

Proceedings of the item no. 190.02 of 190th meeting of State Expert Appraisal Committee held on 27.06.2020 at 10:30 am through video conferencing/ in the Conference Hall of PSCST at 2nd Floor, MGSIPA Complex, Sector-26, Chandigarh.

The 190th meeting of SEAC was held on 27.06.2020 through video conference on VIDYO APP in light of COVID 19. In the meeting, the following members were present:-

Sr. No.	Name of SEAC Member	Designation in SEAC
1.	Er. Yogesh Gupta	Chairman
2.	Sh. Pardeep Garg	Secretary
3.	Dr. Adarsh Pal Vig	Member, through online mode
4.	Er. Parminder Singh Bhogal	Member, through online mode
5.	Er. Nirmal Singh Kahlon	Member
6.	Sh. A.K. Bhatia	Member
7.	Dr. Pawan Krishan	Member, through online mode
8.	Dr. Harpreet Kaur	Member
9.	Sh. KL Malhotra	Member
10.	Dr. Sandeep S Viridi	Member, through online mode
11.	Sh. Deepak Sethi	Member, through online mode

At the outset, Secretary, SEAC welcomed the members of the State Expert Appraisal Committee (SEAC) and informed that the detailed agenda of the meeting and presentations of various items have already been circulated to all the members through e-mail. Thereafter, the agenda was taken up item wise for consideration.

Item No. 190.02: Application for issuance of ToRs for carrying out EIA study for obtaining environmental clearance under EIA notification dated 14.09.2006 for the establishment of a Group Housing Project namely " OMEGA CITY" located at Kharar- Ludhiana Road, Tehsil Kharar, District SAS Nagar, Punjab by M/s Omega Infra Estates Pvt. LTD. (SIA/PB/NCP/22977/2018).

SEAC observed as under:

1.0 Background

The project proponent submitted that project namely "Omega City" was started in 2013 & the built-up area of the project was 16774 sqm which was less than 20,000 sqm and thereafter, they got the plan revised and the built-up area has been increased to 36445 sqm, which is more than 20000 Sqm. They had started the construction without obtaining Environmental Clearance.

Being a case of violation case and as per amendment notification vide No S.O. 804 (E) dated 14-03-2017, violation cases even of category "B" projects which are granted Environmental Clearance by SEIAA, are to appraised for grant of Environmental Clearance only by the EAC and granted at the central level.

Accordingly, they had submitted the online application for issuance of TORs for obtaining Environmental Clearance vide proposal no. IA/PB/NCP/68670/2017 to MOEF&CC on 12/09/2017.

MoEF&CC issued amended notification dated 08.03.2018 and the gist of relevant paras (2), (4) and (5) of the notification, is reproduced as under: -

Para (2) For category B projects, the appraisal, and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.

Para (4) The cases of violations will be appraised with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.

Para (5) In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at sub-paragraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan.

In view of the above, MoEF&CC has transferred the project to SEIAA vide proposal no. SIA/PB/NCP/22977/2018 on 28/03/2018.

1.1 Deliberation during 167th meeting of SEAC held on 26.05.2018

The case was considered by SEAC in its 167th meeting held on 26.05.2018 wherein, SEAC was apprised that project proponent has not yet submitted a hard copy of the application after acceptance of its online application as stipulated vide MoEF OM No. J-11013/49/2014-IA.I dated 06/06/2014. The SEAC asked the project proponent why he has not yet submitted a hard copy of the application. To this, the project proponent replied that hard copy will be submitted shortly.

After detailed deliberations, SEAC decided to defer the case and ask the project proponent to submit a hard copy of the application. Till such time his case will not be taken up for consideration.

Accordingly, ADS were raised online, and the project proponent submitted hard copy of the application on 06.09.2019

1.2 Salient features of project

The project proponent applied for issuance of TORs. The summary of the project and EMP is as under:

S.No.	Item	Details
1	Name & Location of the project	Group Housing Project "OMEGA CITY" located at Kharar- Ludhiana Road, Tehsil Kharar, District SAS Nagar, Punjab
2	Project/activity covered under item of scheduled to the EIA Notification, 14.09.2006	8(a) 'Building & Construction Project'
3	Copy of the Master plan duly marked with the project site	Not Submitted

4	Pre-feasibility report as per Ministry of Environment & Forests, Circular dated 30.12.2010.	Not submitted.		
5.	Proof of ownership of land	Submitted		
6.	Copy of Memorandum of Article & Association/partnership deed /undertaking of sole proprietorship/list of Directors and names of other persons responsible for managing the day-to-day affairs of the project.	Not Submitted		
7	Proposed ToRs (based on the standard ToRs)	Submitted		
8	Does it attract the general condition? If yes, please specify	No		
9	Whether the proposal involves approval/clearance under the Forest (Conservation)Act,1980	No		
10	Does the project cover under PLPA, 1900	No		
11	Whether the proposal involves approval/clearance under the Wildlife (Protection)Act, 1972?	No		
12	Classification/Land use pattern as per Master Plan	Not submitted. However, it has mentioned that the project site is located at village Khanpur near Kharar and the land for the proposed project conforms to the land use as per the Master plan		
13	Cost of the project	50 Crores.		
14.	TORs Fee details	NA as the application submitted on 10.09.2017 i.e. before the date of Notification 27.06.2019		
15.	Total Plot Area, Built-up Area, and Green area			
	Description	Existing	Additional	Total
	Total Area	22825 sqm	-	22825 sqm
	Built-up Area	16774 sqm	19971	36445 sqm
	Flats	188 flats	218 flats	406
16.	Source of water supply	Ground Water Supply		
17.	Quantity of water	274 KLD		
18.	Waste Water generation	219 KLD		
19.	STP Capacity	225 KLD		
20.	Effluent utilization	69 KLD (i) Uses- Flushing-49 KLD, (ii) Plantation & Irrigation-20 KLD		

21	Rainwater harvesting	Rooftop rainwater of buildings will be collected in 3 RWH tanks of total 70 KLD capacity for harvesting after filtration
22	Air pollution control	i) All the D.G. Sets shall be acoustically treated to restrict the noise within the permissible limits. ii) Stack of adequate height will be provided on DG sets
23	Solid waste	810 kg/day Bio-degradable and Non-biodegradable waste will be handled as per the MSW Rules, 2016
24	Hazardous waste	Used oil of D.G. Sets, will be stored in HDPE drums and kept in covered rooms under lock and key and will be sold to approved recyclers only.
25	Energy Requirements & Saving	i) 2200 KW from the PSPCL ii) Proposed energy-saving measures would save about 21% of the power.
26	Other facts	i) Consent to operate under the Water Act, 1974 for 188 flats have been issued by the SPCB. ii) Regional Deputy Director, Local Govt. , Patiala vide letter no 15737 dated 25.10.2013 has issued amendment and CLU granted for 33 Bighe and 12 Biswa

1.3 Complete details of the case, are summarised as under:

1	Proposal No	SIA/PB/NCP/22977/2018
2	Date of submission of application	12.09.2017
3	Date of acceptance of application	22.05.2018
4	Meeting of SEAC in which case was considered	167 th meeting held on 26.05.2018
5	Observations	As mentioned above.
6	Date of ADS	-
7	Reply received in reference to ADS	The project proponent submitted the hard copy of the application on 06.09.2019

8	Reminder	A reminder was issued through email 06.05.2020 wherein it was requested to submit the reply online to the observations immediately, otherwise, it will be presumed that the project proponent has nothing to say and the project will be delisted in light of the OM dated 30.10.2012. The project proponent submitted reply on 25.06.2020
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2.0 Deliberation during 190th meeting of SEAC held on 27.06.2020

The case was considered by SEAC in its 190th meeting held on 27.06.2020 through video conference and was attended by the following:

1. Sh. Amritpal Singh, Director, on behalf of the project proponent.
2. Sh. Sandeep Garg, EIA Co-ordinator, M/s Eco Laboratories & Consultants Pvt. Ltd.

SEAC was apprised that this case is a violation case and was applied in the window given by the MoEF vide notification dated 14.03.2017 & 08.03.2018 and the project proponent submitted a reply on 25.06.2020 in response to the Additional Details Sought from him which was taken on record.

Before allowing the project proponent to give a presentation, the following observations were made by the Committee:

1. The project proponent is required to submit the details of Forest Clearance obtained for diversion of forest land.
2. As per the letter bearing no. 1567 dated 22.08.2019 issued by the Municipal Council, Kharar, the sewer facility is not available near the project. However, MC, Kharar has no objection, in case, the project proponent connects its internal sewer discharging treated wastewater in the sewer laid down by it. The Committee observed that the proposal of the project proponent for providing the sewer connection at its own level does not seem to be feasible and he required to submit the following in this regard:
 - i) The project proponent shall submit the detailed drawing indicating:
 - (a) Distance of the project sewer from the main sewer.
 - (b) Sewer alignment for joining the main sewer.
 - (c) Private land or Govt. land along with details of ownership from where the sewer passes

- ii) The project proponent shall submit proper NOC/permission from the owner of the land.
 - iii) The project proponent shall submit a revised letter of MC, Kharar mentioning the carrying capacity of MC sewer & treatment capacity of STP with comments on the adequacy of the STP in light of the increased pollution load due to the project.
3. As per the proposal submitted by the project proponent, the present pollution load due to 188 flats was 217 KLD for which STP of 250 KLD capacity has been provided. However, after carrying out total construction, there will be 406 residential flats including 40 EWS flats.

SEAC observed that the proposed STP of capacity 250 KLD for complete project will not be adequate as the wastewater generation will be far higher than the treating capacity of the STP. Thus, the project proponent is required to submit a revised water balance along with a revised proposal for the treatment of sewage.

4. The water requirement of the project does not match with the CGWA requirement.

3.0 Recommendation of SEAC

After detailed deliberations, the Committee decided as under:

- a) SEIAA be requested to issue a direction under Section 5 of the Environment (Protection) Act, 1986 to the project proponent as under:-
 - i) It shall not carry out any further construction activity at its project site namely "OMEGA CITY" located at Kharar- Ludhiana Road, Tehsil Kharar, District SAS Nagar, Punjab till it obtains environmental clearance under EIA notification dated 14/9/2006.
 - ii) It shall neither execute any sale deed within the project area nor create any third-party interest in the project till it obtains the environmental clearance under EIA Notification dated 14.09.2006.
- b) SEIAA be requested to ask the PPCB to provide the details of the legal action taken against the responsible persons of the project as per the Clause 3 of MoEF & CC Notification dated 14.03.2017 (as amended on 08.03.2018) and as amended on 08.03.2018 in response to SEIAA letter no 354 dated 02.04.2019 along with construction status of the project (completed/not completed, if not completed then % of built-up area completed as on)
- c) Simultaneously, the SEAC may ask the project proponent to submit the reply to aforesaid observations (Sr No. 1 to 4) of SEAC, within 15 days and appear in

the meeting as and when the case is placed before SEAC. In case, the project proponent fails to submit the reply & appears in the meeting of SEAC, it will be presumed that the project proponent is not taking the matter seriously and the case will be delisted without any further communication.

- d) The case be placed again before SEAC after getting the reply from the project proponent and prosecution status from the PPCB.