

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>**

F.No. DPCC/SEIAA/2016/38/4796-4803

Dated: 05.10.2016

MINUTES OF MEETING

Please find enclosed the minutes of meeting of 38th meeting of the State Environmental Impact Assessment Authority (SEIAA) held on 05.10.2016 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 Retd. (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

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Minutes of the 38th meeting of State Level Environmental Impact Assessment Authority (SEIAA) held on 05.10.2016 at 11.30 am in the Conference Room of Delhi Pollution Control Committee.

The 38th meeting of the State Level Environmental Impact Assessment Authority (SEIAA) was held on 05.10.2016 in the Conference Room of Delhi Pollution Control Committee, ISBT Building, Kashmire 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

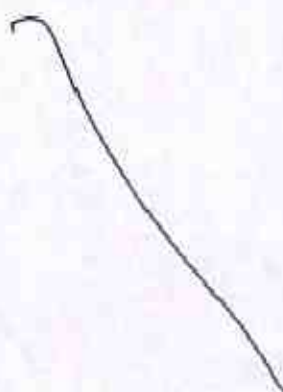
Sh. Pankaj Kapil, SEE, DPCC & S.K. Goyal, EE, DPCC assisted the Authority during the meeting.



(Krishna Mohan Sahni)
Chairman, SEIAA



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



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

Agenda: 01

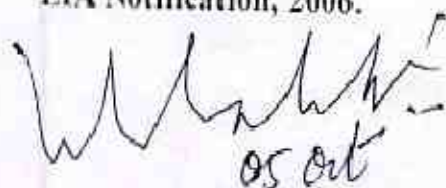
Case No. C-318

Name of the Project	E.C for Expansion Project of Society of Unique Hospitals and Research Institute at Sector-19, Dwarka, New Delhi-110075
Project Proponent	Sh. Alok Bose, Chief Manager, Kewal Kunj Apartment, Rohini Sector-13, New Delhi,
Email	bose.alok@gmail.com
Proposal No.	SIA/DL/NCP/55313/2016
File No.	DPCC/SEIAA-III/C-318/DL/2016

The case was taken up in 82nd meeting of SEAC held on 20.08.2016 found that the Project Proponent has already obtained EC for the existing building and now the proposed to seek revised EC for expansion in the built-up area. However the project Proponent has applied for fresh EC through OSMEC portal instead of applying for expansion in already issued EC. Also the Project Proponent has not disclosed the detail in respect to the earlier issued EC in its application. As per OM no. J-11011/618/2010-IA-II(I) dated 30.05.20012 it is mandatory for the Project Proponent to submit a certified report of the status of compliance of the conditions stipulated in the EC for the ongoing / existing operation of the project by the Regional Office of the MoEF&CC.

The case was considered in 82nd SEAC meeting held on 20.8.2016 and committee recommended that the case be delisted and the application be asked to apply a fresh along with all requisite documents.

The recommendation of the SEAC to delist the project was accordingly approved by the Authority with the direction to project proponent to apply a fresh along with all requisite documents. Copy of the letter be sent to DDA/MCD /land owing agency for necessary action to ensure that no further construction should be allowed in violation of EIA Notification, 2006.



(Krishna Mohan Sahni)
Chairman, SEIAA



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



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

Agenda No. 02

Case No: C-221

Name of the Project	Amendment in EC for project "Group Housing" at Chandan Haula New Delhi by M/s Uppal Housing Pvt Ltd.
Project Proponent	Mohd. Mehtab Khan (Authorised Signatory), M/s Uppal Housing Pvt Ltd., 5th Floor, South Tower, NBCC Place Pragati Vihar, Lodhi Road, New Delhi-110003
Proposal No.	SIA/DL/NCP/16416/2015/1518
File No.	E.C No SEIAA-D/C-221/EC-306/2015

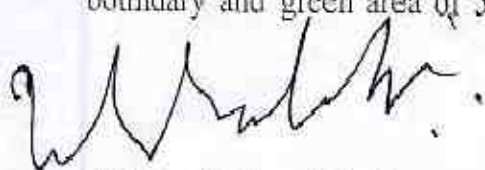
Details of the projects as per applicant is as under:

The Proposal is for grant of ""Amendment in EC for project "Group Housing" at Chandan Haula New Delhi by M/s Uppal Housing Pvt Ltd. -regd. The project has been already granted EC on 30.11.2015.

The proposal is regarding the modification of Specific Condition mentioned in Environmental Clearance i.e 6meter wide green belt with minimum two rows of tree should be planted all around the SSboundary .The width of the project site is 53.8m and the project proponent has to provide a road width of 9 mtr all along the project boundary apart from green belt.

The case was taken up in 82nd meeting of SEAC held on 20.08.2016 and based on information furnished, Committee observed that the construction of project has not been started and as per revised landscape plan submitted project will achieve the green area of 5309.79 sqm. even if the width of green belt is reduced to 3 metre which is more than the green area (4974.4 sqm) mentioned in the Environmental Clearance issued on 30.11.2015. The case was considered in 82nd SEAC meeting held on 20.8.2016 and committee recommended that condition no. 9 under the other specific condition be amended as follows:

"3 meter wide green belt with minimum two rows of trees should be planted all around the boundary and green area of 5309.79 sqm will be achieved. Minimum one tree for every 80



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Chairman, SEIAA



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



(Dr. K.K Pant)
Member, SEIAA

sqm. of plot area should be planted within the project site in accordance with revised landscape plan submitted".

The recommendation of the SEAC to amend the condition no. 9 under the other specific condition is accordingly approved by the Authority.

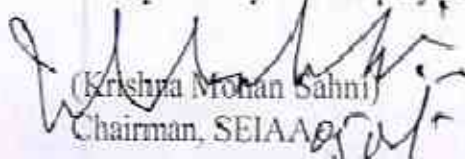
Agenda No-3

Case No: 205(offline) :

Name of the Project	Expansion on Laxmipat Singhania Medical Foundation "Pushpawati Singhania Research Institute" Press Enclave Marg, Sheikh Sarai, Phase-II, New Delhi
Project Proponent	Mr. U.K. Gupta, Owner, M/s Laxmipat Singhania Medical Foundation, Link House (4 th Floor), 3, Bahadur Shah Zafar Marg, New Delhi-110002.
Project Consultant	M/s Grass Roots Research & Creation India (P) Ltd.
Date of Application	03.04.2014 in DPCC

The proposal was for the grant of Environmental Clearance for the "Expansion of Laxmipat Singhania Medical Foundation's "Pushpawati Singhania Research Institute" at Press Enclave Marg, Sheikh Sarai, Phase-II, New Delhi - 110002. The total plot area is 8,000 sq.mt. The total built-up area proposed was 24,302.12 sq.mt. (Existing: 9,048.92 sq.mt.; Proposed Expansion: 15,057.55 sq.mt.).

SEAC in its 65th meeting held on 30.04.2014 found that while presenting the proposal by the project proponent, it was found that the terms and conditions mentioned in the land allotment and perpetual lease are different from the present use of the land by the project proponent – the land was allotted to the project proponent for the establishment of a Hospital only but the project proponent established Pushpawati Singhania Research Institute


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of M/s Laxmipat Singhanian Medical Foundation. The Committee, therefore, decided to defer the project till a clarification is obtained from DDA regarding the land use. It was also decided that the Member Secretary should get the clarification from the Land Department of DDA on the original land use and the present land use by the project proponent, and a three member committee make a site visit to assess the status of the Institute.

However Pushpawati Singhanian Research institute's, submitted a letter dated 08.05.2014 before issuance of the minutes of 65th SEAC meeting dated 30.04.2016 wherein project proponent requested for withdrawal of Environmental Clearance application, claiming that the built-up area of the project is less than 20000 sq.mt. The said letter was examined in next 66th SEAC meeting held on 22.05.2014 and the committee suggested that built up area may be verified by the team already constituted for the purpose of inspection of this project vide 65th SEAC meeting dated 30.04.2014.

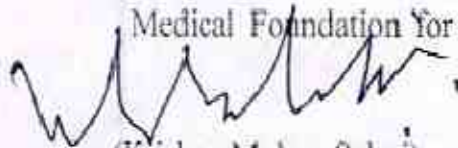
The reconstituted SEAC in its 73rd meeting dated 17.10.2015 and 74th meeting dated 12.12.2015 decided to get the inspection conducted. Project Proponent submitted a letter on 16.02.2016 again requesting to consider the request for Environmental Clearance of the proposed new project stating that, earlier it was envisaged that proposed construction would be less than 20,000 Sq. mts therefore, they had requested for the withdrawal of application dated 3rd April 2014 for environmental clearance. However, over a period of time, and with more joint consultations with clinical consultants of existing hospital proponent realized that their proposed construction will go beyond 20,000 sq. mts..

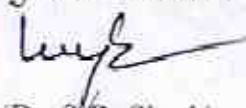
In pursuance of decisions taken by SEAC, inspection was conducted on 07.04.2016 and found that construction work going on. Details and plan w.r.t. construction was neither provided nor shown during inspection. Unit was asked to provide details in SEAC meeting scheduled to be held on 09.04.2016.

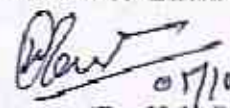
SEAC in its 78th meeting held on 09.04.2016 recommended to defer the case as the project proponent appeared before the committee and requested to defer the case.

The SEAC in its 79th meeting held on 16.04.2016 decided that a letter be issued to the Project Proponent and DDA to provide the details of FAR & Non-FAR area as per building plan sanctioned for which the construction is being under taken by M/s Laxmipat Singhanian

Medical Foundation For Pushpawati Singhanian Research Institute at Press Enclave Marg


(Krishna Mohan Sahni)
Chairman, SEIAA


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


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

Sheikh Sarai, Phase-II, New Delhi – 02. Project Proponent be instructed not to go ahead with construction work if the total built-up area (including FAR & Non FAR area of both existing & proposed building) exceeds 20,000 sqm.

As decided letter issued on 29.04.2016 to DDA to provide the details of FAR & Non-FAR area as per building plan sanctioned for which the construction is being under taken with a copy to project proponent with directions as decided.

The SEAC in its 80th meeting held on 28.05.2016 the PP did not turn up and SEAC recommended to issue reminder letter. Accordingly reminder letter was issued on 10.06.2016.

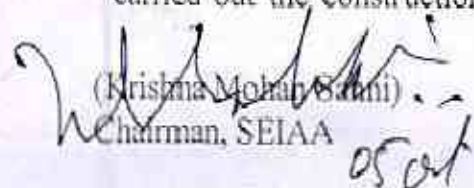
In the meantime PP submitted a reply on 07.06.2016 w.r.t earlier letter issued on 29.04.2016 claiming that Environmental Clearance is not required in view of unified building bye laws for Delhi 2016 notified on 22.03.2016. It was also stated that initially their plan was to have built up area not exceeding 20,000 Sq.m and their projected building plan will now have built-up area of about 24,000 Sq.m

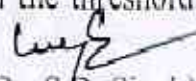
The Project Proponent did not come to present its case in SEAC 's 81st meeting held on 16.07.2016 however Committee deliberated on the issue and it was observed that no exemption of Environmental Clearance is applicable to the project as per extant position of law. The committee recommended that a final opportunity be provided to the project proponent to come-up with the details of the proposed built-up area and the details of the building plan sanctioned along with the present status of construction. Accordingly letter dated 04.08.2016 was issued to Project proponent.

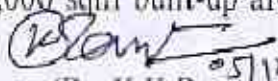
In response to SEAC letter dated 10.06.2016 letter received from DDA on 01.08.2016 stating the area statement as per drawing submitted by M/S Laxmipat Singhania Medical Foundation for the said project and site inspection done by DDA. The said letter indicates that total built-up area of the project as 21177.08 sqm .

The Project Proponent replied on 12.08.2016 stating that they have to appoint a new consultant and requested to consider the case in mid September 2016.

The case was considered in 82nd SEAC meeting held on 20.8.2016 and committee recommended that as evident from the reply received from DDA the project proponent has carried out the construction work beyond the threshold limit of 20,000 sqm built-up area


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(Dr. S.D. Singh)
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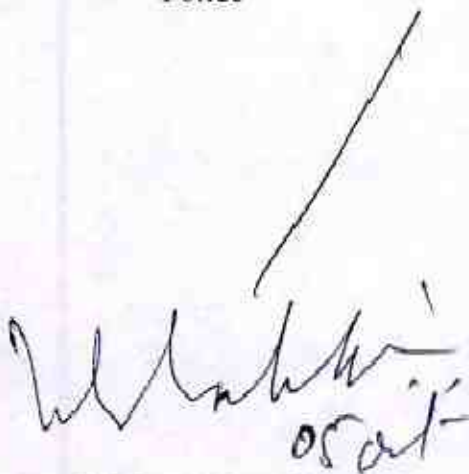

(Dr. K.K Pant)
Member, SEIAA

without taking prior EC and it is a clear case of violation, and recommended the case to SEIAA for taking legal action against the Project Proponent for aforesaid violation.

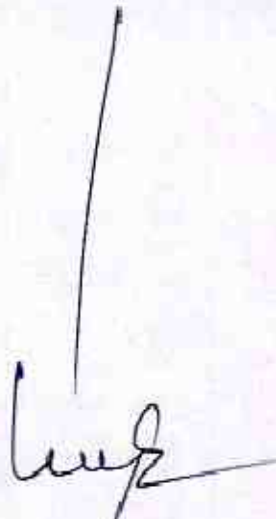
The SEIAA deliberated on the matter in view of proceedings of SEAC meetings and observed that regarding such violation cases, OM's dated 12.12.2012 and 27.06.2013 issued were earlier declared as ultra vires the provisions of the Act of 1986 and the Notification of 2006 by Hon'ble NGT in O A NO. 37 OF 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.

The legal position was taken into account by SEIAA and after due deliberation on the matter SEIAA decided as follows:

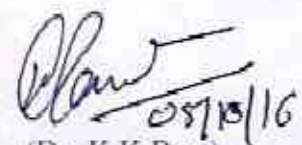
1. *The case be delisted in pursuance of OM dated 12.12.12*
2. *The matter relating to violation by the Project Proponent be put up to the Board of Directors/ Managing Committee of its Company/ Trust for consideration of its environment related policy/ plan of action and to submit a written commitment in the form of a formal resolution to ensure that violations will not be repeated. A time limit of 60 days be given to the Project Proponent for submission of said resolution, failing which it will be presumed that he is no longer interested in pursuing the project further and the file will be closed.*
3. *Member Secretary, SEIAA will file the prosecution u/s 19 of the EP Act, 1986 for the violations of EIA notification dated 14.09.2006 as recommended by SEAC.*
4. *Directions u/s 5 of EP Act, 1986 be issued by the Member Secretary, SEIAA for suspending and effective stoppage of the construction activities at the existing level which will inter alia include the directions to DJB, DISCOM & SDM & Delhi Police*



(Krishna Mohan Sahni)
Chairman, SEIAA



(Dr. S D Singh)
Member Secretary, SEIAA



(Dr. K.K Pant)
Member, SEIAA

Agenda: 04

Case No: 163

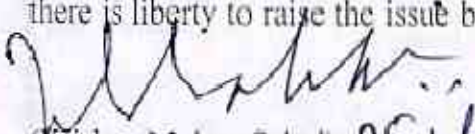
Name of the Project	"M/s B.A.P.S. Swami Narayan Sanstha, SwaminarayanAkshardhamMandir, N.H-24, AkshardhamSetu, New Delhi.
Project Proponent	Mr.Jayesh Kishore Gadhia, M/s B.A.P.S. Swami Narayan Sanstha, SwaminarayanAkshardhamMandir, N.H-24, AkshardhamSetu, New Delhi

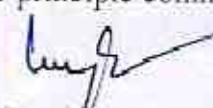
The case was taken up in 27th SEIAA meeting held on 24.11.2015, and it was decided to seek legal opinion from appropriate section of DPCC to consider further course of action in the present matter apropos of relevant court orders, as also OMs / notifications issued by MoEF&CC on the subject.

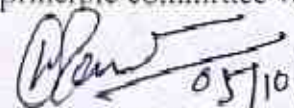
Case was taken up in the 30th SEIAA meeting held on 30.03.2016 and the Authority desired that the required opinion be arranged by 15.04.2016 for its consideration in next meeting.

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 considered further in 33rd SEIAA meeting held on 07.06.2016

In the above said 33rd meeting dated 07.06.2016 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 judgment dated 07.07.2015 in OA No. 37 of 2015. Later on, Hon'ble Supreme Court stayed the said judgment dated 07.07.2015 of NGT in Civil Appeal No. 7191 of 2015 on 24.09.2015. Subsequent to the quashing of OMs of MoEF in the aforesaid OA, NGT in other OA No. 37/2015 on 10.07.2015 in Appeal No. 98/2015, directed M/s B.A.P.S. Swami Narayan Sanstha to pay 5% of the expansion project value. The SEIAA was apprised that in a review application No 19/2015 filed by the project proponent Hon'ble NGT vide its order dated 14.03.2016 decided that there is no ground of review judgment dated 10.07.2015 and there is liberty to raise the issue before the principle committee. The principle committee was


(Krishna Mohan Sahni)
Chairman, SEIAA


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


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

asked to expedite hearing to enable the tribunal to pass the final direction in that behalf and Hon'ble NGT disposed of the review application no. 19/2015. As per advice received from legal cell of DPCC, the SEIAA in its aforesaid 33rd meeting dated 07.06.2016 decided that project proponent be asked to provide status of action taken by them within 15 days time 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.

As decided the letter was issued to project proponent on 17.06.2016. The Project Proponent replied and informed that they have already approached the 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 referred. Accordingly letter to Principal Committee & Project Proponent were issued on 21.07.2016.

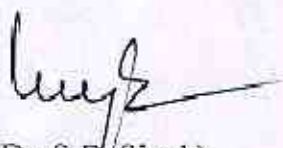
The case was deliberated in 35th meeting held on 19.08.2016 and for want of reply from the principal committee it was decided to issue reminder regarding action taken on above to Project Proponent and Principal Committee. It was decided to ask Project Proponent to submit the status of construction within 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. Subsequently before issuance of the reminder a reply from the Principal Committee was received informing that the report of the principal committee has been filed before Hon'ble NGT vide letter dated 28.06.2016.

As decided by authority on 19.08.2016, letters were issued to Project Proponent & Regional office of MOEF&CC, GOI on 07.09.2016 and in 36th meeting of SEIAA held on 07.09.2016, in view of reply received from the Principal Committee, 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.

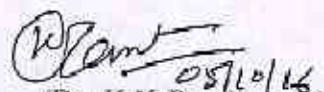
Legal cell of DPCC has been requested to provide the desired report. The same could not be arranged & Principal Committee be requested to provide the copy of the report



(Krishna Mohan Sahni)
Chairman, SEIAA



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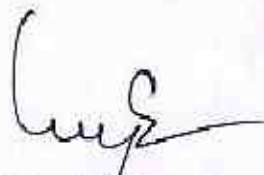
(Dr. K.K Pant)
Member, SEIAA

filed before Hon'ble NGT specifically in reference to M/S M/s B.A.P.S. Swami Narayan Sanstha, Swaminarayan Akshardham Mandir, N.H-24, Akshardham Setu, New Delhi.

Reminder to Regional Office of MoEF & CC, GOI be also issued for compliance of Environmental Clearance granted upon physical verification


05 Oct

(Krishna Mohan Sahni)
Chairman, SEIAA



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


05/10/16

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

AGENDA NO: 5

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

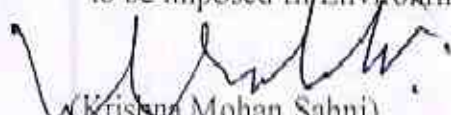
In reference to the representation of Sukh Dukh Ke Sathi Sanstha, B-45, Sadhbhawna Apartments, received vide email dated 25.04.2016, the DJB was requested to provide comments to SEIAA, vide letter dated 17.05.2016 in pursuance of decision taken in 32nd meeting of SEIAA. The requisite input from DJB is 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.

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


(Krishna Mohan Sahni)
Chairman, SEIAA


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

 05/10/16
(Dr. K.K. Pant)
Member, SEIAA

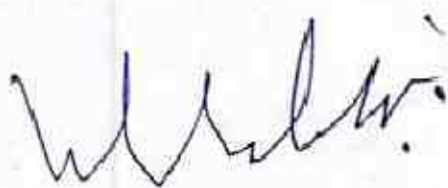
keeping in view MoEF&CC Office Memorandum No. 21-270/2008-IA.III dated 19.06.2013 read with MoEF&CC Office Memorandum No. 22-154/2015-IA.III dated 10.11.2015, stating that the project will be regulated by the concerned local Civic Authorities under the relevant provisions of the MPD-2021, Building Control 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 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. Letter to Project Proponent issued on 08.09.2016.

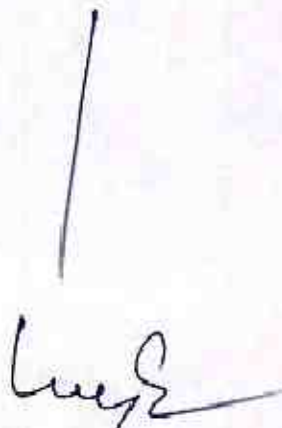
The issue was taken up in 36th SEIAA meeting held on 14.09.2016 and it was decided that the case be listed again in the next meeting of the authority with replies received if any from Project Proponent and MoEF & CC, GOI.

No reply received from MoEF & CC, GOI.

Reply of the Project Proponents will be review^{ed} in next meeting.



(Krishna Mohan Sahni)
Chairman, SEIAA



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



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AGENDA NO: 06

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.

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.

As decided, reminder letter issued to MoEF & CC, GOI on 04.10.2016 on account of matter in Hon'ble Supreme Court.

Case deferred for the next meeting.


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(Dr. S.D. Singh)
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Agenda: 07

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.

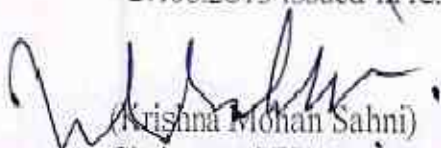
The issue was deliberated in the earlier meetings of SEIAA and the Authority observed that the decision to grant the Environmental Clearance has been taken the erstwhile SEIAA however the same has not been issued in view of the action to be concluded in accordance with the OMs issued by MoEFCC w.r.t. 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.

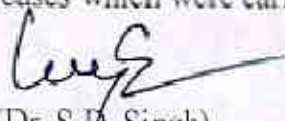
As decided in the previous meeting, Law Officer of DPCC was invited for discussion. It was deliberated that the OMs of MoEF&CC dated 12.12.2012 & 27.06.2013 were quashed by Hon'ble National Green Tribunal, vide its judgment dated 07.07.2015 in OA No. 37 of 2015. Later on, Hon'ble Supreme Court stayed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

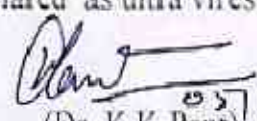
In the present case, the Authority was of the view that such incidences of going ahead and completing the project without prior EC should be restrained with deterrence.

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 OMs / 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 OMs dated 12.12.2012 and 27.06.2013 issued in respect of violation cases which were earlier declared as ultra vires the


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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.

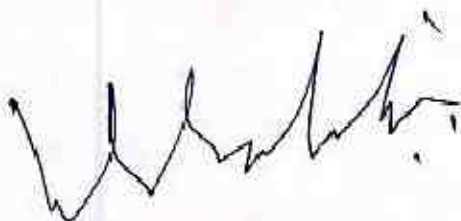
File has been forwarded to legal cell and on draft complaint prepared is to be finalised by legal cell in accordance with the decision of SEIAA. As discussed there are 6 more similar cases in which complaints are to be prepared as per decision taken previously.

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. The name of the cases are as following :

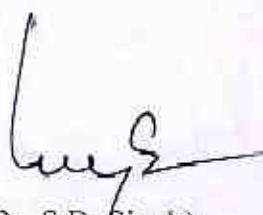
1. Hotel Project "Dusit D2" A Bird Hotel at Asset No.10, Hospitality District, IGI Airport, New Delhi.
2. Hotel Ashok Yatri Niwas built by India Tourism Development Corporation Ltd. From 1979 to 1982 at Plot No.19, Ashok Road, New Delhi.
3. "MID Market Hotel" Project at Asset -5A, Delhi Aerocity, Indira 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.

Draft complaint ~~be~~ prepared ^{by} legal cell of DPCC received. The matter be referred to SEAC for comments.



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Agenda:8

(Case No. 139)

Representation received from The CITIZENS ALLIANCE, 147,Mandakani Enclave,Alaknanda,Delhi-110019 regarding re-examination of the sanction to a Mega Mall on plot No. 1, Community Centre, Alaknanda,New Delhi.

The representation is in reference to the environmental clearance issued to M/s Reliance Eminent trading & Commercial pvt. Ltd. for proposed commercial complex project (Super market, Mini Anchor market, Shops, Offices, Food Court & Restaurants) at plot No.1, Community Centre, Alaknanda, New Delhi. It has been alleged that no impact assessment was made prior sanctioning this mega project and project was sanctioned without ascertaining the impact on traffic, the impact of air pollution buildup due to traffic jams, impact upon health of almost 20,000 young students studying in 16 neighbourhood schools .It has further been mentioned that DDA has filed factious map, shown false roads, purportedly to show traffic clearance. It has been requested to carryout afresh and thoroughly survey examining each and every aspect of environment impact and till such time permission granted be kept in abeyance.

The project Proponent has applied for Environmental Clearance on 12.01.2012 to SEAC Delhi and the case was considered by SEAC in its meetings held on 10.02.2012, 13.04.2012 and 15.06.2012. SEIAA, Delhi granted the EC in its meeting held on 20.07.2012..

Environmental Clearance was issued vide letter dated 13.08.2012 imposing the terms and conditions for environmental issues. The issue has been raked up by the residents of the area in the Hon'ble High Court of Delhi in WP © No. 7016/2013 titled as, "Citizen Alliance Vs Union of India and Ors." Hon'ble High Court has decided the same vide its order dated 13.07.2016 (copy enclosed). Hon'ble High Court acknowledged the submission of DDA that construction of a shopping mall at a community centre is within the parameters of MPD-2021 and constituted the committee of the Commissioner (Planning) and Commissioner (land disposal) of DDA to examine the matter with a liberty to take opinion of traffic experts, including the officials of the Delhi Traffic Police and/or any other experts, if necessary. The representation of Citizens Alliance dated 12.09.2016 under reference states



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that they have made their submissions to the committee instituted for re-examining the matter.

The SEIAA decided the representation of the Citizen Alliance be forwarded to the committee constituted by the Hon'ble High Court with a copy to the complaint^{an}.

Date of next meeting :25.10.2016 at 11:30 AM.

Meeting ended with vote of thanks to Chair.



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