

Minutes of 149th meeting of SEIAA, Haryana, held on 08.11.2022 through “Video Conference” under the Chairmanship of Sh. Sameer Pal Srow, IAS (Retd.), Chairman, State Environment Impact Assessment Authority (SEIAA), Haryana at Panchkula.

List of participants is annexed as Annexure-A.

At the outset, the Chairman SEIAA welcomed the Member and Member Secretary of the SEIAA and requested the Member Secretary to give brief background of the items listed in the Agenda of this meeting.

“Minutes of the 148th Meeting of SEIAA are confirmed”.

Project Proposals along with recommendations received from SEAC and Agenda Items as listed in 149th Meeting of SEIAA were discussed and following decisions were taken:

Item No. 149.01: EC for Revision and Expansion of Warehouse and Industrial Shed located at Village Durina, Tehsil & District Jhajjar, Haryana by M/s Aaravalli Logistics Park Pvt. Ltd.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/MIS/76630/2021 dated 06.05.2022 for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- vide DD No. 329460 dated 12.11.2021 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 417.18 Crore (as disclosed by the PP).

Earlier, the said case was listed/ taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of Revision and Expansion in existing EC (Environment Clearance) dated 22.07.2021.

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

After having gone through the details & record placed on the file and along with considering the recommendations of SEAC, the Authority decided to agree with the recommendations of SEAC to Grant Environment Clearance (EC) to the project under Category 8(b) within the scope of EIA Notification dated 14.09.2006 along-with the following additional stipulations:

1. PP shall maintain 20.64% of the plot area as green Area i.e. 67530.96 Sqm as offered in the proposal and the same shall not be reduced/ modified or put to any other use / purpose.
2. PP shall make efforts to develop **“Miyawaki Forest”**, in four corners of the Project Land.

Item No. 149.02: EC for Proposed Max Super Specialty Hospital at Sector 56, Gurgaon, Haryana by M/s Max Healthcare Institute Ltd.

The Project was submitted to the SEIAA, Haryana vide online Proposal No. SIA/HR/MIS/271568/2022 dated 06.05.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- vide DD No.564883 dated 04.05.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 484.84 Crore (as disclosed by the PP).

Earlier, the said case was listed/ taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of EC (Environment Clearance).

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

After having gone through the details & record placed on the file and upon considering the recommendations of SEAC, the Authority decided to defer this case for further understanding on the issues listed below:

1. Layout Plan submitted by the PP vide communication dated 18.08.2022, requires clarity which bears the mention of only Affordable Plotted Colony measuring 11.3625 Acres instead of the Max Super Speciality Hospital. This needs clarity.
2. Having heard of recent disaster/ accident incidents in the Hospital establishment in bigger cities, a clear cut evacuation plan in case of Emergency.
3. Clarity on the issue of disposal & handling of Hazardous, Bio-medical Waste (agreement with the authorized/ approved agency holding EC), in case PP establishment is not setting up in-house incinerator.
4. For high rise building establishment with future possibilities of Horizontal and Vertical expansion, in house infrastructure like high rise building

ladders etc. to meet out the emergency situation or supplementary support system to the Fire Department.

Project Proponent may put up written response to the above queries before the said Authority within 10 days.

Item No. 149.03: EC for Mining of Stone along with Associated Minor Minerals (69,00,000 MTPA) mine located at Khasra No. 46 Min, Village Usmapur, District Mahendragarh, Haryana (M.L area 33.10 ha) by M/s Astha Infra Developers Private Limited.

The project was submitted to the SEIAA, Haryana vide online proposal No. Proposal SIA/HR/MIN/76930/2021 dated 19.05.2022 for obtaining Environmental Clearance under Category 1(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 1,50,000/- vide DD No. 001081 dated 20.11.2021 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 10.00 Crore (as disclosed by the PP).

Earlier, the said case was listed in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of EC (Environment Clearance).

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

The Authority after due deliberations; decided to agree with the recommendations of SEAC to Grant Environment Clearance (EC) to the project under category 1(a) within the scope of EIA Notification dated 14.09.2006 along-with the following additional stipulation:

- 1. PP shall submit an Affidavit that no case(s) is pending before any court regarding the allocation / operations at the site within 15 days from the Grant of Environment Clearance. Non-compliance of the same will lead to withdrawal of Environment Clearance granted to the PP.**
- 2. The Mining Lease holder shall, after ceasing “Mining Operations” will undertake the following measures:**
 - (a) Re-grassing of Mining area;**

(b) Restore the land to a condition to which it becomes fit for growth of fodder, flora and fauna etc. in the relevant area and other affected area due to Mining activities.

Item No. 149.04: EC for proposed Expansion of Plotted Colony on 23.2999 acres land under DDJAY Scheme at Village Behrampur & Ullawas, Sector-61, Gurugram, Haryana by M/s Commander Realtors Private Limited and others.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/NCP/57972/2020 on 07.06.2022 for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs.2,00,000/- vide DD No. 701380 dated 06.01.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 466 Crore (as disclosed by the PP).

Earlier, the said case was listed/ taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of Expansion in existing EC (Environment Clearance) dated 11.05.2021.

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

After having gone through the details & record placed on the file and upon considering the recommendations of SEAC, the Authority observed that RoW (Right of Way) in regard to the Revenue Rasta passing through the Project area is without NOC / **RoW Permission** from the Competent Authority. The request of Project Proponent regarding laying of separate utility services across the Revenue Rasta can't be considered at this stage without having permission from the Competent Authority (as the ownership of the land of revenue rasta vest in Govt. Departments). **Further, in view of the Govt. Notification No. 08/04/2021-ICI dated 01.06.2021 issued by Department of Urban Local Bodies, Haryana and subsequently Notification No. 391-ARIC-I-2021/6273 dated 25.11.2021 issued by Revenue & Disaster Management Department, Haryana; RoW is required to be obtained by the PP from the Competent Authority for use of the same in the Project.**

Accordingly, the case is referred back to SEAC with the advice that in future, SEAC will bear reference and relevance of the Notifications mentioned above with regard to issue (revenue rasta) of RoW, invariably, in making recommendations to the Authority.

Item No. 149.05: EC for Expansion of Mixed Land Use Colony (70% Residential and 30% Commercial) on the land measuring 14.4125 Acres in Revenue Estate of village Maidawas and Badshahpur, Sector 65 of GMUC, Gurugram, Haryana by M/s Manglam Multiplex Private Limited.

The Project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/MIS/72534/2022 dated 31.05.2022 for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs.2,00,000/- vide DD No. 513317 dated 24.01.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 680 Crore (as disclosed by the PP).

Earlier, the said case was taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of Expansion in existing EC (Environment Clearance) dated 24.07.2019.

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

After having gone through the details & record placed on the file and along with considering the recommendations of SEAC, the Authority decided to agree with the recommendations of SEAC to Grant Environment Clearance (EC) to the project under category 8(b) within the scope of EIA Notification dated 14.09.2006 along-with the following additional stipulation:

- 1. PP shall submit an Affidavit stating that no case(s) is pending before any Court relating to the Project within 15 days, positively.**

Item No. 149.06: EC for Setting up of Cement grinding unit with Cement production capacity of 1.5 MTPA by M/s NUVOCO Vistas Corporation Ltd.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/IND/81967/2022 dated 08.08.2022 for obtaining Environmental Clearance under Category 3(b) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs.2,00,000/- vide DD No. 030295 dated 17.03.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 21,565 Lakhs (as disclosed by the PP).

The said case was taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of EC (Environment Clearance).

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

After having gone through the details & record placed on the file and along with considering the recommendations of SEAC, the Authority decided to agree with the recommendations of SEAC to Grant Environment Clearance (EC) to the project under category 3(b) within the scope of EIA Notification dated 14.09.2006 along-with the following additional stipulations:

- 1. PP shall install D-centralized Sewerage Treatment plant to treat Waste Water Generated at the project site.**
- 2. PP shall submit an Affidavit that no case(s) is pending before any Court relating to the Project with 15 days from the Grant of Environment Clearance. Non-compliance of the same will lead to withdrawal of Environment Clearance granted to the PP.**
- 3. PP shall maintain 33% of the plot area as green Area i.e. 4.27 Ha. as offered in the Project Proposal and the same shall not be reduced/ modified / altered or put to any other use / purpose.**
- 4. PP shall develop Miyawaki Forest in all corners of the Project, so as to keep local ambience and adjoining area away from Environmental damage / denting.**

Item No. 149.07: Extension of validity of Environment Clearance for the development of Residential Group Housing Colony located at Sector 64 Sonipat Kundli Multifunctional urban complex Haryana by M/s Kamal Ideal Infratech Private Limited.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/MIS/287371/2022 dated 05.08.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006.

The Project Proponent has deposited Scrutiny fees of Rs.2,00,000/- vide DD No. 978057 dated 05.08.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

The said case was taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for delisting of the case since the validity of EC stands valid as per Notification dated 12.04.2022 issued by MoEF & CC, GoI.

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

The Authority after due deliberations; gathered that the Environment Clearance to the aforesaid project was accorded on 06.08.2014 and which is now stands valid till 05.08.2024 in accordance with the Notification S.O.1807(E), dated the 12th April, 2022; hence, it was decided to agree with the recommendation of SEAC to de-list this proposal.

Item No. 149.08: EC for Non Agro Warehouse Project located at Village Kulana, Khasra No. 15//12, 19/1, 1/2, 10, 11, 20/1, 2, 3, 9, 1/1, 7/2, 8, 13, 14, 17, 18, 8//22, 23/1, 21, 14//15/2/2/2 min falling in the revenue estate of Village Kulana, Tehsil & District Jhajjar, Haryana by M/s Palra Estate Private Limited.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/INFRA2/400853/2022 dated 21.09.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of 1,50,000/- vide DD No. 005075

dated 02.09.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 63.21 Crore (as disclosed by the PP).

The said case was taken up in 251st meeting of SEAC held on 11.10.2022. The PP and consultant appeared before the committee and presented their case. The PP has submitted that their project does not require Environment Clearance as per Office Memorandum dated 04.10.2022 issued by MoEF & CC (Impact Assessment Division) regarding applicability of Environmental Clearance for Industrial Shed Point No. 6 & 7. The relevant part (Point No. 6 & 7) of the OM is reproduced as under:

6. The matter has been examined in consultation with the concerned sector appraising infrastructure projects. Based on the inputs provided by the concerned sector of the IA Division, and further deliberation, the Ministry deems it necessary to clarify that, the word Industrial Shed mentioned in the Notification S.O. 3252 (e) dated 22.12.2014 implies buildings /warehouses/ sheds (whether RCC or otherwise) which are used for housing machinery of the industrial units and/or storage of raw materials and finished goods and industrial products including but not limited to industrial and factory – made products, irrespective of the location and proximity of the Industrial Shed vis-à-vis any Industry. These Industrial Sheds shall strictly implement the guidelines issued vide OM dated 09/06/2015 to ensure sustainable environmental management. However, if any of the activities/processes covered in the schedule to the EIA Notification 2006 are housed in the said Industrial Shed, then the same shall be required to obtain prior EC under the provisions of EIA Notification, 2006.

7. It is further mentioned that if the size of the industrial shed is > 1,50,000 sq.m. of built-up area it shall be required to obtain prior EC under item 8(b) of schedule to the EIA Notification 2006, irrespective of the type of industry/utility it houses”.

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

The Authority after due deliberations; decided to agree with the recommendations of SEAC to de-list this proposal with the directions to the project proponent for strict compliance of the guidelines issued by MoEF & CC, GoI vide OM dated 09.06.2015. Accordingly, case is disposed off.

Item No. 149.09: EC for Commercial Complex “JMD The Regent” at village Nangli Umarpur, Sector-62, Gurugram, Haryana by M/s JMD Limited.

The application was submitted on 13.02.2015 and the case was considered by SEAC in its 129th meeting held on 15.03.2016 wherein it was observed that PP has already started construction work which amounts to violation of EIA Notification and sent back to SEIAA for taking legal Action.

The file was transferred to MoEF&CC, GoI in compliance of MoEF& CC, GoI Notification dated 14.03.2017. The Ministry of Environment Forest & Climate Change returned back all the cases pertains to violation category to SEIAA Haryana in view of MoEF& CC, GoI Notification dated 08.03.2018.

Thereafter, the case was considered by SEAC in its 169th meeting held on 18.05.2018 for approval of Terms of Reference under violation notification dated 14.03.2017 and 08.03.2018 and recommended to SEIAA for Approval of Terms of Reference. The recommendation of SEAC was considered in 115th meeting of SEIAA held on 25.07.2018 and SEIAA decided to agree with the recommendation of SEAC and approved the ToR and communicated to the PP vide letter dated 09.08.2018. The case was taken up in 131st SEIAA meeting held on 3rd December, 2021 and Authority deliberated on the reply submitted by PP and recommendations of SEAC.

After due deliberations, Authority decided to defer this case till the legal opinion from Ld. LR, Haryana is received. Thereafter, the case was taken up in 232nd meeting of SEAC held on 07.01.2022. The committee deliberated on the inspection report submitted by sub-committee members and as per report no construction has been done on the project site and therefore it was decided by the committee to recommend to SEIAA for withdrawal of earlier TOR issued to the project as the PP has also requested vide letter dated 12.10.2021 to Chairman SEIAA for withdrawal of Proposal No. SIA/HR/NCP/22996/2018 applied under Violation Notification.

The recommendation of SEAC was taken up in the 135th meeting of SEIAA held on 25.01.2022 and the Authority after examining the MoM of SEAC of 129th and 232nd meeting gathered that there is clear cut contradiction in stand of PP and recommendations of SEAC, and more so the record indicated that violation has been committed vis-à-vis approved plan.

The Authority decided to refer the case back to SEAC with the direction that there is need for thorough inspection of records and SEAC should do the critical analysis before recommending such cases to SEIAA.

The case was taken up in 235th meeting, and the PP requested vide letter dated 28.03.2022 for the deferment which was considered and acceded by SEAC after discussion. Thereafter, the case was taken up in 242nd meeting of SEAC, held on 24.06.2022. The PP submitted the self contained note of the project as below:

- The proposal was for EC for Commercial Complex 'JMD The Regent' at village Nangli Umarpur, Sector-62, Gurugram, Haryana under fresh category.
- Earlier ToR under violation category has been granted to the project vide letter dated 09.08.2018
- As per earlier planning of project, the plan were approved on 26.04.2019 with plot area of 2.00 acres and built up area of 19,974.761 sqmt. which is less than 20,000 sq.mt
- CTE has been granted by HSPCB to the project valid till 18.11.2022 for built up area 19,774.76 sq.m.
- PP then planned for Revision of building plan and area statement and submitted drawings having a plot area of 2.00 acres and built up area of 23,113.591 sqmt.
- To verify the present site condition, the site inspection was conducted by HSPCB's representative on 24.03.2021 and was found that the construction work done at site was less than 20,000 sq. m. A joint sub-committee was constituted by SEAC comprising of HSPCB (RO HSPCB) and SEAC members (Shri S. N. Mishra and Shri Hitender Singh), who also inspected the site and found the construction below 20,000 sqm.

The SEAC thus reiterated the previous decision submitted to SEIAA in view of similar facts and findings conveyed vide MoM of 232nd SEAC meeting for delisting the case.

The recommendation of SEAC was taken up in the 143rd meeting of SEIAA held on 15.07.2022. After detailed examination of records, SEIAA observed that the SEAC handling two issues – one regarding violation and another regarding expansion and that there is no clear-cut harmony between the details submitted by PP and subsequent proposal put up for considering the expansion proposal, which requires a clarity with reference to the details mentioned at page No. 3 of 61 regarding FAR, wherein the PP has clearly agreed that total built up area was 22,437.76 sqm. After this initial claim, details have been placed on record indicating 19,974.761 sqm, just less than 30m short of the area required for applicability of EC. It is, therefore, decided that the case be referred back to SEAC to examine the issue thoroughly along with all the relevant documents with reference to the claims of the unit on its non-applicability.

Further, the Authority decided to constitute 2 Members Committee consisting of Shri Sandeep Gupta, Member, SEAC and Shri Prabhaker Kumar Verma, Member, SEAC along with RO, HSPCB (concerned) to visit the site location and put up a comprehensive report/status of the project within 15 days.

MS, HSPCB be requested to depute the concerned RO to assist the team during the site visit.

The case was taken up in 251st meeting of SEAC held on 10.10.2022. **During scrutiny of documents, it was observed that the prescribed scrutiny fee has not been deposited by the PP in this case.**

Further, Shri Sandeep Gupta, Member SEAC, informed the committee that he has not received any communication/order for conducting the site visit. The committee unanimously decided to send the case to SEIAA with a request to write a letter to Members of Sub-Committee and concerned RO to conduct site inspection and submit the report in the present case, at the earliest as it is pending since long, as well as PP be asked to submit the prescribed pending scrutiny fees.

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

The Authority after due deliberations; decided to refer back this case to Appraisal Committee (SEAC) with the direction to Sub-committee to carry out site inspection within 07 days, positively and submit its report before the Appraisal Committee under intimation to SEIAA.

Further, the project proponent is also directed to submit required Scrutiny fee in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021.

Item No. 149.10: Extension of EC for construction of Residential Plotted Development project measuring 156.81 acres at Sector 77 & 78, Village MaujaNimka, Faridabad, Haryana by M/s BPTP Parklands Pride Limited.

The Project was submitted to the SEIAA vide online proposal no. SIA/HR/MIS/223298/2021 on dated 04.10.2021 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs.2,00,000/- vide DD No. 419003 dated 22.12.2021 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

The case was taken up in 242nd meeting of SEAC, Haryana on 24.06.2022. The PP has submitted the withdrawal request dated 17.06.2022 before the committee. In the letter, it was submitted that this project has been earlier granted EC by SEIAA, Haryana vide letter dated 06.09.2013 which was

valid for 7 years. The PP has also applied for EC Extension on 05.08.2021, in this case, however, a copy of notification dated 12.04.2022 issued by MoEF& CC has also been produced with the letter vide which the prior Environmental Clearance granted by Regulatory Authority shall be now valid for a period of 10 years. Keeping in view the notification as discussed above, the Committee recommended the case to SEIAA for withdrawal as per the request of PP and keeping in view the Notification dated 12.04.2022.

The recommendations of SEAC were taken up in the 143rd meeting of SEIAA held on 15.07.2022 and after due deliberations, the Authority observed that report of a sub-committee constituted in the 235th Meeting of SEAC is awaited and referred back the case to SEAC.

The case was taken up in 251st meeting of SEAC held on 10.10.2022. The site inspection report of the sub-committee has been received and circulated among the members. A detailed discussion was held on the report of sub-committee. After due deliberations, the committee unanimously decided that the case be sent to SEIAA alongwith original site visit report and its enclosures for delisting the case as recommended earlier vide 242nd MoM of SEAC.

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

The Authority after due deliberations; gathered that the Environment Clearance to the aforesaid project was accorded on 06.09.2013 and which is now stands valid till 05.09.2023 in accordance with the Notification S.O.1807(E), dated the 12th April, 2022; hence, it was decided to agree with the recommendation of SEAC to de-list this proposal.

Further, the Authority also decided to constitute a sub-committee comprising of Member Secretary, SEIAA, Member Secretary, SEAC and RO, HSPCB, Faridabad (to assist the Sub-committee) to carry out site inspection. Sub-Committee will submit site inspection report within 10 days, positively.

Item No. 149.11: EC for Development of Ware house in name & style LOGISTIC PARK JATOLA by Flowtech Industrial Projects (P) Limited at Village Jalota Tehsil Kharkhoda District Sonipat Haryana by M/s Flowtech Industrial Projects Pvt. Ltd.

The project was submitted to the SEIAA, Haryana as per check list approved by the SEIAA/SEAC for obtaining Environmental Clearance

under Category 8(a) of EIA Notification 14.09.2006. After the completion of term of SEIAA on 20.08.2018, the case file was transferred to MoEF&CC on 02.11.2018. Whereas after the constitution of new SEIAA/SEAC, PP submitted the case in hard copy for grant of EC.

Accordingly, the case was recommended by the Committee in its 242nd meeting of SEAC, Haryana held on 24.06.2022 for grant of ToR (under Violation Category).

Meanwhile, PP applied through online mode on portal under violation category and the same was taken up by the Committee in 244th meeting for grant of ToR clarifying that similar case has been recommended in 242nd which was applied in hard copy. Recommendation of 244th meeting was “The case was taken up in 242nd meeting at Agenda No.242.08 on 24.06.2022 and recommended for ToR under violation category, therefore, it is recommended that the offline submitted proposal be delisted to avoid overlapping/duplicacy and Committee further deliberated that online proposal no.SIA/HR/MIS/77799/2022, taken up in 244th Meeting of SEAC at Agenda No.244.12 on 08.09.2022, should be recommended to SEIAA for granting ToR (under Violation Category).”

The recommendation of SEAC was taken up in the 143rd meeting of SEIAA held on 15.07.2022. However, SEIAA referred back the offline case and granted ToR under violation category to the online case alongwith submitted observation for offline that there appears to be the case of the duplicity for the grant of EC applied again in the same site, and therefore it was decided to request SEAC to look into the details and find it out as to why these two cases are being sent separately for the same project and of same location. Further, the details of credible action taken against the violation have not been indicated properly in the recommendations.

The case was taken up in 251st meeting of SEAC held on 10.10.2022. The Committee after detailed deliberation clarified that the project proponent has constructed more than 20000 sqm and therefore, was falling under violation category and accordingly case was recommended for granting of ToR under violation category. There were two similar matters and committee has recommended delisting the offline case in its 244th meeting.

In view of above, Committee is again recommending for delisting the offline case earlier recommended for granting of ToR under violation category as ToR has already been granted by SEIAA in its 144th meeting held on 08.08.2022.

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

After due deliberations; the Authority decided to agree with the recommendations of SEAC to de-list this proposal as Terms of Reference has already been approved to the aforesaid project.

Item No. 149.12: EC for Expansion of Group Housing Colony Sector-62, Village Nangli-Umarpur, Gurugram, Haryana by M/s Emaar MGF Land Limited.

The Project Proponent submitted the case to the SEIAA vide online Proposal No. SIA/HR/MIS/66969/2019 dated 04.10.2021 as per check list approved by the SEIAA/SEAC for obtaining EC under category 8(b) of EIA Notification dated 14.09.2006. The TOR has been granted to the project vide letter dated 03.10.2019.

Thereafter, the case was taken up in 224th meeting of SEAC held on 29.10.2021 but the PP requested for the deferment of the case vide letter dated 26.0.2021 which was considered and acceded by the SEAC.

Then, the case was taken up in 231st meeting of SEAC held on 28.12.2021 but PP submitted a letter of withdrawal dated 28.12.2021 stating that due to the change in planning, they will not be going for the expansion of our group housing project, at present & will apply for EC for expansion of group housing, once the change in planning is finalized.

The PP submitted the affidavit cum undertaking dated 29.12.2021 as below:

- That construction has been carried out as per the condition of EC granted.
- No violation of condition has been done
- That due to the change in planning, they will not be going for the expansion of our group housing project, at present & will apply for EC for expansion of group housing, once the change in planning is finalized.

The Committee, after examination, recommended the case to SEIAA for withdrawal of case for EC in view of affidavit submitted by PP. The case was finally taken up in 134th Meeting and the Authority decided to request MS, HSPCB to direct RO, HSPCB of the concerned area to carry out the spot inspection and submit its report at the earliest possible. The case was taken up in the 137th meeting of SEIAA held on 26.03.2022 and after deliberations the Authority decided to issue a reminder letter to Member Secretary, HSPCB for seeking the report from the concerned Regional Officer and also decided to refer back this case to SEAC to make recommendations after the receipt of report from the concerned agency.

The case was taken up in the 243rd meeting of SEAC. Consultant on behalf of the PP appeared and stated that SEIAA in 137th meeting

decided to obtain report from Regional Officer concerned, in this case. However, till date no report received.

After detailed discussion, SEAC sent the case to SEIAA with a request to attach the report of concerned Regional Officer with the file for making any recommendations.

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

The case was taken up in 251st meeting of SEAC held on 10.10.2022. The site inspection report not received. The committee decided to send the case to SEIAA with a request to write a reminder letter to MS, HSPCB to direct concerned RO to conduct site inspection and submit the report at the earliest.

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

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

Item No. 149.13: EC for Proposed Affordable Group Housing Colony, Village Badha & Sikanderpur Badha, Sec-85, Gurugram, Haryana by M/s Conmin Projects India Private Limited.

Facts of the Case:

1. The project was applied vide proposal no. SIA/HR/MIS/219795/2021 dated 12.01.2021 Category 8(a) of EIA Notification 14.09.2006. During the appraisal of the case, the project proponent submitted a written request for withdrawal of the case in view of the change in planning, accordingly they had submitted application to DTCP for migration of License no.26 of 2021 from Affordable group housing to Affordable Plotted colony under DDJY scheme.
2. Thereafter, SEAC recommended this case to SEIAA for withdrawal the case in view of their application for migration of license.
3. Thereafter, the Case was taken up in 132nd Meeting and the Authority decided to request MS, HSPCB to direct RO, HSPCB of the concerned area to carry out the spot inspection and submit its report at the earliest possible.

4. Thereafter, the case was taken up in the 137th meeting of SEIAA held on 26.03.2022; after deliberations; the Authority decided to issue a reminder letter to Member Secretary, HSPCB for seeking the report from the concerned Regional Officer and also decided to refer back this case to SEAC to make recommendations after the receipt of report from the concerned agency.
5. The case taken up in 243rd meeting of SEAC. Consultant on behalf of the PP appeared and stated that SEIAA in its 132nd meeting decided to obtain report from Regional Officer concerned, in this case. However, till date no report received.
6. After detailed examination, Committee recommended the case to SEIAA with a request to attach the report of concerned Regional Officer with the file for making any recommendations.

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

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

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

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

Item No. 149.14: EC for Affordable Group Housing Project Village Khera & Bhatauli, Sector 20, Yamunanagar - Jagadhri, District Yamunanagar, Haryana by M/s Pandit Land & Infrastructure Pvt. Ltd.

The recommendation of SEAC was placed in 126th meeting of SEIAA held on 11.12.2020 and a letter was written to Regional Office, MoEF&CC, GoI, Chandigarh to conduct site visit of the Project but no response has been received so far.

The case was again taken up in the 128th meeting of SEIAA held on 26.05.2021 and after going through the communication from MOEF & CC,

GOI OM dated 18.11.2020; so, it has been revealed that guidelines of EAC at Ministry Level. Hence, it is decided that the case be sent back to SEAC for getting the project inspected by their members and take a final view after that.

Thereafter, the case was taken up in 217th meeting of SEAC held on 20.07.2021. The discussion was held on the MoEF Notification 18.11.2020 and the decision of SEIAA in its meeting regarding the projects to be get inspected by the members of SEAC. As per the orders of SEIAA vide its 128th MOM dated 26.05.2021. A Committee was formed comprising of the following:-

1. Sh. S.K. Mehta , Member SEAC
2. Sh. R.K. Sapra, Member SEAC

The Committee shall visit the project site and submit the report regarding the status of the project in view of the details as mentioned above within 30 days positively.

The sub-committee submitted the report of site visit and thereafter, the case was taken up in 229th meeting of SEAC.

- **As per the site shown which lies inside the gate of Ansal Housing Complex Jagadhari, no construction was found there.**
- **The affidavit was sought from PP for verification of site but has not given the Affidavit.**
- **Hence no proper inference may be drawn regarding the status of construction at the site due to non-cooperation by PP.**

It was deliberated that in the above project received on dated 17.07.2019 and in spite of taking up in various meeting of SEAC no reply has been received even after lapse of more than six months and further non-cooperation by PP during the site visit of sub- committee, the committee unanimously decided to send the case to SEIAA and recommended that in accordance in the MoEF&CC OM Dated 18.11.2020, the MS should write to the Regional Office of the Ministry to carry out a site inspection so as to check if construction/operation of the project has started.

Lastly, the case was taken up in 133rd meeting of SEIAA and the Authority decided to request MS, HSPCB to direct RO, HSPCB, Yamuna Nagar to carry out the spot inspection and submit its report at the earliest possible but the report is awaited.

The case was taken up in the 137th meeting of SEIAA held on 26.03.2022; after deliberations; ***the Authority decided to issue a reminder letter to Member Secretary, HSPCB for seeking the report from the concerned Regional Officer and also decided to refer back this case to SEAC to make recommendations after the receipt of report from the concerned agency.***

The case was taken up in 243rd Meeting of SEAC, Haryana. This case was referred back by SEIAA vide letter dated 07.04.2022 to make recommendations after the receipt of report from the concerned agency. The spot inspection report from RO, HSPCB, Yamuna Nagar not received yet, therefore, case was deferred.

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

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

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

Item No. 149.15: EC for Revision in the project “IT Park” complex located at Village Ullahawas, Sector 59, Gurugram, Haryana by M/s Nova Realtors Pvt. Ltd.

Facts of the Case:

1. Lastly, Case was taken up in 134th meeting of SEIAA held on 17.01.2022 and the Authority decided to request MS, HSPCB to nominate a team to verify the present status and to submit the report positively within a week, till then case is deferred.
2. The case was taken up in the 137th meeting of SEIAA held on 26.03.2022; after deliberations; the Authority decided to issue a reminder letter to Member Secretary, HSPCB for seeking the report from the concerned Regional Officer and also decided to refer back this case to SEAC to make recommendations after the receipt of report from the concerned agency.
3. The case taken up in 243rd meeting of SEAC. Consultant on behalf of the PP appeared and stated that SEIAA in its 137th

meeting decided to obtain report from Regional Officer concerned, in this case. However, till date no report received.

4. After detailed discussion, it is recommended to send the case to SEIAA with a request to attach the report of concerned Regional Officer with the file for making any recommendations by SEAC.

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

The case was taken up in 251st meeting of SEAC held on 10.10.2022. The committee unanimously decided to send the case to SEIAA with a request to write a reminder letter to MS, HSPCB to direct concerned RO to conduct site inspection and submit the report at the earliest.

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

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

Item No. 149.16: EC for Expansion of Residential plotted colony at Village Kabri, Faridpur, Ratipur and Mehmampur, Sector 36-39, Panipat, Haryana by M/s TDI Infratech Limited.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/MIS/80813/2021 dated 16.07.2021 for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs.2,00,000/- bearing No. 980763 dated 27.05.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 152.00 Crore (as disclosed by the PP).

The said case was listed in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of Revision and Expansion in existing EC (Environment Clearance).

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

After having gone through the details & record placed on the file and upon considering the recommendations of SEAC, the Authority gathered that the PP has reduced total plot area from the existing plot area i.e. 16,10,646.30 sqm to 11,80,696.387 sqm (- 4,29,949.913 sqm); whereas not clear cut status / details have been provided for reducing the same. Further, it is also observed that the status of the Licenses been granted in favour of Project Proponent by DTCP is also not clear (with regard to its validity); whereas, the PP has merely submitted applied copy for renewal of Licenses.

After due deliberations, the Authority deemed it appropriate that without clear cut status on the aforesaid issues, it is not possible to proceed further in the matter, hence, this case is referred back to the Appraisal Committee to re-look into all the aspects including Certified Compliance Report (CCR).

Item No. 149.17: EC for Expansion of Commercial Complex Project at Sushant Lok, Sector 27, Gurugram, Haryana by M/s Asthetic Township Developers Private Limited.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/MIS/276205/2022 dated 03.06.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- vide DD No. 844061 dated 02.06.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 163.3 Crore (as disclosed by the PP).

The said case was taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of Expansion in existing EC (Environment Clearance).

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

After having gone through the details & record placed on the file and along with considering the recommendations of SEAC, the Authority decided to agree with the recommendations of SEAC to Grant Environment Clearance (EC) to the project under category 8(a) within the scope of EIA Notification dated 14.09.2006 along-with the following additional stipulation:

- 1. PP shall submit an Affidavit that no litigation is pending in any Court relating to the project site, within 15 days from the Grant of Environment Clearance. Non-compliance of the same will lead to withdrawal of Environment Clearance granted to the PP.**

Item No. 149.18: Addendum to Environment Impact Assessment Report for Modification and Expansion of Group Housing Project “Atharva at Sector 109, Village Pawala Khusrupur, Gurugram, Haryana by M/s Raheja Developers Limited.

The case was taken up for appraisal in the 170th meeting of the SEAC held on 07.06.2018 for approval of Terms of Reference under violation Notification dated 14.03.2017 and 08.03.2018 respectively.

The Term of References were approved by SEIAA in its 115th Meeting, conveyed vide letter dated 07.08.2018. The Project Proponent submitted the EIA Report on 04.04.2019 and the case was taken up in 180th meeting in SEAC and PP presented his project but unable to produce any evidence about the prosecution launched by any competent authority as recommended by the SEAC in its earlier 170th meeting.

Thereafter, the SEAC decided that the PP shall produce the evidence of prosecution launched by the competent authority before appraisal and file was sent back to SEIAA for taking the action as per the minutes of 170th meeting.

Thereafter, the case was taken up in 118th meeting of SEIAA, Haryana held on 12.06.2019 and Public consultation was exempted.

Thereafter, the case was taken up in 202nd meeting of the SEAC held on 30.08.2020 and recommended to SEIAA for grant of EC under Violation Category with an amount of Rs.26,70,400/- towards Remediation plan and Natural and Community Resource Augmentation plan to be spend within a span of three years.

The recommendation of SEAC was considered in 125th meeting of SEIAA held on 07.10.2020 and It was observed that the budgetary

amount of Rs.26,70,400/- seems to be very less & certain activities mentioned under the Plan is on the periphery or inside the project which is not allowed as per guidelines. PP is under statutory obligation to provide the Budget of Augmentation and Remediation Plan outside area of Project to preserve Environment. The Budget for the Remediation Plan & Resource Augmentation Plan of the Project is to be as per the guidelines of “CPCB” given in this regard.

Further, the project proponent should submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, State Expert Appraisal Committee and approval of the Authority.

After detailed discussions; the Authority decided to approve in principle on the submission of Re-calculated Budget for the “Remediation Plan, Natural & Community Resource Augmentation Plan.

The Case was again taken up in the 129th meeting of SEIAA held on 12.10.2021; the Authority decided to issue a Show-Cause Notice to the PP to submit bank guarantee within next 15 days failing which action under the various provisions of Environment (Protection) Act, 1986 would be taken.

The matter was again considered in the 135th meeting of SEIAA held on 25.01.2022 and the Authority observed that PP has not submitted the reply to “Show cause notice” nor submitted any bank-guarantee.

After detailed deliberations; the Authority decided to send the case to SEAC to recalculate the “Damage Assessment” & “Penalty” as per the provisions of SOP dated 07.07.2021 issued by MoEF& CC in regard to violation cases.

The case was taken up in 235th meeting, the PP requested vide letter dated 28.03.2022 for deferment which is considered and acceded by SEAC after discussion.

Now, the case was again taken up in 242nd Meeting of SEAC held on 24.06.2022. The reply of the Show Cause notice still not submitted by the PP nor submitted any Bank Guarantee. Further, neither PP nor consultant has appeared before the Committee and it has been decided that the case be deferred for submission of reply by PP and be taken up in next meeting.

The case taken up in 251st meeting of SEAC, Haryana held on 11.10.2022. During scrutiny of documents, it was observed that the prescribed scrutiny fee has not been deposited by the PP in this case. During the meeting, consultant appeared before the committee but PP has not attended. The committee after deliberation decided to send the case to SEIAA for directing project proponent to deposit prescribed scrutiny fees and reply of the Show Cause Notice issued by the SEIAA for submission of Bank Guarantee.

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

The Authority after examination relevant record and due deliberations; observed that the PP has not submitted required Scrutiny fee in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021, besides this, PP has also not complied with the directions made in regard to submission of Bank Guarantee in the earlier sequence of proceedings in this case. The Authority unanimously feels that PP has not only shown scant concern, but utter defiance to the ongoing proceedings, despite adequate opportunity in this case. Therefore, the Authority decided to refer this case back to calculate the violations and damage caused to Environment by working out the remedial compensation and penalties within norms & scope of SoPs dated 07.07.2021 in the manner and methodology as employed in the case of M/s G.P. Realtors Pvt. Ltd in OA No. 976 of 2019, besides other relevant action as may be applicable and due in this case.

Item No. 149.19: Extension of EC validity for Mining of Boulder, Gravel and Sand Minor Mineral at Mandewala Block/ YNR B-38” Village Mandewala, Tehsil Chhachhrauli, District Yamunanagar, Haryana over an area 15.00 Ha with total production capacity of 2,40,000 TPA by M/s Saharanpur Mines Management Services Pvt. Ltd.

The Project Proponent submitted the case to the SEIAA vide online Proposal No. SIA/HR/MIS/217849/2021 on 16.08.2021 for obtaining Extension in EC under category 1(a) EIA Notification dated 14.09.2006.

The case was considered in 222nd meeting of SEAC held on 12.10.2021 and it was intimated in the meeting that a complaint regarding the project has been received in the office with the copy marked to the ACS Environment & Climate Change Department and copy endorsed to Chairman

HSPCB, Chairman SEIAA, Member Secretary SEIAA, and Chairman SEAC. The complaint was discussed in the Committee wherein issues raised that mining is not being carried out as per approved mining plan and Hydal Channel Tazewal is approximately 150 meters and regarding replenishment study.

After discussion on the complaint, it was decided that the case along with complaint dated 04.10.2021 be sent back to SEIAA to seek the comments from DG Mining, Irrigation and concerned departments.

The recommendation of SEAC was considered in the 130th Meeting of SEIAA held on 15.11.2021 and the Authority decided to seek the comments from DG Mining, Irrigation, Forest and concerned Departments.

The case was taken up in the 137th meeting of SEIAA held on 26.03.2022 after due deliberations, Authority decided to issue reminder letters to the concerned departments and further, Authority decided to refer back this case to SEAC for recommendations based on the comments received from concerned departments.

The case was taken up in 243rd meeting of SEAC but was deferred on request of PP.

Thereafter, the case was taken up in 245th meeting of SEAC, Haryana held on 25.07.2022. The PP and Consultant appeared before the committee but requested vide letter dated 22.07.2022 to defer the case on the ground that status report in the case, as sought by the SEIAA in its 137th meeting not received and request to take up the case after receipt of the status report.

The case taken up in 251st meeting of SEAC, Haryana held on 11.10.2022. During scrutiny of documents, it was observed that the prescribed **scrutiny fee has not been deposited** by the PP in this case. The consultant requested through email vide letter dated 08.10.2022 to defer the case due to some unavoidable circumstances. The committee after deliberation decided to send the case to SEIAA for directing project proponent to **deposit prescribed scrutiny fees**.

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

The Authority after due deliberations; gathered that the Project Proponent has submitted required Scrutiny fee of Rs 1,50,000/- vide DD No. 000542 dated 27.10.2022.

Therefore, the Authority decided to refer back this case to the SEAC for further appraisal on the relevant issues involved in this case.

Item No. 149.20: EC of Affordable Group Housing Colony Project “BOTH 79” at Revenue Estate of Village Naurangpur, Sector 79, Gurugram Manesar Urban Complex, Haryana by M/s Top Haven Developers Pvt. Ltd.

The project was submitted to the SEIAA, Haryana vide online proposal No.SIA/HR/MIS/266567/2022 dated 08.04.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- vide DD No. 465998 dated 05.04.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 166.37 crores (as disclosed by the PP).

The said case was taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of EC (Environment Clearance).

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

After having gone through the details & record placed on the file and along with considering the recommendations of SEAC, the Authority decided to agree with the recommendations of SEAC to grant Environment Clearance (EC) to the project under category 8(a) within the scope of EIA Notification dated 14.09.2006 along-with the following additional stipulation:

- 1. PP shall submit an Affidavit that no litigation is pending in any Court relating to the project site, within 15 days from the Grant of Environment Clearance. Non-compliance of the same will lead to withdrawal of Environment Clearance granted to the PP.**

Item No. 149.21: EC for Expansion of Warehouse for storage of Non-agro produce at Village Khalikpur, Tehsil Badli, Distt. Jhajjar, Haryana by Sh. Jagat Singh & Others.

The Project was submitted to the SEIAA vide online Proposal No.SIA/HR/MIS/282145/2022 on dated 11.07.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 1,50,000/- vide DD No. 012222 dated 30.04.2022 (in compliance of Haryana Government, Environment & Climate

Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 58.38 crores (as disclosed by the PP).

The said case was listed in 251st meeting of SEAC held on 10.10.2022 and The PP and consultant appeared before the committee and presented their case. The PP has submitted that their project does not require Environment Clearance as per Office Memorandum dated 04.10.2022 issued by MoEF&CC (Impact Assessment Division) regarding applicability of Environmental Clearance for Industrial Shed Point No. 6 & 7. The relevant part (Point No. 6 & 7) of the OM is reproduced as under:

6. *The matter has been examined in consultation with the concerned sector appraising infrastructure projects. Based on the inputs provided by the concerned sector of the IA Division, and further deliberation, the Ministry deems it necessary to clarify that, the word Industrial Shed mentioned in the Notification S.O. 3252 E dated 22.12.2014 implies buildings /warehouses/ sheds (whether RCC or otherwise) which are used for housing machinery of the industrial units and/or storage of raw materials and finished goods and industrial products including but not limited to industrial and factory – made products, irrespective of the location and proximity of the Industrial Shed vis-à-vis any Industry. These Industrial Sheds shall strictly implement the guidelines issued vide OM dated 09/06/2015 to ensure sustainable environmental management. However, if any of the activities/processes covered in the schedule to the EIA Notification 2006 are housed in the said Industrial Shed, then the same shall be required to obtain prior EC under the provisions of EIA Notification, 2006.*
7. *It is further mentioned that if the size of the industrial shed is \geq 1,50,000 sq.m. of built-up area it shall be required to obtain prior EC under item 8(b) of schedule to the EIA Notification 2006, irrespective of the type of industry/utility it houses”.*

The committee had a detailed deliberation on the submission made by the PP and also discussed on the contention of PP as well as Office Memorandum of MoEF&CC (Impact Assessment Division) dated 04.10.2022 and unanimously decided that this case be recommended to SEIAA for delisting.

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

The Authority after due deliberations; decided to agree with the recommendations of SEAC to de-list this proposal with the directions to the project proponent for strict compliance of the guidelines issued by MoEF & CC, GoI vide OM dated 09.06.2015.

Item No. 149.22: EC for Proposed Expansion of Godowns/Warehouse for other than Agriculture Produce Ware House at Land Measuring 328454.874 sqm. located at Village Pathredi&Bhudka, Tehsil Manesar, Distt. Gurugram, Haryana by M/s Embassy Industrial Parks Private Limited.

The Project Proponent submitted the case to the SEIAA vide online Proposal SIA/HR/MIS/72822/2022 dated 02.03.2022 for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- vide DD No. 158642 dated 25.02.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 431.5 Cr. (as disclosed by the PP).

The said case was taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of Expansion in existing EC (Environment Clearance) dated 07.12.2021.

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

After having gone through the details & record placed on the file and upon considering the recommendations of SEAC, the Authority observed the followings:

- 1. That Green area details provided by the Project Proponent are not at harmony as the Project Proponent has mentioned in the plan that Green Area is achieved @18.50% i.e. 60,764.45 Sqmtrs, whereas in the application PP has proposed that Green area will be provided 58560.13 Sqmtr. This is quite contradictory / ambiguous and devoid of factual position. This needs clarity and clarification.**
- 2. In view of the Govt. Notification No. 08/04/2021-ICI dated 01.06.2021 issued by Department of Urban Local Bodies, Haryana and subsequently Notification No. 391-ARIC-I-2021/6273 dated 25.11.2021 issued by Revenue & Disaster Management Department, Haryana; RoW is required to be obtained by the PP from the Competent Authority. Whereas, status of revenue rasta in the instant case requires clarity. Permission of RoW from Competent Authority is required.**
- 3. Having seen the Plan and location of the Project site, Land parcel of other entity appearing in the middle of the Project, needs clarity.**
- 4. Status of Sewerage Permission is not clarified.**

After due deliberations, the Authority decided to constitute a Sub-committee consisting of Shri V.K. Gupta, Chairman, SEIAA, Shri Prabhaker Kumar Verma, Member SEAC and concerned Regional Officer, HSPCB (to assist the Sub-committee) to carryout site inspection and to submit its report before the Appraisal Committee under intimation to SEIAA.

Accordingly, the case is referred back to SEAC with the directions to re-look into all the aspects including aforesaid observations raised by SEIAA at Sr. No. 1 to 4.

Item No. 149.23: EC for Jindal Stainless (Hisar) Limited [COLD Rolling Division] at O P Jindal Marg, Hisar, Haryana by M/s Jindal Stainless (Hisar) Limited.

The Project was submitted to the SEIAA vide online Proposal No. SIA/HR/IND/286896/2022 on dated 03.08.2022 under Category 3(a) of EIA Notification 14.09.2006 for Amendment in Terms of Reference. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- DD No.181748 dated 13.06.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 1726.03 crore (as disclosed by the PP). The PP has submitted EIA report through PARIVESH portal vide proposal no. SIA/HR/IND1/401180/2022 dated 23.09.2022.

The said case was taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of EC (Environment Clearance).

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

After having gone through the details & record placed on the file and along with considering the recommendations of SEAC, the Authority decided to agree with the recommendations of SEAC to grant Environment Clearance (EC) to the project under category 3(a) within the scope & meaning of EIA Notification dated 14.09.2006 and its subsequent amendments thereof.

Item No. 149.24: EC for Jindal Stainless (Hisar) Limited [Hot Rolling Division] at O P Jindal Marg, Hisar, Haryana by M/s Jindal Stainless (Hisar) Limited.

The Project was submitted to the SEIAA vide online Proposal No. SIA/HR/IND/286923/2022 on dated 03.08.2022 under Category 3(a) of EIA Notification 14.09.2006 for Amendment in Terms of Reference. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- DD No.181749 dated 13.06.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 1726.46 crore (as disclosed by the PP). The PP has submitted EIA report through PARIVESH portal vide proposal no. SIA/HR/IND1/401077/2022 dated 22.09.2022.

The said case was taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of EC (Environment Clearance).

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

After having gone through the details & record placed on the file and upon considering the recommendations of SEAC, the Authority decided to agree with the recommendations of SEAC to Grant Environment Clearance (EC) to the project under category 3(a) within the scope & meaning of EIA Notification dated 14.09.2006 and its subsequent amendments thereof.

Accordingly, Environment Clearance is Granted to the Project.

Item No. 149.25: Extension of EC validity for Boulder, Gravel and Sand minor mineral project located at Village Pipli Majra Block/ YNR B-29, 30 & 31 Tehsil Chhachhrauli District Yamuna Nagar, Haryana over an area of 18.20 Ha by M/s Paramjeet Singh S/o Hardeep Singh.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/MIN/291513/2022 dated 07.09.2022 for obtaining Environmental Clearance under Category 1(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 1,50,000/- DD No. 003544 dated 30.08.2022 (in compliance of Haryana Government, Environment & Climate

Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 1.80 Crore (as disclosed by the PP).

The case was taken up in 252nd meeting of SEAC held on 14.10.202. Committee decided to send the case to SEIAA for extension of validity of Environment Clearance to the project upto validity of approved Mining Plan.

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

The Authority after due deliberations; decided to extend the validity of Environment Clearance dated 13.10.2016 upto the validity of Leasing Rights as granted by the Mines & Geology Department, Haryana to the Project Proponent subject to compliance of all conditions as stipulated in the EC letter dated 13.10.2016.

Further, Project Proponent is directed to submit an Affidavit that no case is pending before any Court relating to the Project, within 15 days, positively. Non compliance of the same will lead to the withdrawal of the aforesaid permission i.e. extension of validity of the Project.

Item No. 149.26: EC for Expansion of Proposed Commercial Building “Atrium Place” in Vanijya Nikunj, Udyog Vihar, Phase V, Gurugram, Haryana by M/s Aadarshini Real Estate Developers Private Limited.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/INFRA2/401895/2022 dated 30.09.2022 for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- DD No.000302 dated 23.06.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 2979 crores (as disclosed by the PP).

The said case was taken up in 251st meeting of SEAC held on 10.10.2022 and SEAC recommended the Project to SEIAA for Grant of Expansion in existing EC (Environment Clearance) dated 03.06.2020.

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

After having gone through the details & record placed on the file and further considering the recommendations of SEAC, the Authority decided to agree with the recommendation of Appraisal Committee to accord Environment Clearance for the proposal of Expansion under Category 8(b) within the scope of EIA Notification dated 14.09.2006.

Item No. 149.27: EC for proposed expansion of Affordable Residential Plotted Colony Project under DDJAY-2016 located at Village Dhunela, Sector-33, Tehsil Sohna & District Gurugram Haryana by M/s Global Horizon Holdings Private Limited.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/MIS/279337/2022 dated 22.06.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006.

The Project Proponent has deposited Scrutiny fees of Rs. 1,50,000/- vide DD No.001837 dated 29.04.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 90 crores (as disclosed by the PP).

The recommendations of SEAC were taken up in the 144th meeting of SEIAA held on 09.08.2022, and the Authority decided to refer the case back this case to SEAC. Further, it was decided by SEIAA to constitute a sub-committee comprising of Dr. Rajbir Singh Bondwal, IFS (Retd.), Member SEAC and a representative of HSPCB to verify the status of construction on the ground and to send a comprehensive report within 10 days.

Thereafter, the case was taken up in 247th meeting. However, PP submitted a letter with a request to defer the case. The Committee acceded with the request of PP and deferred the case.

The case was taken up in 252nd Meeting of SEAC held on 14.10.2022. However, an email dated 14.10.2022 of consultant is received requesting to defer the case as site inspection has not been done yet in the present case.

It is observed that a sub-committee was constituted by SEIAA in 144th Meeting. Shri Rajbir Singh Bondwal is one of the Member of the said sub-committee who has gone abroad. Thus, site inspection could not be conducted in the present case. After due deliberation, the Committee recommended to send the case to SEIAA with a request to re-constitute sub-committee replacing Shri Rajbir Singh Bondwal, IFS, Member, SEAC with some other Member so that the site inspection can be done.

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

After due deliberations; the Authority decided to refer back this case to SEAC for consideration as Shri Sandeep Kumar Gupta, Member SEAC has already been nominated in place of Shri Rajbir Singh Bhondwal, IFS (Retd.) for site visit.

Accordingly, the Sub-committee will visit the Project site and submit its report directly to the SEAC within 15 days, positively. The Appraisal Committee will make recommendation to SEIAA after appraising the report and other relevant issues pertaining to this case.

Item No. 149.28: EC for Proposed Integrated Residential Plotted Development project over an area of 52.97916 acres in the revenue estate of Village Islam Nagar, Sector-3, 4, & 4-A, Pinjore Kalka Urban Complex, District Panchkula, Haryana by M/s Trident Hills Private Ltd.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/INFRA2/401340/2022 dated 27.09.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006.

The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- DD No. 036115 dated 31.08.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 434.27 Crore (as disclosed by the PP).

The said case was listed in 253rd meeting of SEAC held on 21.10.2022 and SEAC recommended the Project to SEIAA for Granting Environmental Clearance alongwith transfer of Environment Clearance M/s **Magnolia Propbuild Pvt. Ltd. ("Magnolia")** to **M/s Trident Hills Pvt. Ltd.** with specific condition of NoC of Forest Department of Haryana and NBWL to the project under EIA Notification dated 14.09.2006.

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

After having gone through the details & record placed on the file and further consideration of the detailed recommendations made by SEAC in the instant case, the Authority observed that M/s Trident Hills Pvt. Ltd applied for Grant of fresh EC vide online proposal No. SIA/HR/INFRA2/401340/2022 dated 27.09.2022 for the said project.

Further, delving in to the relevant details, the Authority observed that SEAC has recommended the proposal for Transfer of earlier Environment Clearance from **M/s Magnolia Propbuild Pvt. Ltd. (“Magnolia”)** to **M/s Trident Hills Pvt. Ltd**, alongwith the recommendation for Grant of Environment Clearance to the PP with specific condition of NoC of Forest Department of Haryana and NBWL to the project under EIA Notification dated 14.09.2006.

Before proceeding further, to consider the issue of grant of EC and transfer of earlier EC, the Authority deem it appropriate to look into Para No. 11 of the EIA Notification dated 14.09.2006, which provides as under:

11. Transferability of Environmental Clearance (EC):

“A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases”.

The Authority after careful perusal of the aforesaid Para 11 of the Environment Impact Assessment (EIA) Notification dated 14.09.2006, understands that Environment Clearance can be transferred from one legal entity to another legal entity if the following parameters are fulfilled.

1. With (NOC) no objection certificate, transferee or transferor can apply before the Regulatory Authority for transfer of EC.
2. The EC, so to be transfer has to be within its validity period.
3. The EC will be transferred on the same terms & conditions under which the prior EC was initially granted, without any change in the original validity period.
4. Both transferee and transferor, has to be legal entity for all intent and purposes.
5. SEIAA is the Competent Authority for the transfer of the EC.

It is relevant to illustrate to understand that EC once granted to a Project can attain the following format/ status within the scope & meaning of EIA Notification dated 14.09.2006:

- (a) **EC can be Withdrawn or Kept in abeyance EC, under Section 5 of the Environment (Protection) Act, 1986.**
- (b) **EC can be transferred subject to compliance of the conditions and parameters as provide under (Para 11) of EIA Notification dated 14.09.2006.**
- (c) **EC can be surrendered within the scope & meaning of OM dated 29th March, 2022.**

Whereas, further examination of record, revealed that initial EC to the said project was granted on 15.04.2014 (for which, no extension, in regard to validity was ever sought by the then PP). Meaning thereby the validity of the EC granted to the Project cease to exist after 14.04.2021. As gathered from the record placed on the file, statutory compliances to be made by the then PP were, only, partially complied i.e. till 2018. Having gone through the details placed on the file and recommendations made by the SEAC with regard to Transfer of EC in the instant case under Para (11) i.e. **Transferability of Environmental Clearance (EC)** of EIA Notification dated 14.09.2006, this recommendation fails, as the applicability in terms of legality and propriety of conditions Para (11) of the EIA

Notification dated 14.09.2006, does not apply fully in terms of parameters listed at Sr. No. 1 to 5 above and factual position indicates as under:

1. That **expired EC (EC granted on 15.04.2014 and EC validity expired on 14.04.2021)** can not be transferred.
2. NOC is to be submitted by the legal entity i.e. transferor / transferee is not available on record in this case (as the ownership of the earlier Project Proponent cease to exist, upon order dated 06.08.2021 of the Hon'ble NCLT in this case). Rather vide order dated 06.08.2021, a new legal entity came into being in the form of PP under the title of M/s Trident Hills Pvt. Ltd.
3. Parameters in the light of Para (11) provides that EC Granted earlier, can be transferred only "***on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period***", whereas, in the instant case the terms and conditions, scope and character of the project has not remain the same.

Further, issue of grant of EC to the Project Proponent in the instant case was examined at length, besides perusal of relevant record placed on the file along with the recommendations made by SEAC in this regard, where Appraisal Committee has diligently delve into the details of the Environmental Benchmark / Parameters / Requirements before Granting the Environment Clearance to a Project.

Having gone through the Proposal, it is gathered that Forest NOC as pointed out by the Appraisal Committee, has already been obtained from the Forest Department vide letter dated 21.09.2022 issued in favour of M/s Trident Hills Pvt. Ltd and placed on the file. In regard to Clearance from NBWL obtained by the earlier PP dated 24.04.2015 from Chief Wildlife Warden, Forest Department, Govt. of Haryana with reference to communication dated 01.06.2022 addressed to PCCF, Wildlife Forest-cum-Chief Wildlife Warden (Forest Department), Sector-6, Panchkula, Haryana is self explanatory.

In view of the detailed deliberations, perusal of relevant record along with the agreement with the recommendation of Appraisal Committee except on the issue of transfer of EC, the following important conclusions are drawn as under:

Changes in Project and Licenses

- The old license and approvals were for an area of 198.801 acres of land under the policy of Residential Plotted Colony. The aforesaid approvals

were in the name of Magnolia Propbuild. The Project however was being developed in a Company i.e. Ireo Fiveriver Pvt. Ltd.

- In terms of approved Resolution Plan and **Hon'ble NCLT Order dated 06.08.2021, all the development and approvals has to be undertaken in the name of Trident Hills Pvt. Ltd** (earlier as Ireo Fiveriver Pvt. Ltd.).

Thus, the above mentioned Order dated 06.08.2021 of Hon'ble NCLT, Granted ownership of Ireo Fiveriver Pvt. Ltd. to Trident Hills Pvt. Ltd alongwith all the conditions mentioned in the resolution plan.

- The Projects have now undergone changes with the aforesaid license being migrated **into 3 new licenses** under a new and different policy i.e. **New Integrated Licensing Policy (NILP)**
- **The Project has also undergone change with change in density, location of greens, communities and built up structures. Project Proponent has applied for 2 sets of licenses admeasuring 71.28 Acres and 52.97 acres.**
- The current project works on the concept of global FAR for township development and is not associated as plotted or group housing. Under this policy, **separate set of norms are applicable as against earlier approved colony norms.**

NoN Relevance of Old Environment Clearance

- The Project has also undergone change with changes in density, location of greens, communities and built up structures. Project Proponent has applied for 2 sets of licenses admeasuring 71.28 Acres and 52.97 Acres.
- After the Project was abandoned by earlier promoters, the compliances were also not fully fulfilled.
- The old license, project and EC have little relevance in current scheme of things and therefore old EC can not be relied upon.
- Failure to comply with the conditions and scheme of things in Para No. (11) of EIA Notification dated 14.09.2006, negates the proposals of transfer of earlier granted EC to New PP, whose entity has emerged upon the Order dated 06.08.2021 of Hon'ble NCLT.

In view of the above and upon considering all the details / record placed on the file, recommendation of the Appraisal Committee and further, in view of the observations dated 19.05.2022 made by the Hon'ble NGT in OA No. 78 of 2021 and EA No. 09 of 2021 titled as "Ramesh Malik and Anr. Versus Union of India and Ors.", The Authority is satisfied and convinced to agree with the recommendation of SEAC (including all parameters and commentary on the Environmental issues, except the Transfer of earlier EC dated 15.04.2014). Accordingly, fresh EC is Granted to the Project under Category 8 (a) within the scope & meaning of EIA Notification dated 14.09.2006.

Item No. 149.29: EC Proposed Integrated Residential Plotted Development project over an area measuring 71.28125 acres in the revenue estate of Village Islam Nagar, Sector-3, 4, & 4-A, Pinjore Kalka Urban Complex, District Panchkula, Haryana by M/s Trident Hills Private Ltd.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/INFRA2/401472/2022 dated 27.09.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- vide DD No. 036116 dated 31.08.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 354.11 Crore (as disclosed by the PP).

The said case was listed in 253rd meeting of SEAC held on 21.10.2022 and SEAC recommended the Project to SEIAA for Granting Environmental Clearance alongwith transfer of Environment Clearance **M/s Magnolia Propbuild Pvt. Ltd. ("Magnolia")** to **M/s Trident Hills Pvt. Ltd.** with specific condition of NoC of Forest Department of Haryana and NBWL to the project under EIA Notification dated 14.09.2006.

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

After having gone through the details & record placed on the file and further consideration of the detailed recommendations made by SEAC in the instant case, the Authority observed that M/s Trident Hills Pvt. Ltd applied for Grant of fresh EC vide online proposal No. SIA/HR/INFRA2/401472/2022 dated 27.09.2022 for the said project.

Further, delving in to the relevant details, the Authority observed that SEAC has recommended the proposal for Transfer of earlier Environment Clearance from **M/s Magnolia Propbuild Pvt. Ltd. (“Magnolia”)** to **M/s Trident Hills Pvt. Ltd**, alongwith the recommendation for Grant of Environment Clearance to the PP with specific condition of NoC of Forest Department of Haryana and NBWL to the project under EIA Notification dated 14.09.2006.

Before proceeding further, to consider the issue of grant of EC and transfer of earlier EC, the Authority deem it appropriate to look into Para No. 11 of the EIA Notification dated 14.09.2006, which provides as under:

11. Transferability of Environmental Clearance (EC):

“A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases”.

The Authority after careful perusal of the aforesaid Para 11 of the Environment Impact Assessment (EIA) Notification dated 14.09.2006, understands that Environment Clearance can be transferred from one legal entity to another legal entity if the following parameters are fulfilled.

1. With (NOC) no objection certificate, transferee or transferor can apply before the Regulatory Authority for transfer of EC.
2. The EC, so to be transfer has to be within its validity period.
3. The EC will be transferred on the same terms & conditions under which the prior EC was initially granted, without any change in the original validity period.
4. Both transferee and transferor, has to be legal entity for all intent and purposes.
5. SEIAA is the Competent Authority for the transfer of the EC.

It is relevant to illustrate to understand that EC once granted to a Project can attain the following format/ status within the scope & meaning of EIA Notification dated 14.09.2006:

- (a) **EC can be Withdrawn or Kept in abeyance EC, under Section 5 of the Environment (Protection) Act, 1986.**
- (b) **EC can be transferred subject to compliance of the conditions and parameters as provide under (Para 11) of EIA Notification dated 14.09.2006.**
- (c) **EC can be surrendered within the scope & meaning of OM dated 29th March, 2022.**

Whereas, further examination of record, revealed that initial EC to the said project was granted on 15.04.2014 (for which, no extension, in regard to validity was ever sought by the then PP). Meaning thereby the validity of the EC granted to the Project cease to exist after 14.04.2021. As gathered from the record placed on the file, statutory compliances to be made by the then PP were, only, partially complied i.e. till 2018. Having gone through the details placed on the file and recommendations made by the SEAC with regard to Transfer of EC in the instant case under Para (11) i.e. **Transferability of Environmental Clearance (EC)** of EIA Notification dated 14.09.2006, this recommendation fails, as the applicability in terms of legality and propriety of conditions Para (11) of the EIA Notification dated 14.09.2006, does not apply fully in terms of parameters listed at Sr. No. 1 to 5 above and factual position indicates as under:

1. That **expired EC (EC granted on 15.04.2014 and EC validity expired on 14.04.2021)** can not be transferred.

2. NOC is to be submitted by the legal entity i.e. transferor / transferee is not available on record in this case (as the ownership of the earlier Project Proponent cease to exist, upon order dated 06.08.2021 of the Hon'ble NCLT in this case). Rather vide order dated 06.08.2021, a new legal entity came into being in the form of PP under the title of M/s Trident Hills Pvt. Ltd.
3. Parameters in the light of Para (11) provides that EC Granted earlier, can be transferred only “*on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period*”, whereas, in the instant case the terms and conditions, scope and character of the project has not remain the same.

Further, issue of grant of EC to the Project Proponent in the instant case was examined at length, besides perusal of relevant record placed on the file along with the recommendations made by SEAC in this regard, where Appraisal Committee has diligently delve into the details of the Environmental Benchmark / Parameters / Requirements before Granting the Environment Clearance to a Project.

Having gone through the Proposal, it is gathered that Forest NOC as pointed out by the Appraisal Committee, has already been obtained from the Forest Department vide letter dated 21.09.2022 issued in favour of M/s Trident Hills Pvt. Ltd and placed on the file. In regard to Clearance from NBWL obtained by the earlier PP dated 24.04.2015 from Chief Wildlife Warden, Forest Department, Govt. of Haryana with reference to communication dated 01.06.2022 addressed to PCCF, Wildlife Forest–cum–Chief Wildlife Warden (Forest Department), Sector-6, Panchkula, Haryana is self explanatory.

In view of the detailed deliberations, perusal of relevant record along with the agreement with the recommendation of Appraisal Committee except on the issue of transfer of EC, the following important conclusions are drawn as under:

Changes in Project and Licenses

- The old license and approvals were for an area of 198.801 acres of land under the policy of Residential Plotted Colony. The aforesaid approvals were in the name of Magnolia Propbuild. The Project however was being developed in a Company i.e. Ireo Fiveriver Pvt. Ltd.

- In terms of approved Resolution Plan and **Hon'ble NCLT Order dated 06.08.2021, all the development and approvals has to be undertaken in the name of Trident Hills Pvt. Ltd** (earlier as Ireo Fiveriver Pvt. Ltd.).

Thus, the above mentioned Order dated 06.08.2021 of Hon'ble NCLT, Granted ownership of Ireo Fiveriver Pvt. Ltd. to Trident Hills Pvt. Ltd alongwith all the conditions mentioned in the resolution plan.

- The Projects have now undergone changes with the aforesaid license being migrated **into 3 new licenses** under a new and different policy i.e. **New Integrated Licensing Policy (NILP)**
- **The Project has also undergone change with change in density, location of greens, communities and built up structures. Project Proponent has applied for 2 sets of licenses admeasuring 71.28 Acres and 52.97 acres.**
- The current project works on the concept of global FAR for township development and is not associated as plotted or group housing. Under this policy, **separate set of norms are applicable as against earlier approved colony norms.**

NoN Relevance of Old Environment Clearance

- The Project has also undergone change with changes in density, location of greens, communities and built up structures. Project Proponent has applied for 2 sets of licenses admeasuring 71.28 Acres and 52.97 Acres.
- After the Project was abandoned by earlier promoters, the compliances were also not fully fulfilled.
- The old license, project and EC have little relevance in current scheme of things and therefore old EC can not be relied upon.
- Failure to comply with the conditions and scheme of things in Para No. (11) of EIA Notification dated 14.09.2006, negates the proposals of transfer of earlier granted EC to New PP, whose entity has emerged upon the Order dated 06.08.2021 of Hon'ble NCLT.

In view of the above and upon considering all the details / record placed on the file, recommendation of the Appraisal Committee and further, in view of the observations dated 19.05.2022 made by the Hon'ble NGT in OA No.

78 of 2021 and EA No. 09 of 2021 titled as “Ramesh Malik and Anr. Versus Union of India and Ors.”, The Authority is satisfied and convinced to agree with the recommendation of SEAC (including all parameters and commentary on the Environmental issues, except the Transfer of earlier EC dated 15.04.2014). Accordingly, fresh EC is Granted to the Project under Category 8 (a) within the scope & meaning of EIA Notification dated 14.09.2006.

Item No. 149.30: EC for proposed Affordable Plotted Colony (under DDJAY-2016) in the Sector-76, Gurugram , Haryana by M/s Whiteland Cooperation.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/INFRA2/401329/2022 dated 27.09.2022 for obtaining Environmental Clearance under Category 8(a) of EIA Notification 14.09.2006.

The Project Proponent has deposited Scrutiny fees of Rs. 1,50,000/- vide DD No. 030885 dated 08.03.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 275 Crore (as disclosed by the PP).

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

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

After having gone through the details & record placed on the file and along with considering the recommendations of SEAC, the Authority decided to agree with the recommendations of SEAC to grant Environment Clearance (EC) to the project under category 8(a) within the scope of EIA Notification dated 14.09.2006 along-with the following additional stipulation:

- 1. PP shall submit an Affidavit that no litigation is pending in any Court relating to the project site, within 15 days from the Grant of Environment Clearance. Non-compliance of the same will lead to withdrawal of Environment Clearance granted to the PP.**

Item No. 149.31: EC for Proposed Logistic Park On 23/5, Milestone, Delhi-Mathura Road, Ballabgarh, Faridabad, Haryana by M/s Apeejay Global Industrial And Logistic PARK.

The project was submitted to the SEIAA, Haryana vide online proposal No. SIA/HR/INFRA2/402983/2022 dated 12.10.2022 for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- vide DD No. 602614 dated 09.11.2021 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 200 Crore (as disclosed by the PP).

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

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

After having gone through the details & record placed on the file and along with considering the recommendations of SEAC, the Authority decided to agree with the recommendations of SEAC to grant Environment Clearance (EC) to the project under category 8(b) within the scope of EIA Notification dated 14.09.2006 along-with the following additional stipulation:

- 1. PP shall submit an Affidavit that no litigation is pending in any Court relating to the project site, within 15 days from the Grant of Environment Clearance. Non-compliance of the same will lead to withdrawal of Environment Clearance granted to the PP.**

Item No. 149.32: EC for Expansion of Proposed Group Housing Project at Sector 36A, Gurgaon Manesar Urban Complex, Haryana by M/s Krisumi Corporation Private Limited.

The Project was submitted to the SEIAA, Haryana vide online Proposal No. SIA/HR/INFRA2/402959/2022 dated 12.10.2022 for obtaining Environmental Clearance under Category 8(b) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fees of Rs. 2,00,000/- vide DD No.

907042 dated 26.05.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021) on the cost of the Project i.e. Rs. 275.24 Crore (as disclosed by the PP).

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

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

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

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

Supplementary Agenda Items with the permission of Chair:

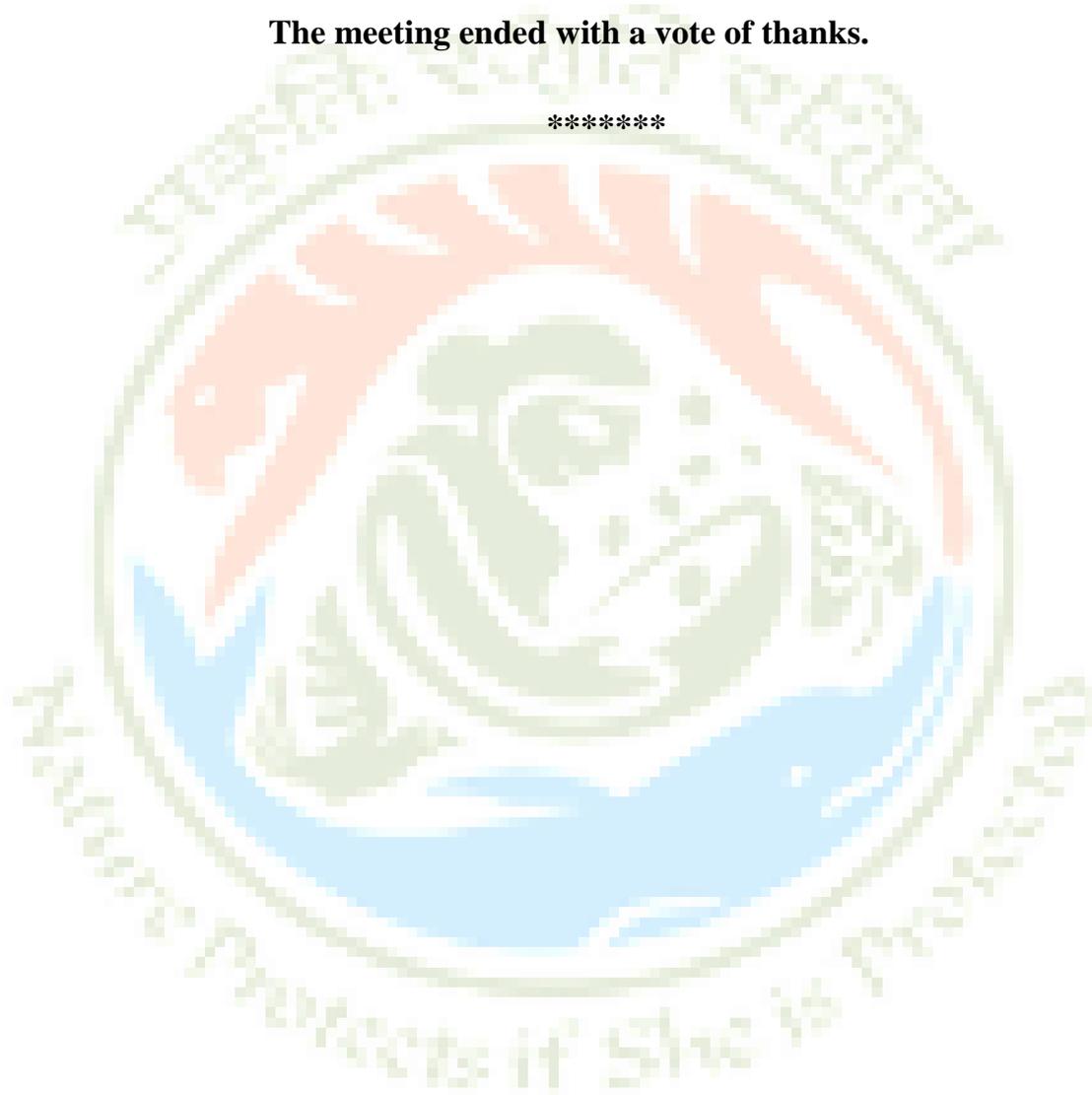
Item No. 149.33: Amendment in Terms of Reference for Jindal Stainless (Hisar) Limited [Cold Rolling Division] at O.P.Jindal Marg, Hisar, Haryana by M/s Jindal Stainless (Hisar) Limited.

The Project was submitted to the SEIAA, Haryana vide online Proposal No. SIA/HR/IND/286839/2022 dated 03.08.2022 for obtaining Amendment in Terms of Reference (TOR)" of Jindal Stainless (Hisar) Limited [Cold Rolling Division] at O.P.Jindal Marg, Hisar, Haryana. Subsequently, PP also applied for withdrawal of the proposal.

The above case was put up before the Authority in 149th Meeting held on 08.11.2022, for consideration.

The Authority, upon verification of record observed that Amendment in TOR has already been granted vide letter No. SEIAA(145)/HR2022/1470 dated 20.09.2022. As per the earlier disposal, this is being a duplicity in the proceedings requires, no further actions, hence request for withdrawal of the PP vide online Proposal No: SIA/HR/IND/286839/2022 is accepted and case is withdrawn.

The meeting ended with a vote of thanks.



List of Participants

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

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

