

**State Environment Impact Assessment Authority (SEIAA),**  
**Haryana**

**Minutes of 157<sup>th</sup> Meeting of State Environment Impact Assessment Authority (SEIAA), Haryana, held on 10.05.2023 & 11.05.2023, under the Chairmanship of Sh. Sameer Pal Srow, IAS (Retd.), Chairman, SEIAA, Haryana at Bay's No. 55-58, 1<sup>st</sup> Floor, Paryatan Bhawan, Sector-2, Panchkula, Haryana.**

---

**List of Participants**

1. **Prof. R. Baskar,** **Expert Member, SEIAA**  
FGGS School of Sciences.  
IGNOU, Delhi  
  
(Attended the 157<sup>th</sup> Meeting through “VC”)
  
2. **Shri Pardeep Kumar, IAS** **Member Secretary, SEIAA**  
Director, Environment & Climate Change  
Department, Haryana

At the outset, the Chairman, State Environment Impact Assessment Authority (SEIAA), (hereinafter refer to as, The Authority), welcomed the Members and requested the Member Secretary to give a brief background of the Items, listed as the Agenda in the 157<sup>th</sup> meeting being held today i.e. on 10.05.2023 & later on 11.05.2023.

**“Minutes of the 156<sup>th</sup> Meeting of SEIAA held on 19.04.2023 are “CONFIRMED” as part of the proceedings of 157<sup>h</sup> Meeting”.**

Agenda Items as listed in 157<sup>th</sup> Meeting of SEIAA were discussed and the following decisions were taken:

**Item No. 157.01: Environment Clearance under Violation for Proposed Residential Plotted Colony over land measuring of 29.928 Acres at Sector-84 & 85 Gurugram, Haryana by M/s SS Group Pvt. Ltd.**

1.	Project Proponent	M/s SS Group Pvt. Ltd.
2.	Project Consultant	M/s Vardan Environet
3.	NABET, ACCREDITATION	(No. NABET/EIA/2023/SA 0158 Valid upto : 05-05-2023)
4.	Applied Category of the Project	8 (a)

The instant Proposal was submitted to the SEIAA, Haryana vide **online Proposal No. SIA/HR/INFRA2/408328/2022 dated 09.12.2022** for Grant of Environmental Clearance (**under Violation Category**) within the scope & meaning of Category 8(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 2,00,000/- vide DD No. 735851 dated 13.07.2022 (in compliance of Haryana Government, Environment & Climate Change, Department Notification No. DE&CCH/3060 dated 14.10.2021).

Project Cost as disclosed by the Project Proponent (hereinafter refer to as, “the PP”) in the APPLICATION FORM (Form-I & IA and EIA/EMP Report) at the time of submission of the Proposal was ₹ 478 Crore & later the same has been revised to ₹ 257.35 Crore on account of change in the planning (Revised proposal, supported with Affidavit is submitted in this regard).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 263<sup>rd</sup> meeting of SEAC held on 22.03.2023 and it was observed that earlier in 260<sup>th</sup> meeting, the PP had submitted an undertaking stating therein that they have constructed 61000.97 sqms area, however, during 263<sup>rd</sup> meeting held on 22.03.2023, the PP submitted by way of affidavit that the total built up area constructed at the project site till now is approximately 43,000 sqmtr. The Committee was unanimously of the view that it is a confirmed case of violation of the EIA Notification, 2006.*

*The committee further recommended an amount of Rs.32,58,000/- as penalty as per SOP dated 07.07.2021 which shall be deposited in the form of Demand draft with HSPCB. Further, SEAC also directed PP to submit a Remediation Plan and Natural and Community Resource Augmentation Plan (NCRAP). The PP prepared NCRAP and proposed an amount of Rs.72,65,570/- towards Remediation Plan and Natural and Community Resource Augmentation Plan to be spent within a span of three years. After deliberation the Committee decided that the proposal of ₹72,65,570/- submitted by PP towards Remediation Plan and Natural and Community Resource Augmentation Plan to be spent within a span of three years, is justifiable. The SEAC further recommended that the proposal be sent to SEIAA for grant of Environmental Clearance (under violation category) under EIA Notification dated 14.9.2006 issued by the Ministry of Environment and Forest, Government of India.*

**Findings and Decision / Direction of THE AUTHORITY (SEIAA):**

Earlier, the case was taken up during 156<sup>th</sup> Meeting of SEIAA, Haryana held on 19.04.2023, where the Project Proponent requested & sought to defer the case for the next meeting.

**Request of the PP was considered, accordingly.**

In continuation to the ongoing proceedings, Proposal was taken up, again during the 157<sup>th</sup> Meeting of SEIAA held on 10.05.2023 for considering the proposal for Grant of Environment Clearance under Violation Category within the scope & meaning of Category 8(a) as specified in EIA Notification dated 14.09.2006.

In this regard, Authorized representative of the Project Proponent appearing before the Authority on 10.05.2023, **made oral as well as written submissions, by way of an Affidavit stating therein as under:**

- 1. That we have submitted a proposal to the SEIAA, Haryana for Environment Clearance under violation for proposed residential plotted colony over land measuring 29.928 acres at Sector 84-85, Gurugram Haryana for a total proposed built up area of 1,32,934 Sqm in respect of construction of Stilt+4 floors on General Residential Plots and Commercial Component of the said plotted colony.*
- 2. That, vide order dated 23.02.2023, the State Government has suspended the approvals of all fresh stilt+4 floors building plans and therefore, in view of the government order and financial constraints being faced by the company, the company has decided*



Project Proponent has submitted that in the light of above directions & order of the State Government, further construction / development of the project at site, may not be possible, at this stage. Therefore, the Project Proponent has decided to restrict the proposed built up area in the project from 1,32,934 Sqm to 71,567 Sqm and sell the remaining plots without any construction. Besides this, Project Proponent has also conveyed that Project may be required to undergo revised planning, due to acute financial constraints, being faced at this stage.

In view of the discussions made above, perusal of recommendations made by the Appraisal Committee (SEAC), examination of record (Form-I, IA & later Affidavit dated 08.05.2023) placed on file and oral submissions made by the Project Proponent, the Authority now, arrived at the conclusion that the **act of the Project Proponent to construct 71,567 Sqm without EC, amounts to a serious & major violation of the EIA Notification dated 14.09.2006.**

Therefore, this violation, calls for action within the scope of Section 5 of Environment (Protection) Act, 1986 and EIA Notification dated 14.09.2006 and further in the light of the **Judgements and observations made by the Hon'ble Supreme Court of India & Hon'ble National Green Tribunal (NGT), in the Cases mentioned below:**

1. **Hon'ble Supreme Court of India in Civil Appeal No. 10854 of 2016 titled as M/s Goel Ganga Developers India Pvt. Ltd Versus Union of India alongwith Civil Appeal No. 10901 of 2016 & Civil Appeal No. 5157-5158 of 2018.**
2. **Hon'ble Supreme Court of India in Civil Appeal No. 5016 of 2016 titled as Mantri Technozone Pvt. Ltd Versus Forward Foundation & Ors.**
3. **Hon'ble Supreme Court of India in Civil Appeal No. 2435 of 2019 titled as Keystone Realtors Pvt. Ltd Versus Shri Anil V Tharthare & Ors.**
4. **Hon'ble NGT in Appeal No. 122/2018 titled as Anil Tharthare Versus The Secretary, Eamt. Dept. Govt. of Maharashtra & Ors.**
5. **Original Application No. 1017/2018 titled as Shashikat Vithal Kamble Versus Union of India & Ors.**
6. **Hon'ble NGT in Appeal No. 54 of 2018 titled as H.P. Ranjanna Versus Union of India & Ors.**
7. **Hon'ble NGT in Original Application No. 661 of 2018 titled as Mr. Praveen Kakkar Versus Ministry of Environment, Forest & Climate Change & Ors.**



8. *Hon'ble NGT in Appeal No. 2 of 2023 titled as VSR Infratech Pvt. Ltd Versus State of Haryana & Ors.*
9. *Hon'ble NGT in M.A. No. 28 of 2023 in OA. No. 215 of 2022 titled as Aashish Sardana Vs Vatika Ltd.*

In the light of above, the Authority decided to impose a Penalty & Environment Compensation Cost, for the violations of EIA Notification dated 14.09.2006 & damage caused to the Environment by the PP, i.e. 71,527 Sqmtrs construction, without Environment Clearance. This is a serious issue, which can not be ignored or overlooked in any manner and for the reasons to protect and conserve the Environment & to implement Environmental Laws / Rules, framed thereto.

In view of the above, Environment Compensation Cost is calculated by keeping in mind the observations & directions made by the Hon'ble Supreme Court of India & Hon'ble National Green Tribunal in the cases, mentioned below.

1. *Hon'ble Supreme Court of India in Civil Appeal No. 10854 of 2016 titled as M/s Goel Ganga Developers India Pvt. Ltd Versus Union of India alongwith Civil Appeal No. 10901 of 2016 & Civil Appeal No. 5157-5158 of 2018.*
2. *Hon'ble Supreme Court of India in Civil Appeal No. 5016 of 2016 titled as Mantri Technozone Pvt. Ltd Versus Forward Foundation & Ors.*
3. *Hon'ble NGT in Appeal No. 2 of 2023 titled as VSR Infratech Pvt. Ltd Versus State of Haryana & Ors.*
4. *Hon'ble NGT in Appeal No. 54 of 2018 titled as H.P. Ranjanna Versus Union of India & Ors.*
5. *Hon'ble NGT in M.A. No. 28 of 2023 in OA. No. 215 of 2022 titled as Aashish Sardana Vs Vatika Ltd.*

## Calculation of the Penalty & Environmental Compensation Cost

(Under Section 5 of Environment (Protection) Act, 1986,  
EIA Notification dated 14.09.2006)

**TABLE-1 (Environment Compensation Cost)**

Sr. No.	<u>(in Sqmtr)</u>	<u>(₹ In Crore)</u>	<u>(₹ In Crore)</u>
	<b><u>Unauthorized Construction without EC.</u></b>	<b><u>Proportionate Project Cost.</u></b> (Worked out in ratio of earlier proposed Built Up Area i.e. 1,32,934 Sqmtrs and Rs. 478 Crore, Project Cost & actual construction made there at site)	Environmental Compensation Cost imposed @ 3 % of the Total Project cost i.e. 257.35 Crore
1.	<b><u>71,567</u></b>	<b><u>257.35</u></b>	<b><u>7.72 Crore</u></b>

**TABLE-2 (Penalty)**

Sr. No.	Project Cost	Penalty
1	₹ 257 Crore	₹ 1 Crore

**TABLE-3 (Penalty + Environmental Compensation Cost)**

Sr. No.	Project Cost	Environmental Compensation Cost imposed	Penalty
1	₹ 257 Crore	₹ 7.72 Crore	₹ 1 Crore
<b>Total</b>		<b>(₹ 7.72 Crore + ₹ 1 Crore) = ₹ 8.72 Crore</b>	

The Authority upon considering all the facts & details discussed above, deemed it fair & appropriate to **GRANT ENVIRONMENT CLEARANCE** to the Project **subject to the condition** that above Penalty & Environmental Compensation Cost, so assessed i.e. **₹ 8.72 Crore** by this Authority, shall be deposited by the Project Proponent **within 30 days from the date of Grant of Environment Clearance, in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F. No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.**

Accordingly, Environment Clearance in favour of M/s SS Group Pvt. Ltd for the Project Proposed Residential Plotted Colony over land measuring of 29.928 Acres at Sector-84 & 85 Gurugram, Haryana; **is hereby GRANTED.**

**In case of failure to comply with the above (within stipulated period), ENVIRONMENT CLEARANCE, SO GRANTED, TO THE PROJECT SHALL DEEMED TO HAVE BEEN WITHDRAWN UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 WITHOUT ANY FURTHER NOTICE.**

**Accordingly, case is disposed of.**



**Item No. 157.02: Environment Clearance for Remediation and Reclamation of Existing Dumpsite and construction, operation and maintenance of Sanitary Landfill at Village Khurana, Kaithal Dumpsite by M/s Municipal Council, Kaithal.**

1.	Project Proponent	<b><u>M/s Municipal Council, Kaithal</u></b>
2.	Project Consultant	Amaltas Enviro Industrial Consultants Ltd
3.	NABET, ACCREDITATION	No. NABET/EIA/1821/RA 0141 (Rev.01) Valid upto: 18/07/2023
4.	Applied Category of the Project	7(i) Common Municipal Solid Waste Management Facility (CMSWMF)
5.	Project Cost	<b>₹ 5.56 Crore</b> , as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/INFRA2/423291/2023 dated 28.03.2023 for Grant of Environmental Clearance (EC) under Category 7(i) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 1,00,000/- vide DD No. 940347 dated 22.12.2021 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 265<sup>th</sup> meetings of SEAC held on 12.04.2023 and **SEAC recommended the Project to SEIAA for Grant of Environment Clearance.***

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 10.05.2023.**

**After detailed deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 7(i) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. In order to maintain Air Quality; PP shall develop green wall / plantation all along the Boundary of the project site.
2. PP shall make efforts to neutralize the sting / bad odour by carrying regular spray and other corrective measures.
3. PP shall ensure that no damage occurs to the Ground Water. i.e. will attend & manage the issue of leachate properly.
4. PP shall ensure that no burning of garbage and waste material is allowed at the site.

**Accordingly, the case is disposed of.**



**Item No. 157.03: Environment Clearance for Expansion of Punjab National Institutional Building at Plot No.84, Sector 18, Gurgaon, Haryana by M/s Punjab National Bank.**

1.	Project Proponent	M/s Punjab National Bank
2.	Project Consultant	M/s Perfect Enviro solutions Pvt. Ltd.
3.	NABET, ACCREDITATION	(No. NABET/EIA/1922/SA 0143 Valid upto : 01-06-2023)
4.	Applied Category of the Project	8(a)
5.	Project Cost	<b><u>₹ 327.92 Crore,</u></b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/INFRA2/423186/2023 dated 23.03.2023 for Grant of Environmental Clearance (EC) under Category 8(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 2,00,000/- vide DD No. 001889 dated 22.03.2023 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 265<sup>th</sup> meetings of SEAC held on 12.04.2023 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.*

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 10.05.2023.**

**After having gone through the record placed on the file and alongwith considering the recommendation of Appraisal Committee (SEAC), the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. PP shall develop & maintain 37.04% of the Plot area as Green Area i.e. 5536.66 Sqms as offered in the Proposal and the same shall not be reduced/ modified or put to any other use / purpose.
2. Solar, wind Energy or other Renewable Energy shall be installed to meet electricity generation equivalent to 6 to 10% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
3. To encourage & promote Environmental solutions for ambient clear air quality, the PP is advised to install and provide Electric Charging Stations to facilitate electric vehicle commuters to the extent possible.
4. PP shall obtain Structural Stability Certificate from reputed organization like IIT or NIIT / Regional Engineering College, Kurukshetra.

**Accordingly, the case is disposed of.**

**Item No. 157.04: Environment Clearance for Proposed Expansion cum revision of Mixed Land Use Colony Under TOD Policy on Land Measuring 16.113 Acres in the Revenue Estate of Village Chauma, Sector-113, Gurgaon Manesar Urban Complex, Gurugram, Haryana by M/s Starcity Realtech Pvt. Ltd.**

1.	Project Proponent	<b><u>M/s Starcity Realtech Pvt. Ltd</u></b>
2.	Project Consultant	M/s Ind Tech House Consult
3.	NABET, ACCREDITATION	(No. NABET/EIA/2023/SA 0174 Valid upto : 02-08-2023)
4.	Applied Category of the Project	8(b)
5.	Project Cost	<b><u>₹ 1227 Crore,</u></b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/INFRA2/420712/2023 dated 02.03.2023 for Grant of Environmental Clearance (EC) under Category 8(b) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 2,00,000/- vide DD No. 514158 dated 27.12.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 265<sup>th</sup> meetings of SEAC held on 12.04.2023 and **SEAC recommended the Project to SEIAA for Grant of Environment Clearance.***

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 10.05.2023.**

The Authority, after having gone through the details emanating from the records available on the file along with considering the recommendations of SEAC, **observed the followings:**

1. Revenue Rasta is passing between the project site and the project proponent has not obtained requisite Right of Way (ROW) permission from the competent Authority.
2. License No. 106 of 2022 an area measuring 16.1125 Acres has been granted in favour of M/s Aspis Buildcon Pvt. Ltd, Starcity Realtech Pvt. Ltd in collaboration with Nourish Developers Pvt. Ltd; out of which Killa No. 1//5(7-14), 6(8-0), 7(4-14), 15(8-0), 16(8-0), 25 (8-0) falls under NCZ and Kill No. 2//10/1/2/2/1(0-14), 10/1/2/2/2 (1-8) are not in compact block, so total 46K-10M or 5.8125 acres has been freezed.
3. Zoning Plan has been approved by the DTCP on the Total Area measuring 10.30 Acres after freezing 5.8125 Acres.
4. All the NOCs including (Aravali NOC) are obtained in the name of different developers; whereas, the Project Proponent claimed that M/s Starcity Realtech Pvt Ltd and M/s Aspis Buildcon Pvt Ltd are the part of 22 associate companies.
5. The Plot Area has been reduced from the Existing Granted Environment Clearance; whereas, dwelling units are increased due to increase in Floor Area Ratio (FAR) and also decreased One (01) Floor.

Authorized representative of the Project Proponent failed to convince & address the issue properly in regard to area of the project, falling / freezed under NCZ.

Therefore, the Authority deemed it appropriate to **Refer Back this case to SEAC** with the directions to look into the above observations minutely particularly the issue of freezed area under NCZ.



**Item No. 157.05: Environment Clearance for Proposed Residential Colony under NILP on land measuring 53.3833 Acres in the revenue estate of village Naurangpur, Sector-79 & 79B, Gurugram, Haryana by M/s Loon Land Development Limited.**

1.	Project Proponent	<b>M/s Loon Land Development Limited</b>
2.	Project Consultant	M/s Ind Tech House Consult
3.	NABET, ACCREDITATION	(No. NABET/EIA/2023/SA 0174 Valid upto : 02-08-2023)
4.	Applied Category of the Project	8(b)
5.	Project Cost	<b>₹ 2733 Crore,</b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/INFRA2/422756/2023 dated 21.03.2023 for Grant of Environmental Clearance (EC) under Category 8(b) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 2,00,000/- vide DD No. 500919 dated 23.01.2023 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 265<sup>th</sup> meetings of SEAC held on 12.04.2023 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.*

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during 157<sup>th</sup> Meeting of SEIAA held on 10.05.2023.

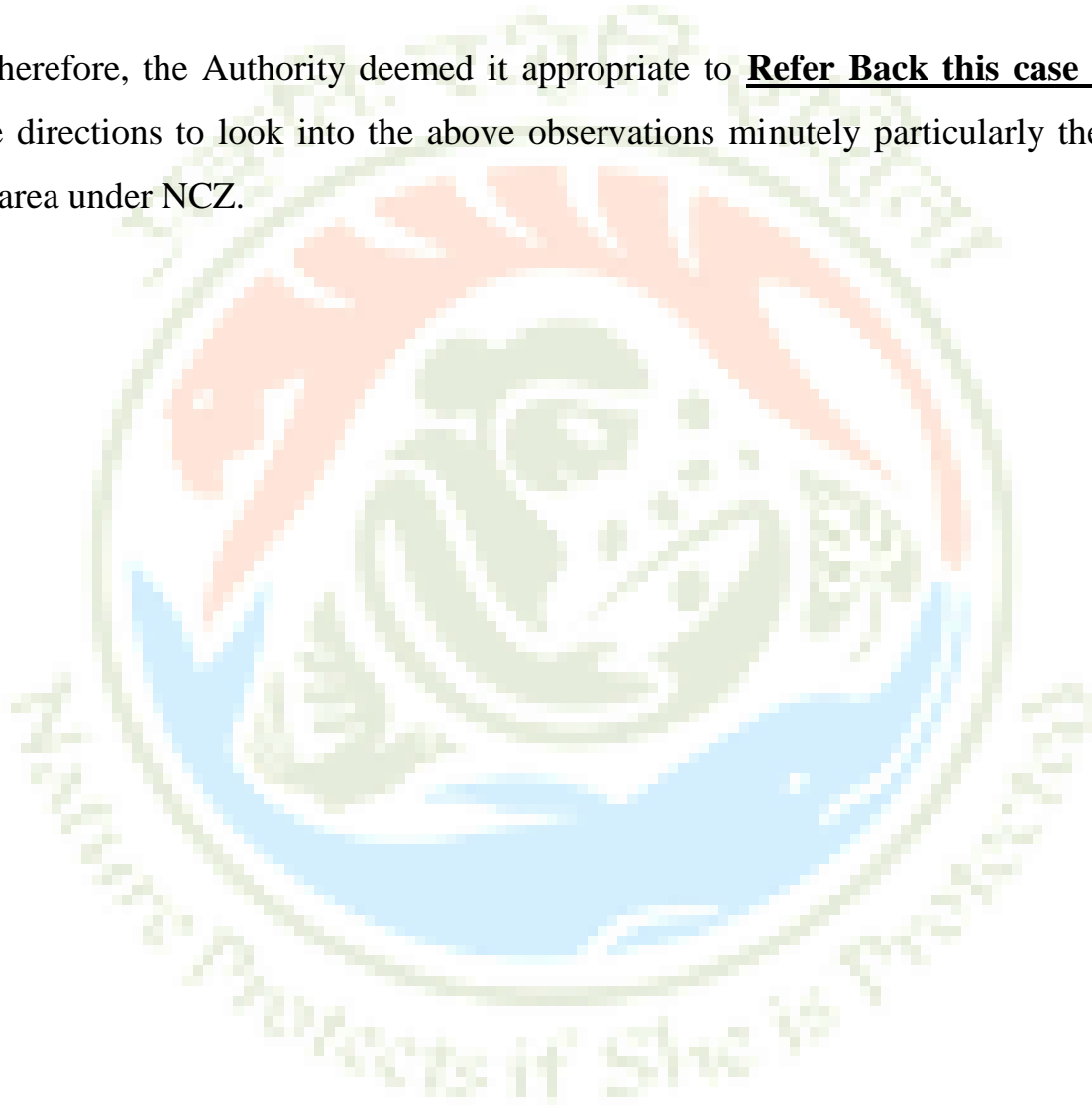
The Authority, after having perused the record and holding discussion, observed the followings:

1. **That the zoning plan has been approved by the DTCP for an area of 36.642 Acres after freezing the land of collaborations measuring 16.7413 Acres out of 53.3833 Acres.**

2. **The Project Proponent has submitted this proposal for the entire project over an area of 53.3833 Acres; and the same has been recommended by the Appraisal Committee.**
3. **Revenue Rasta is passing through the project site; PP has to obtained Right of Way (RoW) permission from the Competent Authority.**

Authorized representative of the Project Proponent failed to convince & address the issue, properly in regard to area of the project, falling / freezed under NCZ.

Therefore, the Authority deemed it appropriate to **Refer Back this case to SEAC** with the directions to look into the above observations minutely particularly the issue of freezed area under NCZ.



**Item No. 157.06: Environment Clearance for Expansion of Proposed Commercial complex on land admeasuring 5344.61 sqm situated at site/building no.1, Sector 25, urban Estate Gurgaon II, Gurugram, Haryana by M/s Lekh Buildtech Pvt. Ltd.**

1.	Project Proponent	M/s Lekh Buildtech Pvt. Ltd.
2.	Project Consultant	M/s Ind Tech House Consult
3.	NABET, ACCREDITATION	(No. NABET/EIA/2023/SA 0174 Valid upto : 02-08-2023)
4.	Applied Category of the Project	8(a)
5.	Project Cost	<b>₹ 234 Crore,</b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. **SIA/HR/INFRA2/407727/2022 dated 23.11.2022** for Grant of Environmental Clearance (EC) under Category 8(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 2,00,000/- vide DD No. 500680 dated 21.11.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 257<sup>th</sup>, 260<sup>th</sup> & 265<sup>th</sup> meetings of SEAC held on 20.12.2022, 07.02.2023 & 12.04.2023 and **SEAC recommended the Project to SEIAA for Grant of Environment Clearance.***

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 10.05.2023.**

**After detailed deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the direction that:**

*“PP shall obtain Structural Stability Certificate from reputed organization like IIT or NIIT / Regional Engineering College, Kurukshetra within 30 days; and submit the same to Authority. In case of failure; the Authority will constraint to initiate action against the Project Proponent including Withdrawal of the Environment Clearance”.*

**Accordingly, the case is disposed of.**

**Item No. 157.07: Environment Clearance for Proposed Group Housing Colony coming up at Sector 103, Gurugram, Haryana developed by Sunita Kumari w/o of Sh.Ashok Kumar and others in collaboration of M/s Aviana Green Estates Pvt. Ltd.**

1.	Project Proponent	<u>Sunita Kumari w/o of Sh. Ashok Kumar and others in collaboration of M/s Aviana Green Estates Pvt. Ltd.</u>
2.	Project Consultant	<u>Gaurang Environmental Solutions Pvt. Ltd</u>
3.	NABET, ACCREDITATION	No.: NABET/EIA/2023/RA 0192 (Rev.02) Valid upto: 07/12/2023)
4.	Applied Category of the Project	8(a)
5.	Project Cost	<b><u>₹ 308.6014 Crore,</u></b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/INFRA2/413200/2023 dated 06.01.2023 for Grant of Environmental Clearance (EC) under Category 8(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 2,00,000/- vide DD No. 048748 dated 20.12.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 260<sup>th</sup> & 265<sup>th</sup> meetings of SEAC held on 07.02.2023 & 12.04.2023 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.*

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 10.05.2023.**

**After having gone through the relevant record & holding deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. PP shall develop & maintain 26.44% of the Plot area as Green Area i.e. 4481.04 Sqms as offered in the proposal and the same shall not be reduced/ modified or put to any other use / purpose. Further, PP shall make efforts to develop Miyavaki Forest in all four corners of the Project Area.
2. Solar, wind Energy or other Renewable Energy shall be installed to meet electricity generation equivalent to 6 to 10% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
3. To encourage & promote Environmental solutions for ambient clear air quality, the PP is advised to install and provide Electric Charging Stations to facilitate electric vehicle commuters to the extent possible.

**Accordingly, the case is disposed of.**

**Item No. 157.08: Environment Clearance for Expansion in EC of Warehouse for storage of Non-agro Produce located at Village Farrukhnagar, Distt. Gurugram and Village Khalikpur, Distt. Jhajjar, Haryana by M/s Farukhnagar Logistics Parks LLP.**

1.	Project Proponent	M/s Farukhnagar Logistics Parks LLP
2.	Project Consultant	M/s Eco Paryavaran Laboratories and Consultants Pvt. Ltd.
3.	NABET, ACCREDITATION	(No. NABET/EIA/2023/RA 0211 Valid upto : 17-12-2023)
4.	Applied Category of the Project	8(b)
5.	Project Cost	<b>₹ 630 Crore</b> , as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/INFRA2/413898/2023 dated 22.11.2022 for Grant of Environmental Clearance (EC) under Category 8(b) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of **₹ Rs. 2,00,000/- (Rs. 1,50,000/- vide DD No. 389405 dated 21.11.2022 + Rs. 50,000/- vide DD No. 389563 dated 30.11.2022)** (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 261<sup>st</sup> & 265<sup>th</sup> meetings of SEAC held on 27.02.2023 & 12.04.2023 and **SEAC recommended the Project to SEIAA for Grant of Environment Clearance.***

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 10.05.2023.**

After having gone through the details emanating from the records available on the file along with considering the recommendations of SEAC, the Authority observed the followings:



1. Initially, Environment Clearance to the Project was granted vide Letter No. **SEIAA/HR/2018/1109 dated 28.08.2018** for plot area of **4,33,685.50 sq.m for 7 blocks/sheds having built up area of 1,42,709.29** sq.m.
2. Further, **6 more blocks/sheds** have been proposed in the same plot area and accordingly, Expansion of Environmental Clearance was applied by the Project Proponent and the same was recommended by the Appraisal Committee during its 183<sup>rd</sup> meeting.
3. Thereafter, the recommendations of SEAC were considered by the Authority and granted Environment Clearance (EC) vide **Letter No. SEIAA/ HR/ 2019/406 dated 14.10.2019** for the same plot area of **4,33,685.50 sq.m and mentioning inadvertently 7 blocks/ sheds instead of 13 blocks having built up area of 2,62,932.15 sq.m.**
4. An error, which struck earlier at the time of Grant & release of Environment Clearance on 14.10.2019 regarding mentioning the total number of Sheds to 7 (Seven) instead of 13 (Thirteen), is hereby allowed to be rectified / corrected. Therefore, the Total number of Sheds to be counted & considered for the Project in the EC dated 14.10.2019, shall be at 13 (Thirteen) after due correction in the record.

**In view of the above, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(b) for 14 (Fourteen) Number of Sheds within the scope & meaning of EIA Notification dated 14.09.2006.**

**Accordingly, the case is disposed of.**

**Item No. 157.09: Environment Clearance for Revision & Expansion of “Residential Plotted Colony” project located at Sector 102 & 102A, Village Dhankot & Kherkimajra Gurugram, Haryana by M/s Countrywide Promoters Pvt. Ltd.**

1.	Project Proponent	M/s Countrywide Promoters Pvt. Ltd.
2.	Project Consultant	M/s Oceao Enviro Management Solutions India Pvt. Ltd.
3.	NABET, ACCREDITATION	(No. NABET/EIA/2124/RA 0217 Valid upto : 08-04-2024)
4.	Applied Category of the Project	8 (b)
5.	Project Cost	<b>₹ 595 Crore</b> , as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/MIS/281054/2022 dated 04.07.2022 for Grant of Environmental Clearance (EC) under Category 8(b) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of **₹ Rs. 2,00,000/- vide DD No. 861455 dated 13.06.2022** (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 245<sup>th</sup>, 246<sup>th</sup>, 251<sup>st</sup> & 259<sup>th</sup> meetings of SEAC held on 25.07.2022, 22.08.2022, 10.10.2022 & 19.01.2023 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance for Revision & Expansion.*

**Findings and Decision of THE AUTHORITY (SEIAA):**

Lastly, the recommendations of SEAC were taken up during **156<sup>th</sup> Meeting of SEIAA held on 19.04.2023.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, **the Authority decided to defer this case till next meeting for want of information & certain clarifications with regard to the following:**

- 1. Green Area**
- 2. Revenue Rasta**
- 3. Sewerage Permission**

4. **Water Requirement**
5. **Status of Construction w.r.t. Certified Compliance Report.**

**Further, the Authority decided to direct the Project Proponent to appear in person to explain the position pertaining to the queries raised above at Sr. No. 1 to 5.**

The matter was taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023**. The Project Proponent along with Accredited Consultant appeared before the Authority and made oral & written submissions before the Authority.

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority observed that the Project Proponent has intimated that an amount of Rs. 19,20,000/- has been deposited to the office of Commissioner, Municipal Corporation Gurugram vide Demand Draft No. 050333 dated 15.05.2023 for the purpose of Right of Way (RoW) on the Government land.

**After detailed deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(a) within the scope & meaning of EIA Notification dated 14.09.2006 with the following additional stipulations:-**

1. Solar, wind Energy or other Renewable Energy shall be installed to meet electricity generation equivalent to 6 to 10% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
2. To encourage & promote Environmental solutions for ambient clear air quality, the PP is advised to install and provide Electric Charging Stations to facilitate electric vehicle commuters to the extent possible.
3. PP shall obtain Structural Stability Certificate from reputed organization like IIT or NIIT / Regional Engineering College, Kurukshetra.

**Accordingly, the case is disposed of.**

**Item No. 157.10: Environment Clearance for Expansion of Residential plotted colony at Village Kabri, Faridpur, Ratipur and Mehmampur, Sector 36-39, Panipat, Haryana by M/s TDI Infratech Limited.**

1.	Project Proponent	M/s TDI Infratech Limited
2.	Project Consultant	M/s Perfact Enviro solutions Pvt. Ltd.
3.	NABET, ACCREDITATION	(No. NABET/EIA/1922/SA 0143 Valid upto : 01-06-2023)
4.	Applied Category of the Project	8(b)
5.	Project Cost	<b>₹ 152 Crore,</b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/MIS/80813/2021 dated 16.07.2022 for Grant of Environmental Clearance (EC) under Category 8(b) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of **₹ Rs. 2,00,000/- vide DD No. 980763 dated 27.05.2022** (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 246<sup>th</sup> & 256<sup>th</sup> meetings of SEAC held on 22.08.2022 & 01.12.2022 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance for Expansion.*

**Findings and Decision of THE AUTHORITY (SEIAA):**

Earlier, the matter was taken up during 156<sup>th</sup> meeting of SEIAA held on 19.04.2023; wherein, the Authority decided to defer this case with the directions to call the project proponent to explain the actual position of the project.

The matter was taken up during 157<sup>th</sup> Meeting of SEIAA held on 11.05.2023, Project Proponent vide Email dated 10.05.2023 sought to defer the case for the next meeting. The Authority decided to consider the request of the Project Proponent accordingly.

**Item No. 157.11: Environment Clearance (under Violation) for expansion of Group Housing Project “Lavanya Apartments” at Sector-81, Village Nawada Fatehpur, Gurgaon, Haryana under violation notification dated 14.03.2017 by M/s Graphic Research Consultants (I) Pvt. Ltd.**

1. Project Proponent	M/s Graphic Research Consultants (I) Pvt. Ltd.
2. Project Consultant	M/s Ind Tech House Consult
3. NABET, ACCREDITATION	(No. NABET/EIA/2023/SA 0174 Valid upto : 02-08-2023)
4. Applied Category of the Project	8 (a)
5. Project Cost	<b>₹ 176.62 Crore,</b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/MIS/123774/2019 for Grant of Environmental Clearance (**under Violation**) within the scope & meaning of Category 8(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of **₹ Rs. 2,00,000/- vide DD No. 979052 dated 24.11.2021** (in compliance to Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

The case was taken up during 259<sup>th</sup> meeting held on 20.01.2023. The PP and consultant presented the case before the committee. The PP has submitted an affidavit dated 20.01.2023 and explained the background of the case as under:

1. That the above cited case was considered in the 199<sup>th</sup> SEAC, Haryana and 241<sup>st</sup> meeting of SEAC, Haryana and the committee, after due deliberation, appraised and forwarded the same to SEIAA for grant of EC under violation category.
2. A detailed project chronology with respect to the acceptance and consideration of our project for **Environment Clearance under Violation category as follows:**
  - (i) Applied for expansion of EC dated **08.02.2017** to SEIAA, Haryana and on 16.02.2017, case was accepted. Hard copy of the documents was submitted on 22.02.2017. Hard copy submission receiving is enclosed as **Annexure 1**.
  - (ii) SEAC took up the case in 150<sup>th</sup> Meeting held on dated 06.04.2017. **During the meeting, the committee highlighted that the construction has already started**

**without obtaining prior EC which amounts to violation of EIA Notification dated 14.09.2006.**

- (iii) **In compliance of the Notification dated 14.03.2017, we applied for EC under violation category within stipulated time frame i.e. within six months of window period of violation.**
- (iv) The proposal was considered by SEAC in 170th Meeting dated 07.06.2018 for approval of ToR under violation category. After due deliberation and discussion, the committee unanimously **recommended for grant of TOR** with one of the recommendation that "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 HPCB prior to the grant EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority". Copy of TOR is enclosed as **Annexure 2.**
- (v) We applied for EC as per the TOR granted.
- (vi) The case was further considered in 192nd Meeting of SEAC dated 04.12.2019 and during the discussion, certain observations were raised and replies were submitted. MOM Copy of 192<sup>nd</sup> Meeting of SEAC dated 04.12.2019 is enclosed as **Annexure 3.**
- (vii) The case was again taken up in 199th meeting of SEAC dated 22.06.2020. Extensive discussion was held regarding remediation plan and augmentation plan to be submitted for **Rs. 25.30 lac and committee gave us certain suggestions and asked us to recalculate & resubmit the Budget for "Remediation & Resource Augmentation plan". The suggestions of SEAC were accepted, implemented and a revised Budget of Rs. 38. 70 lac was submitted, that be spent within a span of five years on the cited activities.**
- (viii) The revised budget was accepted by **SEAC in 199<sup>th</sup>** meeting and the case was appraised & recommended to SEIAA for **grant of EC with following specific conditions:**
- (a) SEAC recommended for an amount of Rs.38.70 lakhs-towards Remediation plan and Natural and Community Resource Augmentation plan to be spent within a Span of five years.
  - (b) The project proponent shall be required to submit a bank guarantee of an amount of Rupees 38.70 lacs towards Remediation plan and Natural and Community Resource Augmentation plan with the Haryana State Pollution Control Board prior to the grant of EC.
  - (c) Remediation plan shall be completed in 5 years whereas bank guarantee shall be for 7 years. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority /SEIAA Copy of MOM is enclosed as **Annexure 4.**
- (ix) The recommendations of SEAC were considered in 124th meeting of SEIAA held on 22.07.2020, the authority deferred the case till the submission of proof of Bank Guarantee. Copy of MOM is enclosed as **Annexure 5.**
- (x) **In compliance to the condition of committee, and direction of SEIAA, Haryana, a bank guarantee of Rs. 38.70 lacs in the favour of HSPCB dated**



- 26.02.2021 with validity up to 25.02.2028 (7 years) was submitted.** Copy of submission of bank guarantee is attached as **Annexure-6**.
- (xi) The authority in its 127<sup>th</sup> meeting held on 17/03/21 accepted that we have submitted the proof of Bank guarantee. Further, the authority directed to explain and submit the following documents:
- (a) Latest Status Report of the Project duly verified by the RO, MoEF& CC/ RO, HSPCB
  - (b) Confirmation of the land use as per the 'Master-Plan' of the area from DTCP. Copy of MOM is enclosed as **Annexure 7**. Latest Site inspection report verified by RO, HSPCB South and Proof of Confirmation of land use by DTCP (Final Development plan of Gurugram – Manesar urban complex 2031(AD)) was submitted by us on 08<sup>th</sup> July 2021. Receiving copy of reply is enclosed as **Annexure 8**.
- (xii) The SEIAA again considered the case in 128th meeting of SEIAA held on 26.05.2021 and deferred the case. The case was again considered in 129<sup>th</sup> meeting of SEIAA held on 14.10.2021 and authority referred back the case to SEAC. MOM copy of in 128th meeting of SEIAA held on 26.05.2021 and 129<sup>th</sup> meeting of SEIAA held on 14.10.2021 is enclosed as **Annexure 9 & 10**.
- The case was again taken up in **226th meeting** of SEAC held on 18.11.2021 and after satisfaction, **SEAC re-recommended the case to SEIAA** for EC under violation category. Copy of MOM is enclosed as **Annexure 11**.
- (xiii) The case was again considered in 131<sup>st</sup> meeting of SEIAA, Haryana held on 02.12.2021 and the authority decided to defer the case till the legal opinion from Ld. LR, Haryana is received. Copy of MOM is enclosed as **Annexure 12**.
- (xiv) Again the case was take in 137th meeting of SEIAA held on 25.03.2022 and the authority MOM is as below:
- The case was taken up in the 137th meeting of SEIAA held on 25.03.2022 and the Authority after due deliberations decided to refer back case to SEAC for appraisal in the Light of SoP vide F.No.22-21/2020-IA.UI dated 07.07.2021 issued by MoEF& CC, Gol being a case of violation. Copy of MOM is enclosed as **Annexure13**.
- (xv) On 22.04.2022 we submitted to SEIAA to that our case has been decided on account of “Budgetary Provisions for Remedial & Resource Augmentation Plan”, quite evident from the MoM of SEAC 124th meeting dtd.26.06.2022. The recommendations of SEAC were admitted in 124<sup>th</sup> SEIAA meeting held on 22.07.2020 and even the proof of submitted “BG dtd. 26/02/21” was provided in the 127<sup>th</sup> meeting of SEIAA held on 17.03.2021.
- (xvi) In view of the facts cited under point no. 17, we submitted to SEAC that the case has been decided well before the publishing of SoP and even the BG was deposited with the concerned Authority, therefore, our case should be considered as the earlier cases were decided. The mandate to follow SoP dtd. 07.07.2021 was much later then the decision pronounced in our case.
- (xvii) Our submission to SEAC in its 241<sup>st</sup> meeting was considered & was forwarded to SEIAA. Copy of MOM is enclosed as **Annexure 14**.
- (xviii) The SEIAA vide its letter No. SEIAA/HR/2022/704 dated 07.04.2022 again referred back the case to the SEAC for appraisal in light of SOP dated 07.07.2021. Copy of letter is enclosed as **Annexure 15**.

The case was taken up 143<sup>rd</sup> meeting of SEIAA held on 14.07.2022 and authority decided to refer the case to LR Haryana for seeking legal opinion and guidance as to whether the SOP guidelines dated 07.07.2021, issued by the MoEF & CC, Government of India, shall apply on the proposals, applied for grant of EC under the violation window, prior to the issue of the said SOPs". (Meaning thereby, whether violation cases, pending prior to 07.07.2021 will attract SOPs dated 07.07.2021 or not). Vide 147<sup>th</sup> meeting of SEIAA, the case was referred back to SEAC with opinion of LR which were received on 04.10.2022.

The PP submitted that their case is different from G. P. Realtors and also in this case the final remediation budget has already been decided by SEIAA in the month of October 2020 much before the SoP dated 07.07.2021 issued by MoEF&CC and EC has also been approved in principle subject to submission of Bank Guarantee of Rs.38.70 Lakh which has also been deposited with HSPCB on dated 26.02.2021.

The Committee held a discussion on the submission made by the PP. After due deliberation, it was decided that since required Bank Guarantee has been deposited by PP in this case, therefore, the case shall be recommended to SEIAA for further consideration to grant EC under violation category.

### **Findings and Decision of THE AUTHORITY (SEIAA):**

Earlier, the matter was taken up during 153<sup>rd</sup> meeting of SEIAA held on 15.02.2023 & the Authority decided to defer this case.

The matter was again taken up during 157<sup>th</sup> Meeting of SEIAA held on 11.05.2023.

After having gone through the details & record placed on the file alongwith perusing the recommendations of SEAC and further holding detailed discussions, the Authority observed the followings:

1. Initially, Environment Clearance (EC) to the Project was granted by SEIAA, Haryana on 04.02.2011, (**Plot Area of 10.512 Acres (42540.192 Sqmtrs), having Built Up Area of 85419.164 Sqmtrs at Sector-81, Village Nawada Fatehpur, Gurgaon**) under Category 8 (a) of EIA Notification dated 14.09.2006.
2. Project Proponent applied for expansion on 22.02.2017 by disclosing that total

construction of the Project has gone upto 99,609.690 Sqmtrs, i.e. **beyond the prescribed & permissible limit of 85419.164 Sqmtrs, resulting in excess construction without EC is 14,190.526 Sqmtrs (1,52,690.05 Sqft), which amounts to a clear cut & serious violation under the provisions of EIA Notification dated 14.09.2006. Meaning thereby construction of 14,190.526 Sqmtrs (1,52,690.05 Sqft), without valid EC.**

3. It is well & clearly understood that in the light of order dated 22.02.2023 passed by the **Hon'ble NGT in Appeal No. 02 of 2023** titled "**VSR Infratech Pvt. Ltd Versus State of Haryana & Ors**", wherein, it has been observed that SOPs dated 07.07.2021 will be applied to decide the cases of Violation Category, which were submitted to the Competent Authorities in accordance with MOEF & CC, GOI Notification dated 14.03.2017 & 08.03.2018. The relevant part of the same is reproduced as under:

XXXXXXXXXXXXXXXXXXXXX.....

4. *However, we find that SOP dated 7.7.2021 was not applicable in case in hand, inasmuch as the said SOP was applicable in respect to those applications which were filed within six months pursuant to Notification dated 14.3.2017 and not in all other matters. In the present case, if compensation was to be calculated, they had to follow law laid down by Supreme Court in Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors. (2019) 18 SCC 494 and Goel Ganga Developers India Pvt. Ltd. v UOI, (2018) 18 SCC 257, and by this Tribunal in various cases inter-alia in Appeal No. 54/2018, H. P. Ranjanna vs. Union of India & Ors. and OA No. 661/2018, Praveen Kakar & Ors. vs. Ministry of Environment & Forests & Ors.*

XXXXXXXXXXXXXXXXXXXXX.....

Since, the proposal has been applied within the scope & meaning of MOEF & CC, GOI Notification dated 14.03.2017 & 08.03.2018, therefore, SOPs dated 07.07.2021 is deemed to be appropriate to apply in the instant case, to work out Penalty & Environmental Compensation Cost. Further, keeping in view of the observations made by Hon'ble National Green Tribunal in **OA No. 976 of 2019 titled as Gurinder Singh Versus Union of India, the Authority, deemed it appropriate to make assessment in exercise of its own statutory functions.** The relevant part of the order

dated 24.11.2020 is reproduced, as under:

XXXXXXXXXXXXXXXXXXXXX.....

**4. We are surprised at the stand taken by the State Authorities. A law violator is being asked to make assessment which is against any sensible norm. Once it is acknowledged that there is violation of law, instead of taking remedial action, the law violator is sought to be made judge is his own cause. This is serious abdication of responsibility by trustees of the citizens to run the governance.**

**5. Accordingly, we direct the authorities to withdraw such directions and to make assessment in exercise of their statutory functions, with the assistance of such expert or organization as may be considered necessary.**

XXXXXXXXXXXXXXXXXXXXX.....

4. Upon examination of records, details placed on the file alongwith perusal of the recommendations made by the Appraisal Committee, the Authority observed that ongoing proceedings in the instant case, **NEVER ATTAINED FINALITY / DISPOSAL AT THE END OF THIS AUTHORITY**, till date, whereas, the Project Proponent, probably driven by own assumptions and strategy, proceeded to furnish a Bank Guarantee proposal, which was not finalized and approved by the Authority, till date. The Authority is baffled and surprised at the self drawn conclusions, arrived, by the Project Proponent by showing undue haste, without having waited for the final decision of the Authority. **This act of the Project Proponent is totally un-acceptable, which spells nothing, but contempt and defiance towards the ongoing proceedings.**

In the light of above, the Authority deemed it appropriate to proceed further to finalize the pending proceedings in regard to violations, where construction of **14,190.526 Sqmtrs (1,52,690.05 Sqft)** have been constructed at the Project Site, without valid Environment Clearance. As this amounts to clear cut violation under the scope & meaning of EIA Notification dated 14.09.2006, accordingly, the Authority decided to impose Penalty & Environmental Compensation Cost, within the scope & meaning of

**Environment (Protection) Act, 1986 / EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021.**

**Penalty & Environmental Compensation Cost is calculated as under:**

<b>Sr. No.</b>	<b>Particular</b>	<b>Cost in Rs. In (lacs)</b>	<b>% age</b>
1	Project Cost as disclosed by the PP in Application Form I & IA.	₹ 176.62 Crore approx.	
2	0.50% Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 176.62 Crore ( <b>Being voluntary disclosure</b> )	₹ 88.31	0.50 %
3	Additional 0.25 % Penalty as per SOP 7 <sup>th</sup> July 2022 on Rs 176.62 Crore	₹ 44.15	0.25 %
4	Environmental Compensation Cost	₹ 353.24	2 %
	<b>Total Amount</b>	<b>₹ 485.70</b>	

**The Project Proponent to pay :**

(a) Penalty	:	<b>₹ 132.46 Lakh</b>
(b) Environmental Compensation Cost	:	<b>₹ 353.24 Lakh</b>
<b>Total</b>		<b>₹ 485.70 Lakh</b>

It is relevant to mention that **Hon'ble NGT** vide Order dated 21.10.2022 in **OA No. 976/2019 & M.A. No. 74/2022** (Gurinder Singh & Ors Versus Union of India & Ors.) and Order dated 11.11.2022 in **OA No. 10 of 2021 & I.A. No. 282 of 2022** (Sanjay Kumar Versus Union of India & Ors.), made directions that **PENALTY & ENVIRONMENTAL COMPENSATION COST** recovered from Project Proponent on account of Violations / Non- compliances ***“is to be utilized for RESTORATION, PROTECTION & CONSERVATION of Environment through State/ District Environment Plans”***.

In view of the above, the Authority directs the Project Proponent to deposit the **PENALTY & ENVIRONMENTAL COMPENSATION COST**, so assessed in the said case i.e.

**₹ 485.70 Lakh in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022..**

The Authority upon considering all the facts & details discussed above, deemed it appropriate to **GRANT ENVIRONMENT CLEARANCE to the Project subject to the condition** that above mentioned Penalty & Environmental Compensation Cost, so assessed i.e. **₹ 485.70 Lakh** by this Authority, shall be deposited by the Project Proponent **within 30 days**, from the date of Grant of Environment Clearance.

Accordingly, Environment Clearance in favour of M/s Graphic Research Consultants (I) Pvt. Ltd. for expansion of Group Housing Project “Lavanya Apartments” at Sector-81, Village Nawada Fatehpur, Gurgaon, Haryana, is GRANTED.

**In case of failure to comply with the above (within stipulated period), Environment Clearance, so Granted, to the Project shall deemed to have been withdrawn under Section 5 of the Environment (Protection) Act, 1986 without any further notice.**

Accordingly, the case is disposed of.



**Item No. 157.12: Environment Clearance (under Violation) for Group Housing Residential Colony Project “Vipul Gardens” located in Sector-1, Dharuhera (NH-8), District Rewari, Haryana by M/s Mudra Finance Ltd.**

1.	Project Proponent	M/s Mudra Finance Ltd
2.	Project Consultant	M/s Ind Tech House Consult
3.	NABET, ACCREDITATION	(No. NABET/EIA/2023/SA 0174 Valid upto : 02-08-2023)
4.	Applied Category of the Project	8(a)
5.	Project Cost	<b>₹ 229 Crore.</b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/MIS/241569/2021 dated 28.12.2021 for Grant of Environmental Clearance (under Violation) under Category 8(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of **₹ Rs. 2,00,000/- vide DD No. 102373 dated 20.11.2021** (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

The case was taken up in 260<sup>th</sup> meeting held on 07.02.2023. The PP alongwith consultant appeared before the committee and presented their case. The PP submitted information regarding the project in the form of Affidavit which is as under:

1. Initially, we applied our application for EC to MoEF&CC dated **16.10.2007** and after consideration in 28<sup>th</sup> Meeting of EAC dated 29.03.2008, the EC was issued dated 22.05.2008. Copy of EC letter is attached as **Annexure 1**.
2. Then, we applied online for corrigendum application to SEIAA, Haryana dated 12.01.2017 and received an EDS dated 14.02.2017 stating that the EC earlier was issued by MOEF&CC and must contact the same for further correspondence.
3. The corrigendum application was then submitted online to EAC, MOEF&CC dated 20.03.2017 and following the same an EDS dated 03.02.2017 was received stating that the validity of EC has expired. After detailed explanation and submission of relevant documentation, the acceptance from EAC was received on 08.08.2017.
4. Our case then got considered in 21<sup>st</sup> meeting of EAC held on 22.08.2017. As per the minutes, **“The committee highlighted that the construction of project has been**



**completed over and above the sanctioned build-up area which amounts to violation of EIA Notification dated 14.09.2006.”**

Hence the case was **reapplied to Violation Committee of MOEF&CC dated 11.09.2017.** Copy of MOM is attached as **Annexure 2.**

5. **In compliance of the Notification dated 14.03.2017, we applied for EC under violation category within stipulated time frame i.e within six months of window period of violation.**
6. The Ministry transferred back the case to SEIAA and after acceptance, the proposal was considered by SEAC in 169th Meeting dated 17.05.2018 for approval of ToR under violation category. After due deliberation and discussion, the committee unanimously **recommended for grant of TOR** along with following recommendations: Copy of the same is attached as **Annexure 3.**
  - The State Government/HSPCB to take action against the project proponent under the provisions of the section 19 of the Environment (Protection) Act, 1986, and further no Consent to Operate or Occupancy Certificate to be issued till the project is granted EC.
  - Grant of Terms of Reference for undertaking EIA and preparation of Environment Management Plan (EMP). Copy of Terms of Reference is attached as **Annexure 4.**
  - 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 HSPCB prior to the grant EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority. The ToR was approved by SEIAA in its 115<sup>th</sup> Meeting and EIA/EMP Report was prepared including all the recommendations of the committee and approved ToR. The same was submitted along with requisite documents to SEIAA dated 12.06.2019.
7. Total built-up area of the project 1,13,507.996 sqm and the violation area is 33,361.244 sqm. Out of 33,361.244 sqm 15,172 sqm area is under non FAR area (basements). The violated built up area is 29.4 % of total built-up area. The total project cost was incurred till 31.03.2018 was 227.42 cr. (as the application was filed on 11.09.2017) and till present financial year is 229 Cr. (including land cost, Architect & legal fee, Construction and Civil work, Electrical & Sanitary work, Iron and Steel, Approval cost and other project expenses) Annex.- (Authenticated by Certified CA attached as **Annexure 13**) and applying the “Principle of Proportionality” the total cost incurred on the violation part comes out to be 67.32 cr. Total no. of DU’s in our project is (840 general and 148 EWS units). 728 general units and 137 EWS have been allotted. On pro data basis no. of DU’s under violation is 247 general DU’s and 43 EWS.
8. As per account book from 2014 to 2022, 30.15 Cr. Sale value for 91 units. Per unit average value is 33.14 lacs and total sale value under violation for 247 is 81.86 Cr. and Total sale value under violation for EWS units is 64.5 lacs as per unit for EWS is 1.5 Lacs.

9. The case was considered in 184th Meeting of SEAC dated 16.07.2019 and during the discussion, certain observations were raised and reply of the same was submitted. Then in 206<sup>th</sup> meeting of SEAC dated 26.11.2020 an extensive discussion regarding R&R and augmentation plan to be submitted for Rs.60 lac was held. Copy of of MOM of 206<sup>th</sup> Meeting and details of the project is attached as **Annexure 5**.
10. Based on the information furnished, the **SEAC recommended the proposal to SEIAA** for grant of EC under violation with following specific conditions:
- Total budgetary provision with respect to Remediation plan and Natural & Community Resource Augmentation plan is Rs. 60 lacs. Therefore, project proponent shall be required to submit a bank guarantee of an amount of Rs. 60 lacs towards Remediation plan and Natural and Community Resource Augmentation plan with the Haryana State Pollution Control Board prior to the grant of EC.
  - Remediation plan shall be completed in 5 years whereas bank guarantee shall be for 7 years. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority/SEIAA.
11. SEIAA in its **126<sup>th</sup> meeting held on 11.12.2020** decided to refer back this case to SEAC based on the observation that SEAC has not appraised/verified the damage Assessment Report. Copy of MOM is attached as **Annexure 6**.
12. The case was taken up in 210th meeting of SEAC held on 19.02.2021. The discussion was held on the assessment of Environment compensation/damage assessment plan which comes out Rs. 60 lacs **Complying to the same a letter dated 29.12.2020 written to Chairman HSPCB was submitted along with bank Guarantee of Rs. 60 lacs/- with a validity for 7 years i.e. 28.12.2027 and case was re-recommended to SEIAA for grant of EC under violation category.**
13. In **128<sup>th</sup> meeting of SEIAA held on 26.05.2021** and following queries were raised by SEIAA.
- *The PP should recalculate the budget as per the guidelines of CPCB.*
  - *Remediation & Augmentation plan should be sustainable, verifiable and apart from community based.*
- and deferred the case for next meeting. Copy of the MOM is attached as **Annexure 7**.
14. The case was then taken up in 129<sup>th</sup> meeting of SEIAA held on 14.10.2021 and based on the observation of SEIAA 128<sup>th</sup> meeting, authority decided to refer back the case to SEAC to further take cognizance of raised observations, and to find out that:
- Whether the case has been applied during the stipulated time period for applying the cases under the "Violation category" as per Violation Notification dated 14.03.2017 & 08.03.2018.***
- *The proof of credible action taken under the EPA, 1986.*
- Copy of the MOM is attached as **Annexure-8**.

**In compliance to the same**, the reply of raised observations was submitted and SEAC in its 226th meeting held on 18.11.2021 discussed the reply submitted and **SEAC re-commended** to SEIAA for grant of EC under violation. Copy of MOM is attached as **Annexure 9**.

15. Again, the case was considered in 131<sup>st</sup> meeting of SEIAA, Haryana held on 02.12.2021 and the Authority deliberated on the reply submitted and recommendation of SEAC. The authority decided to defer the case till the legal opinion from Ld. LR, Haryana is received. Copy of MOM is attached as **Annexure 10**.
16. Again, the case was take-up in 137<sup>th</sup> Meeting of SEIAA on 24th to 26th March, 2022 and the SEIAA refer back the case to SEAC stating that ***“The case was taken up in the 137th meeting of SEIAA held on 25.03.2022 and the Authority after due deliberations decided to refer back case to SEAC for appraisal in the light of SoP vide F.No.22-21/2020-IA.III dated 07.07.2021 issued by MoEF& CC, GoI being a case of violation”***. Copy of MOM is attached as **Annexure 11**.
17. Again, the case was take-up in 147<sup>th</sup> SEIAA meeting dated 10.10.2022 after clarification from LR, MOM of SEIAA is as below:

***“Accordingly, The Authority decided to refer back this case to SEAC with the directions that the Members of Appraisal Committee will follow the methodology and uniformity adopted in the matter of M/s G.P. Realtors Pvt. Ltd. (in the matter of O.A. No. 976 of 2019 titled as Gurinder Singh & Ors V/s Union of India & Ors.); while examining/appraising the violation cases within the purview and scope of Standard Operating Procedures (SOPs) dated 07.07.2021 issued by MOEF & CC, GOI.***

***The Authority further directs the State Expert Appraisal Committee (SEAC) to hold a special meeting during this month to appraise all such pending cases, applied under the Violation Category within the purview and scope of Standard Operating Procedures (SOPs) dated 07.07.2021 & EIA Notification dated 14.09.2006.”***

Copy of MOM is attached as **Annexure 12**.

#### **Submission to the observation of SEIAA:**

- A bank guarantee of 60 lacs towards “Remedial & Resource augmentation plan” has already been submitted to HSPCB as per recommended by SEAC on dated 30/12/2020. Never ever any objection has been received to this.
- Since, the case of M/S G.P realtors, which was decided prior to the publishing of SoP issued by MoEF&CC dated 7<sup>th</sup> July 2021 to decide the cases under violation. The case of M/S G.P. realtors even pertains to a violation under the **“Wild-life Act”** and the present case pertains to not seeking the prior “Environment Clearance”, therefore the penalty clause or the method applied to calculate **penalty in case of M/S G.P.Realtors cannot be applied to the present case.**

**Our Prayer:**

- A bank guarantee of 60 lacs having No. 08460100000448 dtd.28/12/2020 towards “Remedial & Resource augmentation plan” has already been submitted to HSPCB as per recommended by SEAC on 30/12/2020.
- Our case has been recommended by SEAC on 26.11.2020 much before the publishing of SOP dtd. 7<sup>th</sup> July 2021, we are of the opinion & request that penalty should not be applied on us.

The PP submitted that the case of M/s G. P. Realtors was decided prior to the publishing of SoP issued by MoEF&CC dated 7<sup>th</sup> July 2021 to decide the cases under violation. The case of M/s G. P. realtors even pertains to a violation under the “**Wild-life Act**”, however, the present case pertains to not seeking the prior “Environment Clearance”, therefore the penalty clause or the method applied to calculate **penalty in case of M/S G. P. Realtors cannot be applied to the present case.**

It is further submitted by PP that in this case the final remediation budget has already been decided by SEIAA in the month of October 2020 much before the SoP dated 07.07.2021 issued by MoEF&CC and EC has also been approved in principle subject to submission of Bank Guarantee of Rs.38.70 Lakh which has also been deposited with HSPCB on dated 26.02.2021. A bank guarantee of 60 lacs towards “Remedial & Resource augmentation plan” has already been submitted to HSPCB as per recommended by SEAC on dated 30/12/2020 and no objection has been received by the PP from concerned quarter.

The Committee held a detailed discussion on the submission and documents submitted by the PP. After due deliberation, it was decided that since bank guarantee has already been deposited by PP in this case but penalty as per the SoP dated 07.07.2021 should be added as per following calculations:

1. Project cost of the violation part as per affidavit submitted by PP referred above is Rs.67.32 cr. Therefore, 1% additional penalty as per SoP dated 07.07.2021 i.e. Rs.67.32 lacs is liable.
2. Revenue earned/accrued of the violation part Rs.81.86 Cr. (as per Affidavit submitted by PP referred above. Therefore, additional penalty @0.25% as per SoP dated 07.07.2021 i.e. Rs.20.465 lacs is liable.
3. Total additional penalty to be deposited by the PP: Rs.87.785 lakhs in addition to the bank guarantee already deposited.

Therefore, committee further decided that the case be sent to SEIAA with the recommendation that additional penalty of Rs.87.785 lakhs as per SoP dated 07.07.2021 as calculated above be deposited in addition to bank guarantee of Rs.60 lakhs already deposited by the PP, for further consideration to grant EC under violation category.



## **Findings and Decision of THE AUTHORITY (SEIAA):**

Lastly, the matter was taken up during **153<sup>rd</sup> meeting of SEIAA held on 15.02.2023** & the Authority decided to defer this case.

The matter was again taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023.**

After having gone through the details & record placed on the file alongwith perusing the recommendations of SEAC and further holding detailed discussions, the Authority observed the followings:

1. Initially, Environment Clearance (EC) to the Project was granted by the Competent Authority on 22.05.2008, **(Plot Area of 54203.509 Sqmtrs), having Built Up Area of 80146.752 Sqmtrs at Sector-1, Dharuhera (NH-8), District Rewari, Haryana)** under Category 8 (a) of EIA Notification dated 14.09.2006.
2. Project Proponent applied for expansion on 24.04.2018 by disclosing that total construction of the Project has gone upto 1,13,507.996 Sqmtrs, i.e. **beyond the prescribed & permissible limit of 80146.752 Sqmtrs, resulting in excess construction without EC is 33,361.244 Sqmtrs (i.e. 358966.98 Sqft) , which amounts to a clear cut & serious violation under the provisions of EIA Notification dated 14.09.2006. Meaning thereby construction of 358966.98 Sqft, without valid EC.**
3. It is well & clearly understood that in the light of order dated 22.02.2023 passed by the **Hon'ble NGT in Appeal No. 02 of 2023** titled "**VSR Infratech Pvt. Ltd Versus State of Haryana & Ors**", wherein, it has been observed that SOPs dated 07.07.2021 will be applied to decide the cases of Violation Category, which were submitted to the Competent Authorities in accordance with MOEF & CC, GOI Notification dated 14.03.2017 & 08.03.2018. The relevant part of the same is reproduced as under:

XXXXXXXXXXXXXXXXXXXXX.....

6. *However, we find that SOP dated 7.7.2021 was not applicable in case in hand, inasmuch as the said SOP was applicable in respect to those applications which were filed within six months pursuant to Notification dated 14.3.2017 and not in all other matters. In the present case, if compensation was to be calculated, they*

had to follow law laid down by Supreme Court in Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors. (2019) 18 SCC 494 and Goel Ganga Developers India Pvt. Ltd. v UOI, (2018) 18 SCC 257, and by this Tribunal in various cases inter-alia in Appeal No. 54/2018, H. P. Ranjanna vs. Union of India & Ors. and OA No. 661/2018, Praveen Kakar & Ors. vs. Ministry of Environment & Forests & Ors.

XXXXXXXXXXXXXXXXXXXXX.....

Since, the proposal has been applied within the scope & meaning of MOEF & CC, GOI Notification dated 14.03.2017 & 08.03.2018, therefore, SOPs dated 07.07.2021 is deemed to be appropriate to apply in the instant case, to work out Penalty & Environmental Compensation Cost. Further, keeping in view of the observations made by Hon'ble National Green Tribunal in OA No. 976 of 2019 titled as Gurinder Singh Versus Union of India, the Authority, deemed it appropriate to make assessment in exercise of its own statutory functions. The relevant part of the order dated 24.11.2020 is reproduced, as under:

XXXXXXXXXXXXXXXXXXXXX.....

4. ***We are surprised at the stand taken by the State Authorities. A law violator is being asked to make assessment which is against any sensible norm. Once it is acknowledged that there is violation of law, instead of taking remedial action, the law violator is sought to be made judge in his own cause. This is serious abdication of responsibility by trustees of the citizens to run the governance.***
  
7. ***Accordingly, we direct the authorities to withdraw such directions and to make assessment in exercise of their statutory functions, with the assistance of such expert or organization as may be considered necessary.***

XXXXXXXXXXXXXXXXXXXXX.....

4. Upon examination of records, details placed on the file alongwith perusal of the recommendations made by the Appraisal Committee, the Authority observed that ongoing proceedings in the instant case, **NEVER ATTAINED FINALITY / DISPOSAL AT THE END OF THIS AUTHORITY**, till date, whereas, the Project Proponent, probably driven

by own assumptions and strategy, proceeded to furnish a Bank Guarantee proposal, which was not finalized and approved by the Authority, till date. The Authority is baffled and surprised at the self drawn conclusions, arrived, by the Project Proponent by showing undue haste, without having waited for the final decision of the Authority. **This act of the Project Proponent is totally un-acceptable, which spells nothing, but contempt and defiance towards the ongoing proceedings.**

In the light of above, the Authority deemed it appropriate to proceed further to finalize the pending proceedings in regard to violations, where construction of **33,361.244 Sqmtrs (i.e. 358966.98 Sqft) have been constructed at the Project Site, without valid Environment Clearance. As this amounts to a clear cut violation under the scope & meaning of EIA Notification dated 14.09.2006, accordingly, the Authority decided to impose Penalty & Environmental Compensation Cost, within the scope & meaning of Environment (Protection) Act, 1986 / EIA Notification dated 14.09.2006 & SOPs dated 07.07.2021.**

**Penalty & Environmental Compensation Cost is calculated as under:**

Sr. No.	Particular	Cost in Rs. In (lacs)	% age
1	Project Cost as disclosed by the PP in Application Form I & IA.	<b>₹ 229 Crore.</b>	
2	0.50% Penalty as per SOP 7 <sup>th</sup> July 2021, Clause No 12.a (ii) on Rs 229 Crore ( <b>Being voluntary disclosure</b> )	₹ 114.50	0.50 %
3	Additional 0.25 % Penalty as per SOP 7 <sup>th</sup> July 2022 on Rs 229 Crore	₹ 57.25	0.25 %
4	Environmental Compensation Cost	₹ 458.00	2 %
	<b>Total Amount</b>	<b>₹ 629.75</b>	



**The Project Proponent to pay :**

(c) Penalty	:	₹ 171.75 Lakh
(d) Environmental Compensation Cost	:	₹ 458.00 Lakh
		_____
<b>Total</b>	<b>:</b>	<b>₹ 629.75 Lakh</b>
		_____

It is relevant to mention that **Hon'ble NGT** vide Order dated 21.10.2022 in **OA No. 976/2019 & M.A. No. 74/2022** (Gurinder Singh & Ors Versus Union of India & Ors.) and Order dated 11.11.2022 in **OA No. 10 of 2021 & I.A. No. 282 of 2022** (Sanjay Kumar Versus Union of India & Ors.), made directions that **PENALTY & ENVIRONMENTAL COMPENSATION COST** recovered from Project Proponent on account of Violations / Non-compliances ***"is to be utilized for RESTORATION, PROTECTION & CONSERVATION of Environment through State/ District Environment Plans"***.

In view of the above, the Authority directs the Project Proponent to deposit the **PENALTY & ENVIRONMENTAL COMPENSATION COST**, so assessed in the said case i.e. **₹ 629.75 Lakh** ***in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.***

The Authority upon considering all the facts & details discussed above, deemed it appropriate to **GRANT ENVIRONMENT CLEARANCE to the Project subject to the condition** that above mentioned Penalty & Environmental Compensation Cost, so assessed i.e. **₹ 629.75 Lakh** by this Authority, shall be deposited by the Project Proponent **within 30 days**, from the date of Grant of Environment Clearance.

Accordingly, Environment Clearance in favour of M/s Mudra Finance Ltd. for Group Housing Residential Colony Project "Vipul Gardens" located in Sector-1, Dharuhera (NH-8), District Rewari, Haryana, is GRANTED.

***In case of failure to comply with the above (within stipulated period), Environment Clearance, so Granted, to the Project shall deemed to have been withdrawn under Section 5 of the Environment (Protection) Act, 1986 without any further notice.***

**Accordingly, the case is disposed of.**

**Item No. 157.13: Environment Clearance for Capacity Expansion Mining of Stone along with Associated Minor Minerals mine for total production enhancement from 5.6 MTPA to 9 MTPA at Khasra No 216, over area of 29.50 ha Located at Kalyana 2 Village Kalyana, Tehsil & District Charkhi Dadri, Haryana proposed by M/s SBIPL Projects Limited.**

1.	Project Proponent	M/s SBIPL Projects Limited
2.	Project Consultant	Vardan Environet
3.	NABET, ACCREDITATION	No.: NABET/EIA/2023/SA 0158 Valid upto: 05/05/2023
4.	Applied Category of the Project	1(a)
5.	Project Cost	<b>₹ 10 Crore,</b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/MIN/406448/2022 dated 15.11.2022 for Grant of Environmental Clearance (EC) under Category 1(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of **₹ 1,50,000/- vide DD No. 751532 dated 15.11.2022** (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 261<sup>st</sup> meetings of SEAC held on 28.02.2023 and SEAC recommended the Project to SEIAA for Grant of Environment Clearance.*

**Findings and Decision of THE AUTHORITY (SEIAA):**

Earlier, the recommendations of SEAC were taken up during 154<sup>th</sup> Meeting of SEIAA held on 21.03.2023 and the Authority decided to call for information from the Mines & Geology Department, Haryana.

The matter was taken up during 157<sup>th</sup> Meeting of SEIAA held on 11.05.2023, wherein the record pertaining to the proposal was perused alongwith recommendation of the Appraisal Committee.

Further, communication dated 12.05.2023 received from Mines & Geology Department, Haryana through Email has also been seen & perused. As per the details

conveyed, therein, it is observed that in past, too, such proposals have been considered and granted approval by the Mines & Geology Department, Haryana.

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority **decided to agree with the recommendation of SEAC in regard to enhancement of capacity from existing 5.60 MTPA to 9.0 MTPA with the followings stipulations:**

1. That Project Proponent shall adhere to all Rules & Regulations as conveyed by the Mines & Geology Department, Haryana that no activities which amounts to violation is undertaken thereto, beyond approved / revised Mining Plan/ Guidelines & conditions mentioned in the LOI alongwith the validity of the contract.
2. Project Proponent shall strictly follow the norms & provisions as required to be observed under category 1(a) of EIA Notification dated 14.09.2006.
3. The Validity of the EC shall be at par with the approved Mining Plan.
4. The Authority, upon reporting of violations or any act, beyond the prescribed norms shall call for action under Section 5 of the Environment (Protection) Act, 1986 i.e. withdrawal of EC alongwith imposition of Environmental Compensation Cost / Penalty as deemed appropriate by the Authority in this regard.

**Accordingly, the case is disposed of.**

**Item No. 157.14: ToR (under violation) for IT Building on Plot No.412-415, Udyog Vihar Phase IV, Gurgaon, Haryana by M/s Interpress Publishers Private Limited.**

1.	Project Proponent	M/s Interpress Publishers Private Limited.
2.	Project Consultant	M/s Ind Tech House Consult
3.	NABET, ACCREDITATION	(No. NABET/EIA/2023/SA 0174 Valid upto : 02-08-2023)
4.	Applied Category of the Project	8(a)
5.	Project Cost	<u>₹ 50.70 Crore</u> , as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide **online Proposal No. SIA/HR/INFRA2/403396/2022 dated 17.10.2022** for approval of Terms of Reference (under Violation) under Category 8(a) of EIA Notification 14.09.2006. The Project Proponent has deposited Scrutiny fee of **₹ 1,50,000/- vide DD No. 077549 dated 09.09.2022** (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 255<sup>th</sup> & 257<sup>th</sup> meetings of SEAC held on 14.11.2022 & 21.12.2022 and SEAC recommended the Project to SEIAA for Grant of Terms of Reference under Violation Category.*

**Findings and Decision of THE AUTHORITY (SEIAA):**

Earlier, the recommendations of SEAC were taken up during **152<sup>nd</sup> Meeting of SEIAA held on 25.01.2023**, wherein, the Authority directed the Project Proponent to deposit the **PENALTY & ENVIRONMENTAL COMPENSATION COST**, so assessed in the said case i.e. **₹ 459.54 Lakh within 30 days** from the date of Order **in accordance with the directions issued by MOEF & CC, GOI vide Office Memorandum No. F.No. IA3-22/30/2022-IA.III(182415) dated 28.07.2022.**

On receipt of PENALTY & ENVIRONMENTAL COMPENSATION COST, so assessed in the said case i.e. **₹ 459.54 Lakh**, the Proposal for Approval of Terms of Reference (ToR) shall be taken up for further consideration by the Authority.

The Project Proponent has made a representation dated 11.04.2023, to the Authority and expressed willingness to clear the liability of Rs. 459.54 Lakh, due on account of Penalty & Environmental Compensation Cost imposed by the Authority, but further expressed inability to clear the liability in a single go. Further, the Project Proponent requested to deposit Rs. 2.00 Crore as initial amount and proposed to deposit the remaining amount after grant of TOR.

Having seen the record, it is observed the Project Proponent has deposited **Rs. 2.00 Crore vide Demand Drafts No. 077757 dated 01.05.2023 & 077758 dated 02.05.2023.**

**Now, the matter is listed before the Authority for Approval of Terms of Reference (TOR) under Violation Category during 157<sup>th</sup> Meeting of SEIAA held on 11.05.2023.**

The Authority after having gone through the details & record placed on the file, the Authority decided to approve the **Terms of Reference (TOR)** in the instant case **under Violation Category.** The Authority after due deliberation decided to consider the request of Project Proponent i.e. to allow to deposit Rs. 2.00 Crore as initial payment towards the Rs. 459.54 Lakh, due on account of Penalty & Environmental Compensation Cost, with further direction to deposit the balance amount as per the payment plan offered by the PP. It is clarified that any non-compliance or delay shall call for action against PP including, forfeiture of the amount deposit earlier in this case.

**Accordingly, TOR Granted & case is disposed of.**

**Item No. 157.15: Expansion of Amravati Enclave NH-22, Shopping Mall+1080 No. of Flats + Plots at Village Bhagwanpur, Islampur and Chandi Mandir, Ambala- Kalka National Highway near Panchkula. (Extension of Environment Clearance Granted by memo no. SEIAA/HR/2021/31 dated 05.01.2021) by M/s Amarnath Agarwal Investments (P) Limited.**

In compliance of the spirit of directions passed by Hon'ble NGT in Original Application No. 78/2021 and Execution Application No. 09/2021 titled as Ramesh Malik Versus Union of India & others as well as in view of the violations committed by the project proponent as observed in the preceding Paras' and powers delegated specifically by MoEF& CC vide Notification No S.O. 637 (E) dated 28.02.2014 to the SEIAA for keeping environment Clearance in abeyance for violation of the EC conditions or withdrawing the respective EC, Authority hereby consider that the present case is fit to withdraw the Environmental Clearance issued vide letter dated 25.03.2010 and subsequent, Extension granted thereto vide letter dated 05.01.2021 issued to the M/s Amarnath Aggarwal Investment P Ltd for construction project namely Amravati Enclave-NH-22, shopping mall + 1080 flats + plots at Village Bhagwanpur, Islamnagar Chandimandir- Kalka National Highway near Panchkula.

Accordingly, the Authority vide order dated 01.04.2022, directed the Project Proponent that the EC dated 25.03.2010 granted and subsequent extension dated 05.01.2021 hereby stands withdrawn with immediate effect. Henceforth, PP shall not carry out any new activity/construction/expansion relating to the project.

**Now, the Hon'ble Supreme Court of India vide order dated 26.04.2023, modified its directions contained in paragraph 56.5 of the order dated 03.06.2022. Accordingly, the project proponent is requested to reinstate their Extension of Environment Clearance letter.**

The matter was taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023** and the Authority, after having seen the representation dated 02.05.2023 made by the PP and further holding discussion, **decided to refer the proposal to Appraisal Committee (SEAC)** to put up the case before the Authority, in view of the Judgement passed by the **HON'BLE SUPREME COURT OF INDIA;**

in

I.A. NOS. 131377, 147102, 195467, 195468, 205092 OF 2022, I.A. NOS. 162283 AND 162284 OF 2022 IN I.A. D. NO. 125746 OF 2022 WITH I.A. NOS. 118604, 118606, 119400, 119401, 119404, 137132, 137138, 137140 AND 137143 OF 2022 I.A. NOS. 5764, 6804 AND 10911 OF

2023

IN THE MATTER OF:

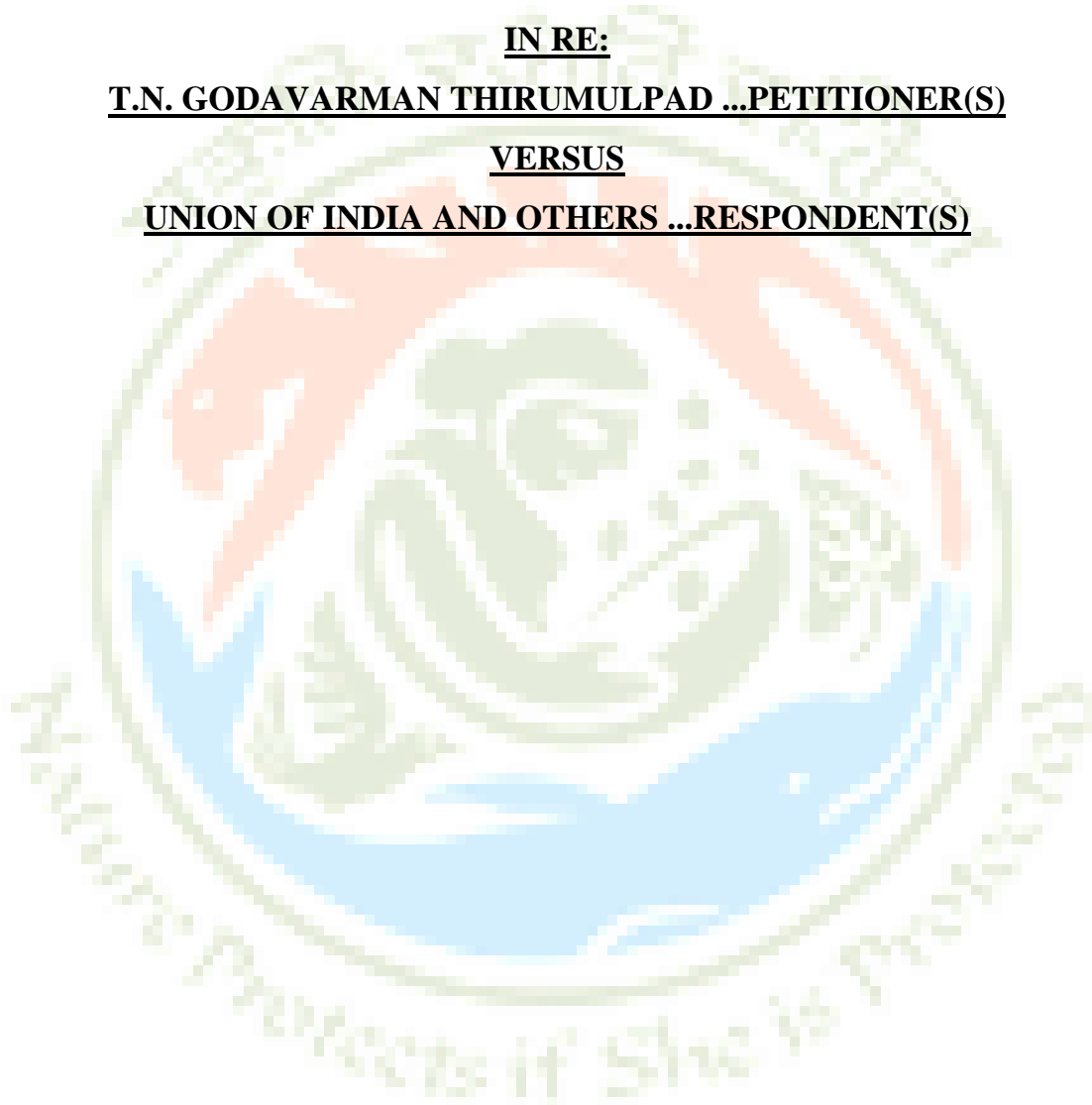
WRIT PETITION (CIVIL) NO. 202 OF 1995

IN RE:

T.N. GODAVARMAN THIRUMULPAD ...PETITIONER(S)

VERSUS

UNION OF INDIA AND OTHERS ...RESPONDENT(S)





**Item No. 157.16: Environment Clearance for Affordable Group Housing Colony Project at Revenue Estate of Village Harsaru, Sector 88A, Gurugram by M/s Yohaan Buildcon LLP.**

Environment Clearance to the project was granted on 15.11.2022 by the Authority. Wherein, 02 STPs of capacity of 270 KLD and 310 KLD (total 580 KLD) were mentioned inadvertently mentioned.

It is pertinent to mention here that during 249<sup>th</sup> meeting of SEAC, the project proponent had submitted revised water calculations for providing **single services for both part crossing revenue rasta.** Right of Way (RoW) permission has already been obtained from the competent Authority for using Revenue Rasta; hence, the project proponent has requested for **issuance of a Corrigendum for the following:**

<b>STP capacity as mentioned in EC letter ( on 2<sup>nd</sup> page) under para 3; Sr. No. 12</b>	<b>Correction to be made</b>
2 STP of capacity 270 KLD and 310 KLD (580 KLD)	<b>“580 KLD”</b>

The matter was taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023 and the Authority** to consider the request of the Project Proponent and decided to issue a corrigendum in regard to the capacity of STP to 580 KLD, in placed of earlier 2 STP of capacity 270 KLD and 310 KLD. **Meaning thereby Project Proponent shall install a STP of 580 KLD Capacity.**

**Accordingly, the case is disposed of.**

**Item No. 157.17: Environment Clearance for construction of Residential Plotted Colony measuring 97.773 Acres at Village Kasba Karnal, Sector-36, Karnal, Harana by M/s Ansal Housing & Construction Ltd.**

The project proponent submitted the case for obtaining Environmental Clearance to the SEIAA, Haryana on 08.08.2014. The Terms of Reference were approved in the 111<sup>th</sup> meeting of the SEAC held on 08.09.2014 and conveyed to the project proponent vide letter No. 1631 dated 12.09.2014.

The project proponent submitted the EIA report on 20.01.2015 on the basis of Terms of Reference approved by the Committee. The case could not be taken up in the SEAC as the term of SEIAA/SEAC was elapsed on 21.03.2015. Therefore, the case was transferred to Ministry of Environment and Forest, Government of India in the month of March, 2015. This case could not be taken up by the MoEF and was again transferred to SEIAA on 31.08.2015 after the reconstitution of SEIAA/SEAC on 21.08.2015.

Thereafter, the case was taken up for appraisal during 120<sup>th</sup> meeting of the SEAC held on 06.11.2015. The Project Proponent requested for adjournment and the same was discussed in the meeting. The Committee acceded to the request and decided to issue 30 days notice to the PP. The observations of the 120<sup>th</sup> meeting were conveyed to the project proponent vide letter No. 193 dated 16.11.2015. The PP submitted the reply vide letter dated 04.02.2016. Thereafter, the case was taken up for appraisal during 129<sup>th</sup> meeting of the SEAC held on 14.03.2016.

During discussion, it was revealed that project proponent has already started construction work which amounts to violation of Environmental Protection Act, 1986 in compliance of EIA Notification dated 14.09.2006. It was observed by the Committee that the project proponent has not given the exact status of the construction so far carried out at site. Therefore, PP was directed to submit an affidavit from the Director of the Company giving the exact status of the Construction with graphical details of the same along with the Resolution of Board of Directors as per the Office Memorandum No. J-11013/41/2006.IA.II(I) dated 16th November, 2010 issued by Ministry of Environment and Forest, Government of India.

Further the Project Proponent was directed to stop the construction at site immediately in compliance of the Office Memorandum No. J-11013/ 41/ 2006.IA.II(I) dated 27.06.2013 issued by the MoEF, GOI.

The observations of 129th meeting were issued to the PP vide letter No. 780 dated 25.03.2016. Final Show Cause Notice was issued to the project proponent vide letter No. 2156 dated 16.08.2017. The PP their letter dated 18.09.2017 requesting for delisting of their case as under:

*"It is submitted that the project lies under para 8(b) Township and Area Development project as per MoEF Notification dated 14.09.2006, wherein EC is required to be taken, if the area of the project is greater than 50 hectares. The subject project covers an area of 97.773 Acres of land, which is less than 50 hectares. Hence EC for the project is not required to be obtained as per MoEF Notification dated 14.09.2006.*

Thereafter, the case was taken up during 160th meeting of the SEAC held on 06.11.2017. It was decided to constitute a Sub-Committee for site visit: The sub-committee will consist of the following:

1. Sh. G.R. Goyat, Chairman
2. Sh. A.K. Bhatia, Member (Coordinator)

The site has since been visited by the Sub-Committee had submitted its report on 18.06.2018. Thereafter, the case was taken up during 174<sup>th</sup> meeting of the SEAC to be held on 07.08.2018. The brief of the case is that the PP applied for Environment Clearance on 7.8.14 for an built up area of 289577.58 Sq. Meters and terms of reference was approved in the 111<sup>th</sup> meeting of the SEAC held on 08.09.14 and the same were conveyed to the project proponent vide letter No.1631 dated 12.9.14. On the basis of Terms of Reference approved by the SEAC, Haryana, project proponent submitted the EIA/EMP on 20.1.15 for an area of 261430.265 Sq. Meters. It was revealed from the site visit report that PP is not submitting details/desired information even after repeated directions by Sub-Committee and assurances given by him and the area constructed/to be constructed by the project proponent is more than the required for exemption and the PP requires Environmental Clearance.

The brief of the site visit report is as under:

1. The PP has started development and construction of plotted colony without getting EC from the competent authority on the pretext that the area of the project (plotted colony) is less than 50 hectares.
2. The PP has already constructed the commercial complex-1 and remaining are proposed to be constructed. The total area of all the commercial complexes are 15459 Sq. Meters as per EIA Report. The PP has already constructed the flats and details as provided by PP is 12699 Sq. Meters (Copy of which placed on the case file from CP-30-64).

3. The total area under common facility like school, community centre, religious building, taxi stand is 50360 Sq. Meters as mentioned in EIA Report are supposed to be constructed by PP. Although PP has given assurance that no further construction will be done but could not provide credible documents to support the claim.
4. The PP has obtained the approval for construction of various sites, plots and other facilities from other from DTCP, the documents provided include O/C for 14934 Sq. Meters and approval for construction in 17 plots(enclosed). In addition, the construction activity has been done on other plots for which PP was unable to supply the records. It was promised by Sh. N.P. Sharma that remaining information/documents will be sent within one week time. But after repeated telephone calls and written request, the information was not provided. Final notice was sent to PP to provide all the information No. 583 dated 06.06.2018. After lapse of 26 days, no response was received from the PP.

Therefore the PP has violated the conditions of EIA Notification dated 14.09.2006 by starting the construction without getting the EC (**Original site visit report placed on file at CP-30-31**).

The Committee after detailed discussion was of the unanimous view that the case be referred to the SEIAA for initiating prosecution action as per EIA Notification, 2006.

The matter was taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023** and **the Authority observed that more information & details are required, before proceeding further in this matter, therefore, the Authority decided to defer this case for the next meeting.**

**Case is deferred to the Next Meeting.**

**Item No. 157.18: Notice in Original Application No. 68/2022 titled as Raman Sharma Applicant versus State of Haryana & Ors in the matter of M/s Malibu Town.**

The Present Application has been filed before the Hon'ble National Green Tribunal with Grievances in the application are regarding running of 10 DG sets in the green belt of Integrated Residential Colony Gurugram, Haryana, dumping of construction waste in violation of environmental norms and raising of constructions by M/S Malibu Estate Pvt. Ltd. in Malibu Town, Sohna Road, Gurgaon (North), Haryana despite refusal of consent to operate by the Haryana state Pollution Control Board (HSPCB).

So far as the questions of raising unauthorized construction by the Project Proponent is concerned, it is evident from the replies and documents produced in the case that the Project Proponent did not obtain Environment Clearance (EC) and CTE/ CTO as required under the EIA Notification 2006 and the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

“REPLY ON BEHALF OF RESPONDENT No. 2 i.e. HARYANA STATE POLLUTION CONTROL BOARD IN COMPLAINEE OF ORDER DATED 11.01.2023 and 15.03.2023

X X X X X X

4. That project proponent had obtained revised layout plan of 204.796 acres on 31.01.2008 from DTCP, Haryana and part completion certificate as mentioned above in table was obtained on 27.09.2016 in reference to license No. 15 of 2008 for area 24.681 acres from DTCP, Haryana and Occupation Certificate was issued by DTCP, Haryana for 31061.622 Sqm. (Built-up area) on 10.03.2017 in respect of other licenses mentioned therein in addition to occupation certificate obtained for community buildings as described above from 2009 to 2019. The revised layout plan for an area of 204.796 acres comprised of licenses in respect of Residential Plotted Colony including group housing component being developed by Malibu Estate Pvt. Ltd., in Sector-47 & 50, Gurugram was approved by Town & Country Planning vide drawing No.DTCP-5626 dated 28.09.2016.
5. That project proponent have not obtained Environmental Clearance for expansion carried out by way of constructing said building & other construction and revised plans, zonings / expansion after cut of dated EIA notification 07.07.2004/14.09.2006 or modernization of Malibu Town (204.796 Acres) under the provision of EIA notification 07.07.2004/14.09.2006 till date as construction was carried out after EIA Notification 07.07.2004/14.09.2006 which is evident from building plans, revised building plans, layout plans, revised layout plans and occupation/completion certificates obtained time to time after 14.09.2006.

6. That project proponent was also required to obtain Environmental Clearance under the provisions of EIA Notification dated 07.07.2004/14.09.2006, even last License No. 15 of 2008 dated 01.02.2008 for 24.681 acres was granted after 14.09.2006, cut off date of requiring EC & carried out construction /development activity without obtaining prior Environmental Clearance & Consent to Establish (CTE). Thus, violated the provisions of EIA Notification, Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.

In view of the facts and circumstances of the case, we consider the presence of SEIAA, Haryana to be essential for just and proper adjudication of the questions involved in the case. Accordingly SEIAA, Haryana is impleaded **as respondent no. 9.**

The matter was taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023** and the Authority observed that more information & details are required, before proceeding further in this matter, therefore, the Authority decided to defer this case for the next meeting.

**Case is deferred to the Next Meeting.**



**Item No. 157.19: Expansion of Residential Colony “Vatika India Next” M/s Vatika Limited Sector – 81, 82, 82A, 83, 84 & 85, Village- Sihi, Sikhopur, Badha, Sikanderpur Badha & Kherki Daula, District- Gurugram, Haryana be M/s Vatika Limited.**

The Project was initially submitted to SEIAA, Haryana on 24.09.2014; whereas, Terms of Reference were approved and communicated to the PP vide letter dated 16.02.2015.

The EIA/EMP report was submitted on 04.11.2016. Thereafter, the PP sought adjournments; in the meanwhile a sub-committee comprising of Dr. Punit Ghai, Member SEIAA, and Sh. Hitender Singh, Member SEAC was constituted by SEIAA vide order dated 06.04.2017; wherein, the sub-committee reported that Earlier Environment Clearance to the project was accorded for 281.557 Acres; whereas, the PP has initiated the construction activity beyond 281.557 Acres.

Thereafter, the PP has applied for Approval of Terms of Reference (under violation category). The Proposal was considered by SEAC during its 174<sup>th</sup> meeting held on 07.06.2018 and recommended to SEIAA for approval of Terms of Reference.

The Terms of References were approved by SEIAA and communicate to the PP vide letter dated 20.08.2018.

Thereafter, the Project Proponent has requested to extend validity of ToR for one year as per Office Memorandum F. No. J-11015/109/2013-IA.II (M) dated 12.01.2017; which was considered during 226<sup>th</sup> meeting of SEAC held on 18.11.2021 and recommended for grant Extension of Validity of ToR for further one year.

The recommendations of SEAC were considered during 137<sup>th</sup> meeting of SEIAA held on 25.03.2022 and it was decided to agree with the recommendation of SEAC.

The matter was taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023** and the Authority observed that more information & details are required, before proceeding further in this matter, therefore, the Authority decided to defer this case for the next meeting.

**Case is deferred to the Next Meeting.**



**Item No. 157.20: Environment Clearance for Expansion-cum-Revision of Proposed Affordable Residential Plotted Colony under DDJAY Policy on Land Measuring 57.4 acres (2,32,289.559 sqm) in the revenue estate of Village Hayatpur, Sector 89, Gurgaon, Haryana by M/s Adhikaansh Realtors Private Limited.**

1.	Project Proponent	M/s Adhikaansh Realtors Private Limited
2.	Project Consultant	M/s Ind Tech House Consult
3.	NABET, ACCREDITATION	(No. NABET/EIA/2023/SA 0174 Valid upto : 02-08-2023)
4.	Applied Category of the Project	8(b)
5.	Project Cost	<b>₹ 1060 Crore,</b> as mentioned / disclosed in the Application Form (I & IA).

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/INFRA2/420507/2023 dated 02.03.2023 for Grant of Environmental Clearance (EC) under Category 8(b) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of ₹ 2,00,000/- vide DD No. 514146 Dated 15.12.2022 (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 262<sup>nd</sup> & 266<sup>th</sup> meetings of SEAC held on 14.03.2023 & 28.04.2023 and **SEAC recommended the Project to SEIAA for Grant of Environment Clearance.***

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority observed that the Project Proponent has intimated that an amount of Rs. 2,00,000/- has been deposited to the office of Commissioner, Municipal Corporation, Manesar vide Demand Draft No. 514413 dated 15.05.2023 for the purpose of Right of Way (RoW) on the Government land.

**After due deliberations, the Authority decided to Grant Environment Clearance (EC) to the project under Category 8(b) within the scope & meaning of EIA Notification dated 14.09.2006.**

**Accordingly, the case is disposed of.**



**Item No. 157.21: Extension of Validity EC for Boulder, Gravel and Sand Minor Mineral Project located at Jairampur Block YNR/B-6 (ML Area-33.85 ha) Village Jaipurampur Jagiri, Tehsil Jagadhari, District Yamuna Nagar, Haryana by M/s Balaji Infra.**

1.	Project Proponent	M/s Balaji Infra
2.	Project Consultant	Vardan Environet
3.	NABET, ACCREDITATION	No.: NABET/EIA/2023/SA 0158 Valid upto: 05/05/2023
4.	Applied Category of the Project	1(a)

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/RIV/296731/2023 dated 17.01.2023 for Grant of Environmental Clearance (EC) under Category 1(a) of EIA Notification dated 14.09.2006. The Project Proponent has deposited Scrutiny fee of **₹ 1,50,000/- vide DD No.000607 Dated 10.01.2023** (in compliance of Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021).

Cost of the Project as disclosed by the PP in the APPLICATION FORM is at **₹ 5 Crore / Annum.**

**Appraisal & Recommendations of SEAC:**

*The said case was taken up during 262<sup>nd</sup> & 266<sup>th</sup> meetings of SEAC held on 14.03.2023 & 28.04.2023 and **SEAC recommended the Project to SEIAA for grant of Extension of Environmental Clearance validity** for an average depth upto 2.56 m as approved in the replenishment study report by Director Mines & Geology, Haryana and for quantity of 15,20,000 TPA as mentioned in LOI/Mining Plan/EIA Report/ToR/DSR/Replenishment Report.*

**Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority **decided to agree with the proposal i.e. to extend the validity of the Environment Clearance (EC) dated 29.01.2022, at par with the Approved Mining Plan issued by the Mines & Geology Department, Haryana alongwith the depth & quantity as recommended by the**

**Appraisal Committee in the instant case and further subject to the final outcome of the pending proceedings in Civil Appeal No. 5194 of 2022, before the Hon'ble Supreme Court of India, with the following conditions that:**

1. Project Proponent shall carry out Mining Activities strictly in accordance with the condition & procedures as laid down in Sand Mining Guidelines, 2020.
2. PP shall furnish an affidavit stating that he will abide by the outcome & decision of the Hon'ble Supreme Court in Civil Appeal No. 5194 of 2022.
3. PP shall comply & follow with the stipulated conditions as laid down in the EC dated 29.01.2022.

**Accordingly, case is disposed of.**

**Item No. 157.22: Environment Clearance for the project “Auria” Group Housing Colony measuring land area of 11.925 Acres at Sector 88, Faridabad, Haryana by M/s RPS Infrastructure Ltd.**

**Recommendations of SEAC**

The case was previously taken up in the 137<sup>th</sup> meeting of SEIAA held on 26.03.2022 and the Authority decided to carry out the spot inspection to get the current status of project by constituting a team comprising of Dr. Rajbir Singh Bondwal, IFS (Retd.) Member SEAC, Prof R. Baskar, FGS (Ind), (IGNOU), Member, SEIAA & Sh. Vinay Gautam (JD Tech., SEIAA) and concerned RO, HSPCB (who will assist members of SEIAA/SEAC) to be nominated by Member Secretary, HSPCB and the team will submit report at the earliest. Accordingly, the case was deferred till the receipt of the report. The site inspection report of sub-committee has been received and as per the report construction of 6 towers, commercial market, swimming pool, boundary works, foundation works, excavation works, brickworks, etc., in 818 days does not seem to be feasible and from the field evidences it was apparent that the work had been continuing even till date.

Thereafter, the case was again taken up in the 143<sup>rd</sup> meeting of SEIAA held on 14.07.2022 and observed that the validity of EC granted vide letter dated 04.05.2009 to the Project Proponent expired on 04.05.2016. Later, project proponent applied for fresh EC on 16.08.2021 after a gap of 5 years of the expiry of validity of earlier EC for (Plot Area 48250.89 sqm) at the same site.

In view of above, the Authority decided to refer the case back to SEAC for clarifications/ comments on the points listed below:

- 1- Whether any construction was carried out during 2016-2021 (No EC Period) after expiry of EC dated 04.05.2016-till 2021).
- 2- Water calculation needs clarifications i.e. 616 KLD Vs 427 KLD.
- 3- Being a Group Housing project, the sewer connection is necessary for such a huge quantum of effluent likely to be generated project does not provide any detail regarding sewer connection and this aspect may be relooked by SEAC.
- 4- Expert committee may examine the report of Sub-Committee with special focus on the satellite images of the year 2016 and 2022 further examine the content of email received on 13.07.2022 at 11.34 pm.
- 5- SEAC needs to relook into the compliance of the conditions as stipulated in the earlier Environment Clearance granted on 04.05.2009.
- 6- Whether any Court proceedings relating to the Project are pending?

The case was taken up in 246<sup>th</sup> meeting of SEAC, Haryana held on 22.08.2022. The consultant appeared before the committee and submitted a letter dated 21.08.2022 vide which PP has requested to defer the case as the technical experts related to the project was not available on the date of meeting. The committee accepted the request of PP and meanwhile report of Sub Committee constituted by SEIAA be circulated to all Members and PP.

The case was taken up in 256<sup>th</sup> meeting held on 01.12.2022. The PP alongwith consultant appeared before the committee for presenting their case.

In this case, the sub-committee visited the site on dated 14.05.2022, the copy of the report was circulated to all members as well as to the PP/consultants for scrutiny and comments. Instead of that, the PP has made an application to Chairman, SEIAA. Copy of the same is circulated to all the members as well as consultant for scrutiny and comments. The PP has submitted that when EC was expired on 03.05.2016 and not extended, some construction was done during 2016-2019. The PP has worked out the quantum of work done/construction during non-compliance period of EC.

The consultant should also work out the quantum of work done/construction in noncompliance period of EC based on satellite imaginary and sub-committee already visited the site will also work out the quantum of work done/construction.

The case was deferred and decided to be taken up as and when comments of all the members as well as consultant are received.

Thereafter, the case was taken up in 259<sup>th</sup> meeting held on 19.01.2023. The PP alongwith consultant appeared before the committee to present their case. It has been pointed out by the sub-committee headed by Shri Rajbir Singh Bondwal, Member, SEAC that some more information from the side of PP is required to prepare the site visit report and the area as calculated by the consultant should also be cross-checked by the sub-committee.

After detailed discussion, the PP who was present in the meeting was directed to submit approved drawings of site plan, tower wise (including EWS tower) construction status and geo-tagged photographs of all the towers, school constructed at the site. The information/documents as pointed out by the Member in the meeting as discussed above shall be provided by the PP/Consultant to sub-committee headed by Shri Rajbir Singh Bondwal, Member, SEAC. The committee further decided to defer the case.

The case was taken up in 262<sup>nd</sup> meeting held on 14.03.2023. In this case, Sh.Rajbir Singh Bondwal, Member, SEAC was the Head of Sub-Committee constituted for site visit and he



submitted his report dated 14.05.2022 which was thoroughly discussed by the committee in the earlier meeting. During 259<sup>th</sup> meeting PP was directed to submit approved drawings of site plan, tower wise (including EWS tower) construction status and geo-tagged photographs of all the towers, school constructed at the site. However, Sh. Rajbir Singh Bondwal has informed the committee that the information/documents as pointed out by the Member in 259<sup>th</sup> meeting as discussed above has not been provided by the PP/Consultant.

After discussion, the committee decided that direction be issued to the PP/Consultant on their official email as well as speed post to provide the relevant documents as discussed above to Sh. Rajbir Singh Bondwal to prepare the report/give comments and deferred the case to be taken up on receipt of documents by Sh. Rajbir Singh Bondwal, Member, SEAC.

The committee further decided to communicate the decision of committee to PP on their official email as well as speed post and deferred the case for next meeting.

The case was taken up in 266<sup>th</sup> meeting held on 28.04.2023. PP and Consultant did not attend the meeting. However, PP forwarded a letter dated 27.03.2023 addressed to SEIAA mentioning therein that they want to withdraw their earlier application and they are applying for grant of ToR under violation category as per violation Notification dated 14.03.2017.

PP further requested to allow them to withdraw the above mentioned proposal so that they can submit their new proposal. The committee acceded with the request of PP and unanimously decided that this case be forwarded to SEIAA for further necessary action.

### **Findings and Decision of THE AUTHORITY (SEIAA):**

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority decided to consider **the request of the Project Proponent and allowed for withdrawal of Proposal with the directions to apply within 02 weeks, under the Violations Category.** Any non-compliance or delay shall prompt authority to proceed to finalize the proceedings in regard to the violation made by the PP within the scope & meaning of EIA Notification dated 14.09.2006.

**Item No. 157.23: EC for proposed affordable residential plotted colony under DDJAY Scheme at Sector 106, Daultabad, Gurugram, Haryana by M/s Magic Eye Developers Private Limited.**

Proposal for the said Project was submitted to the SEIAA vide online Proposal No. SIA/HR/MIS/261584/2022 dated 14.03.2022 for Grant of Environmental Clearance (EC) under Category 8(a) of EIA Notification dated 14.09.2006.

The case was considered during 237<sup>th</sup> meeting of SEAC held on 12.04.2022 but the PP requested in writing vide letter dated 12.04.2022 for the deferment of the case which was considered and acceded by the SEAC.

The case was taken up during 242<sup>nd</sup> and 251<sup>st</sup> meeting of SEAC. Neither the PP nor consultant has appeared before the Committee. However, it was brought to the notice of Committee that the consultant of this case has expired in a road accident. The Committee decided to defer the case and shall be taken up as and when request is received from PP.

Then the case was taken up during 259<sup>th</sup> meeting held on 19.01.2023. Neither PP nor consultant appeared before the committee. It has been brought to the notice of the Committee that the consultant representing the case, has expired in a road side accident. The committee decided that direction be issued to PP to make alternative arrangements to pursue its case before the committee and shall appear before the committee in the next meeting relevant part of minutes shall also be conveyed to PP via speed post and email. The case was deferred for next meeting.

The case was taken up during 262<sup>nd</sup> meeting held on 14.03.2023. Neither PP nor any representative on his behalf has appeared before the committee to represent the case. The committee has taken a serious view in this regard and decided that PP may be given one more opportunity to appear before the SEAC to represent their project either themselves or through their authorized representative and shall also submit the relevant documents in support of their case, otherwise, their case will be referred to SEIAA for further necessary action as per OM dated 18.11.2020.

The committee further decided to communicate the decision of committee to PP on their official email as well as speed post and deferred the case for next meeting.

The case was taken up during 266<sup>th</sup> meeting held on 28.04.2023. However, still neither PP nor consultant appeared in the meeting. It is observed by the committee that the case has been fixed in several meetings of SEAC but neither PP nor Consultant appeared before the

committee to represent their case. Moreover, it was informed to the Committee that the consultant engaged in this case has expired in a road side accident and the case is pending since long for procuring appearance of PP/consultant. In this regard, the instructions issued by MoEF & CC vide OM dated 18.11.2020 also brought to the notice of the Committee which reads as under:

.....

- e) *“in case a Project Proponent or his consultant did not attend the meeting or does not reply to the queries raised for more than six month, 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.”*

The committee after having a detailed discussion on the circumstances of the case as well as keeping in view the above mentioned instructions issued by the MoEF & CC, unanimously decided to send the case to SEIAA for taking further necessary action.

The recommendations of SEAC were taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023.**

After having gone through the details & record placed on the file along with considering the recommendations of SEAC, the Authority **decided to call for a report from Haryana State Pollution Control Board, Panchkula through the concerned Regional Officer to verify the actual status of construction at the project site, before proceeding to conclude the proceedings as per OM dated 18.11.2020 issued by MOEF & CC, GOI.**

Accordingly, **case is deferred.**

**Item No. 157.24: 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 during 170<sup>th</sup> 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 during 115<sup>th</sup> 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 during 180<sup>th</sup> 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 170<sup>th</sup> 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 170<sup>th</sup> meeting.

Thereafter, the case was taken up during 118<sup>th</sup> meeting of SEIAA, Haryana held on 12.06.2019 and Public consultation was exempted.

Thereafter, the case was taken up during 202<sup>nd</sup> 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 during 125<sup>th</sup> 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 during 129<sup>th</sup> 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 during 135<sup>th</sup> 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 during 235<sup>th</sup> 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 during 242<sup>nd</sup> 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 during 251<sup>st</sup> 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 during 149<sup>th</sup> 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.

The case was taken up during 256<sup>th</sup> meeting held on 01.12.2022. PP has not appeared before the committee. The committee took it seriously and directed PP through their consultant to submit the reply of observations raised by SEIAA during 149<sup>th</sup> meeting. The PP shall also submit **scrutiny fee** as prescribed in Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021. The PP is directed to submit reply within 15 days, thereafter, the case shall be taken as and when reply of PP is received.

The case was taken up during 262<sup>nd</sup> meeting held on 14.03.2023. Neither PP nor any representative on his behalf has appeared before the committee to represent the case. The committee has taken a serious view in this regard and decided that PP may be given one more opportunity to appear before the SEAC to represent their project either themselves or through their authorized representative and shall also submit the relevant documents in support of their case.

The committee further decided to communicate the decision of committee to PP through their official email as well as speed post and deferred the case for next meeting.

The case was taken up during 266<sup>th</sup> meeting held on 28.04.2023. The PP appeared before the Committee and submitted a letter wherein it is stated that they were directed to deposit Bank Guarantee of Rs.39.00 Lacs to Haryana State Pollution Control Board but they are unable to deposit the same due to financial crunch and liquidity problems. It is further submitted in letter that they have been granted licences by Town & Country Planning Department during the Month



of February, 2023 and their project is expected to launch by 31.07.2023 and requested to grant them permission to deposit Bank Guarantee by 31.08.2023.

The Committee held due deliberation on the request made by PP and decided that the case be sent to SEIAA for further necessary action. However, PP is also directed to submit **scrutiny fee** as prescribed in Haryana Government, Environment & Climate Change Department Notification No. DE&CCH/3060 dated 14.10.2021.

**Findings and Decision of THE AUTHORITY (SEIAA):**

The matter was taken up during **157<sup>th</sup> Meeting of SEIAA held on 11.05.2023** and **the Authority observed that more information & details are required, before proceeding further in this matter, therefore, the Authority decided to defer this case for the next meeting.**

**Case is deferred to the Next Meeting.**

---

**The meeting ended with a vote of thanks.**

\*\*\*\*\*