

118-F. 2554/2014	<p>Construction of Residential Complex by M/s. Anand Estates at S.F.No. 140/1A, 2A, 2B, 141/1, 141/2, 145/2, 146/3B1, 151/1 &amp; 151/2, Perungudi Village, Tambaram Taluk, Kancheepuram District, Tamil Nadu – Activity 8(a) &amp; Category “B2”- Building &amp; Construction Projects – Environmental Clearance (EC) to be issued under violation notification dated: 08.03.2018 of MoEF &amp; CC – Regarding.</p>
	<p>The Project Proponent <b>M/s. Anand Estates</b> initially applied for Environment Clearance for the construction of Residential Complex with a total built up area of 37739.35 Sq.m at S.F.No. 140/1A, 2A, 2B, 141/1, 141/2, 145/2, 146/3B1, 151/1 &amp; 151/2, Perungudi Village, Tambaram Taluk, Kancheepuram District, Tamil Nadu on 26.05.2014.</p> <p>From the perusal of the office records, project proposal and the presentation made by the proponent, the following points were 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 Control Board (TNPCB) for initiating legal action on the violation under</li></ol>

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	<p>the EIA Notification, 2006 in the residential project.</p> <p>6. The Proponent was informed vide SEIAA Letter No. SEIAA-TN/F.2553/2013 dated 27.11.2014 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.</p> <p>7. As per the MoEF &amp; 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</p> <p>“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 &amp; CC for EC under violation category vide SEIAA letter dated: 19.06.2017.</p> <p>8. Then, the proponent has filed the application to MoEF &amp; CC under violation.</p> <p>9. Subsequently, MoEF&amp;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 Clearance by the EAC in the Ministry and the Environmental Clearance shall be granted at Central level, and for</p>
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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”.

10. The application was transferred from MoEF & CC to SEIAA-TN on 28.03.2018.

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.2554/2014 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 building project by M/s. Anand Estates. 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 revised checklist incorporating all the relevant details.

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

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

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	<p>is that the construction activity was started before getting the Environmental Clearance.</p> <p>(ii) For survey number 145/2, the proponent was directed to submit appropriate ownership documents. There was a confusion related to the use of survey number 146/3B pt and 146/3B1. In some documents 146/3B pt is used and in some other documents 146/3B1 is used. The proponent finally states that 146/3B1 is correct survey number.</p> <p>(iii) The proponent has not submitted the appropriate land use certificate.</p> <p>(iv) The land area for the project is 16376.77 Sq.m and Built up area is 37739.35 Sq.m</p> <p>(v) The construction for the project was started in the year 2009 and CMDA completion certificate was obtained in 2012. Initial EC application was filed in 2014.</p> <p>(vi) The construction has been fully completed in all aspects including the utilities except OWC which has to be procured and installed.</p> <p>(vii) The proponent has not allowed any occupants in the residential complex and hence the project has not come into operation. Totally there are 4 blocks each with 5+4 floors, with totally 316 units.</p> <p>(viii) The water supply for the project (145 KLD fresh water) will be sourced from CMWSSB and similarly sewer connection has been obtained for disposal of excess sewage. As a standby, tanker water supply will be used if needed.</p> <p>(ix) For green belt development the required area should be 2620 sq.m (15%) and 210 trees should be planted. As far as area is concerned at present paver blocks have been laid all along the proposed green belt area. Even though sufficient area has been earmarked, the proponent should create area with soil by removing the paver blocks so that tree plants can be planted. The peripheral storm water drain runs along the compound wall having a width of 1.2m from the compound wall. The proposal for green belt development is that a space with a width of 1.5m or more will be created by removing the paver blocks all along the boundary to create an area of 2620 sq.m. The proponent was directed</p>
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to submit a revised green belt development plan to this effect.

Regarding number of trees, even though some 20 trees (approved) exist, the proponent should go for planting the 210 trees of approved species listed below.

- a) Pongamia glabra (Pungan)
- b) Michelia champaca (Shenbagam)
- c) Thespesia populnea (Poovarasu)
- d) Azadirachta indica (Vembu)
- e) Syzygium cumini (Naval)
- f) Mimosa elengi (Magilam)
- g) Ficus retusa (Athi)
- h) Calophyllum inophyllum (Punnai)
- i) Ficus religiosa (Arasu)
- j) Madhuca longifolia (Iluppai)
- k) Terminalia arjuna (Neermarudhu)
- l) Terminalia bellarica (Thani)
- m) Artocarpus hirsuta (Ainipala)
- n) Artocarpus heterophyllum (Pala)

(x) The proponent has obtained the following certificates:

- a) CMDA planning permission
- b) Completion certificate from CMDA
- c) STP NOC
- d) CMWSSB water connection
- e) CMWSSB sewer connection
- f) EB permission

(xi) Regarding rain water harvesting system, for storing roof top run off two sumps (79 KLD+180 KLD) have been constructed. In addition recharge pits (220 nos) have been constructed.

(xii) The proponent was directed to provide systems for solar energy utilization in the project.

(xiii) The proponent was directed to furnish proposals for CER activities already carried out and proposed to be carried out.

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(xiv) The proponent was asked to furnish the updated information with respect to the following checklist provisions:

- i. Legal heir certificate
- ii. Land use classification
- iii. Flood NOC
- iv. 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
- v. 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.
- vi. Permission from local body for using the treated sewage in OSR.
- vii. Revised Green belt plan
- viii. 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 23.06.2018. Accordingly the proponent has submitted the revised check list with enclosures on 23.06.2018.

The proponent submitted the revised check list with enclosures on 23.06.2018. The annexure contains the extract of the revised checklist. The revised checklist contains old and supplementary data/information. After inspection, the following documents have been furnished:

1. Land use classification
2. Revised green belt plan
3. Legal heir certificate

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 project 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 technical team recommends the proposal to SEAC to favourably process 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. The proponent should complete the following activities/submit necessary documents by the time of submitting the EIA report:
  - a) The proponent should plant 210 trees of approved species by creating new green belt area by removing the paver blocks all along the boundary of the residential complex, to create an area of 2620 sq.m.
  - b) The OWC should be procured and installed and the evidence should be produced.
  - c) The proponent should install systems for solar energy utilization in the project as per norms.
  - d) Flood NOC
  - e) 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

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- f) 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.
- g) Environmental Management Cell
- h) Proposal for CER activities

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 Complex by M/s. Anand Estates at S.F.No. 140/1A, 2A, 2B, 141/1, 141/2, 145/2, 146/3B1, 151/1 & 151/2, Perungudi Village, Tambaram Taluk, Kancheepuram District, Tamil Nadu.

The SEAC recommendation along with the proposal for ToR was placed in the 324<sup>th</sup> SEIAA meeting held on 17.07.2018. The Authority issued the terms of reference on 17.07.2018.

Based on the ToR, the proponent submitted the EIA report to SEIAA-TN on 31.07.2018. The EIA report was placed in the 118<sup>th</sup> SEAC meeting held on 03.08.2018. The proponent made the presentation about the project proposal. Among other things, the SEAC noted that 8 activities that the proponent should have completed as per the time schedule prescribed there in, has completed.

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. Ecological remediation plan proposed by the proponent :  
Human settlements, land, Air, Water, Ground water quality , Noise, soil, Ecology (Details in the EIA report).
- b. Natural resource augmentation plan and cost as proposed by the



proponent:

Restoration of Pallikarani Marsh land , Pallikaranai dumping yard , Tree plantation to provide more habitat for the migratory birds to pallikarani Marsh land around 100 meter radius of site and to improve the social status of the local area - Amount to be spent – Rs. 23.2 Lakhs (Details in the EIA report).

c. Community resource augmentation plan and cost as proposed by the proponent:

Infrastructure support, Basic amenities, Solar panels and Gen sets to Govt. School in Keelkatalai- Amount to be spent Rs 18 lakhs (Details in the EIA report).

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

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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. Anand Estates** has applied for Environment Clearance for construction of Residential Complex at S.F.No. 140/1A, 2A, 2B, 141/1, 141/2, 145/2, 146/3B1, 151/1 & 151/2, Perungudi Village, Tambaram Taluk, Kancheepuram District, Tamil Nadu, 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. The amount prescribed for Ecological remediation(Rs. 9.01 lakhs), natural resource augmentation (Rs.3.60 lakhs) & community resource augmentation (Rs. 5.41 lakhs), totalling Rs. 18.02 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



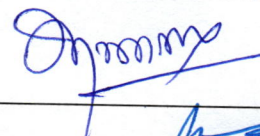
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augmentation plan as indicated in the EIA/EMP report.

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. 9.01 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	Govt.Higher Secondary school, Thoraipakkam, Chennai-600097	Rs.9.01 Lakhs: DD favouring "Head Master Govt.Higher Secondary school, Thoraipakkam"	Construction/ Renovation of classroom, Construction/ Renovation of toilets, sports facilities, water supply and classroom furniture.

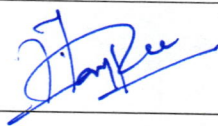
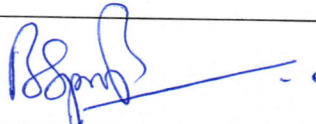
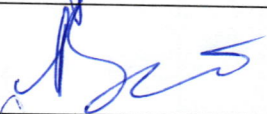
4. The proponent should install systems for solar energy utilization in the project as per norms before getting CTE from TNPCCB.
5. Flood NOC should be obtained from the competent Authority before getting CTE from TNPCCB.
6. Certificate for structural safety from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD & Structural Engineering Research Centre of Government of India should be obtained before obtaining CTO from TNPCCB.
7. 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 should be before obtaining CTO from TNPCCB.

S.No	Name	Designation	Signature
1	Dr. K. Thanasekaran	Member	

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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	