

Minutes of the 117th SEAC Meeting held on 28<sup>th</sup> July 2018

<p>117-  F. 1342/2013</p>	<p>Construction of residential cum commercial building entitled "Lake Dugar" by M/s. Dugar Housing Limited at S.No. 779/2A, 779/2B, 779/2C, 779/2D, 779/2E, &amp; 779/2F of Korattur Village, Ambattur Taluk, Thiruvallur District., Tamil Nadu – Activity 8(a) &amp; Category "B2"- Building &amp; Construction Projects – ToR to be issued under violation notification dated: 08.03.2018 of MoEF &amp; CC – Regarding.</p>
	<p>The Project Proponent M/s. Dugar Housing Limited has applied for Environment Clearance to SEIAA-TN for the construction of Residential Building Complex entitled "Lake Dugar" with a total built up area of 56153.22 sq.m at S.No. 779/2A, 779/2B, 779/2C, 779/2D, 779/2E, &amp; 779/2F of Korattur Village, Ambattur Taluk, Thiruvallur District., Tamil Nadu, on 04.06.2013.</p> <p>From the perusal of the office records, project proposal and the presentation made by the proponent, the following points are noted:</p> <ol style="list-style-type: none"> <li>1. After scrutiny of Form-1, Form-IA, Conceptual Plan, Annexures, certain additional details were called in this office letter No. SEIAA-TN/F.1342/2013 dt.10/9/2014.</li> <li>2. The project proponent in his letter dt.23/9/14 has furnished the Letter of Apology / Commitment, duly resolved by the Board of Directors for the violation of EIA Notification, 2006, as the construction activities have already been started without obtaining the mandatory prior-Environmental Clearance from the Competent Authority. The letter of apology furnished by the Project Proponent was forwarded to Govt. of Tamilnadu, Env. &amp; Forests Department</li> </ol>

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to initiate credible action against violation committed by Project Proponent in this office letter No.SEIAA-TN/F.1342/2013 dated: 27.09.2013.

3. The proposal was placed before the 44<sup>th</sup> SEAC meeting, the SEAC decided to discuss with the SEIAA since it comes under Residential cum commercial to consider for the grant of EC, subject to certain conditions.
4. The above details were furnished by the proponent vide their letter dated:28.10.2013. The Govt. of Tamilnadu, Env. & Forests Department has directed the TNPCB to initiate legal action against the M/s.Dugar Housing Limited vide letter no.21459/EC.3/2013-1 dated: 28.11.2013.TNPCB has filed a case vide S.R.No. 9332/2015 in JM Ambattur.
5. Mean while, *Hon'ble NGT (SZ)*, in application no. 135/2014 filed by Thiru.S.P.Muthuraman on 21.05.2014 *stayed the OM dated 12.12.2012*.After hearing the case on various dates, the Hon'ble NGT, Southern Bench was transferred to Principal Bench of NGT, New Delhi which is registered as O.A. No. 37/2015.
1. While the hearing is in progress in the Hon'ble NGT, New Delhi, 7 project proponents (M/s. SSM Builders & Promoters, M/s Jones Foundation Pvt. Ltd, M/s. Y.Pondurai, M/s Dugar Housing Ltd. , M/s SAS Realtors Pvt. Ltd, M/s Ruby Manoharan Property Developers Pvt. Ltd and M/s. SPRRG Constructions Private Ltd.) have impleaded in the NGT, New Delhi for immediate relief. After



hearing their plea, *the Hon'ble NGT, New Delhi has quashed the OM dated: 12.12.2012* on 07.07.2015 which involves the process of regulating the violation cases and constituted a committee to inspect the sites of all these 7 project proponents and report the stage of environmental damages .. etc. Further on 01.09.2015, the NGT New Delhi appointed Thiru.A.K.Mehta, I.A.S., Joint Secretary to Government of India, MoEF& CC as the Chairman of the Committee. The Committee constituted by Hon'ble NGT has submitted the report. It is submitted that the proponent M/s. Dugar Housing limited has paid only Rs. 1.50 Crores to TNPCB out of Rs. 6.88 Crores levied as Environmental Compensation by the Hon'ble NGT, PB, New Delhi order dated:07.07.2015

6. Meanwhile, the proponents except M/s. SSM Builders & Promoters has filed civil appeal before the Hon'ble Supreme Court of India. *Hon'ble Supreme Court has stayed the Order(s) and Judgement(s) passed by Hon'ble NGT in O.A. No. 37/2015* based on the appeal preferred by M/s. Dugar housing limited, M/s. SPR & RG constructions P.Ltd, M/s.Jones Foundations Ltd., M/s SAS Realtors Pvt. Ltd, M/s Ruby Manoharan Property Developers Pvt. Ltd & M/s. Y.Pondurai, in C.A no.: 7191-7192/2015 ,7193-7194/2015, 9108/2015, 5618/ 2015, 13844 – 13845 of 2015 &38168 / 2015 respectively. Now the OM dated: 12.12.2012 is in operation for the above said proposals.

7. Further based on the Hon'ble Supreme Court Judgement

dated:24.09.2015, the *SEIAA-TN Sought for clarification from MoEF&CC* vide Letter no.37/NGT/ SEIAA-TN/2015 dated:29.09.2015), stating “whether Environmental Clearances may be issued to such cases where credible action has already been initiated by State Government with a condition that the Project Proponent shall comply the directions of the Hon Supreme Court of India in C.A.No.7191-7192/2015 and 7193-7194/2015 or in light of the stay order issued by the Hon’ble Supreme Court ”.

8. The *MoEF/Gol*, vide *letter no. J-11013/97/2007-IA.II(I) dated 08.10.2015 clarified* as “ directed the SEIAA-TN that there is no Legal Impediment or restrictions on the implementation of the provisions of the OM dated: 12.12.2012 and 27.06.2013, in the treatment of the cases for consideration of Environmental Clearances having Violations and to consider the request of M/s. Dugar Housing for Environmental Clearance in accordance with the provisions of the said OM’s immediately”.

9. Further, the *MoEF/Gol has clarified vide letter No. F.No.J-11013/97/2007-IA-II(I) dated: 17.11.2015*, “SEIAA, Tamilnadu should grant Environmental Clearance in accordance with the provisions of EIA Notification, 2006 based on merits of the cases as sought by M/s.Dugar Housing Limited (CA No.7193), M/s.SPR&RG Constructions P.Ltd.(CA No. 7194) and M/s.Jones Foundations P.Ltd (CA No.9108)-this also being the case in which supreme court has stayed the impugned order of NGT.



	<p>10. The Clarification as sought by SEIAA, Tamilnadu vide their letter dated: 29.09.2015 on the treatment of other cases under consideration of Environmental Clearance involved in cases of Violation will be issued separately.</p> <p>11. And also the <i>MoEF/Gol, vide letter no. J-11013/97/2007-IA.II(I) dated 07.12.2015</i> directed the "SEIAA, Tamilnadu should grant Environmental Clearance in accordance with the provisions of EIA Notification, 2006 based on facts and merits of the case as sought by Thiru.Y.Pondurai, Chennai , M/s. Ruby Manoharan Property Developers Pvt. Ltd., Chennai, M/s. SAS Realtors Pvt. Ltd., Chennai.</p> <p>12. Based on the clarification by MoEF/Gol, SEIAA-TN requested the proponents to furnish required details for the consideration of Environmental Clearance. On receipt of the additional particulars, the proposal was placed before 69<sup>th</sup> meeting of SEAC held on 13.11.2015, based on the application Form 1, 1A conceptual plan, Annexures, as furnished by the proponent. The SEAC observed that the above project comes under Item No 8(a) of the Schedule. After the presentation made by the proponent the Committee decided to recommend the proposal for the grant of EC to SEIAA after obtaining the required particulars mentioned below. The Apex court has given stay order to NGT, New Delhi order (i.e) As per the stay, the OM dated: 12.12.12 is in operation. MoEF also clarified and instructed that this project should be considered for issue of EC subject to certain conditions.</p>
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	<p>13. The above conditions of SEAC have been replied in detail in their letter dated:19.11.2015</p> <p>14. Further, on receipt of recommendations from the SEAC , SEIAA-TN after obtaining the indemnity bond from the proponent <u>conditional Environment Clearance</u> was issued to M/s.Dugar Housing Limited on 19.11.2015, stating that the “ Project proponent shall abide by whatever the directions/Legal outcome of the cases in Hon’bleSupreme Court of India, Hon’ble NGT, Principal Bench and their respective Judicial Magistrate Court. If the above affirmation is proved as incorrect/wrong at a later date, I may be punished according to law”.</p> <p>15. In the Environmental Clearance condition no. xxxix of Part C- Conditions for Operation Phase/Post Construction Phase/Entire Life of the Project</p> <p>“Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986”.</p> <p>16. In the meantime, the Hon’ble Supreme Court in its order dated: 04.07.2016 in civil Appeal No(s): 1119-1120/2016, called for other appeals viz C.A.No.7193-7194/2015 (M/s. M/s. SPR&amp;RG constructions P.Ltd. ), C.A no.: 13844-13845/2015 (m/s. Ruby Manoharan Property Developers P.Ltd.) , C.A no.: 7191-7192/2015 (M/s. Dugar housing Ltd.), C.A. No: 5618/ 2015 (M/s. SAS Realtors), C.A.9108/2015 (M/s. Jones Foundations P.Ltd.), C.A.</p>
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Diary No. 38168 (Thiru. Y. Pondurai), directed the “parties shall be free to urge the Tribunal for their relief”.

17. In this regard, when the O.A No. 452/2015, 453/2015 (main O.A No 37/2015) came up for hearing on 08.07.2016, the Hon'ble NGT, (PB) New Delhi after detailed deliberation about O.A.no 452/2015 & 453/2015 in the Hon'ble NGT (PB), New Delhi as well as the order of the Hon'ble Supreme Court dated:04.07.2016 in civil Appeal No(s): 1119-1120/2016. The Hon'ble NGT (PB) New Delhi ordered the following which has been communicated through the Counsel Advocate:

1. To withdraw all the Environmental Clearance (ECs) issued to all the proponents related the said O.A by today (08.07.2016) positively.
2. TN SEIAA have to submit the details of the ECs granted and the details of the ECs(why the ECs were granted, when the ECs were granted, to whom the ECs were granted... etc..) with relation to all the project proponents appeared before the Hon'ble Supreme Court of India, New Delhi and also before the Hon'ble NGT, Principal Bench, New Delhi by the next hearing i.e 12.07.2016.
3. TN SEIAA have to give notice immediately to all the project proponents stating that they have to present before Hon'ble NGT, Principal Bench, New Delhi on

12.07.2016.

18. Also, the Project Proponent have not communicated the compliance status of the EC conditions Nos. 1, 4 & 14 in the Pre-Construction phase, however the construction is going on. And also the Project Proponent have not communicated the compliance status of the EC conditions Nos.16 in the Construction phase, which are required to be complied before taking further construction activity.

19. It is further observed from the reports of the Committees constituted by the Hon'ble NGT (PB), New Delhi and SEIAA-TN, that the project Proponent have not complied the Environment Clearance (EC) Conditions.

20. In this regard, the SEIAA, in its 179th meeting held on 11.07.2016, has resolved to withdraw the Environmental Clearance issued.

21. Accordingly, the Environmental Clearance issued vide Letter No. SEIAA /TN /F.1342 /EC /8(a)/425 /2015 dt:19.11.2015 was withdrawn vide T/O Letter No. SEIAA/TN/F.1342/ 8(a)/2016 dt:14.07.2016.

22. As per the MoEF & CC Notification dated: 14.03.2017, stated that the cases of violation will be dealt strictly as per the procedures specified in the following manner

"In case the project or activities requiring prior EC under EIA Notification, 2006 from the concerned regulatory authority are brought for Environmental Clearance after starting the



construction work or have undertaken expansion, modernization and change in product mix without prior EC, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted EC by the SEIAA shall be appraised for grant of EC only by the EAC and Environmental Clearance will be granted at Central level only". Accordingly, the proponent was addressed to submit the proposal to MoEF & CC for EC under violation category vide SEIAA letter dated: 19.06.2017.

23. Then, the proponent has filed the application to MoEF & CC under violation on 25.07.2017.

24. The MOEF & CC has addressed a letter dated: 19.01.2018 to the Member Secretary SEIAA-TN, in which it was stated that

"As per the order dated: 16.01.2018 of Hon'ble NGT, PB at New Delhi in M.A. 23 of 2018 in Appeal no.40 of 2016 and M.A. 24 of 2018 in Appeal no.41 of 2016, directed the MOEF & CC to dispose the applications of the appellants for the grant of EC on considering the said recommendations in light of the notification dated: 14.03.2017 in accordance with law within one month. In compliance of the above directions of the Hon'ble NGT, the proposal was placed in the 4th EAC meeting related to Violation of EIA notification, 2006 , held on 19-21 February 2018".

25. The Committee noted that the project was granted EC by SEIAA-TN vide letter dated: 19.11.2018 after payment of the Environmental Compensation as per the orders of the Hon'ble NGT, even after having been identified under Violation category and no extract provisions to deal with such cases at that stage. Further the said EC was revoked by SEIAA-TN vide letter dated: 17.07.2016, apparently due to no valid reasons on record and/or no orders of Hon'ble Courts/NGT. The EAC after deliberations and in view of legal interventions prior to grant of EC and even after that, the EAC asked the PP to provide complete details of the matter for better understanding of the case, and thus to comply with the directions of Hon'ble NGT in letter and spirit. The Committee also desired for opinion of this ministry on applicability of the notification dated: 14.03.2017 in such cases to facilitate the further consideration of the proposal.

26. Meanwhile, the Ministry vide Notification No. S.O. 1030 (E) dated: 08.03.2018 followed by OM's dated: 15th & 16th March, 2018 for implementation of said notification inter alia provides that the projects/activities covered under Category B shall be considered by the SEAC/SEIAA in respective states / UTs.

The above said proposal has already been transferred online to SEIAA – TN. In view of the above, the proposal of M/s. Dugar Housing Limited may be considered in pursuance of the Notification No. S.O. 1030 (E) dated: 08.03.2018 followed by OM's dated: 15th & 16th March, 2018 for



implementation of said notification and in compliance of the order dated: 16.01.2018 of Hon'ble NGT, PB, New Delhi."

The proposal was placed in the 111th SEAC meeting held on 15.05.2018. The proponent made a presentation about the project proposal.

The Committee noted that the project proposal is to be appraised under violation category as per MoEF & CC notification S.O. 1030 (E) dated: 08.03.2018. Since the project has been considered under violation category, the Committee felt that it is necessary to make an on the spot assessment of the status of the project execution for deciding the further course of action.

As per the order Lr. No. SEAC-TN/F.No.1342/2013 dated: 17.05.2018 of the Member Secretary, SEAC, a Technical Team comprising of the SEAC Members was constituted to inspect and study the field conditions.

To start with, the Technical Team held discussions with the project proponent regarding the construction of Residential Apartments "LAKE DUGAR" by M/s. Dugar Housing Limited. The Technical Team took up the various items stated in the checklist for detailed discussions.

For cases where the proponent has not furnished a reply or given incomplete information, then, the proponent was asked to furnish a revised checklist incorporating all the relevant details.

The report of the technical team was placed before the 113th SEAC Meeting held on 04.06.2018.

A summary of the review of the checklist and the actual field inspection is as follows:

- 1.The Technical Team learnt that the "violation" attributed to the project is that the construction activity was started without obtaining the Environmental Clearance.
- 2.This is a construction of residential complex with 412 dwelling units and commercial complex in a two blocks covering a total built up area of 56290 square meters and total land area of 11,789 sq.m. In

the plan originally submitted to CMDA the total built-up area was 56153.22 sq.m. Based on the proposal submitted to CMDA, Environmental Clearance was given on 19.11.2015 for a total built-up area of 56153.22 sq.m. According the proponent, some corrections were made during scrutiny by CMDA and the area increased to 56290 sq.m.

3.The stage of construction is that 70% of the construction works have been completed. That means that the project has not come into operation mode.

4.According to the proponent, there is no change in the land area and cost of the project. There is increase in the built-up area due to the corrections suggested by CMDA during scrutiny. There is no change in the project components, land area utilization for different purposes, parking area, occupancy load, water supply and sewage generation.

5.The proponent has informed that fresh water supply will be obtained from CMWSSB and no proof for permission for supply of water is submitted.

6. The construction work of STP was not completed. The installation of machineries of the STP have not yet been completed.

7.For the disposal of the treated sewage for green belt in OSR, it is requested to furnish the permission letter from the competent authority.

8.The proponent proposed to dispose the treated sewage of 136 KLD into the sewer line maintained by CMWSSB and no permission letter has been obtained for the same.

9.The revised building plan has not yet been approved by CMDA.

10.The project is outside the purview of CRZ notification, 2011.

11.The proponent informed that during the construction stage, they have followed the procedures with regard to sanitation facilities for the workmen.

12.The Technical team has asked the proponent to submit photographs



	<p>and also the documentary evidence for the labour camps with regard to necessary housing, health, drinking water, septic tank and other facilities provided.</p> <p>13.The proponent informed that rain water harvesting structures with 10 recharge wells and collection sump of 107 KL will be provided.</p> <p>14.The proponent informed that during the construction phase, the diesel generators were used with acoustic enclosures while diesel was purchased from outside for the requirements and hence not stored within the premises.</p> <p>15.The proponent also informed that the construction materials were transported to the project site only during non peak hours. Fly ash bricks were utilised in construction as per the provisions of fly ash notification.</p> <p>16.The proponent informed that high quality ready mix concrete was used for the construction.</p> <p>17.The area for the OWC was earmarked and the proponent assured to provide the OWC for organic solid waste.</p> <p>18.The team observed that sites have been earmarked for installing two DG sets near the compound wall. The proponent has assured that the DG set will be installed from the present earmarked site closer to compound wall to a place away from the compound wall.</p> <p>19.Towards green belt, the project proponent has informed that 20 tree saplings have been planted along the periphery of the area. As the project is spread over an area of 11789 sq.m, greenbelt should have been developed over an area of 1768 sq.m with 148 plants of indigenous species, as per norms to act as a barrier for air and noise pollution. The proponent has planted the following species:</p> <ul style="list-style-type: none"><li>(i) Pongamia pinnata</li><li>(ii) Azadirachta indica</li><li>(iii) Calophyllum inophyllum</li><li>(iv) Ficus glomerata</li><li>(v) Millingtonia hortensis</li></ul>
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(vi) *Mimusops elengi*

The proponent is directed to remove the saplings of *Millingtonia hortensis* and replant with the following species.

- (i) *Mimusops elengi*
- (ii) *Madhuca longifolia*
- (iii) *Ficus religiosa*
- (iv) *Ficus glomerata*
- (v) *Calophyllum inophyllum*
- (vi) *Thespesia populnea*
- (vii) *Pongamia pinnata*

20. As the green belt area is found to be below the norms, the proponent is directed to plant with a minimum of 128 plants of indigenous species in addition to the existing 20 plants. The proponent is directed to submit a plan of green belt all along the periphery for plantation.

21. The proponent has provided an area of 1190 Sq.m. (10% of the total area) under OSR, as per CMDA norms. The OSR contains well grown Mango trees.

22. Towards the structural stability and design of the blocks, a certificate has to be obtained from Anna University.

23. The percentage of fly ash consumed has also to be submitted by the proponent.

24. The stack height to be provided for the Diesel generator should be as per the CPCB norms.

25. The Technical Team asked proponent to ensure that there is smooth movement of vehicles from the project area to surrounding area and vice versa.

26. For CER activities the proponent is required to spend a sum of Rs.68.80 Lakhs (0.5 % of project cost).

27. The proponent was asked to furnish the updated information with respect to the following checklist provisions:



- i. Site plan showing all details
- ii. Certificate for structural safety
- iii. Revised CMDA plan approval
- iv. Flood NoC from competent authority.
- v. Plan with colour coding
- vi. Institutional vetting of Building plan
- vii. Sample medical check up report for workers
- viii. Photo to show that STP & DG set away from the project boundary.
- ix. Tanker water usage for construction
- x. SPM and noise data related to construction.
- xi. Environmental Management Cell

The proponent was asked to furnish the particulars as discussed above and as per the check list already provided to the Technical Team on 31.05.2018. Accordingly the proponent has submitted the revised check list with enclosures on 31.05.2018.

The proponent submitted the revised check list with enclosures on 31.05.2018. The annexure contains the extract of the revised checklist. The revised checklist contains old and supplementary data/information

From the perusal of the original proposal of the proponent, initial checklist submitted by the proponent, site inspection of the construction site, revised checklist submitted by the proponent, the technical team makes the following observation:

1. The proponent has made a procedural violation in the sense that the proponent has started construction of the residential apartment without obtaining the Environmental Clearance from the competent authority.
2. When the technical team assessed whether the proponent has actually followed in the past, the normal condition stipulated in the EC for all conditions, pre-construction & construction stages, the team is of the opinion that the proponent has not violated any conditions that are verifiable now. But there are certain conditions

such as possible air pollution, noise pollution and soil pollution that could have been caused at the time of construction which cannot be verified and quantified now.

3. The technical team recommends the proposal to SEAC to favourably process the proposal for recommendation to SEIAA for the grant of ToR. However, it is to be pointed out that this proposal is not a “regular” project seeking EC but a special project to be covered under “violation category”. There are guidelines set forth by MoEF & CC on how to proceed with such cases. The SEAC may decide further course of action in the light of the MoEF & CC notification for violation cases.
4. As per the direction, the proponent has planted 138 number of tree saplings of the recommended species and submitted the photos in support of their claim.

The proponent should complete the following activities/submit necessary documents by the time of submitting the EIA report:

1. The project proponent shall furnish the permission letter from the CMWSSB for water supply and also for the disposal of excess treated sewage of 136 KLD into the CMWSSB sewer line near the project site.
2. The proponent shall earmark the location of DG set away from the compound wall as committed and submit the plan including the same.
3. The proponent shall plant 10 numbers of the indigenous species excluding 138 saplings already planted as agreed by the proponent with the following species,
  - a) *Mimusops elengi*
  - b) *Madhuca longifolia*
  - c) *Ficus religiosa*
  - d) *Ficus glomerata*
  - e) *Calophyllum inophyllum*
  - f) *Thespesia populnea*
  - g) *Pongamia pinnata*.



4. For CER activities the proponent is required to spend a sum of Rs.68.80 Lakhs (0.5 % of project cost).
5. The proponent shall furnish the following certificates
  - i. Certificate for structural safety
  - ii. Revised CMDA plan approval
  - iii. Flood NoC from competent authority
  - iv. Certificate from competent authority stating that the project site does not encroach any water bodies and poromboke land
6. For the disposal of the treated sewage for green belt in OSR, it is requested to furnish the permission letter from the competent authority

The proponent should complete the construction / installation of the following utilities by the time the construction is completed:

DG sets & stacks of adequate height with acoustic enclosures as per CPCB norms, STP, WTP, Rain Water Harvesting system, Acoustic enclosures for blowers in STP & OWC as committed by the proponent in the EIA report.

The SEAC accepted the recommendations of the technical team and decided to recommend the proposal to SEIAA for considering issue of ToR in 3 parts as annexed for conducting the EIA study for the project of construction of Residential Building Complex entitled "Lake Dugar" at S.No. 779/2A, 779/2B, 779/2C, 779/2D, 779/2E, & 779/2F of Korattur Village, Ambattur Taluk, Thiruvallur District.

Based on the ToR, the proponent submitted the EIA report to SEIAA-TN on 20.06.2018. The EIA report was placed in the 116<sup>th</sup> SEAC Meeting held on 09.07.2018. The proponent made a presentation about the project proposal. Among other things, the SEAC noted that the 6 activities that the proponent should have completed before submitting the EIA report. The details are as follows:

1. The project proponent shall furnish the commitment letter from

	<p>the CMWSSB for water supply and also for the disposal of excess treated sewage of 136 KLD into the CMWSSB sewer line near the project site – the proponent has submitted that commitment letter from CMWSSB for water supply and excess treated sewage disposal will be obtained before obtaining CTO from TNPCB.</p> <p>2. The proponent shall earmark the location of DG set away from the compound wall as committed and submit the plan including the same – The proponent has submitted that the DG set will be placed in the Stilt floor away from the compound wall.</p> <p>3. The proponent shall plant 10 numbers of the indigenous species excluding 138 saplings already planted as agreed by the proponent with the following species,</p> <ul style="list-style-type: none"><li>h) Mimosa elengi</li><li>i) Madhuca longifolia</li><li>j) Ficus religiosa</li><li>k) Ficus glomerata</li><li>l) Calophyllum inophyllum</li><li>m) Thespesia populnea</li><li>n) Pongamia pinnata.</li></ul> <p>- The proponent has submitted photographs as evidence for having planted 10 numbers of indigenous species</p> <p>4. For CER activities the proponent is required to spend a sum of Rs.68.80 Lakhs (0.5 % of project cost) – The proponent has submitted the CER activity for Rs. 25 Lakhs i.e 0.25% of the total project cost.</p> <p>5. The proponent shall furnish the following certificates</p> <ul style="list-style-type: none"><li>i. Certificate for structural safety – Will be obtained before obtaining EC</li><li>ii. Revised CMDA plan approval – the revised building plan approval will be obtained upon submission of EC to CMDA</li><li>iii. Flood NoC from competent authority – Will be obtained</li></ul>
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- Prevention and control of Emission - Amount to be spent – Rs. 4.21 Lakhs
- Recycling of Waste - Amount to be spent – Rs. 5.04 Lakhs
- Use of fly ash - amount spent –Rs. 23.2 Lakhs
- Green belt development - Amount spent – Rs. 2.48 Lakhs
- Safety/ security of human resources - amount spent –Rs. 2.87 Lakhs
- c. Community resource augmentation plan and cost

S. No	Beneficiary Organization	Description of CER activity	Amount to be spent (in Lakhs)
1	Government Primary Health Centre, Medambedu, Ambattur	Procurement of medical equipments	2.8
Total Amount			Rs. 2.8 Lakhs

Based on the inspection report and the violation notification, the SEAC classified the level of damages by the following criteria:

1. Low level Ecological damage:
  - a. Only procedural violations (started the construction at site without obtaining EC)
2. Medium level Ecological damage:
  - a. Procedural violations (started the construction at site without obtaining EC)
  - b. Infrastructural violation such as deviation from CMDA/local body approval.
  - c. Non operation of the project (not occupied).
3. High level Ecological damage:
  - a. Procedural violations (started the construction at site without obtaining EC)
  - b. Infrastructural violation such as deviation from CMDA/local body approval.
  - c. Under Operation (occupied).

	<p>before obtaining CTO from TNPCB</p> <p>iv. Certificate from competent authority stating that the project site does not encroach any water bodies and poromboke land - Will be obtained before obtaining CTO from TNPCB</p> <p>6. For the disposal of the treated sewage for green belt in OSR, it is requested to furnish the permission letter from the competent authority - Will be obtained before obtaining CTO from TNPCB</p> <p>The SEAC as per the MoEF &amp; CC notification assessed the project based on Ecological damage, remediation plan and natural &amp; community resource augmentation plan furnished as an independent chapter in the Environment Impact assessment report by the proponent. The extract from the report is as follows:</p> <p>a. About Ecological damage created by the proponent, Remediation plan proposed and cost-</p> <ol style="list-style-type: none"> <li>1. Loss of Top soil – no loss of top soil – amount spent Rs. 8.52 Lakhs</li> <li>2. Loss of area for ground water recharge – During construction it was estimated that 106 cu.m of recharge has been lost annually. As a remediation plan, the roof top run off is diverted into the sump located within the project site – Amount spent – Rs. 76.12 Lakhs, Amount to be spent – Rs. 6.5 Lakhs</li> <li>3. Particulate matter emission and pollution caused by vehicles- No increase of emission - Amount spent – Rs. 5.59 Lakhs</li> <li>4. Noise emission from the equipment/machinery – Labours are provided with personal protective equipment - Amount spent – Rs. 3.7 Lakhs, Amount to be spent – Rs. 1.2 Lakhs</li> </ol> <p>b. Natural resource augmentation plan and cost:</p> <ul style="list-style-type: none"> <li>➤ Soil conservation – amount spent –Rs. 38.31 Lakhs</li> <li>➤ Water conservation - Amount spent – Rs. 68.44 Lakhs, Amount to be spent – Rs. 28.35 Lakhs</li> <li>➤ Energy Conservation - Amount to be spent – Rs. 6.32 Lakhs</li> </ul>
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23.59 Lakhs, totalling Rs. 70.77 lakhs.

3. The proponent should undertake and complete the activities listed under ecological remediation, Natural resource augmentation & Community resource augmentation for a total amount of Rs. 47.18 Lakhs from out of Rs. 1.50 Crores already deposited with TNPCB by the proponent.
4. The amount specified as CER (Rs. 23.59 Lakhs) shall be remitted in the form of DD before issue of EC for the following activities.

Sl.No	Activities	Name and address of the beneficiary	Amount & DD favouring	Purpose
1.	Education	The chief conservator of Forest & Additional Director i/c, Tamil Nadu Forestry Academy, Coimbatore	Rs. 23.59 Lakhs, DD favouring "SWIFT society" payable at Coimbatore	Maintenance and infrastructure facilities for hostel with 150 rooms which is housing forest range officers and forest trainees

5. The project proponent shall carry out the works assigned under ecological damage, natural resource augmentation and community resource augmentation within a period of six months.

6. The SEAC recommends that SEIAA may look into any other legal and regulatory issues that are applicable before issuing the post construction EC.

The above recommendation of SEAC was placed in the 325<sup>th</sup> SEIAA Meeting held on 19.07.2018. The Authority decided to refer the proposal back to SEAC for want of clarification in the following points:

1. The proponent has paid Rs. 1.50 Crores to TNPCB out of Rs. 6.88 Crores levied as Environmental Compensation by the Hon'ble NGT, PB, New Delhi order dated: 07.07.2015.
2. The amount prescribed for Ecological remediation is Rs. 23.59 lakhs, natural resource augmentation is Rs. 13.75 lakhs, community resource

As per the OM of MoEF & CC dated: 01.05.2018, the SEAC deliberated the fund allocation for Corporate Environment Responsibility which shall be to a maximum of 2% of the project cost.

In view of the above and based on the inspection report & the Ecological damage, remediation plan and natural & community resource augmentation plan furnished by the proponent, the SEAC decided the fund allocation for Ecological remediation, natural resource augmentation & community resource augmentation and penalty by following the below mentioned criteria.

Level of damages	Ecological remediation cost (% of project cost)	natural resource augmentation cost (% of project cost)	community resource augmentation cost (% of project cost)	CER (% of project cost)	Total (% of project cost)
Low level Ecological damage	0.25	0.10	0.15	0.25	0.75
Medium level Ecological damage	0.35	0.15	0.25	0.5	1.25
High level Ecological damage	0.50	0.20	0.30	1.00	2.00

The Committee observes that the project of M/s. Dugar Housing Limited at S.No. 779/2A, 779/2B, 779/2C, 779/2D, 779/2E, & 779/2F of Korattur Village, Ambattur Taluk, Thiruvallur District, comes under the "Low level Ecological damage category". The Committee decided to recommend the proposal to SEIAA for grant of post construction EC subject to the following conditions in addition to the normal conditions:

1. It is submitted that the proponent has paid Rs. 1.50 Crores to TNPCB out of Rs. 6.88 Crores levied as Environmental Compensation by the Hon'ble NGT, PB, New Delhi order dated: 07.07.2015.
2. The amount prescribed for Ecological remediation is Rs. 23.59 lakhs, natural resource augmentation is Rs. 9.43 lakhs, community resource augmentation is Rs. 14.15 lakhs and amount specified as CER is Rs.



augmentation is Rs. 20.6 lakhs and amount specified as CER is Rs. 23.59 Lakhs, totalling Rs. 70.77 lakhs.

3. The proponent should undertake and complete the activities listed under ecological remediation, Natural resource augmentation & Community resource augmentation for a total amount of Rs. 47.18 Lakhs from out of Rs. 1.50 Crores already deposited with TNPCB by the proponent.

Further, during the joint meeting of SEAC & SEIAA held on 23.07.2018, the Chairman, SEIAA suggested that the payments made by the proponents in the form of Environmental compensation fund to TNPCB may not be adjusted against any payments specifically bank guarantee to be made by the proponent towards ecological remediation, etc since, the payment to TNPCB is a NGT – directed payment.

Considering the suggestion by the Chairman, SEIAA and discussion thereof, the SEAC discussed and revised its recommendation regarding the payments to be made by the proponent and the revised recommendation is as follows:

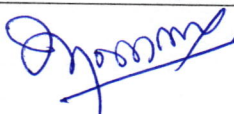
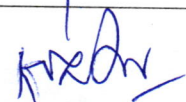
Sl.No.	Original recommendation of SEAC	Revised recommendation
1	It is submitted that the proponent has paid Rs. 1.50 Crores to TNPCB out of Rs. 6.88Crores levied as Environmental Compensation by the Hon'ble NGT, PB, New Delhi order dated: 07.07.2015	Same

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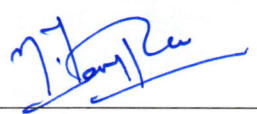

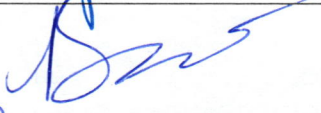
	2	The amount prescribed for Ecological remediation is Rs. 23.59 lakhs, natural resource augmentation is Rs. 9.43 lakhs, community resource augmentation is Rs. 14.14 lakhs and amount specified as CER is Rs. 23.59 Lakhs, totalling Rs. 70.77 lakhs.	The amount prescribed for Ecological remediation (Rs. 23.59 Lakhs), natural resource augmentation (Rs. 9.43 Lakhs) & community resource augmentation (Rs. 14.14 Lakhs) totalling Rs. 47.18 lakhs shall be remitted in the form of bank guarantee to Tamil Nadu Pollution Control board, before obtaining Environmental Clearance and submit the acknowledgement of the same to SEIAA-TN. The funds should be utilized for the remediation plan, Natural resource augmentation plan & Community resource augmentation plan as indicated in the EIA/EMP report.
	3	The proponent should undertake and complete the activities listed under ecological remediation, Natural resource augmentation & Community resource augmentation for a total amount of Rs. 47.18 Lakhs.	Same
	4	The amount specified as CER (Rs. 23.59 Lakhs) shall be remitted in the form of DD before issue of EC.	The amount specified as CER is Rs. 23.59 Lakhs and CER is applicable and it will be adjusted against the fund available with TNPCCB who will use it as CER for the



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			following purposes: i. Water Conservation, Strom water management, urban greening, Biodiversity conservation, Climate change studies and mitigation projects implementation.
	5	The project proponent shall carry out the works assigned under ecological damage, natural resource augmentation and community resource augmentation within a period of six months	Same
	6	The SEAC recommends that SEIAA may look into any other legal and regulatory issues that are applicable before issuing the post construction EC.	Need not be included.
	<p>7. The proponent shall furnish an affidavit stating that the CER amount of Rs. 23.59 lakhs shall not be claimed at any point of time from the environmental compensation of Rs. 1.50 Crores remitted to the TNPCB as per the Hon'ble NGT, PB, New Delhi order dated: 07.07.2015.</p> <p>8. TNPCB shall utilise the amount of Rs 23.59 Lakhs earmarked as CER for government activities/projects for the following purposes:</p> <p>a. Water Conservation, Strom water management, urban greening, Biodiversity conservation, Climate change studies and mitigation projects implementation.</p>		
S.No	Name	Designation	Signature
1	Dr. K. Thanasekaran	Member	
2	Dr.K.Valivittan	Member	

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3	Dr.Indumathi M. Nambi	Member	
4	Dr. G. S. Vijayalakshmi	Member	
5	Dr. M. Jayaprakash	Member	
6	Shri V. Shanmugasundaram	Member	
7	Shri B. Sugirtharaj Koilpillai	Member	
8	Shri. P. Balamadeswaran	Co-opt Member	
9	Shri. M.S. Jayaram	Co-opt Member	