

**Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018**

<p><b>115</b> F. 1751/2014</p>	<p><b>Construction of Residential Complex "PRISTINE ACRES" by M/s. Virgo Realtors Private Limited at S.F.No. 213/2, 214/1, 215, 216/2, 216/3A, 216/3B, 216/3C, 216/3D, 225/1B, 2B, 226/1A2, 226/1B2, Perumbakkam Village, Sholinganallur Taluk, Kancheepuram District, Tamil Nadu – Activity 8(a) &amp; Category "B2"- Building &amp; Construction Projects – Environmental Clearance to be issued under violation notification dated: 08.03.2018 of MoEF &amp; CC – Regarding.</b></p>
	<p>The Project Proponent <b>M/s. Virgo Realtors Private Limited</b> has applied for Environment Clearance for the construction of Residential Complex "PRISTINE ACRES" with a total built up area of 32266.01 Sq.m at S.F.No. 213/2, 214/1, 215, 216/2, 216/3A, 216/3B, 216/3C, 216/3D, 225/1B, 2B, 226/1A2, 226/1B2, Perumbakkam Village, Sholinganallur Taluk, Kancheepuram District, Tamil Nadu on 31.08.2013.</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. While scrutinizing, it was found from the photographs furnished by the proponent, which shows that the construction activity was started without prior Environmental Clearance. Hence it was considered as violation of EIA Notification, 2006.</li> <li>2. The proponent was requested to furnish the 'Letter of Commitment and Expression of Apology'.</li> <li>3. As per the guidelines issued for dealing with the projects involving violation vide MoEF &amp; CC OM dated: 12.12.2012 &amp; 27.06.2013, the project proponent furnished 'Letter of Commitment and Expression of Apology' and also resolved in the form of a formal resolution assuring that such violation will not be repeated.</li> <li>4. The same was sent to the State Government for initiating credible action on the said violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986.</li> <li>5. The State Government forwarded the same to the Tamil Nadu Pollution</li> </ol>

**MEMBER SECRETARY, SEAC**

**CHAIRMAN, SEAC**

**Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018**

Control Board (TNPCB) for initiating legal action on the violation under the EIA Notification, 2006 in the residential project.

6. The Proponent was informed vide SEIAA Letter No. SEIAA-TN/F.1751/2013 dated 28.11.2014 that the project proposal is included in the list of cases involving violations of Environment (P) Act, 1986 and that the project stands delisted in the lists of proposals under process in SEIAA-TN.

7. 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.

8. Then, the proponent has filed the application to MoEF & CC under violation on 27.03.2017.

9. Accordingly, the MoEF & CC issued ToR vide F.No. 23-18/2017-IA-III dated: 10.04.2018.

10. Subsequently, MoEF&CC issued another notification S.O.1030 (E) dated 08.03.2018, stating that “the cases of violations projects or activities covered under category A of the Schedule to the EIA Notification, 2006, including expansion and modernization of existing projects or activities and change in product mix, shall be appraised for grant of Environmental



**Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018**

Clearance by the EAC in the Ministry and the Environmental Clearance shall be granted at Central level, and for category B projects, the appraisal and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986”.

11. The application was submitted to SEIAA-TN for EC on 21.05.2018.

12. The proponent submitted the EIA report to SEIAA-TN for the consideration of EC under violation notification.

The proposal was placed in the 112<sup>th</sup> SEAC meeting held on 29.05.2018. 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.1751/2014 dated: 19.06.2018 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 complex “PRISTINE ACRES” by M/s. Virgo Realtors Private Limited. The Technical Team took up the various items stated in the checklist for detailed discussions.

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

The report of the inspection team was placed before the 115th SEAC Meeting held on 27.06.2018.

**MEMBER SECRETARY, SEAC**

  
**CHAIRMAN, SEAC**



## Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018

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

- (i) The Technical Team learnt that the “violation” attributed to the project is that the construction activity was started before getting the Environmental Clearance.
- (ii) The proponent obtained CMDA approval in May 2013, started the construction in August 2013 and completed the construction in May 2015. The proponent initially applied for EC in September 2013 just after starting the construction. The ToR was issued by MoEF & CC in 10.04.2018 and the latest application for EC was filed with SEIAA – TN on 21.05.2018.
- (iii) There was a confusion related to the use of survey number 225/1pt, 225/2 pt, 226/1A pt & 226/1Bpt. In some documents 225/1pt, 225/2 pt, 226/1A pt & 226/1Bpt are used and in some other documents 225/1B, 2B, 226/1A2, 226/1B2 are used. The proponent finally states that 225/1B, 2B, 226/1A2, 226/1B2 are correct survey numbers. Hence, the proponent was directed to submit the revised EIA report after carrying out the above correction.
- (iv) The proponent has not submitted the land use certificate for the survey numbers: 226/1A2 & 226/1B2.
- (v) The project consists of 7 blocks having 232 apartments and one club house. Each block has S+4 floors arrangement. The construction has been completed in all respects. Out of 232 apartments, 195 have been occupied. Hence, the project has come into operation category.
- (vi) The land area for the project is 14990.80 Sq.m and Built up area is 32266.01 Sq.m.
- (vii) At present, fresh water (126 KLD) is obtained through tanker lorries and the proponent was directed to furnish the water quality test data. The tanker water is treated in WTP for excess TDS removal before supply to the residents.
- (viii) The proponent reported that no excess sewage is generated at present in spite of 195 apartments being occupied. The proponent was directed to furnish the details of exact sewage generation and its utilization.

- (ix) At present the solid waste generated from the residential is disposed through the local body. The installed OWC should be used for processing the MSW.
- (x) Regarding rain water harvesting, 2 sumps of 120 KL each have been constructed. In addition 44 ring wells with bore pipes have been constructed for rain water recharge. 45 bore pipes have also been constructed in the trenches which also allow rain water recharge.
- (xi) For green belt, the proponent has allocated 2618.91 sq.m (17.47%), which is more than the norms and 230 trees should be planted. Regarding the number of trees the proponent has planted 330 number of trees. However, the proponent was directed to furnish the number of trees, species, etc with lay out for the green belt area with dimensions. Even though the existing green belt satisfies the norms, the project area does not have greeneries in the space between the blocks and such spaces present a very dry picture. Hence, the proponent was directed to create appropriate greeneries in the space between blocks without affecting the utility of the space.
- (xii) The proponent has submitted a compliance report for the TOR issued by MoEF & CC.
- (xiii) The proponent has obtained the following certificates:
  - a) CMDA planning permission
  - b) Local Body planning permission
  - c) Metro water NOC for water supply.
  - d) STP NOC from CMWSSB
- (xiv) During the inspection of the STP, it was noticed that there was heavy noise from the blowers and the STP constructed below the ground had no proper ventilation. Hence, the proponent was directed to immediately install acoustic enclosures for the blowers and appropriate ventilation system for the entire STP. This should be done before obtaining EC.
- (xv) Permission from local body for using treated sewage in the OSR area should be obtained.
- (xvi) The outlet characteristics for the STP should be furnished.

MEMBER SECRETARY, SEAC

  
CHAIRMAN, SEAC



**Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018**

	<p>(xvii) The proponent was directed to furnish the proposal for CER.</p> <p>(xviii) The proponent was asked to furnish the updated information with respect to the following checklist provisions:</p> <ul style="list-style-type: none"><li>i. Flood NOC</li><li>ii. Permission from local body for using treated sewage in OSR.</li><li>iii. Environment Management Cell</li><li>iv. Certificate for structural safety from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD &amp; Structural Engineering Research Centre of Government of India.</li><li>v. Revised Green belt development plan</li><li>vi. Adequacy report for STP from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD &amp; Structural Engineering Research Centre of Government of India.</li><li>vii. Proposed CER activities</li><li>viii. Land use classification certificate</li><li>ix. Water quality data for tanker water</li><li>x. Outlet characteristics for treated sewage</li><li>xi. The proponent should install acoustic enclosures for the blowers and appropriate ventilation system for the entire STP</li><li>xii. The proponent should create appropriate greeneries in the space between blocks without affecting the utility of the space.</li><li>xiii. The installed OWC should be used for processing the MSW.</li><li>xiv. Revised EIA report.</li></ul> <p>The proponent was asked to furnish the particulars as discussed above and as per the check list already provided, to the Technical Team on 23.06.2018. Accordingly the proponent has submitted the check list with enclosures on 23.06.2018.</p> <p>The proponent submitted the check list with enclosures on 23.06.2018. The annexure contains the extract of the checklist. The checklist contains old and supplementary data/information. The proponent has submitted the following after inspection:</p>
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**Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018**

1. Land use certificate
2. Green belt plan & photos
3. OWC installation photos
4. Treated sewage analysis report
5. Tanker water analysis report
6. STP ventilation system installation photos

From the perusal of the original proposal of the proponent, site inspection of the construction site and 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 before getting 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 now.
3. The proponent shall provide the following details / documents before obtaining EC:
  - a) Flood NOC
  - b) Permission from local body for using treated sewage in OSR.
  - c) Certificate for structural safety from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD & Structural Engineering Research Centre of Government of India.
  - d) Adequacy report for STP from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD & Structural Engineering Research Centre of Government of India.
  - e) The proponent should install acoustic enclosures for the blowers

**MEMBER SECRETARY, SEAC**

  
**CHAIRMAN, SEAC**



Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018

4. The technical team recommends the proposal to SEAC to favourably process proposal for recommendation to SEIAA for the grant of EC. 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.

The SEAC as per the MoEF & CC notification assessed the project based on Ecological damage, remediation plan and natural & 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:

- a. About Ecological damage created by the proponent, Remediation plan proposed and cost-

1. Land / soil environment- Short time negative impact
  - a) Human settlement – No impact
  - b) Land – No major impact
  - c) Air – Not much impact
  - d) Water – No ground water extraction, no impact
  - e) Ground water quality – No impact
  - f) Noise – No much impact
  - g) Soil & Ecology – Impact on soil as well as ecology

- b. Natural resource augmentation plan and cost:

➤ Remediation plan of Pallikaranai Marsh Land:

1. Restoration of Pallikaranai marsh land-0.15% of the project cost (Rs. 37.81 Crores), i.e. **5.67 lakhs.**
2. Restoration of Pallikaranai dumping site-0.05% of the project cost, i.e. **5.67 lakhs.**
3. Remediation for noise impact by tree plantation to provide more habitats for migratory birds to Pallikaranai marsh land around 100m radius – 0.1 % of the project cost, i.e. **3.78 lakhs.**

- c. Community resource augmentation plan and cost



# Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018

1. To improve social status of the local area, plan to provide hygienic toilet to Government school, Infrastructure facility to local school, providing skill training, providing fund for corporation for providing bins, construction of bus shelters, etc – 0.1% of total project cost – Rs. 3.78 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).

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)	natural resource augmentation cost (% of project)	community resource augmentation cost (% of project)	CER (% of project)	Total (% of project cost)
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**Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018**

	cost)	project cost)	project cost)	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. Virgo Realtors Private Limited** at S.F.No. 213/2, 214/1, 215, 216/2, 216/3A, 216/3B, 216/3C, 216/3D, 225/1B, 2B, 226/1A2, 226/1B2, Perumbakkam Village, Sholinganallur Taluk, Kancheepuram District, comes under the **“High 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. The amount prescribed for Ecological remediation(Rs. 18.91 lakhs), natural resource augmentation(Rs. 7.56 lakhs) & community resource augmentation (Rs. 11.34 lakhs), totalling Rs. 37.81 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.
2. 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. If not the bank guarantee will be forfeited to TNPCCB without further notice.
3. The amount specified as CER (Rs. 37.81 Lakhs) shall be remitted in the form of DD to the beneficiary before issue of EC for the following activities. A copy of receipt from the beneficiary shall be submitted before issue of EC.

Sl.No	Activities	Name and address	Amount & DD	Purpose
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**Minutes of the 115th SEAC Meeting held on 27<sup>th</sup> June 2018**

		of the beneficiary	favouring	
1.	For conservation & Forest protection	Chief Conservator of Forest and Field Director, Anamalai Tiger Reserve, Pollachi	Rs. 37.81 Lakhs DD favouring "Executive Director, Anamalai Tiger Conservation Foundation, Pollachi"	(i) Rs. 17.81 Lakhs for eco-tourism van, (ii) Rs. 20 Lakhs for training & awareness programmes
4. The SEAC recommends that SEIAA may look into any other legal and regulatory issues that are applicable before issuing the post construction EC				
S.No	Name	Designation	Signature	
1	Dr. K. Thanasekaran	Member		
2	Dr.K.Valivittan	Member		
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		

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