

Minutes of the 688th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 05.01.2023

The meeting of 688th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 05.01.2023 the Directorate of Environment. The following were present in the meeting:-

1. Shri Paras Nath

Member, SEIAA, U.P

2. Shri Ajay Kumar Sharma

Member Secretary, SEIAA, U.P

Agenda A- Discussion

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

SEIAA noted that the above project was taken in its 679th meeting in which SEIAA opined that-

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

Further SEIAA opined as this a violation category project thus –

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

The Secretariat has put up a brief about the project and informed SEIAA that UPPCB vide letter no. G39741 विधि/सीरियल नं०- 89/2022 दिनांक 20-12-2022] has initiated prosecution against the aforesaid project. The Secretariat also informed that a letter has been send to DM, Lucknow; VC, Lucknow Development Authority; UP Housing and Development Board; and MS, SPCB vide letter no. 990/Parya/7299/2022 for necessary action.

SEIAA agreed with the recommendation of 700th SEAC meeting to issue additional ToR to the title proposal for conducting EIA studies under the provisions of MoEFCC, Gol vide OM no. 22-21/2020-IA.III dated 07.07.2021 which has laid down Standard

Operating Procedure (SoP) for Identification and handling of violation cases. SEIAA opined as follows –

- a) PP / consultant to submit compliance report of earlier CtE and CtO through UPSPCB.
- b) PP / consultant to submit point-wise compliance, in a tabular form, of MoEFCC, Gol OM no. 22-21/2020-IA.III dated 07.07.2021 (SoP for identification and handling of violation cases under EIA Notification 2006)
- c) Further, SEIAA added that without prejudice to any other consequences, action to be initiated u/s 15 read with section-19 of EPA, 1986 against the PP and Project to be closed until EC is granted.

SEIAA also added the following points to ToR-

1. The State Government/SPCB to take action against the project proponent under the provisions of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
2. Direction to be issued under section 5 of the Environment (Protection) Act, 1986 to stop the violating activities till the EC is obtained.
3. The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
4. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR).
5. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
6. The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter (13) in the EIA report by the accredited consultants.
7. Budget of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.
8. All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
9. Copy of all the analysis reports duly signed by analyst approved by NABL or MoEF&CC shall be annexed with the EIA report and original analysis reports should be presented at the time of presentation.
10. MOU signed between the project proponent and the consultant should be submitted.
11. A certificate from Forest Department shall be obtained that no forest land is involved and if forest land is involved the project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 and submit along with EIA.
12. Public hearing shall be conducted as per EIA notification, 2006 (as amended).

13. Provision for charging of electric vehicles as per the guidelines of GoI / GoUP should be submitted.
14. SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.

Agenda B- EC Transfer and Replies

1. **EC Transfer Proposal No. SIA/UP/MIN/294559/2022; File No. 6245/5670 regarding Sand/Morrum Mining from Betwa River Bed at Khand No.- 240, Khand No.-04, Village-Himanpura, Tehsil-Kalpi, Jalaun., Area: 16.194 ha. (682th SEIAA)**

SEIAA noted that the above project was already taken in 682th SEIAA.

2. **EC Transfer File No. 4090, Proposal No. SIA/UP/MIN/295804/2022(new)- Ordinary Sand Mining at Khand No./ Gata No.- 1055/3, Village- Madua, Tehsil- Sadar, District- Firozabad, U.P. (Leased Area-5.600 Ha). Shri Sukhvir Singh, File No. 4090**

EC In question was issued vide letter no. 277/Parya/ SEAC/4090/2018 dated 31.03.2018 for an annual production of 1,12,000 cum. Now the request for transfer of EC is for a production of 56,000 cum for a period of 6 months. After this transfer, original EC and transfer order both will become null and void.

SEIAA opined that Environmental Clearance will be transferred only after submission of an affidavit by project proponent and consultant that:-

- a) No legal case is pending in any Court of Law against the above area / EC proposed to be transferred.
- b) EC proposed to be transferred has not been cancelled by any Court of Law/MoEFCC/SEIAA/DEIAA.
- c) EC proposed to be transferred is valid on the date of consideration.
- d) Mine plan has been transferred in the favour of present project proponent.

Further, before issuing EC transfer letter, authorized signatory from SEIAA, UP will ensure that affidavit given by PP and consultant is correct and in case affidavit given by PP and consultant is found to be false, legal action should be initiated against them and transfer order should not be issued and in case it has been issued then it will become null and void. All EC transfer orders will be issued through online portal.

SEIAA noted that the previous lease issued to Shri Sukhvir Singh S/o Shri Hari Singh was cancelled vide DM, Firozabad order no. 155/Khanij-seh e-nilami balu patta nirastikaran dated 10.12.2021 and another LOI was issued to Smt. Savita Saxena R/o S/69 Sarv Nagar CP Mission Compound, Jhansi for a period of 6 months and 56,000 m³ per annum production capacity vide letter no. 51/Khan nirikshak/fero./2022 dated 19.12.2022.

Hence SEIAA opined to transfer Environmental Clearance issued vide letter no. 277/Parya/ SEAC/4090/2018 dated 31.03.2018 from Shri Sukhvir Singh S/o Shri Hari Singh R/o Kisandaspura Jalalpur, Firozabad to Smt. Savita Saxena R/o S/69 Sarv Nagar CP Mission Compound, Jhansi for 56,000 m³ per annum production capacity for six months. SEIAA added following conditions:-

1. Transfer of EC is granted for a period of 6 months from the date of issue or validity of current mine plan or current lease period whichever is earlier and after this the original EC and transfer order both will become null and void.
2. In the absence of replenishment study, in compliance of Hon'ble NGT Order dated 06.05.2022 initially the EC will be operational till 31.12.2022. Permissible quantity and area shall be strictly limited to quantity and area mentioned in Lol or mining



plan, whichever is lesser, and maximum mineable depth will be limited to as approved in the mining plan.

3. For remaining period, Project Proponent shall submit replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC.
4. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
5. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
6. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
7. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 6,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
8. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 30 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
9. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
10. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

Rest all the content of Environmental Clearance letter no. 515/Parya/SEAC/4702/2019 dated 09.01.2020 shall remain same.

Area mentioned in the previous EC is being transferred only. If there is a change in geo-coordinates of the area then EC will be null and void.

Agenda C- Mining Replies

1. **"Building Stone (Khanda, Boulder, Bailast (Gitti))" Project at Gata No.- 393 (Khand No.-32 Old, 34 New), Village- Daharra, Tehsil- Mahoba, District- Mahoba, Shri Abyakt Kumar Tripathi S/o Shri Rudra Pratap Tripathi, Applied Area : 1.214 ha. File No. 7227/Proposal No. SIA/UP/MIN/82577/2022 (664th SEIAA)**

SEIAA noted that the above project was taken in its 664th SEIAA dated 01.11.2022 wherein SEIAA agreed with the recommendation of SEAC-1 to issue additional ToR to the title proposal for conducting EIA studies. SEIAA gone through the letter of Shri Abyakt Kumar Tripathi dated 16.11.2022 regarding correction of the project title in 664th meeting of SEIAA dated 01.11.2022. SEIAA agreed to amend the title of the project as-

Title of the project in 664th SEIAA meeting	Amended Title
"Building Stone (Khanda, Boulder, Bailast (Gitti))" Project at Gata No.- 393 (Khand No.-32 Old, 34 New), Village- Daharra, Tehsil- Mahoba, District- Mahoba, Shri Abyakt Kumar Tripathi S/o Shri Rudra Pratap Tripathi, Applied Area : 1.214 ha.	"Building Stone (Khanda, Boulder, Bailast (Gitti))" Project at Gata No.- 339 (Khand No.- 34 Old, 32 New), Village- Daharra, Tehsil- Mahoba, District- Mahoba, Shri Abyakt Kumar Tripathi S/o Shri Rudra Pratap Tripathi, Applied Area : 1.214 ha.

2. **"Building Stone (Khanda / Gitti / Boulder / Pahadi Lal Morrum) Mine" at Gata No.- 715, Khand No.- 13, Village- Gonda, Tehsil-Karwi, District- Chitrakoot, Shri Narendra Kumar S/o-Shri Virendra Kumar, M/s Eikonheights Infrastructure Pvt. Ltd, Area-2.024 Ha. File No.7265/7013/Proposal No. SIA/UP/MIN/401548/2022(669th SEIAA)**

SEIAA noted that the above project was taken in its 669th SEIAA dated 11.11.2022 wherein SEIAA noted the recommendation of SEAC-2 to grant EC to the above project. SEIAA gone through file and documents and opined that project proponent should submit legible copy of certified lease map with correct geo-coordinates as per the geo-coordinates mentioned in the mine plan.

SEIAA gone through the letter of Shri Narendra Kumar dated 01.12.2022 along with certified lease map signed by Mining Officer, Chitrakoot dated 30.11.2022. In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1 adding following specific conditions:-

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

4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 3,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 15 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately.

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Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

3. Ordinary Soil Excavation Project” at Gata No.- 159Ka, 159Kha, 159Gha, 113, 163, 165, Village- Mavaiya Mustakil, Tehsil- Bindki, District Fatehpur, Shri Aditya Singh Area – 1.392 ha. File No. 7252/Proposal No. SIA/UP/MIN/401113/2022

SEIAA noted that the above project was taken in its 670th SEIAA dated 14.11.2022 wherein SEIAA opined that project proponent should submit-

1. Agreement between land owner (s) & lease holder.
2. Land ownership documents.
3. NOC from bank in case land in mortgage with bank.
4. Show cause notice to consultant for submitting incomplete proposal/documents.

SEIAA gone through the letter of Mr. Aditya Singh dated 25.11.2022. In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SFAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SFAC but SEIAA replaces the specific condition regarding cluster certificate as “If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate” and adding following conditions:-

1. Validity period of this EC is 6 months from the date of issue as the Lol has been issued for a period of 6 months or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
5. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate

notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.

6. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10- ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
7. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
8. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRU, MoEFCC, GoI, Lucknow.
9. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

Assistant Nodal/Nodal Officer

SEIAA, UP

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



(Ajay Kumar Sharma)
Member-Secretary
SEIAA

(Paras Nath)
Member
SEIAA