after the project proponent submit a bank guarantee of Rs. 122.2964 /- Lakh (one crore twenty two lakh twenty nine thousand six hundred forty rupees) equivalent to the amount of remediation plan and natural and community resource augmentation plan and the penalty of Rs. 460.86 Lakh (Four crore sixty lakh eighty six thousand rupees) to UPPCB as earlier imposed by SEIAA/SEAC. The secretariat shall also refer the matter to Department of Environment, UP to initiate the prosecution proceedings against the project proponent.
2. The project proponent shall submit within the next 3 months the details of solar power plant and solar electrification details within the project.
3. The project proponent shall ensure to plant broad leave trees and their maintenance. The CPCB guidelines in this regard shall be followed.
4. The project proponent shall submit within the next 3 months the details on quantification of year wise CER activities along with cost and other details. CER activities must not be less 2% of the project cost. The CER activities should be related to mitigation of Environmental Pollution and awareness for the same.
5. The project proponent shall submit within the next 3 months the details of estimated construction waste generated during the construction period and its management plan.
6. The project proponent shall submit within the next 3 months the details of segregation plan of MSW.
7. The project proponent shall ensure that waste water is properly treated in STP and maximum amount should be reused for gardening flushing system and washing etc. For reuse of water for irrigation sprinkler and drip irrigation system shall be installed and maintained for proper function. Part of the treated sewage, if discharged to sewer line, shall meet the prescribed standards for the discharged. Under any circumstances untreated sewage shall not be reused or discharged to municipal sewer line.
8. The project proponent will ensure that proper dust control arrangements are made during construction and proper display board is installed at the site to inform the public the steps taken to control air pollution as per the Construction and Demolition Waste Management Rules.
9. The project proponent shall install micro solar power plants, toilets in nearby villages, public place or school from CER fund of the project for which E.C is granted in addition to and water harvesting pits and carbon sequestration parks / designed ecosystems.

Agenda-C:- Minutes of 628th SEAC-1 Meeting Dated 21/02/2022

1. **Sand Mining from Rapti Riverbed at Village- Rudain Urf Majhgawa, Tehsil- Bansgaon, Gorakhpur, Uttar Pradesh, AREA- 5.0, File No. 6821/Proposal No. SIA/UP/MIN/248957/2021**

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC but the SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of

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cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. Validity period of this EC is for 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier.
2. In the absence of replenishment study, keeping in mind various orders issued by Hon'ble NGT and development works in the State, initially EC will be operational for a period of one year from the date of issuance and permissible quantity and area shall be strictly limited to quantity and area mentioned in Lol or mining plan, whichever is lesser, and maximum mineable depth will be limited to as approved in the mining plan.
3. For subsequent years, Project Proponent shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
4. 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.
5. 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.
6. 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.
7. 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 5,000 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.
8. 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 25 ha. Funds for the same will be kept in a separate bank account and six monthly

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compliance status will be presented by project proponent before the nominated authority in the District.

9. 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.
10. 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.

2. Stone (Khanda, Boulder, Gitti) Mining at Gata No.-41 & 42, Khand No.-03, Village- Baruwa Syodha, Tehsil- Naraini, Banda., Area-2.0 ha., 6822/6360/Proposal No. SIA/UP/MIN/70665/2021

SEIAA opined that it is not evident either from the MoM of SEAC-1 or from the file of this project whether entire ToR has been addressed by PP / consultant while preparing draft EIA-EMP report or not. Similarly it is not evident either from the MoM of SEAC-1 or from the file of this project whether issues raised during the PH have been addressed by PP / consultant while preparing final EIA-EMP report or not. Thus SEIAA decided to refer back the proposal to SEAC-1 to deliberate on these two issues and submit details, for each issue separately, in tabular form.

3. Sand Mining at Gata No.- 90, 91, 92, 94 & 76/2/2, Village- Rustamnagar Nikat Chaparra, Tehsil- Swar, Rampur. Area : 1.1400 ha., 6824/Proposal No. SIA/UP/MIN/248255/2021

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC **but EC will be issued only when the project proponent submits legible map with certified geo-coordinates of the area.** SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. Validity period of this EC is 6 months as the Lol is for a period of 6 months or co-terminus with the validity of current mine plan or current lease period whichever is earlier.
2. 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.

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3. 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.
4. 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.
5. 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 2,000 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.
6. 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 10 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.
7. 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.
8. 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.

4. Stone, Sand Stone (Khanda, Boulder Gitti) Mine at Araj No. 1Mi (Khand-K/1) Village-Kevalpur, Tehsil- Meja, Prayagraj, Area-1.214 Ha., 6827/Proposal No. SIA/UP/MIN/70697/2021

SEIAA agreed with the recommendation of the SEAC to issue additional ToRs to the title proposal for conducting EIA studies. The SEIAA also added the following points to TOR:-

- 1- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 2- 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.
- 3- Public hearing shall be conducted as per EIA notification, 2006 (as amended).

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- 4- Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
- 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, equipments 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, GoI, 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- 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 2,000 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.
- 14- In consultation with District Environment Authority or an authority nominated by concerned DM, Project Proponent will prepare a conservation and management plan for the rejuvenation and management of water bodies having a total surface area of not less than 10 ha. Funds for the same will be kept in a separate bank account and

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six-monthly implementation status will be presented by the Project Proponent before the nominated authority in the district.

- 15- 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.

5. Sand Mining at Gata No. 03 Mi, (Khand No. - 02), in Village: Gogaon, Tehsil: Sadar & District: Mirzapur, Area 5.0 Ha., 6828/Proposal No. SIA/UP/MIN/70729/2022

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC but the SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. Validity period of this EC is for 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier.
2. In the absence of replenishment study, keeping in mind various orders issued by Hon'ble NGT and development works in the State, initially EC will be operational for a period of one year from the date of issuance and permissible quantity and area shall be strictly limited to quantity and area mentioned in Lol or mining plan, whichever is lesser, and maximum mineable depth will be limited to as approved in the mining plan.
3. For subsequent years, Project Proponent shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
4. 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.
5. 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.

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6. 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.
 7. 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 5,000 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.
 8. 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 25 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.
 9. 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.
 10. 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.
 11. 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.
 12. 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.
6. Stone (Khand, Boulder, Bailast (Gitti)) at Gata No.-323 (Khand No.- 05 New), Village-Mochipura, Mahoba, U.P. Area : 2.024 ha., 6829/6319/Proposal No. SIA/UP/MIN/70725/2022

SEIAA opined that it is not evident either from the MoM of SEAC-1 or from the file of this project whether entire ToR has been addressed by PP / consultant while preparing draft EIA-EMP report or not. Similarly it is not evident either from the MoM of SEAC-1 or from the file of this project whether issues raised during the PH have been addressed by PP / consultant while preparing final EIA-EMP report or not. Thus SEIAA decided to refer back the proposal to SEAC-1 to deliberate on these two issues and submit details, for each issue separately, in tabular form.

7. Sand Mining at Gata No.- 248, 243 & 244, Village- Rampur Dhamman, Tehsil- Tanda, District- Rampur, U.P. Area : 1.100 ha., 6830/Proposal No. SIA/UP/MIN/249403/2022

Legible map

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC **but EC will be issued only when the project proponent submits legible map with certified geo-coordinates of the area.** SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. Validity period of this EC is 6 months as the Lol has been issued for 6 months or co-terminus with the validity of current mine plan or current lease period whichever is earlier.
2. 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.
3. 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.
4. 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.
5. 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 2,000 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.
6. 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 10 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.

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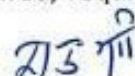
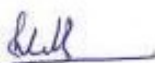
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7. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
8. 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.

8. Building Stone(Sandstone) Mining at Araj/Gata No.38 &1, Village-Kudaran & Baradih , Tehsil-Chunar , District- Mirzapur, Area 2.020 Ha., 6831/Proposal No. SIA/UP/MIN /249459/2022

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC but the SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. If the earlier and present lease holder are different then environmental footprint of the site and mitigation measures should be submitted by the project proponent within 03 month.
2. Validity period of this EC is for 5 years of co-terminus with the validity of current mine plan or current lease period whichever is earlier.
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



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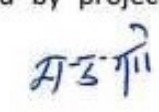
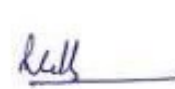
- water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 3,000 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 15 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. Project Proponent / Consultant has given an affidavit that the project area doesn't fall within the boundary of Critically Polluted Area (CPA). If the affidavit given by PP / Consultant is found to be false then EC will be cancelled and legal actions will be initiated against them. Further, mining should not commence without obtaining certificate from DM, Mirzapur that area doesn't attract CPA and a copy of the same should be submitted to SEIAA.
 11. 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.
 12. 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.
 13. 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.
 14. 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.
9. **Sand Stone Mining at Arazi No. 626 (Sl. No. 01) Village- Bhuli, Tehsil- Chunar, District: Mirzapur., Area: 1.01 ha, 6832/Proposal No. SIA/UP/MIN/70753/2022**

SEIAA noted that SEAC-1 in their MoM has shown the validity period till 03.02.2022 and the project was considered by SEAC-1 on 21.-2.2022 i.e. after the expiry of validity period of consultant. On examining the file the validity period of consultant has been found to be till 01.05.2022. SEAC-1 is advised to be more careful in preparing and signing MoM. SEAC

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has recommended to issue ToR to the above project. SEIAA agreed with the recommendation of the SEAC to issue additional ToRs to the title proposal for conducting EIA studies. The SEIAA also added the following points to TOR;-

- 1- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 2- 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.
- 3- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 4- Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
- 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, equipments 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.



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- 13- 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 2,000 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.
 - 14- Project Proponent / Consultant has given an affidavit that the project area doesn't fall within the boundary of Critically Polluted Area (CPA). If the affidavit given by PP / Consultant is found to be false then ToR / EC will be cancelled and legal actions will be initiated against them. Further, certificate from concerned RO, UPSPCB that area doesn't attract CPA and a copy of the same should be submitted at the time of evaluation of EIA-EMP report by SEAC.
 - 15- In consultation with District Environment Authority or an authority nominated by concerned DM, Project Proponent will prepare a conservation and management plan for the rejuvenation and management of water bodies having a total surface area of not less than 10 ha. Funds for the same will be kept in a separate bank account and six-monthly implementation status will be presented by the Project Proponent before the nominated authority in the district.
 - 16- 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.
 - 17- 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.
 - 18- 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.
10. **Sand Mining from Yamuna Riverbed at Gata No. 620Mi & 634 Mi, Village-Sankround, Tehsil-Khekra, District-Baghat, U.P. Area-19.42 Ha., 3979/Proposal No. SIA/UP/MIN/72237/2022**

SEIAA opined that the above project will be taken on 06.04.2022 when in-person meeting is to be held as SEIAA needs to go through the file and documents.

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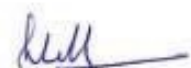
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11. Discussion on order dated 18/01/2022 passed by Hon'ble NGT in OA No. 164/2018, Ashwani Kumar Dubey Vs Union of Inida & Ors.

SEIAA opined that SEAC-1 & SEAC-2 while deliberating upon the projects should keep in mind directions given by Hon'ble NGT through above mentioned order dated 18.01.2022 in the matter of OA NO. 164/2018 and accordingly recommend Environmental conditions to be imposed on projects seeking EC.


Assistant Nodal/Nodal Officer
SEIAA, UP


(Ajay Kumar Sharma)
Member-Secretary
SEIAA


(Paras Nath)
Member
SEIAA


(Dr. Rajiv Kumar Garg)
Chairman
SEIAA

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Annexure

अपर मुख्य सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग,
कक्ष संख्या-524/25, बापू भवन, उत्तर प्रदेश सचिवालय, लखनऊ
संख्या- 450/एसीएस-एफ/2022
दिनांक : 05 अप्रैल, 2022

महत्वपूर्ण/सर्वोच्च प्राथमिकता

सदस्य सचिव,
राज्य स्तरीय पर्यावरण प्रभाव आकलन प्राधिकरण,
उत्तर प्रदेश।

Commercial Project "Lulu Mall" at IBB-2, Plot No., T4A, T-5, Sushant Golf City (Hi Tech Township), Shaheed Path, Village-Hariharpur, Tehsil, Sarojani Nagar, Lucknow, M/s Lulu India Shopping Mall Pvt. Ltd. File No. 6807/6467/Proposal No. SIA/UP/MIS/70564/2021 द्वारा पर्यावरणीय स्वीकृति हेतु ई0आई0ए0 रिपोर्ट SEIAA UP में प्रस्तुत किए लगभग 100 दिन पूर्ण हो चुके हैं जिससे यह डीमंड ग्राण्ट हो सकती है। अतः यह प्रकरण प्राथमिकता के आधार पर अधिलम्ब SEIAA की बैठक में प्रस्तुत किया जाए।



(मनोज सिंह)

अपर मुख्य सचिव,
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग,
उ0प्र0 शासन।