

Proceedings of the 151st meeting of State Expert Appraisal Committee held on 24.10.2016 at 10.00 AM in the Committee Room, Punjab Pollution Control Board, Nabha Road, Patiala.

The following were present in the meeting:

Sr. No.	Name	Designation
1.	Sh. Kuldip Singh, IFS (Retd)	Chairman
2.	Er. Malvinder Singh, FIE	Member
3.	Sh. Harbax Singh	Member
4.	Dr. A.S.Reddy	Member
5.	Dr. V.K. Singhal	Member
6.	Sh. N.S.Kahlon	Member
7.	S. Jaswinderjit Singh Sekhon	Member
8.	Dr. Manpreet Singh Bhatti	Member
9.	Sh. Samarjit Kumar Goyal	Secretary

Item no.151.01: Confirmation of the proceedings of 150th meeting of SEAC held on 16.09.2016.

The SEAC noted that the proceedings of 150th meeting of State Level Expert Appraisal Committee held on 16.09.2016 were circulated to all concerned vide letter no. 3376-3388 dated 23.09.2016. No observations have been received from any of the member. As such, the SEAC confirmed the proceedings of said meeting.

Item no.151.02: Action taken on the proceedings of 150th meetings of State Level Expert Appraisal Committee held on 16.09.2016.

The details of action on the proceedings of 150th meeting held on 16.09.2016 were seen by the SEAC.

Item No.151.17: Application for issuance of TOR under EIA notification dated 14.09.2006 for establishment of Educational Institutional Complex i.e. Expansion of the Existing Institute at Village Sarmastpur, Jalandhar- Pathankot Highway, Jalandhar developed by M/s DAV College Trust & Management Society, New Delhi(Proposal no SIA/PB/NCP/17259/2016)

The SEAC observed that:-

Earlier, M/s DAV College Trust & Management Society, New Delhi had applied for obtaining environmental clearance under EIA notification dated 14.09.2006 for establishment of Educational Institutional Complex "Expansion of the Existing Institute " at Village Sarmastpur, Jalandhar- Pathankot Highway, Jalandhar i.e. having total plot area of the project as 2, 19,580.70 sqm in which the construction will be made having total built up area of 2, 19,359.922 sqm. The case was placed in SEAC in its 126th meeting held on 21.08.2015 wherein the project proponent requested to grant the environmental clearance after excluding the khasra nos. 193 and 432, which was taken on record. The project proponent further submitted that they have applied to the Forest Department for obtaining necessary permission for using forest land as approach to the project under (Forest Conservation) Act, 1980.

The SEAC while acceding to the request of the project proponent for deferment of the case observed that the project proponent is also required to submit NOC from concerned DFO or copy of acknowledgement along with copy of complete application submitted online to DFO for obtaining forest clearance under Forest (Conservation) Act, 1980. The observations were conveyed to the project proponent vide letter number 2713 dated 28.06.2016.

Thereafter, the case was considered by the SEAC in its 145th meeting held on 11.05.2016 wherein the project proponent submitted written request for withdrawal of its existing application which was applied for grant of Environmental clearance. The contents of request letter are as under:

1. The University had applied for obtaining Environmental clearance in which the proposed built up area was approx. 2, 21,000 sqm.
2. Due to changes in the Planning of the University, the total built up area would be approx. 1, 68,000 sqm, out of which, construction has been done on apx. 99,000 sqm and remaining area is purely undisputed area. Thus, they want to withdraw the previous application, and want to apply a fresh at the earliest for obtaining the Environmental clearance.

After deliberation the SEAC decided to recommend to SEIAA to allow the project proponent to withdraw his present application.

Thereafter, the case was considered by the SEIAA in its 108th meeting held on 03.06.2016 wherein, the SEIAA decided to accept the recommendations of SEAC and allowed the project proponent to withdraw its existing application for obtaining environmental clearance under EIA notification, 2006 for developing DAV University in the revenue estate of village Sarmastpur, Jalandha-Pathankot Highway, Jalandhar subject to a special condition that the project proponent shall submit revised Environmental Clearance application online.

Now, the project proponent has filed fresh application for issuance of TOR under EIA notification, 2006. The project is covered under category 8 (b) of the Schedule appended to the said notification. The details of the project as given in Form 1 and 1A and other documents are as under:

- The total land area of the project is 219,582.43sqm and the total built up area will be 153541.036 sqm after expansion i.e. {86360.86 sqm (existing) +67180.176sqm (proposed)}. The total cost of the project is 140.05 crores.
- The project comprises of Academic Block, Administration Block, Administration Block-01, Administration Block-02, Auditorium Block, Girl's Hostel & Boy's Hostel and total population will be 9000 persons including visitors. The expansion is to be done in auditorium block, girl's hostel & boy's hostel.
- The institute has been granted permission for change of land use for an area measuring 54.26 acres in Village Sarmastpur, Sub-Tehsil Kartarpur, District Jalandhar vide memo no. 5363 dated 14.07.2010 by the CTP, Punjab.
- This piece of land is just 3 K.M. away from the Municipal limit on Jalandhar-Pathankot Road As per Master Plan & Zoning Position of this land, the land can be used for establishing educational institutes.
- Adequate parking provision (600 ECS - open, stilt, basement) will be kept for parking of vehicle but the parking required is 322 ECS as mentioned in form-1
- The total water requirement for the project will be 800 KL/day including total fresh water requirement of 400 KLD which will be met through borewell.
- The total wastewater generation from the project is 420 KLD.

- The total quantity of solid waste to be generated from the proposed project has been estimated as 1500 Kg/Day.
- Total power requirement for the project will be 2000 KW which will be provided by PSPCL.
- The project proponent has submitted the proposed Terms of Reference (TORs).

The details of the documents submitted with the application are as under:

1.	Properly filled Form 1 & pre-feasibility report	Yes
2.	Proof of ownership of land	Already having existing land to accommodate the expansion part.
3.	CLU status	submitted
4.	Memorandum of Articles & Association and Names of person responsible for day to day affairs of the project.	Submitted the society registration document
5.	List of accredited EIA consultant organization with accredited sector of NABET	Submitted

The case was considered by the SEAC in its 151st meeting held on 24.10.2016, but no one attended the meeting from the promoter company. The SEAC observed that Sh. Gautam Bhalla, Estate Officer, DAV university, Jalandhar vide its letter dated 24.10.2016 received through email dated 24.10.2016 has informed that their consultant who is supposed to present the case before the SEAC members is not well due to ill health & requested for deferment of case. The SEAC accepted the request & deferred the case.

As such, in light of Office Memorandum dated 25.02.2010 of the Ministry of Environment & Forests, Govt. of India, the SEAC decided to defer the case and project proponent be asked to attend the meeting as and when held.

Item No.151.18 Application for obtaining environmental clearance under EIA notification dated 14.09.2006 for mining of minor minerals (sand) from River bed in the revenue estate of Village- Arazi Darya Bramad BelaTajowal, Tehsil-Balachaur, District- SBS Nagar, Punjab of General Manager cum Mining Officer, District Industries Centre, SBS Nagar. (Proposal no. SIA/PB/MIN/5012/2015).

The SEAC observed that:-

The General Manager cum Mining Officer, District Industries Centre, SBS Nagar vide application no. SIA/PB/MIN/5012/2015 dated 14.04.2016 submitted online, has applied for obtaining environmental clearance under EIA notification dated 14.09.2006 for mining of minor minerals (sand) from river bed in the revenue estate of Village- Arazi Darya BramadBelaTajowal, Tehsil- Balachaur, District- SBS Nagar. The project is covered under category 1 (a) of the Schedule appended to the said notification. The details of the project are as under:

1. About 205500 Tonnes Annually of mining of minor minerals (Sand) will be carried out in an area 38.935 Ha in the revenue estate of Village- Arazi Darya BramadBelaTajowal, Tehsil- Balachaur, District- SBS Nagar in H.B. no. 421, and details of khasranos is as under:-

Murba No. -18, 19, 20, 40, 41, 42, 44, 48, 49; Killa No.-11, 20, 21, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 12/1, 12/2, 13, 14/1, 14/2, 16, 17, 18/8/2, 19, 23, 24, 25, 6/1, 6/2, 13/2, 13/3, 14, 15/1, 15/2, 16, 17, 18/1, 18/2, 19/1, 19/2, 21, 22, 23, 24/1, 24/2, 25/1, 25/2, 1, 2, 3/1, 3/2, 4, 5, 6, 7, 8, 9, 10/2, 11/2, 11/2, 12/1, 12/2, 13, 14, 15, 16, 17/1, 17/2, 18, 19, 20/2, 21, 22, 23, 24, 25, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 1, 1, 2, 3, 4, 5, ½, 2, 3/2, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15

2. NOC has been issued by the Department of Forest & Wildlife, SBS Nagar vide letter no. 239 dated 10/04/2015 to the effect that the above said khasranos are not under the control of Department of forest & Wildlife, SBS Nagar. Further, there is a Government Reserve Forest adjoining to the said mining site and demarcation is required.

3. The project proponent has submitted the following documents along with Form-I:

- (i) Pre- feasibility report
- (ii) Land Documents
- (iii) 10 K.M. radius Topographic Map of Proposed Project.
- (iv) 1 Km google map showing the sand mining site.
- (v) Location Plan on Latha Map.
- (vi) Haul Road Map
- (vii) Contour Map

- (viii) DFO Letter
- (ix) Site Photographs
- (x) Undertaking
- (xi) Consent of Farmer
- (xii) Commissioner Certificate for land excavation

The case was considered by the SEAC in its 145th meeting held on 11.05.2016, which was attended by Sh. Gurdev Singh Mahal, General Manager cum Mining officer, District SBS Nagar.

The SEAC observed that District Survey Report of SBS Nagar has not been submitted yet. On enquiry, the General Manager, DIC informed that Distt. Survey Report is still under preparation & will be ready within a week. Accordingly, the GMDIC was told that case can be considered only on submission of the Distt. Survey Report.

After detailed deliberation the SEAC decided to defer the case till the project proponent submits the reply to the aforesaid observation. Accordingly, the observations of the same were conveyed to the project proponent vide letter No. 2414 dated 24.05.2016. But the project proponent has not submitted any reply to the observations raised by the SEAC, as yet.

As per provisions of OM dated 30.10.2012, in case of projects pending between 3 to 6 months of EAC meeting for want of information, reminder may be sent seeking information within a month. If the information not received within this period, the project may be delisted. Therefore, the project proponent was again requested vide letter No. 3229 dated 26.08.2016 to submit the District Survey Report.

The project proponent has submitted Draft DSR online and the same was annexed as annexure with the agenda.

The case was placed before the SEAC in its 151st meeting held on 24.10.2016. Sh. Gurdev Singh Mahal, General Manager cum Mining officer, District SBS Nagar was present during the meeting. However, the case could not be take up due to paucity of time and it was decided to take up the matter in the next meeting.

Item No. 151.16: Application for environmental clearance granted under EIA notification dated 14.09.2006 for the expansion of group housing project namely "Royale Mansions Luxury Apartments" in the revenue estate of Village- Peer Mushalla, Near Zirakpur, Distt. SAS Nagar, Mohali by M/s. Royale Mansions (Proposal no.SIA/PB/NCP/42563/2016)

The SEAC observed that:-

M/s. Royale Mansions has applied for environmental clearance under EIA notification dated 14.09.2006 for the expansion of group housing project namely "Royale Mansions Luxury Apartments" in the revenue estate of Village- Peer Mushalla, Near Zirakpur, Distt. SAS Nagar, Mohali. The project is covered under category 8 (a) of the Schedule appended to the said notification.

Earlier, the project proponent was granted Environmental Clearance vide letter no. 47502 dated 30.10.2013 for establishment of a group housing project namely "Royale Mansions Luxury Apartments" having total built up area of having built up area of 27419.418 sqm in the total plot area of 17158.686 sqm in the revenue estate of Village Peer Mushalla, near Zirakpur, Distt. S.A.S Nagar, subject to the certain conditions.

The details of the expansion project as given in Form 1 and 1A and other documents are as under:

- The total land area of the project is 17,167.204 sqm (4.24 acres). The total built up area has been increased from 27,419.418 sqm (201 flats in 6 blocks (i.e. 138-4BHK, 38-3BHK, 25 EWS flats) and 3 shops) to 36,674.208 sqm (258 flats & 9 shops). Thus, the total additional built up area of the Group Housing Project is 9,254.79 sqm (57 flats. + 6 shops). The total project cost after addition is Rs. 29.72 Crores.
- After expansion, the total water requirement for the project will be 175 KL/day, out of which 117 KL/day will be met through own tubewells and remaining 58 KL/day will be met through recycling of treated wastewater.
- After expansion, the total wastewater generation from the project will be 140 KL/day, which will be treated in a STP of capacity 150 KLD based on SAFF Technology to be installed within the project premises. The project proponent has proposed to use 13 KL/day will be used for irrigation of green area

(2,341.15 sqm) and remaining waste water will be discharged into M.C. sewer in summer season. In winter season, 04 KL/day will be used for irrigation of green area and remaining waste water will be discharged into M.C. sewer. In rainy season, 01 KLD for irrigation of green area and remaining waste water will be discharged into M.C. sewer. The project proponent has also submitted that dual plumbing system has not been provided. However, treated water from STP is being used for irrigation purposes.

- After expansion, the total quantity of solid waste generation after expansion will be 520 kg/day, which will be segregated at source as biodegradable and non-biodegradable components as per the Municipal Solid Waste (Management & Handling) Rules, 2000. The biodegradable waste would be sent to the approved site. The non-biodegradable and the recyclable waste will be sold to the recyclers. The Biodegradable waste is composted by use of Mechanical composter.
- After expansion, the total load of electricity required for group housing after expansion will be 1500 KW which will be taken from the PSPCL. There is a proposal to install silent DG sets 1 x 250 KVA & 2 x 125 KVA as stand-by arrangement.
- The project proponent has proposed to provide 14 Nos. rain water harvesting pits to recharge the ground water.
- Used oil to be generated from the DG sets will be sold to authorized recyclers.

The details of the documents submitted with the application are as under:

1.	Properly filled Form 1 & 1A	Yes
2.	<p>(a) In case(s) where land has already been purchased/acquired: Proof of ownership of land</p> <p>(b) In case where land is yet to be purchased/acquired: Proof of ownership of land (existing owner) such as copy of latest Jamabandi (not more than one month old) and credible document showing status of land acquisition w.r.t. project site as prescribed in OM dated 07.10.2014 issued by</p>	Submitted, Copy of land documents including Jamabandi

	MoEF)	
3.	Copy of Master Plan of the area showing land use pattern of the proposed site/certificate from Competent Authority intimating land use pattern of the project site as per proposals of Master Plan of the area.	Submitted, Master Plan showing Project site. The project site falls under residential zone as per the Master Plan of Zirakpur, hence, CLU for the same is not required.
4.	Layout plan duly approved by the Competent Authority/Conceptual plan of the project.	Submitted.
5.	Topographical map of the area showing Contour Plan. In case of Area Development Projects, the Contour Plan should reflect the true existing physical features of the site and may be prepared by the project proponent w.r.t. some permanent reference marks.	Submitted.
6.	Status of construction, if any, alongwith photographs from all the four sides.	Submitted
7.	500 meter radius map of the area from periphery of project site clearly indicating the various industries (specifically red category industries) and structures lying in the area.	Submitted. Google Earth Image Showing project site & surroundings within 500 meter.
8.	Site plan of the project showing the following i) Location of STP ; ii) Solid waste storage area. iii) Green belt iv) Parking space v) RWH and water recharge pits vi) Firefighting equipment layout vii) First aid room viii) Location of Tube wells ix) DG Sets and Transformers	i. Marked ii. Marked iii. Marked iv. Marked v. Marked vi. Marked vii. Marked viii. Marked ix. Marked
9.	Permission of Competent Authority for; a) Water and Sewerage connection A letter from concerned Local Body/Authority giving details about existing status of sewer connectivity and availability of water supply in the area and acceptance of Local Body for taking the quantity of sewage to be generated by the proposed	a) Submitted copy of letter issued by M.C. Zirakpur vide letter no. 808 dated 04.06.2013 to the project proponent wherein, it has been mentioned that the Council has no objection for giving sewerage connection for discharging there treated

	<p>project and providing the water supply. Existing position of public sewer and water supply line duly marked on the lay out map/plan.</p> <p>b) Collection of Solid waste</p>	<p>wastewater after deposition of requisite charges.</p> <p>b) Submitted, the M.C. Zirakpur vide letter no. 2941 dated 29.08.2011 has issued a certificate to the project proponent to the effect that the solid waste to be generated from the project, will be taken care by MC, Zirakpur.</p>
10.	Water balance chart for summer, rainy and winter seasons indicating critical requirements.	Submitted
11.	Availability of land for use of treated sewage and plantation.	Submitted, Green area marked on the layout plan. However, excess treated sewerage water will be discharge into MC Sewer.
12.	Analysis reports of ambient air, ground water and noise levels from NABL/MoEF Accredited laboratories.	Submitted
13.	Quantification of energy saved and renewable energy devices used.	Submitted
14.	Drawing showing plumbing systems for use of fresh, treated and hot water	Submitted, site plan showing sewer line & treated water used for horticulture.
15.	Construction schedule (PERT/CPM Chart)	Submitted.
16.	<p>Undertaking(s) for ;</p> <p>a) Constitution of Environment Monitoring Cell</p> <p>b) Use of ready mix concrete or use of fly ash during construction.</p> <p>c) To provide Fire Fighting System</p> <p>d) To provide wind breaking curtains and water sprinkling system to minimize dust emissions during construction phase.</p> <p>e) To provide adequate safety measures for the construction workers during the construction phase.</p>	Submitted.
17.	<p>Environmental Management Plan indicating the following:</p> <p>a) All mitigation measures for each</p>	a) Submitted

	<p>item-wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project.</p> <p>b) Compliance of various environmental regulations</p> <p>c) Steps to be taken in case of emergency such as accidents at the site including fire.</p> <p>d) For how long period the project proponent will be responsible for implementation of EMP and the name of the person(s) responsible for implementation of EMP.</p> <p>e) Capital & recurring cost for the EMP per year and the details of funds for the same.</p> <p>f) Name of the individual persons / organization, who will be responsible for implementation of EMP after the lapse of the period for which the project proponent is responsible.</p>	<p>b) Submitted</p> <p>c) Submitted</p> <p>d) Sh. Surinder Bansal (Partner) of Royale Mansions is responsible for implementation of EMP for 5 years and after that the welfare society of the project will be responsible for the same.</p> <p>e) Rs. 76.0 lacs will be incurred for implementation of EMP on account of capital cost and Rs. 11 lacs/annum will be incurred on account of recurring charges for implementation of EMP.</p> <p>f) The association of Residents or MC whosoever takes over the project will be responsible for implementation of EMP.</p>
18.	Corporate Social Responsibility indicating various activities to be undertaken, provisions of funds for the same, the period for which the same is to be implemented and the person(s) responsible for the implementation of the same.	Sh. Surinder Bansal (Partner) of Royale Mansions is responsible for implementation of the CSR. Rs. 27.0 lacs will be utilized for following activities under Corporate Social Responsibility : i. Rs. 4.0 lacs will be spent to Organize Health camps i.e. eye check up and dental check up camps.

		<ul style="list-style-type: none"> ii. Rs. 6.0 lacs will be spent for providing scholarships to class X and XII students for higher education. iii. Rs. 7.0 lac will be spent to provide solar lights on the Village Rasta, helping Village Panchayat in community development programmes iv. Rs. 10.0 lac will be spent to Provide infrastructure i.e. X-ray machine and ambulance etc.
19.	Traffic Circulation System and connectivity with a view to ensuring adequate parking, conflict free movements, Energy efficient Public Transport.	Submitted
20.	Disaster/Risk Assessment and Management Plan	Submitted
21.	A 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	Submitted

A team of Prof. P Thareja & Dr. V.K Singhal (SEAC members) have been constituted and requested vide mail dated 17/03/2016 to visit the project site to verify the compliance of existing project & construction status with regard to expansion component of the project.

The project site was visited by Prof. P Thareja & Dr. V.K Singhal, Member (SEAC) on 23.03.2016 and the visit report received vide email dated 29.03.2016, was attached as Annexure of the agenda.

The case was considered by the SEAC in its 144th meeting held on 19.04.2016, which was attended by the following on behalf of project proponent:

- (i) Sh. Surinder Bansal, Partner of the promoter company.

- (ii) Sh. Sandeep Garg, Environmental Consultant, M/s Eco Labs, Mohali, on behalf of the promoter company.

The visiting SEAC members categorically informed that no construction activity has been carried out for the expansion part of the project and expansion is to be done within the proposed project premises. The SEAC asked the visiting members regarding the compliance status of condition of already granted Environmental Clearance. The visiting member apprised the SEAC that project proponent is complying with the conditions of Environmental Clearance already granted as applicable at this stage.

The SEAC observed that the project proponent has obtained environmental clearance for expansion of the project to increase no. of flats from 201 to 258. However, the Northern Regional office of MoEF, Chandigarh in its compliance report as well as the visiting SEAC members in their visiting report stated that 258 flats have already been constructed at site. As such, it seems to be case of violation of EIA notification 14.09.2006. To this observation of SEAC the project proponent submitted that they had constructed 258 flats even prior to submission of application for obtaining Environmental Clearance for 201 flats but they applied for Environmental Clearance for 201 flats as the building plan was approved for 201 flats only at that time and as per the policy of SEIAA at that time, approved building plan was the pre requisite for obtaining Environmental Clearance. So far as violation of EIA notification is concerned, credible action has already been initiated against them.

The SEAC asked the project proponent to prove his contention that 258 flats were constructed prior to filling of application for obtaining Environmental Clearance for 201 flats as these facts are not available in the record with SEIAA/SEAC. To this observation of SEAC, the project proponent submitted that the photograph submitted by him with the application (for 201 flats) may be glanced which shows all the nine storey of all the blocks had already been completed. The visiting members of SEAC also confirmed that the entire construction at site is very old and the possession of flats had already been given. No new construction activity was going on at site and the project is in operational state. The SEAC observed that, as such, it is not a case of expansion project, but it is a case of modification in the

Environmental Clearance granted to the existing project whereas, the application has been filed for expansion of the existing project.

After discussion, SEAC decided to recommend to SEIAA for rejection of the application and to direct the project proponent to submit a fresh application for modification of Environmental Clearance already granted for 201 flats and project proponent should also submit a copy of the approved building plan for 258 flats with the application as the project has already been completed and the conceptual plan will not be suffice at this stage.

The case was considered by the SEIAA in its 107th meeting held on 27.05.2016, which was attended by the following on behalf of the promoter company:

1. Sh. Surinder Bansal, Partner of the promoter company.
2. Sh. Sandeep Garg, Environmental Consultant, M/s Eco Labs, Mohali, on behalf of the promoter company.

Sh. Sandeep Garg of Environmental Consultant of the promoter company requested for rejection of the application with a direction to the project proponent to submit a fresh application (for 258 flats) for modification of Environmental Clearance already granted for 201 flats.

The SEIAA observed that this seems to be a case of continued violation as expansion of project from 201 flats for which Environmental Clearance was granted earlier, to 258 flats has already been carried out. In reply to this observation, the project proponent submitted that they had already constructed 258 flats even prior to submission of application for obtaining Environmental Clearance for 201 flats. But, Environmental Clearance was obtained for 201 flats because they had the building plan approved for 201 flats at that time and as per the then prevalence policy of SEIAA, approved building plan was pre requisite for obtaining Environmental Clearance. So far as violation of EIA notification is concerned, credible action has already been initiated against them.

The SEIAA observed that the project proponent has not disclosed these facts regarding the construction of 258 flats while obtaining the Environment Clearance for 201 flats. The only proof of photograph attached with the earlier

Environmental Clearance application which had been relied upon by the SEAC while sending recommendation to SEIAA, does not seem to be sufficient.

After deliberations, the SEIAA decided to remand back the case to SEAC for review by considering all the material facts available on the record if any, other than photographs to ascertain as to whether construction of 258 flats had been completed prior to obtaining Environmental Clearance for 201 flats. The SEAC shall also clearly mention the provisions of EIA notification, 2006 under which the project proponent can be allowed to file an application for modification in the Environmental Clearance for the construction done prior to obtaining Environmental Clearance wherein actual status/ true material facts were not represented by the project proponent.

The case was considered by the SEAC in its 147th meeting held on 30.06.2016, which was attended by the following on behalf of project proponent:

- (i) Sh. Surinder Bansal, Partner of the promoter company.
- (ii) Sh. Sandeep Garg, Environmental Consultant, M/s Eco Labs, Mohali, on behalf of the promoter company

The SEAC asked the project proponent to submit documentary evidence regarding construction of 258 flats prior to the submission of the application for obtaining environmental clearance for 201 flats. The project proponent submitted that at present they are not having any additional documentary evidence to prove that 258 flats had been constructed before submission of application for 201 flats and sought more time to submit the same.

After detailed deliberations, the SEAC decided to defer the case and to ask the project proponent to submit the documentary evidence to prove that 258 flats had been constructed before submission of application for obtaining environmental clearance for 201 flats, so that further action in the matter could be taken accordingly.

Accordingly, the decision of the SEAC has been conveyed to the project proponent vide letter no. 2893 dated 13.07.2016. The project proponent has submitted the reply to the observation on 14.07.2016, which was annexed as annexure with the agenda.

The case was considered by the SEAC in its 148th meeting held on 19.07.2016, which was attended by the following on behalf of project proponent:

- (i) Sh. Surinder Bansal, Partner of the promoter company.
- (ii) Sh. Sandeep Garg, Environmental Consultant, M/s Eco Labs, Mohali, on behalf of the promoter company

The project proponent told the SEAC that the letter no.898 dated 06.03.2013 issued by Municipal Council, Zirakpur states that 258 flats had already been constructed against the approval of 201 flats in the building plan. The EO, MC Zirakpur vide said letter has directed the promoter company to apply for approval of revised building plan for 258 flats and to deposit the requisite compounding fees. The SEAC observed that the letter is a photocopy and the project proponent is required to submit the original copy of the letter in order to get its authenticity verified. To this observation, the project proponent produced the original copy of the letter issued by MC, Zirakpur and the same was seen by the SEAC.

After deliberations, the SEAC decided that AEE (SEAC) shall verify the authenticity of letter no.898 dated 06.03.2013 issued by Municipal Council, Zirakpur by visiting the office of Municipal Council, Zirakpur and submit his report within ten days. Accordingly, the case was deferred to be placed in the next meeting of SEAC alongwith report of AEE (SEAC).

The report of AEE (SEAC) was annexed as annexure with the agenda.

The case was considered by SEAC in its 149th meeting held on 29.08.2016, which was attended by the following on behalf of project proponent:

- (i) Sh. Ashok Kumar, Partner of the promoter company.
- (ii) Sh. Sandeep Garg, Environmental Consultant, M/s Eco Labs, Mohali, on behalf of the promoter company

When called at his turn, the project proponent did not turn up, accordingly, the item was passed on. Later on the project proponent requested that he could not turn up at time as his consultant was not available at that time. The SEAC observed that from perusal of visit report, the visiting officer was required to verify two letter numbers bearing dispatch number 898 dated 06.03.2013 & 808 dated 04.06.2013 from the dispatch register as well as from the office copy of the record file. However, the visiting officer could verify only one letter bearing dispatch

number 898 dated 06.03.2013 assigned to Royal Mansion in dispatch register of MC Zirakpur & that too from dispatch register only. The verification of both the letters from office copy of record file as well as verification of letter number 808 dated 04.06.2013 from dispatch register could not be done by the visiting officer due to non availability of staff handling the record in the office of MC, Zirakpur.

After deliberations, the SEAC decided that AEE (SEAC) will revisit the MC office to verify the office copy of the letter number 898 dated 06.03.2013, letter number 808 dated 04.06.2013 from the official record file and also verify the dispatch number 808 dated 04.06.2013 from the dispatch register maintained by Municipal Council, Zirakpur and submit his report within ten days. The case will then be again considered in the next meeting of SEAC.

The report of AEE (SEAC) was annexed as **annexure** with the agenda.

The case was considered by the SEAC in its 151st meeting held on 24.10.2016, but no one attended the meeting from the promoter company.

As such, in light of Office Memorandum dated 25.02.2010 of the Ministry of Environment & Forests, Govt. of India, the SEAC decided to defer the case and project proponent be asked to attend the meeting as and when held.

Item No. 151.11 :Application for environmental clearance granted under EIA notification dated 14.09.2006 for the "Integrated Paint Manufacturing Facility" in the plot A1, Phase 2, Goindwal Industrial Complex Goindwal Sahib, Tarn Taran District, Punjab by M/s. Kansai Nerolac Paints Ltd. (Proposal no. SIA/PB/IND2/10477/2016)

The SEAC observed that:-

M/s. Kansai Nerolac Paints Ltd. has applied for obtaining the Environmental Clearance under EIA notification dated 14.09.2006 for Integrated Paint Manufacturing Facility" in the plot A1, Phase 2, Goindwal Industrial Complex Goindwal Sahib, District Tarn Taran, Punjab allotted by PSIEC measuring an Area 35 acres. The project is covered under category 5 (h) of the Schedule appended to the said notification.

Regional Office, Punjab Pollution Control Board, Amritsar was requested vide e-mail dated 21.03.2016 to visit the project site and submit report regarding the latest construction status.

Environmental Engineer, Regional office, Amritsar vide letter no. 2202 dated 22.03.2016 intimated that the site was visited by his office on 22.03.2016 to check the construction status at site and observed that the industry has not started any construction work at the project site.

The case was considered by the SEAC in its 143rd meeting held on 30.03.2016, which was attended by the following on behalf of project proponent:

- (i) Sh. Indra Nath Chaterji, Chief Manager, EHS of the promoter company.
- (ii) Ms. Parul Patel of M/s Kadam Environment Consultant, Environmental Consultant of the promoter company.

The Environment Consultant of the promoter company presented the salient feature of the project as under:

- The following products namely water based paints @ 38000TPA, powder coating paints @14400TPA and Emulsion @24000TPA will be manufactured at site. The integrated paint manufacturing facility will be set up in two phases with zero liquid discharge facility. In Phase-1, Water Based Paints manufacturing facility with capacity 38000 MTA & Emulsion as a intermediate with capacity 24000 MTA will be set up. In Phase -2, Powder coating paint manufacturing with a total capacity of 14400 will be set up. The cost of the total project will be 180 crores which include 4.6 crores for environmental protection measures i.e. 1.5% of total project cost.
- The total land area of the project is 1,42,179 sqm, out of which approximately 7750 sqm. will be the processing zone. Out of the total plot area, 33 % will be developed as greenbelt with three layers of tree in the periphery of the proposed Plant.
- Wash water generated from cleaning of equipments will be re-used back into the process/product.
- The total water requirement for the project will be 370 KL/day, which will be met through own tubewells/ borewells.
- The total wastewater generation from the project will be 113 KL/day, out of which 88 KLD industrial effluent will be treated into ETP based upon UF/RO for treatment technology and treated water and permeate will be used for cooling tower and rejects will be sent to MEE for evaporation. Remaining 25

KLD domestic effluent will be treated into STP and treated domestic water will be used for gardening/toilet flushing.

- The total load of electricity required for the project will be 4200 KVA which will be taken from the PSPCL. The DG set of capacity 1 x 2000 KVA will be kept as stand-by arrangement.
- The solid waste management will be done separately for the process waste and non process waste. No solid waste will be generate during manufacturing process. However, ETP sludge will be generated from the treatment of the process waste water, which is considered as hazardous in nature. The hazardous waste will be disposed off through TSDF as a land filling. Solid waste in form of dust from dust collectors, empty barrels, bags, sweepings and other biodegradable waste from canteen will also be generated. Solid waste of organic nature such as canteen wastes, STP sludge, sweepings etc will be composted or vermin composted for use as manure in the greenbelt and lawns. Other non hazardous waste like empty container, bags, paper/cardboard, metal, wooden waste etc will be sold to external agencies. The detail regarding the quantity of waste to be generated (liquid and solid) and scheme for the management /disposal has been mentioned in the prefeasibility report.
- The roof top rain water will be recharged through rainwater harvesting after passing it through filter media to avoid choking of recharge wells.
- The ToRs prescribed by Ministry of Environment, Forests & Climate Change for such type of projects may be considered as draft ToRs proposed by them.

The project proponent further requested as under:

- i. The project may be exempted from the process of Public consultation as the site is located in a notified industrial zone i.e. Goindwal Industrial complex which was established prior to the issuance of EIA notification, 2006.
- ii. He may be allowed to start the monitoring of ambient air quality, ground water quality, noise levels and soil sampling for preparing the baseline data for the purpose of preparation of EIA report.

With regard to 1st request, the SEAC observed that the project

proponent has not submitted any documentary evidence to prove that the Goindwal Industrial Complex, Goindwal Sahib, District Tarn Taran, Punjab wherein the proposed site is located has been notified as industrial area prior to the issuance of EIA notification, 2006 so as to claim the exemption from public hearing as provided in OM dated 10.12.2014 issued by MoEF. To this query of SEAC, the project proponent submitted a copy of letter dated 29.03.2016 issued by PSIEC stating that land measuring 434 acre was acquired in the year 1989-90 for setting up of phase-II, Goindwal Industrial complex which had been developed by PSIEC in the year 1993-94. In view of the document submitted by the project proponent, the SEAC acceded to both the request of the project proponent but desired that monitoring should be started only after intimating the complete monitoring schedule at least 72 hours in advance.

After detailed deliberations, it was decided that Terms of Reference for Environmental Impact Assessment Study of the proposed project as mentioned in the extract of said item be issued to the project proponent.

The case was considered by the SEIAA in its 106th meeting held on 06.05.2016, which was attended by the following on behalf of the promoter company:

- i) Sh. Indranath Chatterjee, Chief Manager of the promoter company.
- ii) Ms. Parul Patel of M/s Kadam Environment Consultant, Environmental Consultant of the promoter company.

Environmental consultant of the promoter company presented the silent features of the project.

The SEIAA looked into the details of the case and was satisfied with the same. Therefore, the Authority decided to accept the recommendations of SEAC and issue Terms of Reference as proposed by the SEAC. The SEIAA also decided that the project proponent shall submit final EIA / EMP based upon the TORs to the State Expert Appraisal Committee for Appraisal of its project.

Accordingly, the TOR were issued to the project proponent vide no. 2466 dated 25.05.2016.

The project proponent has submitted EIA report online on 22.09.2016 based on the earlier issued TORs which was annexed as annexure with the agenda.

The case was considered by the SEAC in its 151st meeting held on 24.10.2016, which was attended by the following on behalf of project proponent:

- (i) Sh. Indra Nath Chaterji, Chief Manager, EHS of the promoter company.
- (ii) Ms. Parul Patel of M/s Kadam Environment Consultant, Senior Environmental Consultant of the promoter company.

The SEAC allowed the environmental consultant of the project proponent to present the EIA report. The SEAC observed that the presentation is merely compliance report of TORs and not an EIA report presentation. The SEAC further observed that project proponent has reported the power requirement values on hourly basis instead of monthly/annually basis. Moreover, the proposed capacity of boiler for MEE i.e. 300 kg/hr is not sufficient and needs to be rechecked.

After deliberations, the SEAC decided to defer the case and asked the project proponent to present the presentation of EIA report instead of TOR compliances only in the next meeting of SEAC.

Item No151.14: Application for environmental clearance under EIA notification dated 14.09.2006 for construction of a Group Housing project in pocket GH-5 & 6 of Janta Township, Sector-91, Mohali by M/s Wembley's Co- Operative House Building Society Ltd.

The SEAC observed that:-

1. M/s Wembley's Co-Operative House Building Society Ltd. vide letter dated 21.10.2012 has applied for obtaining the Environmental Clearance under EIA notification dated 14.09.2006 for the construction of a Group Housing project in pocket GH-5 &6 of Janta Township, Sector- 91, Mohali (Punjab).The project is covered under category 8 (a) of the Schedule appended to the said notification. The details of the project as per Form-1 and 1A are as under:
 - The project "Wembley's Co-operative House Building Society Ltd." is a part of Janta Township, Sector- 90-91 project of M/s Janta Land Promoters Ltd, which has been granted environmental clearance by State level Environment Impact Assessment Authority, Punjab vide letter no. SEIAA/M.S./2011/26070-79 dated 24.6.2011.

- The total land area of the project is 1648.60 sqm (4.07 acres) and the project proponent has proposed to construct 275 flats having total built up area of 32889.81 sq mtr.
 - The cost of the project is 69.62 crores.
 - The total design population of the residential complex is 1375 persons.
 - Total water requirement for the project will be 186 KLD, out of which 138 KLD of water will be taken from tubewell of Janta Township and remaining 48 KLD will be met from treated wastewater.
 - The total wastewater generation from the project will be 149 KLD, which will be treated in a common STP of Janta Township having a capacity of 2500 KLD. Out of the total treated wastewater, the project proponent has proposed to use 48 KLD of treated wastewater for flushing purpose, 14 KLD will be used for irrigation of green area and remaining 87 KLD will be discharged into GMADA sewer during summer season. In winter season, 48 KLD of treated wastewater will be used for flushing purpose, 5 KLD will be used for irrigation of green area and remaining 96 KLD will be discharged into GMADA sewer. In rainy season, 48 KLD of treated wastewater will be used for flushing purpose, 1.3 KLD will be used for irrigation of green area and remaining 99.7 KLD will be discharged into GMADA sewer.
 - The project proponent has proposed to provide 4 no. of rain water harvesting wells for recharging of rain water.
 - The total quantity of solid waste generated from the proposed project has been estimated as 550 kg/day, which will be managed in line with the MSW Rules, 2000.
 - The total load of electricity required for proposed project, will be 2700 KW which will be supplied by PSPCL. The project proponent has proposed to provide 3 no. DG sets of 40 KVA capacity each and 1 no. DG sets of 62 KVA for backup power.
 - The project proponent has provision to provide parking for 527 ECS.
2. The case was considered by the SEAC in its 65th held on 07.12.2012 for screening. The Committee screened the application meticulously and noticed that the project proponent is required to submit certain information/data for

appraisal of the project proposal. As such, it was decided by the SEAC to ask the project proponent to submit the reply to certain observations and to take up the case for appraisal only after submission of proper reply by the project proponent. The decision of the SEAC was conveyed to the project proponent vide letter no. 400 dated 03.01.2013.

3. The project proponent vide letter dated 05.03.2013 submitted the reply of the observations of the SEAC, the details of which are as follows:-

Sr. no	Observations raised by the Committee	Reply of the observations
1.	The project proponent has already started the construction activities of the project, which is a violation of the provisions of EIA notification dated 14.9.2006. Therefore, the project proponent is required to submit an undertaking to the effect that no further construction work will be carried till the environmental clearance under EIA notification dated 14.09.2006 is obtained.	Submitted an undertaking to the effect that no further construction activities shall be carried out at project site till the environmental clearance under EIA notification dated 14.09.2006 is obtained. The project proponent has also submitted a resolution of the managing committee to the effect that the housing project is being developed in GH 5 & 6 of Janta Township, which has already obtained environmental clearance. Therefore, the promoter company was not aware of the fact that it has to obtain environmental clearance for its project being part of the Janta Township. The promoter company further informed that in the said circumstances, there is no intentional violation of environmental clearance laws and

		violation will not be repeated in future.
2.	The project proponent has calculated total water consumption by considering water consumption rate as 135 lpcd, but the project is located in Mohali, as such, as per the criteria fixed by SEIAA, the water consumption is required to be calculated by considering water consumption rate as 150 lpcd. Therefore, the project proponent is required to submit revised water balance.	<p>Submitted and as per the revised water balance the total water requirement for the project will be 206 KLD, out of which 151 KLD of water will be taken from tubewell of Janta Township and remaining 55 KLD will be met from treated wastewater.</p> <ul style="list-style-type: none"> ➤ The total wastewater generation from the project will be 165 KLD, which will be treated in a common STP of Janta Township having a capacity of 2500 KLD. Out of the total treated wastewater, the project proponent has proposed to use 55 KLD of treated wastewater for flushing purpose, 14 KLD will be used for irrigation of green area and remaining 96 KLD will be discharged into GMADA sewer during summer season. ➤ In winter season, 55 KLD of treated wastewater will be used for flushing purpose, 4.5 KLD will be used for irrigation of green area and remaining 105.5 KLD will be discharged into

		<p>GMADA sewer.</p> <p>➤ In rainy season, 55 KLD of treated wastewater will be used for flushing purpose, 1.3 KLD will be used for irrigation of green area and remaining 108.7 KLD will be discharged into GMADA sewer.</p>
3.	Construction schedule (PERT/CPM Chart)	Submitted but the same is not proper.
4.	<p>Whether the height of building tower is more than 15m or not, if yes?</p> <p>a) Submit the NOC of Fire Department.</p> <p>b) At how far distance the fire station is located from the project site.</p> <p>c) What is minimum width of the approach road?</p>	<p>a) Submitted a copy of the provisional NOC issued vide letter no. 674 dated 21.11.2012 by the Asst. Divisional Fire Officer, Fire Station, S.A.S. Nagar to project proponent.</p> <p>b) The fire station is located at a distance of 8 km from the project site.</p> <p>c) The height of the building tower will be 50 m and the minimum width of the approach road will be 80 feet.</p>
5.	Environmental Management Plan indicating the compliance of various environmental regulations.	Submitted
6.	The solid waste storage area has been partly earmarked in Park 4	Submitted a layout plan showing the location of solid waste storage

	and partly in Park-B, therefore, the site of the solid waste storage area is not appropriate, as such, the project proponent is required to earmark the same at appropriate location.	area in Park- B.
7.	NOC of the Airports Authority of India regarding permissible height of the building	Submitted a copy of NOC issued by the Govt. of India, Ministry of Defence vide the letter dated 20.07.2011 to the effect that the height of the building block shall not exceed 50 m above ground level

The case was again considered by the SEAC in its 69th meeting held on 18.04.2013, which was attended by the following on behalf of the project proponent

- (i) Sh. Victor Singh, Secretary of the promoter company.
- (ii) Sh. Sandeep Garg of M/s Eco Laboratories and Consultants, Mohali, Environmental Consultant of the project proponent

Sh. Sandeep Garg informed that about 25% of the total construction work of the project has already been completed at site. He informed that the site of the proposed project is a part of 'Janta Township' and the project proponent started the construction of the project in anticipation that 'Janta Township' has obtained the environmental clearance under EIA notification. However, as and when it came in the notice of the promoter company that as per clarification issued by the Ministry of Environment and Forests the promoter company is required to obtain environmental clearance due to the effect that the built-up area of the project is more than 20,000 sqm, the project proponent applied for obtaining environmental clearance under EIA notification.

The Committee brought in the notice of the environmental consultant

of the project promoter company that a clarification from the Northern Regional Office of Ministry of Environment and Forests was sought by it to the affect to whether environmental clearance is required for the project having built-up area more than 20,000 sqm, in case, the site of such project is located in the site of the project which has already obtained the environmental clearance under EIA notification. The said office of the Ministry of Environment and Forests vide letter dated 31.03.2011 has clarified that if the built-up area of such project is more than 20,000 sqm, then the project proponent of such project is required to obtain environmental clearance. It was also brought in notice of the environmental consultant that the promoter has applied for obtaining environmental clearance on 21.10.2012 i.e much after the clarification by the Ministry of Environment and Forests, thus, the plea of the environmental consultant is not tenable as regards to start of the construction work of the project.

The Committee noted that starting of construction work of the project without obtaining environmental clearance EIA notification dated 14.09.2006 is violation of the said EIA notification, since as per this notification the project proponent cannot carry out any construction work at site except securing of land without obtaining environmental clearance under the said notification. Therefore, this case is required to be dealt in accordance with Office Memorandum dated 12.12.2012 of the Ministry of Environment & Forests.

After detailed deliberations, the SEAC decided as under:

- (i) To recommend to SEIAA to send the case to the Govt. of Punjab, Department of Science, Technology & Environment for simultaneously initiating credible action against project proponent /responsible persons /promoter company under the Environment (Protection) Act, 1986 due to start of construction activities of group housing project without obtaining Environmental Clearance under EIA notification dated 14.09.2006.
- (ii) The project proponent be informed that the promoter company is required to submit the proper construction schedule (PERT/CPM chart).

The decision of SEAC as at point no. (ii) above was conveyed to the project proponent vide letter no. 20257 dated 06.05.2013.

Then, the case was considered by the SEIAA in its 47th meeting held on 15.05.2013, wherein, after detailed discussions and deliberations, the SEIAA decided as under:

- (i) To send the case to the Govt. of Punjab, Department of Science, Technology & Environment for initiating action under the Environment (Protection) Act, 1986 against the project promoter/responsible persons of the promoter company for starting the construction of the project without obtaining environmental clearance under EIA notification dated 14.09.2006.
- (ii) To inform the project proponent that the application for environmental clearance under EIA Notification dated 14.09.2006 will be considered only after the action is initiated by the Govt. of Punjab, Department of Science, Technology & Environment for violating the provisions of the said notification due to start of construction work of the project without obtaining environmental clearance.

Thereafter, the case of M/s Wembley's Co- Operative House Building Society Ltd of the projects among 4 other cases were sent to the Govt. of Punjab, Department of Science, Technology & Environment for initiating action against the project proponent/responsible persons under the provisions of the Environment (Protection) Act, 1986 for starting the construction work of the project without obtaining environmental clearance from State Level Environment Impact Assessment Authority as required under the EIA notification no. 1533 (E) dated 14.9.2006.

After that, the Govt. of Punjab, Department of Science, Technology & Environment, Chandigarh vide letter no. 403790/1 dated 30.01.2015 has informed that the Govt. of India, Ministry of Environment, Forests & Climate Change, New Delhi vide notification No. S.O. 638 (E) dated 28.02.2014 has empowered the SEIAA to initiate action u/s 19 (a) of the Environment (Protection) Act, 1986 at its own wherever any of the conditions have been violated by the project proponent. The Govt. has directed the SEIAA, Punjab to initiate action at its own level for which the

violations have been committed by the project proponent earlier for not obtaining environmental clearance as per above mentioned notification dated 28.02.2014.

The SEIAA, Punjab had already written to the Punjab Pollution Control Board to launch prosecution u/s 15, 16 read with section 19 of the Environment (Protection) Act, 1986 against the project proponent and its responsible persons of the following two projects as the earlier applications were delisted due to non-submission of certain documents/information and the decision were taken on the fresh application submitted by the project proponent:

1. M/s Emerging India Housing Corp (P) Ltd., (Emerging Heights-III, Vill. Santemajra, Kharar-Landran Road, Sector-115, Tehsil Kharar, Distt SAS Nagar)
2. M/s Singla Builders & Promoters Ltd (Development of Housing Project namely SBP Housing Park, Village Mouja Rouni, Tehsil Dera Bassi, District Mohali)

The action against the following projects for violation of the provisions of EIA notification dated 14.09.2006 is yet to be initiated:

1. M/s Wembley's Co- Operative House Building Society Ltd.- Group Housing project in pocket GH-5 & 6 of Janta Township, Sector-91, Mohali
2. M/s G.S. Promoters & developers (Commercial Complex namely Tricity Trade Centre).
3. M/s Janta Land Promoters Ltd (Falcon View, Sector 66-A, District Mohali).

Thereafter, the matter was considered by the SEIAA in its 80th meeting held on 28.02.2015 and after deliberations, SEIAA decided as under:

- i. To take the following actions in the above mentioned three cases:
 - a) To ask the project proponent to submit, within 60 days, a formal resolution passed by the Board of Directors of the Company or to the Managing Committee / CEO of the Society, Trust, partnership / individually owned concern, mentioning that violations in respect of starting construction activities without obtaining environmental clearance under EIA notification dated 14.09.2006, are un-intentional and will not be repeated in future. In the meantime, the project be delisted. In case, the project proponent fails to submit the said resolution within a period of 60 days, it will be presumed that the

project proponent is no longer interested in pursuing the project further and the project file will be closed and the project proponent will have to initiate the procedure *de novo* for obtaining environmental clearance.

- b) To ask the project proponent to submit copy of Memorandum of Article Association / partnership deed / list of Directors and names of other persons responsible for managing the day-to-day affairs of the project.
 - c) To initiate credible action against project proponent(s), responsible person(s) & Promoter Company on receipt of information as at (b) above, by invoking powers u/s 19 of the Environment (Protection) Act, 1986 as delegated by Ministry of Environment & Forests vide notification No. S.O. 638 (E) dated 28.02.2014 due to start of construction activities of the project without obtaining Environmental Clearance under EIA notification dated 14.09.2006. Punjab Pollution Control Board be written in this regard for taking necessary legal action u/s 15 of the Environment (Protection) Act, 1986 for the period for which the violation has taken place.
 - (d) To issue directions under section 5 of the Environment (Protection) Act, 1986 as delegated by Ministry of Environment & Forests vide notification No. S.O. 637 (E) dated 28.02.2014 to restrain the promoter company from carrying out any further construction or operation activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.
 - (e) To inform the project proponent that the application for environmental clearance under EIA Notification dated 14.09.2006 will be considered only after the compliance of decision (a) above and action is initiated for violating the provisions of the EIA notification dated 14.09.2006 due to start of construction work of the project without obtaining environmental clearance.
- ii. In future, in all the cases at the time of receiving environmental clearance / ToRs application, a 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, shall be obtained and check lists of documents to be attached with the environmental clearance applications/ToRs of various projects be amended accordingly.

Accordingly, Directions u/s 5 of the Environmental (Protection) Act, 1986 were issued vide letter no 1385-86 dated 05.03.2015 to M/s Wembley's Co-Operative House Building Society Ltd. for construction of a Group Housing project in the revenue estate of the GH-5 &6, Janta Township, Sector- 91, Mohali. A copy of the above was also forwarded to the Member Secretary, Punjab Pollution Control Board in light of STE PbMemo No. 302633/1 dated 08.09.2014 for ensuring compliance of the directions and was requested that compliance status may be reported to SEIAA.

In compliance to the letter no 1386 dated 05.03.2015, the Environmental Engineer, Regional office, Mohali vide letter no 509 dated 06.04.2015 sent the status of construction of the Project.

M/s Wembley's Co- Operative House Building Society Ltd was, requested vide letter no 1384 dated 05.03.2015 to comply with the decision taken by the SEIAA as mentioned at Para (a) & (b) above and submit the reply of the same at the earliest. The decision of SEIAA as mentioned at Para (e) above has also conveyed for information.

In compliance to the letter no 1384 dated 05.03.2015, M/s Wembley's Co- Operative House Building Society Ltd vide letter no 007 dated 25.03.2015 submitted the compliance of decision taken by the SEIAA as mentioned at Para (a) i.e& (b) above.

Thereafter, the Member Secretary, Punjab Pollution Control Board, Head Office, Patiala vide letter no 3603 dated 19.06.2015 was directed to launch prosecution u/s 15, 16 read with section 19 of the Environment (Protection) Act, 1986 against the project proponents and its responsible persons, under intimation to this office.

The Member Secretary, Punjab Pollution Control Board, Head Office, Patiala vide letter no 4296 dated 04.08.2015 requested to clarify whether prosecution is to be launched against all members of the society, if not, then specify the names of the responsible persons/members of the society against whom prosecution is to be launched by the Board.

The Member Secretary, Punjab Pollution Control Board, Head Office, Patiala has been clarified vide letter no 4433 dated 17.08.2015 that the credible action has to be initiated against all the responsible persons and the person may prove before the Court of Law that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

The Member Secretary, Punjab Pollution Control Board, Head Office, Patiala vide letter no 4901 dated 07.09.2015 requested again to intimate the names of the responsible person/member of Society against whom prosecution is to be launched by the Board to enable it to file the case in the court of law.

Accordingly, copy of page no 01, 11 and 12 of the Bye Laws of the Society where in name and address of the managing committee members of the society are mentioned have been sent vide letter no 5331 dated 21.10.2015 to Member Secretary, Punjab Pollution Control Board, Head Office, Patiala, so that credible action be initiated against the project proponent and all the managing committee members and the person may prove before the Court of Law that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

After that, M/s Wembley's Co- Operative House Building Society Ltd sent a copy of legal notice dated 21.10.2015.

The matter was discussed by the SEIAA in its 96th meeting held on 13.11.2015 and observed that the contentions made by the project proponent in the legal notice are not in consonance with the case presented by them before the SEIAA/SEAC in various meetings. They have not presented the case before SEIAA and SEAC on the lines that the project was an on-going project started before

issuance of EIA notification dated 14.09.2006 and is not covered by the provisions of the said EIA notification. Rather, the Society through its President and Secretary have submitted a copy of resolution passed in its meeting dated 07.02.2013 wherein it has been stated that earlier they had an opinion that M/s Janta Township has obtained environmental clearance for the area development project, so group housing project being part of it does not require prior environmental clearance. But as they came to know that they need to obtain environmental clearance for group housing project, they are submitting the application with SEIAA, Punjab for consideration. Hence, due to the said circumstances there is no intentional violation of any environmental law, however, they ensure that violations of the Environment (Protection) Act etc. will not be repeated.

After deliberations, the SEIAA decided that legal opinion in the matter be taken from Law Officer of Punjab Pollution Control Board.

The Senior Law Officer, Punjab Pollution Control Board has given the following legal opinion:

"I have examined the case. Seadus Legal Services, Litigators & Corporate Consultants, Chandigarh on behalf of their client namely the Wembley's Co-operative House Building Society Ltd., Plot no. 5 & 6, Janta Township, Sector-91, District S.A.S Nagar, Mohali, Punjab has served a legal notice dated 21.10.2015 upon the Member Secretary, State Expert Appraisal Committee, Punjab on the subject matter of Environmental Clearance. Two contentions have been raised in the legal notice, which is summarized below:

a. It is mentioned in para no. 5 of the legal notice that clause 2 of notification dated 14.9.2006 makes it abundantly clear that the project or activities require prior Environmental Clearance from the concerned regulatory authority in the following conditions :

- i) Before any construction work or
- ii) Preparation of land by the project management except for securing the land is started on the project or activity.

By citing the above provision, the Law firm has arrived at the conclusion that only those projects or activities are covered by the above notification where in no construction work or preparation of land had been undertaken by the project management. It is further mentioned in para no. 6 of the notice that their clients in the month of March 2006, got the survey of the site done through a surveyor. Then immediately after taking possession of the land, made the necessary preparation of land as detailed above in order to construct a group housing project. Further the drawing of the Society were approved by the CTP vide no. 4861CTP(PB)/MPR-1, dated 14.8.2006. Still further, as a consequence of the same, the said notification is not applicable to our clients. It is further mentioned in para no. 11 of the notice that their clients had started preparation of land for construction of the group housing project before the issuance of the notification dated 14.9.2006. It proves beyond doubt that our clients are not covered by the provisions of the notification dated 14.9.2006.

b. Second contention raised in the legal notice by the Law firm is that their client had taken the land from M/s Janta Land Promoters Ltd. The said company, applied for a grant of Environmental Clearance from the State level Environment Impact Assessment Authority, Punjab. Environmental Clearance was granted to them by the State level Environment Impact Assessment Authority (SEIAA for brevity) Punjab vide letter no. SEIAA/MS/2011/26070-79 dated 24.6.2011. Under the bonafide impression that since the main township had been granted Environmental Clearance by the concerned regulatory authority, our client, by way of abundant caution, vide application dated 21.10.2012, submitted Form 1/1-A for grant of Environmental Clearance under category (B), Clause 8(a).

2) Upon examination of the legal notice and the provisions of the EIA notification dated 14.9.2006 issued by the Ministry of Environment and Forests, Government of India under the provisions of Environment (Protection) Act, 1986, it is observed that the Law firm is not interpreting the provisions contained in the EIA notification dated 14.9.2006 in the right perspective. The Law firm is only reading a specific line in isolation as per its convenience, without reading the paragraph 2 of the notification dated 14.9.2006 in unison. The interpretation of paragraph 2 of the

notification dated 14.9.2006 is very clear, which says that the following projects or activities shall require prior environmental clearance from the concerned regulatory authority, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity :

- i.All new projects or activities listed in the Schedule to this notification;
 - ii.Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization.
 - iii.Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.
- 3) For further clarification of the matter, paragraph 2 of the notification dated 14.9.2006, is reproduced below for kind perusal :
- Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity :

- i.All new projects or activities listed in the Schedule to this notification;
- ii.Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization.

iii. Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

4) The interpretation of paragraph 2 of the notification dated 14.9.2006 as explained by the Law firm in the legal notice is wrong and is not sustainable. The project requires Environmental Clearance from the State level Environment Impact Assessment Authority under category 'B' as listed in the schedule appended to the said notification in item no. 8 mentioned at 8 (a). It is also mentioned and admitted in the legal notice that by way of abundant caution, our client vide application dated 21.10.2012 submitted form 1/ 1-A for grant of Environmental Clearance under category (B), clause 8(a).

5) As far as second contention is concerned, upon examination of record, it is observed that M/s Janta Land Promoters Ltd. at Sector 90-91, Mohali was granted Environmental Clearance by State level Environment Impact Assessment Authority vide letter no. SEIAA/MS/2011/26070-79 dated 24.6.2011 for the development of a residential project namely 'Janta Township' in accordance with the provisions of item 8(b) Townships & Area Development Projects of the schedule appended to the EIA notification dated 14.9.2006. The entire project was shown to be developed into 614 plots, 10 group housing, 1 no. shopping mall, 1 no. Multiplex, 1 no. Motel, 223 shops, 3 schools, a dispensary and a community centre. The total area of the site was mentioned as 138.35 acres with total built up area as 72030.6 sqm. Wembley's Co-operative House Building Society Ltd. is one of the group housing scheme wherein 275 flats are being constructed and the total area of construction involved is 32889.81 sq.m, which is more than 20,000 sq. meter. Hence the project requires separate Environmental Clearance from the State level Environment Impact Assessment Authority as per item 8(a) i.e. Building & Construction Projects as mentioned in the schedule appended to the notification dated 14.9.2006.

6) In view of the above explained position, reply be sent to the law firm with a request to advise their client to withdraw the notice under reference. Opinion is hereby submitted without any prejudice."

The matter was considered by the SEIAA in its 104th meeting held on 12.03.2016 and observed that as confirmed by the legal opinion received from the Punjab Pollution Control Board, the decision as already taken by the SEIAA in its 80th meeting held on 28.02.2016 is in order.

After detailed discussions, the SEIAA decided to request the Punjab Pollution Control Board to initiate credible action as already written vide letter No. 3603 dated 19.06.2015 and clarified vide letter No. 4433 dated 17.08.2015 against all the responsible persons and report compliance.

Now, Environmental Engineer, PPCB, RO, Mohali vide its office endst.no. 4510 dated 08.08.2016 has informed that a complaint has been filed against the promoter company and its responsible persons u/s 15, 16 of Environmental (Protection) Act, 1986 in the court of Judicial Magistrate Ist Class, SAS Nagar on 08.08.2016. The case has been fixed for next hearing on 15.10.2016.

The case was considered by the SEAC in its 151st meeting held on 24.10.2016, which was attended by the following on behalf of project proponent:-

- (i) Sh. Manjit Singh Aulakh, President of the promoter company.
- (ii) Sh. Sandeep Garg, Environmental Consultant, M/s Eco Labs, Mohali, on behalf of the promoter company.

The project proponent submitted a copy of New society membership formation resolution which was taken on record by the SEAC. The SEAC allowed the project proponent to present the salient features of the project. While presenting the salient features by the environmental consultant of the promoter company, the SEAC observed that presentation is not in consonance with form 1A and needs to be revised & to be presented in the next meeting of SEAC. The SEAC further observed that in the revised presentation following additional issues are also required to be addressed:-

- a) Revised water balance by taking water [consumption@200](#) lpcd is required to be submitted.
- b) Chute system should be proposed to be made for collection of solid waste.
- c) Activity wise break up of cost to be incurred on CSR is required to be submitted

After deliberations, the SEAC decided to defer the case and asked the project proponent to attend the aforesaid observations so that further action in the matter can be taken.