State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

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Minutes of the 617th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 16.06.2022

The meeting of 617th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 16.06.2022 at the Directorate of Environment. The following were present in the meeting:-

1. Dr. Rajiv Kumar Garg

2. Shri Paras Nath

3. Shri Ajay Kumar Sharma

Chairman, SEIAA, U.P Member, SEIAA, U.P

Member Secretary, SEIAA, U.P.

Agenda A-Replies

 Group Housing Project at Plot No. GH-01, Sector-118, Noida, Gautambudh Nagar, U.P., M/s IVR Prime Developers (AVADI) Private Limited. File No. 1724/Proposal No. SIA/UP/MIS/231995/2021

SEIAA noted that the above project was taken in its 565th meeting in which SEIAA raised queries related to the project. The project proponent has replied vide letter dated 30.03.2022. SEIAA opined that a factual report shall be sought from UPPCB regarding CTE, CTO, construction status, occupancy certificate and ground water.

 Group Housing "UP Country" at Plot No. TS-01, Sector- 17A, Yamuna Expressway, District-Gautam Buddha Nagar, U.P., M/s Supertech Limited. File No. 1051/Proposal No. SIA/UP/MIS/231363/2021

SEIAA noted that the above project was taken in its 565th meeting in which SEIAA raised queries related to the project. The project proponent has replied vide letter dated 30.03.2022. SEIAA opined that a factual report shall be sought from UPPCB regarding CTE, CTO, construction status, occupancy certificate and ground water.

Proposed UPAL Warehouse at Khasra No.-1251Part, 1252Ka(part), 1252Kha(part), 1253, 1257Kha, 1258Ka, 1259, 1259Ka, 1260, 1261, 1263, 1267(Part), 1268, 1297, 1298
 1299 at Village-Mau, Tehsil-Mohanlalganj, District- Lucknow., M/s U.P. Asbestos Ltd. File No. 5816/Proposal No. SIA/UP/MIS/171920/2020

SEIAA noted that the above project was taken in its 574th meeting in which SEIAA noted the non-compliance of Environmental condition as reported by IRO, MoEFCC, Lucknow. The project proponent has replied vide letter dated 11.04.2022 requesting to stop the process of issuing show cause notice SEIAA opined that since no construction has been started yet show cause notice may not be issued and a factual report shall be sought from UPPCB regarding the actual status of the project.



Proposed Commercial Project "Platinum Mall" at Plot No. T-6, IBB-2, Shushant Golf City, Lucknow, UP. M/s Platinum Mall Private Limited. File No. 6590/Proposal No. SIA/UP/MIS/67763/2021

SEIAA noted that the above project was taken in its 579th Meeting in which SEIAA opined that the project proponent should submit the cost incurred as on date from the authorized valuer, clarification regarding difference in plot area in registry and SEAC minutes. The project proponent has submitted his reply vide letter dated 13.05.2022. Hence SEIAA agreed with the recommendation of 609th SEAC meeting to issue additional ToR to the title proposal for conducting EIA studies under the provisions of MoEFCC, GoI vide OM no. 22-21/2020-IA.III dated 07.07.2021 which has laid down Standard Operating Procedure (SoP) for Identification and handling of violation cases. SEIAA opined as follows —

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

SEIAA also added the following points to ToR-

- The State Government/SPCB to take action against the project proponent under the provisions of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
- Direction to be issued under section 5 of the Environment (Protection) Act, 1986 to stop the violating activities till the EC is obtained.
- 3. The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
- 4. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR).
- Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter (13) in the EIA report by the accredited consultants.
- 7. Budget of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage shall be



- completed within three years and to be prepared accordingly.
- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- Copy of all the analysis reports duly signed by analyst approved by NABL or MoEF&CC shall be annexed with the EIA report and original analysis reports should be presented at the time of presentation.
- MOU signed between the project proponent and the consultant should be submitted.
- 11. A certificate from Forest Department shall be obtained that no forest land is involved and if forest land is involved the project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 and submit along with EIA.
- 12. Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- Provision for charging of electric vehicles as per the guidelines of GoI / GoUP should be submitted.
- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 5. Letter of Mr.Vinay Kumar Verma dated 19-04-2022-- Representation for reviewing/revoking the CTE (Consent to Established) granted by prescribed authority (U.P. Pollution Control Board) for establishment of CBWTF in violation of statutory rules of 2016, by invoking the powers under Rule 12 pertaining to grant of CTE in favour of the M/s A.V. Bio medical waste service, village- Rajdhani, Tehsil- Nautania District- Maharajganj By means of order dated 10.08.2021 by and on behalf of the prescribed Authority.

SEIAA gone through the letter of Mr.Vinay Kumar Verma dated 19-04-2022 regarding the above subject. SEIAA opined to refer the letter to UPPCB for necessary action.

6. Letter of Mr.Vinay Kumar Verma dated 12-05-2022- Representation for reviewing/revoking the CTE (Consent to Established) granted by prescribed authority (U.P. Pollution Control Board) for establishment of CBWTF in violation of statutory rules of 2016, by inviking the powers under Rule 12 pertaining to grant of CTE in favour of the M/s Dinesh Kumar Singh Contractor, Gata no. 739, Village Babhyani TPPA Vainiya, District Sidhharth Nagar By means of order dated 27.04.2022 by and on behalf of the prescribed Authority.

SEIAA gone through the letter of Mr. Vinay Kumar Verma dated 12-05-2022 regarding the above subject. SEIAA opined to refer the letter to UPPCB for necessary action.

Order of DM Kausambi dated 20-05-2022 regarding file no. 4045.

SEIAA gone through the letter of DM, Kaushambi letter no. 166 (3)/khanan sahayak co. dated 20.05.2022 which states that:-

...श्री दिलीप सिंह पुत्र श्री मोरे लाल सिंह निवासी धाता करिकाना, फतेहपुर उठप्रठ द्वारा मेठ मनाली बिन्ट्रेड प्राठ लिठ प्रोठ श्री शरीफ मोहम्मद के पक्ष में SEIAA के पत्रांक 25/Parya/SEIAA/4045/2021 दिनांक 22.04.2022 से निर्गत स्थानान्तरित पर्यांवरण स्वच्छता प्रमाण पत्र को सही नहीं मानते हुए वाद दाखिल किया गया था, ओठए० नंठ 319/2022। एनठजीठटीठ के आदेश दिनांक 09.085.2022 का कार्यकारी अंश निम्नवत् है-



- 1. The applicant has filed the present application under Sections 14 and 15 of the National Green Tribunal Act 2010 seeking setting aside/quashing of the impugned Environmental Clearance dated 31.03.2018 issued in respect of Sand Ghat/ Mine located at Khand No. 11/15 and 11/16 at Village- Diya Upahar, Tehsil, Manjhanpur, DistrictKaushambi, Uttar Pradesh for an area admeasuring 24.28 hectares and restraining respondent no. 6 from transferring impugned environmental clearance in favor of respondent no. 7 on the grounds that the impugned environmental clearance is defective/invalid having been granted without EIA/EMP/Public Consultation and contrary to order dated 13.09.2018 passed by this Tribunal in O.A No. 186/2016 titled as Satender Pandey Vs. MoEF & CC and others.
- 2. The applicant has pleaded that the impugned environmental clearance for the said Sand/Morrum Mining Project was awarded on 2 31.03.2018 by SEIAA, Uttar Pradesh in favor of M/s Rishab Herbal Pvt. Ltd. At the time of awarding of the environmental clearance the Project being less than 25 hectares was categorized as Category - B2 Project in view of MoEF & CC Notification dated 15.01.2016 and was exempted from EIA study, EMP and Public consultation. Subsequently, the MoEF & CC Notification dated 15.01.2016 was partly quashed by this Tribunal vide order dated 13.09.2018 passed in Satender Pandey's case (supra) and Category B-2 projects were brought at par with Category B-1 Projects and EIA/EMP and Public Consultation were made mandatory for all projects having area above 5 hectares. The MoEF & CC vide Office Memorandum dated 12.12.2018 communicated the Judgment passed in Satender Pandey'case (Supra) to all State Chief Secretaries and SEIAAs for requisite compliance. The SEIAA/SEAA, Uttar Pradesh in compliance of the Judgment passed by this Tribunal in Satender Pandey's case (Supra) and the MoEF & CC Office Memorandum dated 12.12.2018 treated all mining projects from 5 hectares to 25 hectares, earlier falling under Category B-2, as Category B-1 and decided to revoke 19 ECs granted without following the requisite procedure of EIA, EMP and Public Consultation. The mining lease was revoked and fresh E-auction notice was issued on 24.06.2021. Respondent no. 7 was granted LOI with liberty to get the existing environmental clearance transferred in his favour. Respondent no. 7, accordingly, submitted an application for transfer of the Impugned environmental clearance dated 31.08.2018 which was during pendency of the present application transferred in favour of respondent no. 7 vide transfer order dated 04/22.04.2022. Transfer of environmental clearance dated 31.03.2018, which was coterminous with mining lease granted in favour of M/s Rishab Herbal Pvt. Ltd. and had expired with revocation thereof, could not be transferred in favour of Respondent no. 7. Respondent no. 4- MoEF & 3 CC had under SSMG, 2016 and EMGSM, 2020 made conducting of replenishment study necessary for river bed mining. In *this Tribunal had quashed environmental clearance for sand ghats situated in the District Saharanpur, Uttar Pradesh granted without conducting a replenishment study. No replenishment study has been conducted for mining lease granted in favour of respondent no. 7. Environmental clearance for mining lease granted in favour of respondent no. 7 without EIA, EMP, Public Consultation and replenishment study is defective /invalid and liable to be set aside.

- We have heard learned Counsel for the applicant and gone through the relevant record.
- 4. The averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010 and validity of mining leases allegedly granted in violation of the environmental norms, notifications, rules and regulations.
- Let notices be issued to respondents requiring them to file replies specifically responding to all material averments made in the application within two months.
- The applicant is directed to take requisite steps for service of notices on the respondents and file his affidavit regarding the same by email at judicialngt@gov.in within seven days.
- 7. List the matter for further consideration on 28.07.2022.
- 8. In the meanwhile no mining activities shall be carried on by respondent No.7 and allowed by respondents No.1 to 6 at the mining site in question and the District Magistrate and Superintendent of Police, 4 Kaushambi, Uttar Pradesh are directed to take all requisite steps for ensuring that no illegal mining is done by any one on the mining site in question.
- A copy of this order, along with a copy of the application and its annexures be forwarded to the District Magistrate and Superintendent of Police, Kaushambi, Uttar Pradesh by e-mail for compliance. उक्त के अनुपालन में खनन कार्य अग्रिम आवेशों तक प्रतिबंधित किया जाता है।

SEIAA opined that the EC granted vide letter no. 25/Parya/SEIAA/4045/2021 dated 22.04.2022 shall be kept in abeyance till further orders.

Formaldehyde Manufacturing Unit of 200 TPD Capacity at Plot No.- B-48, Sandila Industrial Area, Phase-II, District- Hardoi, Shri Chadan Pahwa, M/s Pahwa Plastics Pvt. Ltd., File No. 6943/6483/Proposal No. SIA/UP/IND3/72181/2022

SEIAA noted that the above project was taken in its 591st meeting in which SEIAA found that the project proponent has not submitted quantity of hazardous waste generated and its category, sources and control measures for process/fugitive emissions, disposal of spent catalyst and details of evaporators. The project proponent has submitted his reply vide letter dated 17.05.2022. Hence SEIAA agreed with the recommendation of SEAC-1 to grant EC to the above project. Adding the following conditions:-

- Spent carbon produced during manufacturing stage should be disposed as per the norms.
- Spent liquid solvent should be properly disposed.
- Evaporator residues should be sent to TSDF.

11. Letter of Shri Pramod S/o Ranjeet dated 11-04-2022-माठ एनठजीठटीठ में दायर अपील संख्या 15/2021 प्रमोद बनाम उत्तर प्रदेश राजय के आदेश दिनांक 10.05.2022 के अनुपालन के संबंध में।

SEIAA gone through the letter of Shri Pramod, Saharanpur dated 11.04.2022 regarding the above subject. SEIAA opined to refer the letter to DM, Saharanpur and UPPCB for necessary action.



 Revision and Expansion the Group Housing Project "Flora Heritage:Tower-03" at Plot No.-GH-16B, Sector-01, Greater Noida, Gautam Buddha Nagar,. M/s Solaris Realtech Pvt. Ltd. File No. 5665/Proposal No. SIA/UP/MIS/153829/2020

SEIAA noted that the above project was taken in its 484th meeting in which SEIAA opined that the project proponent shall submit certified compliance report of the previous EC, revised and expanded plan duly approved by the competent authority and the current status of the project. The project proponent has submitted his reply vide letter dated 20.05.2022 along with certified compliance report dated 21.09.2021. Hence SEIAA opined that the project proponent shall submit 6 months compliance report and a factual report regarding the actual status of the project shall be sought from UPPCB.

 Revision and Modification of Group Housing "Migsun Ultimo" at Plot No.- GH-03, Sector- 03, Greater Noida., M/s Mahaluxmi Infrhome Pvt. Ltd. File No. 5205/2929/Proposal No. SIA/UP/MIS/ 116176/2019

SEIAA noted that the above project was taken in its 446th meeting in which SEIAA agreed with the recommendation of the SEAC that the project proponent shall submit point wise reply of MoEF&CC letter dated 21/12/2020. The project proponent has submitted his reply vide letter dated 20.05.2022. SEIAA opined that the project proponent shall submit latest certified compliance report from IRO, MoEFCC Lucknow.

14. Development of Integrated Manufacturing Cluster (IMC) with an area of 1053 acres/426 ha. at Khasra No.- Rahan Kalan- 172, 249-267, 379-382, 396, 405, 407, 409-424, 426-427, 429-441, 443-448, 449Mi-451Mi, 452-478, 493Mi495Mi, 496-501, 502Mi, 503-505, 507-508, 509Mi, 510Mi, 513Mi, 514-533, 535-547, 548Mi, 549-554, 556-565, 566Mi-568Mi, 570-571, 573-574, 576-577, 578Mi,580-586, 588-593, 594-597, 600-602, 603Mi, 604,605Mi, 606-614, 616, 618Mi, 621-627, 629-644, 646-648, 649Mi-650Mi, 651-818, 819Mi, 820, 821Mi, 822,823Mi, 824Mi, 825Mi, 825-826, 827Mi, 828-829, 836,840, 842-853, 855-881, 883-894, 903Mi, 904Mi, 903-916, 918-926,927Mi, 928-1048, 1051-1067, 1069,1076-1078, 1082Mi, 1083-1084, 1088, 10901094,1095Mi, 1096, 1097Mi, 1098-1122, 1125 1170, 1176, 1177/1, 1177/2, 1177/3, 1178, 1179Mi-1180Mi , 1181-1190, 1200-1201, 1208-1216, 1217Mi, 1218-1221,1222Mi-1224M i, 1225, 1226Mi, 1227-1229, 1231-1232, 1238-1239, 1238Mi-1239Mi, 1243-1244, 1253-1256, 1258, 1260/278, 1262/709, 1263/809, Raipur-709-713, 715-719, 722-724, 726-729, 732-735, 737-740, 742-753, 759-766, 775, 778, 895-903, 9190ka, kha; 922Ka, Kha, Ga; 923, 924/1Ga, cha, chha, kha, dha;925-926, 930-932, 935-941, 944-946, 953Ga, <u>Dha, Mi, Cha, Chha; 953/2Mi; 955, 957-960, 961Mi, 962-965, 966Mi-967Mi, 968-969,</u> 971, 972Mi, 973, 974Mi, 975Mi, 976, 979Mi, 978, 986, 990, 993Mi, 994, 995Mi, 996Mi, 998-1066, 1002Mi, 1009Mi, 1016Mi, 1018Mi, 1068, 1074, Villages- Rahan Kalan and Raipur, Tehsil-Etmadpur , District- Agra Shri Vishwas Kumar Tyagi, U. P. State Industrial Development Authority (UPSIDA). File No. 6899/Proposal No. SIA/UP/MIS/ 71283/2022

SEIAA gone through the letter no. 110/UPSIDA/SM(C)/CD-V/Agra dated 26.05.2022 of Senior Manage (Civil), UPSIDA regarding request for exemption from public hearing. SEIAA opined that since it is a integrated manufacturing cluster with an area of 1053 acres exemption from public hearing cannot be granted.



Sand/ Morrum Mining at Khand No.- 10/30 to 10/34, Village-Bhakhanda, Tehsil-Manjhanpur, Kaushambi, Shri Vinod Kumar Rai., Area 21.50 ha. File No. 6998/6380/Proposal No.SIA/UP/MIN/74045/2021

SEIAA noted that the above project was taken in its 603rd SEIAA meeting in which SEIAA opined that the project proponent shall submit Intimation letter to UPPCB/DM for data collection along with combined KML of all leases in the cluster. The project proponent has submitted his reply vide letter dated 01.06.2022. Hence SEIAA agreed with the recommendation of 659th SEAC meeting. In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by the SEAC-1 adding following specific condition as follows:-

- Validity period of this EC is 5 years from the date of issue as the LoI has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
- 2. In the absence of replenishment study, in compliance of Hon'ble NGT Order dated 06.05.2022 initially the EC will be operational till 30.06.2022(for Banda District) or 31.12.2022(for the all the Districts except Banda) permissible quantity and area shall be strictly limited to quantity and area mentioned in LoI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as approved in the mining plan.
- 3. For subsequent years, Project Proponent shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
- Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
- A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
- The mining lease holders shall, after ceasing mining operations, undertake regrassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
- 7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.



- 8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 22,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
- 9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 110 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
- 10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
- Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
- Group Housing Project "Migsun Atharva-Plot C" at Khasra No.- 90 & 91, Village-Morta, Ghaziabad., Shri Rohit Aggarwal, M/s Mahaluxmi Buildtech Ltd. File No. 5980/Proposal No. SIA/UP/MIS/181696/2020

SEIAA noted that the above project was taken in its 435th meeting in which SEIAA found that hard copy of the presentation is not present in the file. Secretariat informed that project proponent has been asked to submit the presentations/all relevant details in hard copy before SEAC meeting but it has not been submitted till date. SEIAA directed the Nodal Officer to put up the complete file along with all the documents as and when made available by project proponent and place it in the next meeting. The project proponent has submitted the hard copy of the presentation vide letter dated 20.05.2022. SEIAA noted that the above project was taken by SEAC/SEIAA last year. Since then the project proponent has made no correspondence site inspection by MS UPPCB shall be submitted for factual report and a letter to DM, GDA and PCB shall be sent that no construction should be started without valid EC.

Non-Agro Warehouse (Industrial Shed) and logistic facility at Khasra No.- 8477, 74, 64, 66, 67, 73, 72, 70, 71, 76, 69, 68, 65 situated in Village-Bani and Khasra No.-313, 314, situated in Village-Sarai Shehzadi, Post-Bijnor, Tehsil-Sarojini Nagar, Lucknow., M/s BG Link Infrastucture LLP File No. 6413/ Proposal No. SIA/UP/MIS/214363/2021

SEIAA noted that the above project was taken in its 598th meeting in which SEIAA opined that the project proponent shall submit complete and satisfactory reply. The project proponent has submitted his reply vide letter dated 01.06.2022. After reviewing



the reply SEIAA found that the reply is still incomplete and unsatisfactory. Hence SEIAA opined that the project proponent shall submit the same.

Letter of CEO- CSD, Adani Airport holding limited dated 31-05-2022 regading ToR correction.

SEIAA gone through the letter of CEO- CSD, Adani Airport holding limited dated 31-05-2022 regading ToR correction. SEIAA opined that standard ToR was granted through auto-route, hence any corrections in it can only be made by MoEFCC. The project proponent is free to approach MoEFCC for the correction.

Assistant Nodal/Nodal Officer SEIAA, UP

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

> (Ajay Kumar Sharma) Member-Secretary SEIAA

(Paras Nath) Member SEIAA (Dr. Rajiv Kumar Garg) Chairman SEIAA