

By speed post

	STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY (SEIAA)-DELHI OFFICE OF DELHI POLLUTION CONTROL COMMITTEE 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI 110006 Visit us at http://dpcc.delhigovt.nic.in
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F.No. DPCC/SEIAA/2016/36/ 4326 - 4333/4333

Dated: 07/09/2016

MINUTES OF MEETING

Please find enclosed the minutes of meeting of 36th meeting of the State Environmental Impact Assessment Authority (SEIAA) held on 07.09.2016 in the Conference Room of DPCC, at 5th Floor, ISBT Building, Kashmere Gate, Delhi — 110006, for information and necessary action, if any.



(Dr. S. D. Singh)
Member Secretary

To:

1. **Sh. Krishna Mohan Sahni, IAS Rtd. (Chairman, SEIAA)**, House No.38, Pkt 2, Jasola Vihar, Behind Apollo Hospital, New Delhi-11002.
2. **Dr. Kamal K Pant (Professor) (Member, SEIAA)**, Department of Chemical Engineering IIT Delhi, Hauz Khas, New Delhi-110016
3. **Director, Mahatma Gandhi Institute of Combating Climate Change (MGICCC)(Member Secretary, SEIAA)**, Department of Environment, Government of National Capital Territory of Delhi, Pall-Bakthawarpur Road, Alipur, New Delhi, Delhi-110036.
4. **Additional Principal Chief Conservation of Forest (C)**, Regional Office (Central), Ministry of environment & Forest, Regional Office, Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow-226024.
5. **Dr. Mukesh Khare (Professor) (Chairman, SEAC)**, Department of Civil Engineering, Indian Institute of Technology, Delhi Hauz Khas, New Delhi-110016.
6. **Director (Environment), (Secretary, SEAC)**, Department of Environment, Government of NCT of Delhi.
7. **PS to Secretary (Environment) cum Chairman, DPCC-** for kind information.
8. **IT Cell** for placing the minutes on website.



(Dr. S. D. Singh)
Member Secretary

**STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY
(SEIAA)-DELHI**

OFFICE OF DELHI POLLUTION CONTROL COMMITTEE
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
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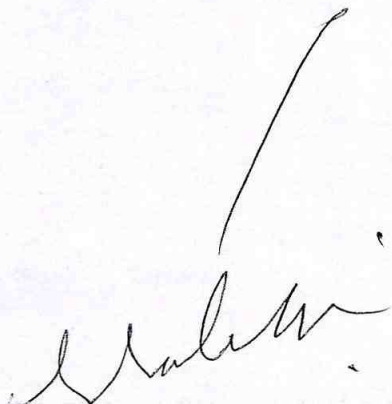
**Minutes of the 36th meeting of State Level Environmental Impact
Assessment Authority (SEIAA) held on 07.09.2016 at 11.00 am in the
Conference Room of Delhi Pollution Control Committee.**

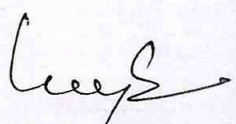
The 36th meeting of the State Level Environmental Impact Assessment Authority (SEIAA) was held on 07.09.2016 in the Conference Room of Delhi Pollution Control Committee, ISBT Building, Kashmiri Gate, Delhi-06.

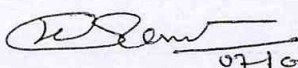
The meeting was held under the Chairmanship of Sh. Krishna Mohan Sahni. The following were present in the meeting:

- 1) Sh. Krishna Mohan Sahni - Chairman
- 2) Dr. Kamal K Pant - Member
- 3) Dr. S. D Singh - Member Secretary

Sh. Pankaj Kapil, SEE, DPCC & S.K. Goyal, EE, DPCC assisted the Authority during the meeting.


(Krishna Mohan Sahni)
Chairman, SEIAA


(Dr. S. D. Singh)
Member Secretary, SEIAA


(Dr. K.K. Pant)
Member, SEIAA

AGENDA NO: 1

Case No: 163

Name of the Project	"M/s B.A.P.S. Swami Narayan Sanstha, SwaminarayanAkshardhamMandir, N.H-24, AkshardhamSetu, New Delhi..
Project Proponent	Mr.Jayesh Kishore Gadhia, M/s B.A.P.S. Swami Narayan Sanstha, SwaminarayanAkshardhamMandir, N.H-24, AkshardhamSetu, New Delhi

Case was taken up in the 30th SEIAA meeting held on 30.03.2016 and the Authority desired that the required legal opinion be arranged by 15.04.2016 for its consideration in next meeting.

Case was taken up in the 31st SEIAA meeting held on 19.04.2016, 32nd SEIAA meeting held on 05.05.2016 and the issue was deliberated further in 33rd SEIAA meeting held on 07.06.2016. As per advice received from legal cell of DPCC, it was decided that the project proponent be asked to provide status of action taken by them in pursuance of Hon'ble NGT judgement order dated 10.07.2015 and the order dated 14.03.2016 passed in review application No.19/2016, for taking further course of action. Accordingly the letter was issued on 17.06.2016 and the project proponent vide letter dated 21.06.2016 has informed that they have approached to Principal Committee.

Case was taken up in the 34th SEIAA meeting held on 05.07.2016 and it was decided that the Principal Committee be requested to apprise the status on the report of the Project Proponent in view of Hon'ble NGT order dated 14.03.2016. Project proponent be also asked to provide the details of matter



(Krishna Mohan Sahni)
Chairman, SEIAA



(Dr. S D. Singh)
Member Secretary, SEIAA



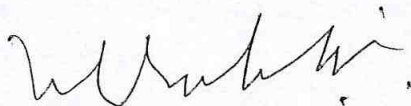
(Dr. K.K Pant)
Member, SEIAA

referred. Accordingly letter to Principal Committee & Project Proponent were issued on 21.07.2016.

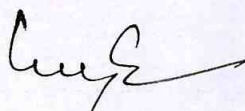
The case was deliberated in 35th meeting held on 19.08.2016 and for want of reply from the principal committee it was decided to issue reminder regarding action taken on above to Project Proponent and Principal Committee. It was decided to ask Project Proponent to submit the status of construction within 30 days. It was also decided that the Regional Office, MoEF & CC be requested to provide the present status of compliance of Environmental Clearance granted upon physical verification.

As decided by authority, letters have been issued to project proponent & MOEF&CC on 07.09.2016.

The issue was deliberated in the meeting and it was decided that the copy of the report filed by the Principal Committee before the Hon'ble NGT be obtained for the information of the Authority and it was also decided that the matter will be brought in next meeting for monitoring.



(Krishna Mohan Sahni)
Chairman, SEIAA



(Dr. S D. Singh)
Member Secretary, SEIAA



(Dr. K.K Pant)
Member, SEIAA

AGENDA NO: 2

Complaint regarding allegedly Fraudulent/False Claim made in EIA Reports submitted to the EAC (MoEF)/ SEIAA & SEAC (Delhi) for Environmental Clearance

In reference to the representation of Sukh Dukh Ke Sathi Sanstha, B-45, Sadhbhawna Apartments, received vide email dated 25.04.2016, the DJB was requested to provide comments to SEIAA, vide letter dated 17.05.2016 in pursuance of decision taken in 32nd meeting of SEIAA. The requisite input from DJB is still awaited M.S., SEIAA desired that the file with all relevant papers be put up to him for further necessary action in consultation with members of the Authority.

A letter dated 22.06.2016 received from Chief Engineer ,Planning, DJB giving reference to Meeting held in chamber of Hon'ble Minister of Water, Delhi deciding that Environmental Clearance of all such project cleared without Consent of Delhi Jal Board should be reviewed again after consultation with DJB and in future same practice may be followed. In the aforesaid letter the DJB has informed that 5 projects have been approved by DJB, 3 projects are under scrutiny, 10 projects have not submitted the proposal and 2 projects pertain to NDMC.

In this regard the Authority observed that the Environmental clearances are issued with certain conditions, one of them is seeking clearance from DJB also. SEIAA is already reviewing the status of compliance of these conditions by seeking the periodical compliance report to be submitted on 1st June & 1st December of calendar year as per provision of EIA Notification, 2006.



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(Dr. S D. Singh)
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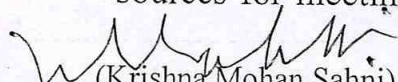
(Dr. K.K Pant)
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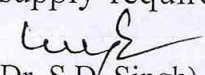
The SEAC in its 81st meeting held on 16.07.2016 recommended as follows:

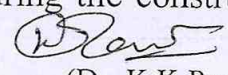
The committee is of the view that appraisal of any project is related to the environmental impact of the activities being undertaken and mitigation measures to be adopted to minimise the impact by sustainable environment management. The conditions in Environment Clearance are imposed accordingly. The Environment Clearance is supposed to be issued at the conceptual stage of the project even before preparation of the land. The environment clearance is independent of other statutory permissions required to be obtained by the project proponent. In view of Delhi Jal Board letter dated 22.06.2016 the conditions decided to be imposed in Environmental Clearances being issued by SEAC/SEIAA be vetted legally keeping in view MoEF&CC Office Memorandum No. 21-270/2008-IA.III dated 19.06.2013 read with MoEF&CC Office Memorandum No. 22-154/2015-IA.III dated 10.11.2015, stating that the project will be regulated by the concerned local Civic Authorities under the relevant provisions of the MPD-2021, Building Control Regulations and Safety Regulations.

A letter dated 2.08.2016 has also been issued to Chief Engineer (Planning), DJB apprising that SEIAA is already reviewing the status of compliance of these conditions by seeking the periodical compliance report to be submitted on 1st June & 1st December of calendar year as per provision of EIA Notification, 2006.

The issue was deliberated in the 35th meeting held on 19.08.2016 and it was observed that six monthly compliance are not categorical about the status of water supply permission from the concerned authority. Therefore the authority decided that the project proponent be specifically asked to furnish the status of permission/assurances obtained from DJB/NDMC or through authorized sources for meeting out the water supply requirement during the construction


(Krishna Mohan Sahni)
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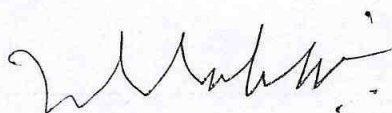

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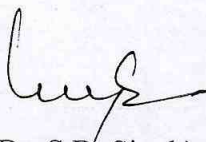
as well as operational phase of the project. It was also observed that there are 13 Environmental Clearances which were issued by MoEF & CC in absence of constitution of SEAC& SEIAA Delhi in year 2014-2015. Therefore the compliant may be forwarded to the MoEF & CC, GOI for taking a view in this matter and under intimation to SEIAA-Delhi on the proposal forwarded by DJB vide letter dated: 22.06.2016.

Letter to MoEF and CC has been issued on 06.09.2016.

The issue was deliberated in the meeting and it was decided that the case be listed again in the next meeting of the authority with replies received if any from Project Proponent and MoEF & CC, GOI.



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Chairman, SEIAA



(Dr. S D. Singh)
Member Secretary, SEIAA



(Dr. K.K Pant)
Member, SEIAA

AGENDA NO: 3

News item published regarding requirement of Environment Clearance to Metro Project.

Case was taken up in the 32nd SEIAA meeting held on 05.05.2016 and the Authority took note of the news item published in Times of India on 28.04.2016 titled "Metro projects don't need green nod, NGT told". It was decided that a letter be issued to DMRC advising it to submit a regular compliance report to Deptt of Environment, GNCTD, on the measures taken required to be taken, to avoid adverse impact on environment as cited in the Cabinet note of MoEF & CC June 2009 mentioned in the news item under reference.

The issue was deliberated further in 33rd SEIAA meeting held on 07.06.2016., and the Authority decided to keep the above decision in abeyance for taking a view at a later stage. However it was decided that MS, SEIAA will seek clarification from MoEF & CC on the issue whether the housing project (>20,000 Sq.M built up area) undertaken by DMRC, being similar to projects by DDA & other Govt/private agencies, are required to seek Environmental Clearance under EIA Notification, 2006 in view of the fact that Delhi Metro project is not listed in the schedule of EIA Notification, 2006.

Accordingly letter to MoEF & CC was issued on 17.06.2016.

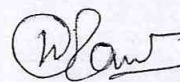
Issue was taken up in the 34th SEIAA meeting held on 05.07.2016 and it was decided to issue reminder to MoEF & CC. Accordingly decided reminder letter to MoEF was issued on 21.07.2016. No reply/response received, so far.



(Krishna Mohan Sahni)
Chairman, SEIAA



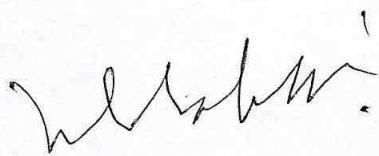
(Dr. S D. Singh)
Member Secretary, SEIAA



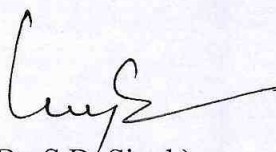
(Dr. K.K. Pant)
Member, SEIAA

The issue was deliberated in 35th meeting held on 19.08.2016 and it was decided to defer the matter for next meeting putting a personal meeting with MoEF.

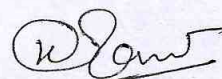
The issue was deliberated in the meeting and it was decided to issue the letter to MoEF & CC, GOI as per earlier letter issued on 17.06.2016 & 21.07.2016 and the authority also decided that Member Secretary to speak to respective officer in MoEF & CC, GOI.



(Krishna Mohan Sahni)
Chairman, SEIAA



(Dr. S D Singh)
Member Secretary, SEIAA



(Dr. K.K Pant)
Member, SEIAA

AGENDANo.4 :

Issue related to mechanism for Compliance of EC conditions

The SEIAA decided that with immediate effect, all the clearances given till date by the SEIAA w.e.f 28.02.2014 (i.e the date of notification delegating power u/s 5 of EPA to SEIAA) will be reviewed with regard to the status of implementation of terms & conditions imposed, by Authority on each project proponent who are to submit the same twice a year, namely, 1st of June and 1st of December, as prescribed under para 10 (ii) of EIA Notification, 2006.

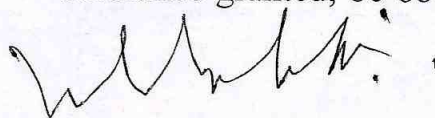
Letter be issued to all such proponents who have not complied in respect of above condition for submission of six monthly compliance report with information to SEAC and MoEF & CC.

Accordingly letter was issued to all 32 Project proponents on 17.06.2016.

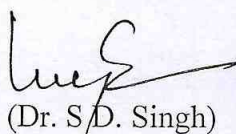
Issue was taken up in 33th SEIAA meeting held on 07.06.2016 and it was decided that similar letters be issued to remaining projects to whom Environment Clearances were issued after 28.02.2014 by SEIAA, Delhi.

Issue was taken up in 34th SEIAA meeting held on 05.07.2016, and it was decided that similar letters be issued to remaining projects to whom Environment Clearances were issued after 28.02.2014 by SEIAA, Delhi. Accordingly letter to remaining 23 Project Proponents to whom Environment Clearances were issued after 28.02.2014 by SEIAA, Delhi were issued on 21.07.2016.

The issue was deliberated in 35th meeting held on 19.08.2016 and it was decided that six monthly report/status of projects as per Environmental Clearance granted, be obtained from all the Project Proponents to whom it has



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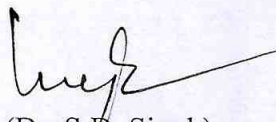
been granted in NCT of Delhi irrespective of issuing authorities (SEIAA-Delhi/ Govt. Of India).

Further action for implementation of the decision is under process.

The issue was deliberated in the meeting and it was decided the letter be issued to Project Proponents for reporting the present status of six monthly compliance as on 1st June 2016, those who have already submitted may reply along with the soft copy.



(Krishna Mohan Sahni)
Chairman, SEIAA



(Dr. S D. Singh)
Member Secretary, SEIAA



(Dr. K.K Pant)
Member, SEIAA

Agenda: 05

Case No: 20

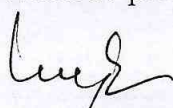
Name of the Project	"Environmental Clearance for renovation of M/s Hotel Queen Road Pvt. Ltd., 19, Ashoka Road, New Delhi..
Project Proponent	M/s Hotel Queen Road Pvt. Ltd., 19, Ashoka Road, New Delhi.

The issue was deliberated in the earlier meetings of SEIAA and the Authority observed that the decision to grant the Environmental Clearance has been taken the erstwhile SEIAA however the same has not been issued in view of the action to be concluded in accordance with the OMs issued by MoEFCC w.r.t. such violation cases. It was gathered that the said OMs remained under the scrutiny of law in Hon'ble NGT and Hon'ble Supreme Court. Further issues raised are quite complex and require details deliberations of its legal aspects including present legal status of the OMs in view of quashing of OMs by Hon'ble NGT and consequent appeal in Hon'ble Supreme Court.

As decided in the previous meeting, Law Officer of DPCC was invited for discussion. It was deliberated that the OMs of MoEF&CC dated 12.12.2012 & 27.06.2013 were quashed by Hon'ble National Green Tribunal, vide its judgment dated 07.07.2015 in OA No. 37 of 2015. Later on, Hon'ble Supreme Court stayed the aforesaid judgment of NGT in Civil Appeal No. 7191 of 2015 on 24.09.2015.

In the present case, the Authority was of the view that such incidences of going ahead and completing the project without prior EC should be restrained with deterrence.


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Chairman, SEIAA


(Dr. S/D. Singh)
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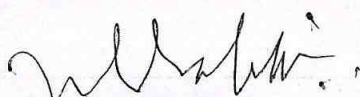
Keeping in view the aforesaid, it was decided to seek legal opinion from appropriate section of DPCC to consider further course of action in the present matter apropos of relevant court orders, as also OM's / notifications issued by MoEF&CC on the subject and subsequently in the 30th SEIAA meeting held on 30.03.2014 the Authority desired that the required opinion be arranged by 15.04.2016 for its consideration in next meeting.

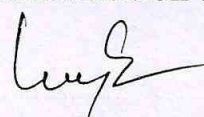
The opinion of law office of DPCC inter-alia states that OM's dated 12.12.2012 and 27.06.2013 issued in respect of violation cases which were earlier declared as ultra vires the provisions of the Act of 1986 and the Notification of 2006. by Hon'ble NGT in O A NO. 37 OF 2015 [S.P. Muthuraman VS Union of India and Others] and OA no. 213 of 2015 [Manoj Mishra Versus Union of India] vide order dated 07.07.2015 which was challenged in the Hon'ble Supreme Court, and Hon'ble Apex Court has stayed the order passed by the NGT. It further states that SEIAA has to file prosecution in first instance, before issuance of EC.

In view of above authority in its 31st meeting dated 19.04.2016 decided that complaint for filing the prosecution by SEIAA be prepared by the legal cell of DPCC accordingly.

File has been forwarded to legal cell and on draft complaint prepared is to be finalised by legal cell in accordance with the decision of SEIAA. As discussed there are 6 more similar cases in which complaints are to be prepared as per decision taken previously.

The issue was deliberated in the meeting and it was decided that the concerned legal cell of DPCC be directed to report the status of all 7 cases within 15 days to the authority's information at its next meeting.


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The name of the cases are as following :

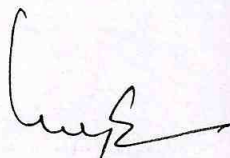
1. Hotel Project "Dusit D2" A Bird Hotel at Asset No.10, Hospitality District, IGI Airport, New Delhi.
2. Hotel Ashok Yatri Niwas built by India Tourism Development Corporation Ltd. From 1979 to 1982 at Plot No.19, Ashok Road, New Delhi.
3. "MID Market Hotel" Project at Asset -5A, Delhi Aerocity, Indira Gandhi International Airport, New Delhi.
4. New Ward Block & Diabetic Centre at G.T.B Hospital, Shahdra, Delhi.
5. Commercial Complex at Plot No. 9, Jasola Distt. Centre, New Delhi.
6. "Akshardham" at NH-24, Off Nizamuddin Bridge, Akshardham Setu, New Delhi
7. Shanti Niketan Buildwell Limited. Plot No-D-3, P-3B, Saket, New Delhi.

The Authority is of the view that these matters be henceforth assigned to a single lawyer well versed with NGT matter.

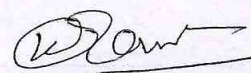
Meeting ended with vote of thanks to Chair.



(Krishna Mohan Sahni)
Chairman, SEIAA



(Dr. S D. Singh)
Member Secretary, SEIAA



(Dr. K.K Pant)
Member, SEIAA