



# Himachal Pradesh State Expert Appraisal Committee

## SEIAA Secretariat, Himachal Pradesh

Ministry of Environment Forest & Climate Change, Government of India,  
at Department of Environment Science Technology & Climate Change,  
Paryavaran Bhawan, Near US Club, Shimla-1  
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No. HPSEAC/2008, 16-Vol-VII-

Dated: 15/5/2024

### MINUTES OF THE 100<sup>th</sup> MEETING OF THE STATE EXPERT APPRAISAL COMMITTEE HELD IN CONFERENCE HALL, DEPARTMENT OF ENVIRONMENT, SCIENCE & TECHNOLOGY, SHIMLA, ON dated 30<sup>th</sup> April to 1<sup>st</sup> May, 2024.

The 100<sup>th</sup> meeting of State Expert Appraisal Committee for appraisal of the project proposals received for Environmental Clearance was held on 30<sup>th</sup> April to 1<sup>st</sup> May, 2024 in the Conference Hall of Department of Environment, Science Technology & Climate Change, GoHP, Shimla. The following were present in the meeting:

#	Name	Designation	30.04.2024	01.05.2024
1.	Dr. Sandeep Bhatnagar, IAS (Retd.)	Chairman	✓	✓
2.	Dr. Ashwani Tapwal	Member	✓ (through VC)	✓ (through VC)
3.	Dr. Satish Kumar Bhardwaj	Member	-	✓
4.	Dr. Harish Sharma	Member	-	-
5.	Dr. R.C. Chauhan	Member	✓ (through VC)	✓ (through VC)
6.	Dr. Ranbir Singh Rana	Member	✓ (through VC)	✓ (through VC)
7.	Sh. Parveen Gupta, Addl. Director, DEST	Member Secretary	✓	✓

The agenda item wise deliberations are as under:

#### ITEM NO. 1: CONFIRMATION OF MINUTES OF 99<sup>th</sup> MEETING OF SEAC,

The Committee confirmed the minutes of the 99<sup>th</sup> meeting of SEAC held from 7<sup>th</sup> February, 2024.

#### ITEM NO. 2: PROJECT PROPOSALS FOR GRANT OF ENVIRONMENT CLEARANCE ON PARIVESH 1.0

- 2.1 Mr. Navneet Kumar, M/s Padmesh Buildwell Pvt. Ltd., Suncity Business Tower, 2<sup>nd</sup> Floor, Unit no. 218-224, Sector-54, Gurgaon, Haryana-122002.

##### Brief outline of the project:

- a) Proposal No. SIA/HP/INFRA2/404603/2022  
HP SEIAA/2022-1009
- b) Processing fee DD number 507446 dated 29.04.2024 of Rs. 6,00,000/- ICICI Bank, Shimla.
- c) Project type Building and construction project Category-8(a)
- d) Project Location Khasra number 532/380, 533/381, 534/381, 382, 383, 385, 535/388, 537/388 & 390 situated in Village Anji, Tehsil & Distt. Solan. H.P.
- e) Built up area 98,309.56 Sq. Meter (114912.14 square meter at page no. 36)
- f) Total plot area 62,286 Sq. Meter
- g) Area 74-03 Bighas, 62.286 hectare
- h) Power requirement 4080 KW
- i) Total water requirement 537 KLD
- j) Fresh water requirement 448 KLD
- k) Waste water generation 356 KLD
- l) Capacity of STP 600 KLD
- m) Solid waste generation 1499 Kg/day
- n) Project cost 360.34 Crores
- o) EMP Cost Capital Cost- Rs.73.00 Lakhs, Recurring Cost- Rs.17.00 Lakhs/PA

M/s Padmesh Buildwell Private Limited is a project "Residential and Commercial Complex" at Village-Anji, Tehsil & District-Shimla, H.P. The project envisages construction of total 26 blocks (Residential, commercial & Club house).

Online proposal for granting Environment Clearance was submitted on dated 10/11/2022 and accepted by the SEIAA secretariat on dated 21/12/22 and forwarded to SEAC secretariat.

The case was listed before the SEAC in its 89<sup>th</sup> Meeting held on 16/2/23 with the following observations:

1. The project proponent shall submit copy of Essentiality Certificate issued from the Department of Town & Country Planning Department.
2. The project proponent shall submit clarification from the competent authority whether Plot area is 64,286 or 62,286 sq.m., built up area 98309.56 sq. mtrs or 1,14,912.14 sq. mtrs.
3. The project proponent shall submit clarification regarding difference between build up area approval by the TCP and application applied for grant of EC.
4. The project proponent shall submit approval under Section 118 of the H.P. Tenancy and Land Reforms Act, 1972.
5. The project proponent shall submit letter from competent authority that the proposed project area does not attract any NGT order.

The project proponent submitted the copy of Essentiality Certificate issued by Department of Housing vide letter dated 21/5/2007, clarification from TCP department vide letter dated 6/8/2022, copy of approved map clarifying difference between build up area by TCP, letter from Revenue Deptt. dated 23 July 2008 regarding approval under Section 118 of the HP Tenancy and Land Reforms act, 1972, Clarification from TCP vide letter dated 14/3/2023 stating that at present the orders of Hon'ble NGT are not applicable on the said project.

After submission of the compliance, the case was again listed in 90<sup>th</sup> meeting of the SEAC held on 23-24<sup>th</sup> March, 2023.

After deliberating on the information submitted by the project proponent and considering the facts placed before the Committee, the SEAC decided to list the case in next meeting after compliance to the following observations:

1. *The project proponent shall submit all the application submitted before all the competent authorities & approvals received thereof in chronological order after approval under Section 118.*
2. *The project proponent shall submit copy of revised approval under Section 118 of HP Tenancy and Land Reforms Act, 1972 or submit clarification from the concerned department that the said approval is valid or not in view of the fact that the approval was earlier granted for the period of 2 years i.e. 23/7/2008 onwards for development and sell of plots and now it has been revised to construction and selling of buildings, villas.*

After submission of the compliance to the observations of SEAC, the case was again listed in 100<sup>th</sup> meeting of SEAC held on dated 30<sup>th</sup> April to 1<sup>st</sup> May, 2024. The SEAC thoroughly examined the following NOC, approvals & relevant document obtained by the project proponent from the concerned authorities and produced before the Committee during appraisal:

1. Promoter Registration Certificate from HP housing & urban development issued vide No. HIMUDA/Promoter-173/Reg./2007 (Registration No. 206 dated 01/03/2007)
2. Noc for purchase of land from TCP (HP) vide No. HIM/ TCP/SLN/Case No. 2475/ SIN/PA/ 07-77 dated 12/04/2007
3. Essentiality Certificate from Government of Himachal Pradesh Department of Housing issued on dated 21.5.2007
4. Noc for purchase of land from Himachal Pradesh PWD issued vide No. 10524-45 dated 22/08/2007
5. Assessment of trees and NOC for purchase land from DFO & DC Solan issued vide No.2569R/K dated 24/08/2007
6. Essentiality Certificate from DC issued vide letter no. PSH/11-4917/07- Solan dated 31/08/2007
7. 118 Approval from joint Secretary Revenue, H. P issued on dated- 23/07/2008
8. PWD NOC for construction of Approach Road issued vide Letter no. PW/SD/CB/NOC/2010-11-4537-38

9. Forest Department NOC for Enumeration/marketing of chill trees issued vide letter no.4349 R/K Solan dated 01/11/11
10. Promoter Registration certificate from TCP, Himachal Pradesh. Issued vide Registration No. 031(Old No. 206) dated 01/03/2012
11. Certificate for Registration as Promoter From DTCP, H. P issued vide Registration No. RM0064/2016 dated 26/10/2016 to 26/10/2021
12. Request for felling of trees from Chief conservation of Forest, Nahan. Issued vide Endst. No. 6629 dated 20/03/2017
13. NOC for construction of approach Road from Himachal Pradesh PWD. Issued vide No./PW/SD/WA-I/NOC/2017-18-7445-51 dated 18/08/2017.
14. Application for issuance of NOC to establish housing project from HPSEB Ltd Solan. Issued vide HES-TECH-NOC/17-18 7505-06 dated 06/10/2017
15. NOC for C/o housing project from Himachal Pradesh I& PH Department issued vide IPH-ICN-WS(NHN)SWC/2017-9877-79 dated 07/10/2017
16. Approval of drawings from TCP, Himachal Pradesh issued vide HIM/TCP/SLN/Case No. 3600/SLN/P. A-1617 dated 12/12/2017
17. Approval of drawings of M/s Padmesh Build well from TCP Himachal Pradesh. Issued vide HIM/TCP(Solan)/case No.-3600/SLN/1642 dated 19/12/2017
18. Extraction and Augmentation of ground water from HPGWA issued vide Permit No. HPGWA-NU/568 dated 29/12/2017
19. License Certificate from DTCP, Himachal Pradesh issued vide 8846-543 dated 04/01/2018
20. CTE from HPSPCB issued vide No. HPSPCB/27682-529-22840-40 dated 01/03/2018
21. RERA approval issued vide RERAHPSOP07180036 dated-17/10/2018
22. Permit for Extraction and Augmentation of ground water from HPGWA. vide Application No. HPGWA-NU/30439 of 2022 - 23 to drill 1 dated 03/06/2022
23. Permit for Extraction and Augmentation of ground water from HPGWA. vide Permit/Application No. HPGWA-NU/30469 of 2022 - 23 dated 03/06/2022
24. Permit for Extraction and Augmentation of ground water from HPGWA vide Permit/Application No. HPGWA-NU/30467 of 2022 - 23 dated 03/06/2022
25. Inspection electrical installation from Himachal Pradesh Electrical Inspectorate vide No. 2022-2977-80 dated 20/06/2022
26. Revised TCP approval for proposed housing colony issued vide Letter no. HIM/TCP/SLN/P. P CASE NO. 3600/SLN/PA/APT/2022 dated 06/08/2022
27. Power availability certificate Letter no HPSEBL issued vide No. HC-II-PAC -SOLAN/2022-23-9844-52 on dated 4/10/2022
28. TCP letter regarding clarification for non-applicability of NGT order. Vide Letter no. HIM/TCP/SLN/P. P CASE NO. 3600/SLN/P. A/APT/2022- 1971 on dated 14.03.2023
29. No illegality or irregularity order in the court of Financial Commissioner (Appeals) H.P. Court decision dated 15.01.2024

After deliberating on the information submitted by the project proponent and considering the facts placed before the committee, the SEAC decided that before considering of the case, and examining it further for grant of EC the project proponent shall submit following documents for further examination by the Committee in next meeting:

*Principals*

*W*

1. The approval dated 23/7/2008 was for the purpose of plots development and sale. Now the use of land has changed as housing project for more than 1200 flats. and other commercial areas. As such, a clarification from concerned revenue authority that the approval under Section 118 of the H.P. Tenancy and Land Reforms Act, 1972 issued on dated- 23/07/2008 is valid as on date for building and construction project as per revised drawings and change in project scope that includes selling of flats and commercial areas.

2.2 The Principal, Dr. Rajendra Prasad Govt. Medical College, Kangra, H.P.

Brief outline of the project:

Proposal No. SIA/HP/MIN/60079/2021, HP SEIAA/2021-816, Old proposal (EC)-Delisted case  
SIA/HP/MIN/442866/2023, HP SEIAA/2023-1105 New proposal (TOR)

Project type	Category 8 (b), Construction of various buildings at Dr. Rajendra Prasad Govt. Medical College & Hospital.
Project Location	Khasra number 311, 538, 534/1, 535/1, 537, 537/3, 539, 537/1, 534, 539/1, 534/2, 537/2, 536, 292/1, 299, 313, 293, 2204/298, 303, 314, 2259/295, 2261/296, 301, 315, 300/1, 290, 292, 300, 304, 312, 2258/295, 316, 2260/296, 289, 294, 2201/297, 2203/298, 302, 306, 533, 535, 307, 308, 82, 91, 92, 81, 83, 89, 26, 27, 29, 2196/220, 222, 2199/221, 529, 530, 558, 559, 562, 563, 587, 588, 590, 603, 616, 604, 678, 531, 570, 561, 564, 5889, 605, 606, 556, 57, 564/1, 565, 567, 555, 556, 574, 578, 580, 584, 585, 586, 591, 592, 593, 597, 547, 571, 572, 573, 575, 610, 551, 568, 569, 570, 611, 581, 582, 583, 548, 549, 550, 53, 554, 320, 318, 2, 3, 4, 5, 7, 30, 32, 35, 36, 37, 545, 546, 612, 613, 614, 614/1, 615, 615/1, 98, 95, 29, 17, 19, 31, 89, 188, 189, 190, 192, 248, 259, 318, 319, 532, 541, 85, 87, 84, 309, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 40, 41, 42, 43, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 97, 98, 99, 100, 101, 102, 104, 105, 108, 109, 111, 113, 117, 118, 119, 121, 123, 124, 126, 129, 131, 132, 136, 139, 140, 141, 144, 146, 147, 148, 149, 150, 151, 187, 258, 260, 262 to 281, 283 to 287, 291, 321, 20, 45, 103, 110, 114, 115, 120, 122, 125, 127, 130, 133, 134, 135, 143, 261, 38, 39, 44, 106, 107, 112, 115, 128, 138 falling in Mauza & Mohal Sainsowal, Tehsil- Haroli, District-Una, H.P.
Area	Old: 40-75-32 ha (1100 canals) of 4,07,532 m <sup>2</sup> New: 40-45-62 ha
Built up area (existing)	Old: 3,15,317.53 m <sup>2</sup> New: 3,32,642.59 m <sup>2</sup>
Built up area (additional)	Old: 50,848.44 m <sup>2</sup> New: 3165.15 m <sup>2</sup>
Total area	Old: 3,66,165.97 m <sup>2</sup> New: 3,35,807.74 m <sup>2</sup>
Solid waste	Old: 1730.4 Kg/day New: 975 Kg/day
Bio-Medical Waste	Old: 192 Kg/day New: 189.9 Kg/day
STP sludge	346.08 Kg/day
STP capacity	Existing project has 10 KLD STP to treat domestic effluent. 1,818 KLD of waste water from the project will be treated in STP of 2 MLD capacity and 400 KLD ETP.
Water requirement	2,020 KLD
Cost of project	Old: 183.8509 Crores New: 441.26 Crores
EMP Cost	Capital Cost- 8 Lakhs, Recurring Cost- 2 Lakhs PA. (construction phase)
CER cost	Capital Cost- 125 Lakhs, Recurring Cost- 9 Lakhs PA. (operation phase)
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The proposed project is Construction of various buildings at Dr. Rajendra Prasad Govt. Medical College & Hospital.

Online proposal for granting Term of Reference was submitted on dated 21/01/2021 and accepted by the SEIAA secretariat on dated 02/02/2021 and forwarded to SEAC secretariat. The hard copy was submitted by Project proponent on dated 25/02/2021.

The case was listed in 78<sup>th</sup> meeting where SEAC observed that the proponent has already undertaken the huge construction work but was not in a position of explaining that what the historical phase wise construction work. The SEAC observed that the project proponent may submit the complete history of the construction with timeline, so as to ascertain that the case of violation is ruled out.

The case was again listed in 89<sup>th</sup> meeting of SEAC, where SEAC examined the reply submitted by project proponent and directed the representative of the Agency that the process be completed as is required for cases of violation.

Due to non reply from project proponent with in time line framed by MoEF&CC, the case was automatically delisted from PARIVESH portal.

Now, pp has submitted the online proposal for granting Term of Reference on dated 05/09/2023 and accepted by the SEIAA secretariat on dated 02/11/2023 and forwarded to SEAC secretariat. The hard copy was submitted by Project proponent on dated 23/09/2023 and 11/10/2023.

The case was listed before the SEAC in 96<sup>th</sup> meeting held on 29/11/2023. After deliberating on the information submitted by the project proponent and considering the facts placed before the Committee, the SEAC decided to list the case in next meeting after compliance to the following observations:

1. *The project proponent shall submit documentary evidence of registration of case of violation by SPCB.*

A letter vide no. HFW-H (DRPGMC) Build. Environ. Clearance/2022-2325-28 dated 08.02.2024 is submitted from the office of the Principal, Dr. R.P. Govt. Medical College, Kangra at Tanda informing that In-charge Regional Lab Dharamshala of HP State Pollution Control Board vide e-mail dated 05.12.2023 made a request to Head office, HP State Pollution Control Board, Shimla to take action against Dr. RPGMC hospital, Kangra as per observations made by SEAC in its 96<sup>th</sup> meeting. But, HP State Pollution Control Board, Shimla refused to take action against them with the remarks that the State Pollution Control Board is not the competent authority to look into the aspect of Environment Clearance nor grants Environment Clearance under Environment (Protection) Act, 1986.

Thereafter, a letter was also written to the office of the Additional Secretary (Env. S&T) requesting to give necessary orders to HP State Pollution Control Board to initiate action on violation against the applicant under Section-5 of Environment protection Act, 1986.

The case was again listed in 100<sup>th</sup> meeting of SEAC held on dated 30<sup>th</sup> April to 1<sup>st</sup> May, 2024. The SEAC after considering the request from the State Government authorities and representatives of the being important project for the State.

After deliberating on the information submitted by the project proponent and considering the facts placed before the committee, the SEAC decided to recommend standard ToR issued by the MoEF&CC, Gol for preparing EIA/EMP report subject to the condition that :

1. Letter may be written to Secretary (Health), Himachal Government of Pradesh for ensuring that such violations w.r.t. Environment Clearance under EIA notification not be repeated in future.

### ITEM NO. 3 Discussions

#### 3.1 Approval of updated District Survey Reports (DSR's) by the Department of Industries Himachal Pradesh.

The Committee was apprised that the District Survey Reports of four district; Kangra, Sirmaur, Kullu & Bilaspur were forwarded from the office of Director, Department of Industries, Himachal Pradesh to the office of Pr. Secy. (Industries) to the GoHP with copy to MS (HPSEIAA) vide letter No. Udyog-Bhu(Khani-4) Laghu-CWP No. 2077/2017-519 dated 25/4/2024 after conducting comprehensive studies and data & resources available with the Department of Industries.

All four updated DSRs prepared for Sand Mining or River Bed Mining were placed before the SEIAA for technical appraisal in its 100<sup>th</sup> meeting held on dated 30<sup>th</sup> April to 1<sup>st</sup> May, 2024. All the reports were technically examined by the expert members of the Committee as per the reporting structure specifically prescribed for Sand Mining or River Bed Mining in the Ministry's Notification No. S.O 3611(E) dated 25.07.2018:

After thorough deliberation, the Committee appreciated the efforts made by the Department and noted that District Survey Reports (DSRs) are subject to dynamic changes and necessitate updating every five years, as stipulated in the rules and guidelines issued by the MoEF&CC, Gol.

After detailed discussions, the SEAC decided to recommend the DSRs' of four districts (Kangra, Sirmaur, Kullu & Bilaspur) for final approval by the SEIAA after addressing following observations:

- a) The DSR submitted by the Department of Industries are prepared for Sand Mining or River Bed Mining only, the Department shall prepare DSR' including Minor Minerals other than Sand Mining or River Bed Mining as per the following reporting structure prescribed in the Ministry's Notification No. S.O 3611(E) dated 25.07.2018.

- (1) *Introduction;*
- (2) *overview of Mining Activity in the District;*
- (3) *general Profile of the District;*
- (4) *geology of the District;*
- (5) *drainage of Irrigation pattern;*
- (6) *land Utilisation Pattern in the District: Forest, Agricultural, Horticultural, Mining etc.;*
- (7) *surface Water and Ground Water scenario of the district;*
- (8) *rainfall of the district and climatic condition;*
- (9) *details of the mining leases in the District;*
- (10) *details of Royalty or Revenue received in last three years;*
- (11) *details of Production of Minor Mineral in last three years;*
- (12) *mineral Map of the District;*
- (13) *list of Letter of Intent (LOI) Holders in the District along with its validity*
- (14) *total Mineral Reserve available in the District;*
- (15) *quality /Grade of Mineral available in the District;*
- (16) *use of Mineral;*
- (17) *demand and Supply of the Mineral in the last three years;*
- (18) *mining leases marked on the map of the district;*
- (19) *details of the area of where there is a cluster of mining leases viz. number of mining leases, location (latitude and longitude);*
- (20) *details of Eco-Sensitive Area, if any, in the District;*
- (21) *impact on the Environment (Air, Water, Noise, Soil, Flora & Fauna, land use, agriculture, forest etc.) due to mining activity;*
- (22) *remedial Measures to mitigate the impact of mining on the Environment;*
- (23) *reclamation of Mined out area (best practice already implemented in the district, requirement as per rules and regulation, proposed reclamation plan);*
- (24) *risk Assessment & Disaster Management Plan;*
- (25) *details of the Occupational Health issues in the District. (Last five-year data of number of patients of Silicosis & Tuberculosis is also needs to be submitted);*
- (26) *plantation and Green Belt development in respect of leases already granted in the District;*
- (27) *any other information.*

- b) In the information about available mineral deposits allotted needs to be given with quantity and consumed for each river stretch specified in DSRs so that the permissible limits are accounted far.
- c) All the Approved Mining Plans, Letter of Intents & Mining Lease shall refer these updated and recommended/ approved DSRs by SEIAA & SEAC, Himachal Pradesh.
- d) The KML file of river stretches needs to be given for all 1<sup>st</sup> order, 2<sup>nd</sup> order and 3<sup>rd</sup> order streams to correlate the grant of mining lease areas and with Khasra No.s
- e) The list of mining areas be included in terms of Private land, Forest land, and Revenue/ **government** land.

### 3.2 Request for Review of Proposed Machinery under Corporate Environmental Responsibility (CER)-reg.

A letter has been received from the office of the Sr. Manager (Geology), Geology Luhri HEP Stage-I dated 19.02.2023. It has been informed that the Environmental Clearance for the Moin and Koel Quarry site was granted by the Hon'ble SEIAA (State Level Environmental Impact Assessment Authority) HP vide office letter No. HP/SEIAA/2021/806-715-722 Dated 03.07.2023 & HP/SEIAAA/2021/807-968-975 dated 15.07.2021 respectively. Under CER conditions M/s SJVN Ltd. was directed to provide Shredder, Bailing, Compactor machines, (Five each machines and 28 Nos. solar lights to ULBs & PRIs through the Department of Environment, Science, and Technology, GoHP). Later on a letter was received from M/s SJVNL to HP SEIAA Secretariat on dated 10.12.2021, informing that functions of bailer and compactor machine is almost similar, therefore, an alternate to the compactor may be given or they may be exempted from CER conditions.

Thereafter, the case was listed in 57<sup>th</sup> meeting of SEIAA, where it was decided that M/s SJVNL Ltd. shall provide 30 Nos. Shredder and 30 Nos. Bailing Machines under CER for Moin and Koel Quarry of LHEP Stage-I, whereas

quantities of solar lights remain same. The same was communicated vide this office letter No. HP/SEIAAA/2020/806-368 dated 10.02.2022 & HP/SEIAA/2020/807-377 dated 10.02.2023.

It has been also informed that the proposal for the procurement of Bailing machines and Shredder Machine through Gem bid Nos. GEM/2022//2526085 dated 13-09-2022 was initiated by M/s SJVNL, but due to lack of vendor responses the proposal had to be turned down. The revised estimate for procurement of the 30 Nos. Shredder and 30 Nos. Bailing machine from GEM portal comes to be Rs 1.46 Crore, which is exceeding the Corporate Environment Responsibility budget kept as per the EC of Moin and Koel Quarry i.e. Rs 32.70/- Lakhs. Furthermore, it is pertinent to mention here that 28 Nos. of solar lights have already been provided on 05.06.23 by SJVN through Deptt of Science and Technology Govt. of HP at a cost of Rs 3.58 /-Lakhs and amounting Rs 29.12/- Lakh is remained balance in CER. Now, it has been requested that budget for CER may be kept as allocated in EC approval, so that increase in cost of the project may be avoided.

The matter was placed before the SEAC in its 100<sup>th</sup> meeting held on dated 30<sup>th</sup> April to 1<sup>st</sup> May, 2024. The SEAC observed that the project proponent may submit technical details, capacity & cost per unit of Baling Machines & Shredder proposed to be provided under the CERs for taking further decision in the matter.

3.3 Compliance of judgement dated 21.03.2024 of Hon'ble Supreme Court of India in Civil Appeal no. 1628-1629 of 2021, Noble M. Paikada Vs. Union of India-regarding.

This has a reference to the Notification issued by MoEF&CC vide number S.O. 1224 (E) dated 28.03.2020, where Appendix-IX to the EIA Notification, 2006 provided exemption from prior Environment Clearance for the following:-

6. *Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc.*
7. *Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management."*


Thereafter, Ministry vide Notification S.O. 3840(E) dated 30.08.2023 amended the aforesaid provisions of item 6 & 7 of Appendix-IX to the EIA Notification, 2006 as given below:


6. *Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc. shall be subject to the compliance of standard operating procedures and environmental safeguards issued in this regard from time to time.*
7. *Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management shall be subject to the compliance of environmental safeguards issued in this regard from time to time.*

Now, the Hon'ble Supreme Court vide its judgement dated 21.03.2024 in Civil Appeal no. 1628-1629 of 2021 titled as Noble M. Paikada Vs. Union of India has struck down item no. 6 of the substituted Appendix-IX forming part of Notification S.O. 1224(E) dated 28.03.2020 and S.O. 3840(E) dated 30.08.2023.

The matter was placed before the SEAC in its 100<sup>th</sup> meeting held on dated 30<sup>th</sup> April to 1<sup>st</sup> May, 2024. The SEAC recommended that the cases shall be placed before the Committee after scrutinizing the provisions amended in Appendix-IX vide S.O. 1224(E) dated 28.03.2020 and S.O. 3840(E) dated 30.08.2023. The amended notifications may be communicated to the concerned accordingly.

3.4 Sh. Jagdish Singh Ahlawat, M/s Ahlawat Developers and Promoters, Khasra No. 602-608, 610-611, Malku Majra (opp. Dr. Reddy Lab), Tehsil-Baddi, District-Solan, H.P. 173205., SIA/HP/MIS/243982-2021 (HP SEAC-2021-918)

 Brief history of the project:

1.  The online application was received on dated 10.12.2021, which was accepted by SEIAA on dated 20.12.2021, but mean time the tenure of committee was over. The application was accepted by SEAC on dated 18.07.2022 (The tenure of committee was over on dated 31.12.2021 and newly committee constituted on dated June, 2022)

2. The case was listed on 86<sup>th</sup> meeting of SEAC held on dated 15-16 September, 2022, where it was observed that the project was started in 2007 onward without seeking Environment Clearance and continued till date. Hence, admittedly, it is a case of violation as per the office memorandum issued by Ministry of Environment, Forest and Climate Change vide File. no. 22-21/2020-IA. III dated 07.07.2021. The RO SPCB Baddi to register a case of violation against the unit and submit the proof of same for taking further necessary action.
3. A letter was received from M/s Ahlawat Developers and Promoters on dated 29.09.2023, regarding grant of Deemed Environment Clearance to Housing Project "Himachal One". The letter was again written to MS HPPCB on dated 02.11.2023 to take action according and copy to project proponent.
4. An email was received on dated 28.11.2023 from M/s Ahlawat Developers and Promoters to grant them Environment Clearance. In this regard, letters were written to project proponent on dated 12.12.2023 and 29.12.2023 informing that the plea for "Deemed Sanction" is denied in accordance with the EIA Notification, 2006 provisions.
5. Now, a letter has been also written to the office of the Additional Secretary (Env. S&T) on dated 25.04.2024, requesting to give necessary orders to HP State Pollution Control Board to initiate action on violation against the applicant under Section-5 of Environment protection Act, 1986.

The matter was placed before the SEAC in its 100<sup>th</sup> meeting held on dated 30<sup>th</sup> April to 1<sup>st</sup> May, 2024. The SEAC after deliberating upon the matter observed that in view of case of violation the application of grant of EC cannot be considered or treated as "Deemed Approved".

Therefore, it was recommended that the project proponent may apply as per procedure and after the completion of all actions as envisaged on violation against the applicant under Section-5 of Environment (Protection) Act, 1986.

  
**Parveen Gupta**  
Member Secretary, HPSEAC

  
**Dr. Sandeep Bhatnagar, IAS (Retd.)**  
Chairman, HPSEAC

No./ 100<sup>th</sup> meeting /2023-

Dated: 15/5/2024

Copy to following for information and further necessary action please:

1. The Member Secretary, State Level Environment Impact Assessment Authority, Himachal Pradesh.
2. Case files of all projects, Guard file.

**Note:** Minutes of the Meeting are being hosted on the official website of SEIAA and all concerned shall download it for taking further necessary actions relevant to their project.

  
**Member Secretary**  
Himachal Pradesh State Expert Appraisal Committee,  
Shimla, Himachal Pradesh.