

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/2018/54/6542-6550

Dated: 10/01/2018

MINUTES OF MEETING

Please find enclosed the minutes of meeting of 54th meeting of the State Environmental Impact Assessment Authority (SEIAA) held on **10.01.2018** in the Conference Room of DPCC, at 5th Floor, ISBT Building, Kashmere Gate, Delhi – 110006, for information and necessary action, if any.


(Dr.B.C. Sabata) 10/1/18
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. **Dr. S.D. Singh, IFS, (Special Invitee)**, Office of Resident Commissioner, 9, Kotla Road, Rao's Avenue, Near CAG Building, New Delhi-110092
4. **Director, Mahatma Gandhi Institute of Combating Climate Change (MGICCC) (Member Secretary, SEIAA)**, Department of Environment, Government of National Capital Territory of Delhi, Pall-Bakhtawarpur Road, Alipur, New Delhi, Delhi-110036.
5. **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.
6. **Dr. Mukesh Khare (Professor) (Chairman, SEAC)**, Department of Civil Engineering, Indian Institute of Technology, Delhi Hauz Khas, New Delhi-110016.
7. **Director (Environment), (Secretary, SEAC)**, Department of Environment, Government of NCT of Delhi.
8. **PS to Secretary (Environment) cum Chairman, DPCC**- for kind information.
9. **IT Cell** for placing the minutes on website.


(Dr.B.C. Sabata) 10/1/18
Member Secretary

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

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Minutes of the 54th meeting of State Level Environmental Impact Assessment Authority (SEIAA) held on 10.01.2018 at 01:00 PM A.M. in the Conference Room of Delhi Pollution Control Committee.

The 54th meeting of the State Level Environmental Impact Assessment Authority (SEIAA) was held on 10.01.2018 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.B.C.Sahat - Member Secretary

Dr. S.D Singh, (earlier Member Secretary of SEIAA), Special Invitee- in view of decision taken on 01.11.2017, Sh. Pankaj Kapil, SEE, DPCC & S.K. Goyal, EE, DPCC assisted the Authority during the meeting.

1
(Krishna Mohan Sahni)
Chairman, SEIAA

(Dr.B.C. Sabata)
Member Secretary, SEIAA

(Dr. K.K Pant)
Member, SEIAA

Agenda No.01

Case No. C-345

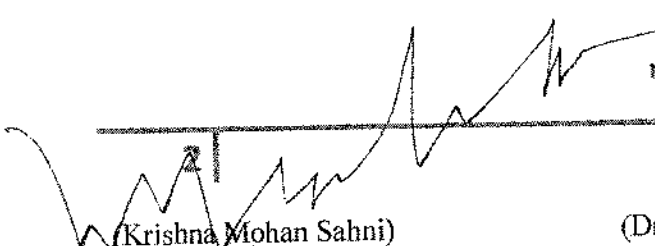
Name of the Project	EC for Prefab CAT II & EWS Housing for Delhi Development Authority at Pocket 5, Sector - 14, Dwarka, Delhi
Project Proponent	Executive Engineer, EE/WD13- Delhi Development Authority, Lakkar Mandi, Kirti Nagar, New Delhi
Proposal No.	SIA/DL/NCP/19214/2017
File No.	DPCC/SEIAA-III/C-345/DL/2017

The SEIAA in its 53rd meeting held on 05.12.2017 approved and granted Environmental Clearance to the project with the following additional specific conditions:

1. Adequate ventilation should be provided in the basements and during the operation phase the concentration levels of Carbon dioxide, Carbon Monoxide should be monitored periodically and also be reported in periodical compliance reports to be submitted. NOx, SOx and PM are also be maintained in basement as per EPA norms.
2. Treated water of STP shall be used for construction purposes.
3. About 1022.4 KLD of fresh water for operational phase will be met by DJB, hence this project will increase the demand of fresh water from DJB by 1022.4 KLD.
4. Between two trees there should be minimum two shrubs be planted i.e., double the number of trees proposed.
5. Sign board be placed at project site indicating the Khasra No. of the land as per revenue record.

EC could not be issued in view of RTI application received alleging the start of construction work i.e., excavation prior to grant of EC.

SEIAA deliberated in the matter and decided to call the project proponent in next meeting to clarify the status.


(Krishna Mohan Sahni)
Chairman, SEIAA


(Dr. B.C. Sabata) 10/1/18
Member Secretary, SEIAA


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

Agenda No.02

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 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

31

(Krishna Mohan Salmi)
Chairman, SEIAA

(Dr.B.C. Sabata)
Member Secretary, SEIAA

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

10/1/18

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. The report of the committee could not be arranged by legal cell of DPCC and SEIAA in its 38th meeting held on 05.10.2016 decided that Principal Committee be requested to provide the copy of the report filed before Hon'ble NGT specifically in reference to M/S B.A.P.S. Swami Narayan Sanstha, Swaminarayan Akshardham Mandir, N.H-24, Akshardham Setu, New Delhi and reminder to Regional Office of MoEF & CC, GOI be also issued for compliance of Environmental Clearance granted upon physical verification.

During the meeting the report of Principal Committee arranged by the legal cell of DPCC was acknowledged and it was decided to await the outcome of Hon'ble NGT.

SEIAA deliberated in the matter and decided that the present status of the NGT case may be ascertained from legal cell of DPCC for apprising to SEIAA in next meeting.

A reply from legal cell of DPCC has been received on 02.01.2018 stating "As on day, no case, on the issue in hand is pending in NGT".

In view of the status provided by the legal cell of DPCC the SEIAA decided to ask the project proponent to submit the compliance of Hon'ble NGT order 10.07.2015 in Appeal No. 98/2015 in OA No. 37/2015 within 15 days otherwise the project proponent is required to appear before SEIAA, Delhi in its next meeting on 08.02.2018 at 2:00PM.

41

(Krishna Mohan Sahni)
Chairman, SEIAA

(Dr.B.C. Sabata)
Member Secretary, SEIAA

(Dr. K.K Pant)
Member, SEIAA

Agenda No.03

Case No. C-319

Name of the Project	E.C for Expansion of the Leela Hotel at Diplomatic Enclave, Africa Avenue, Netaji Nagar, Chanakyapuri, New Delhi
Project Proponent	M/s Hotel Leela venture Ltd. Diplomatic Enclave, Africa Avenue, Netaji Nagar, New Delhi.
Proposal No.	SIA/DL/NCP/52476/2016
File No.	DPCC/SEIAA-III/C-319/DL/2016

The Project Proponent i.e. M/s Hotel Leela venture Ltd. obtained the environmental clearance on 13.06.2008 from MoEF&CC, GOI for constructing the 200 rooms hotel on a plot area of 12,140 sqm. The total built up area was 39,194.98 sqm (3 level basements + ground + 7 floors). The total water requirement was 408 KLD (fresh water requirement 219 KLD). The capacity of STP proposed was 220 KLD. Treated waste water to be used for flushing of toilets – 37 KLD, horticulture – 20 KLD, AC cooling – 130 KLD. Total solid waste generation was 630 Kg/day. The power requirement was 2228 KW. The total parking spaces proposed were for 548 ECS (basement 1 – 167, basement 2 – 211, basement 3 – 219 and surface – 51). Total cost of project was Rs. 306 Crores. As per conditions envisaged in the environmental clearance regarding STP, during operation phase, the project proponent was required to install the Sewage Treatment Plant (STP) and treated effluent emanating from STP was to be reused / recycled to the maximum extent possible.

DPCC issued directions u/s 33(A) of Water Act 1974 and u/s 31 (A) of Air Act 1981 on 01.06.2016 subsequent to issuance of Show Cause notices and considering the reply of the project proponent. The Hotel has obtained consent from DPCC on 29.01.2014 which is valid up to 17.10.2018. In view of directions issued by DPCC the project proponent applied through OSEMC portal on 01.08.2016 for modification in the environmental clearance.

Project Proponent also submitted a copy of letter dated 06.10.2012 issued by Regional office of MOEF & CC, GOI regarding compliance status of EC conditions.

The proposal was listed in the SEAC in its 83rd meeting held on 15.10.2016 meeting however the project proponent submitted the request vide letter dated 14.10.2016 to defer the case for 15 days and after due deliberations, the SEAC recommended to defer the case on the request of project proponent.

The SEAC in its 85th meeting held on 17.12.2016 recommended to defer the case in view of Gazette Notification issued vide S.O No. 3999 (E) dated 09.12.2016 and the observation of SEIAA in its 41st meeting dated 15.12.2016 deciding that with immediate effect only the building and construction projects falling under Category B of item No. 8 (b) will be dealt with SEIAA & SEAC, Delhi.

5

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Chairman, SEIAA

(Dr. B.C. Sabata)
Member Secretary, SEIAA

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

15/1/18

The SEAC in its 87th meeting held on 11.03.2017 recommended *to delist the case* in view of Gazette Notification issued vide S.O No. 3999 (E) dated 09.12.2016 and the observation of SEIAA in its 41st meeting dated 15.12.2016 deciding that with immediate effect only the building and construction projects falling under Category B of item No. 8 (b) will be dealt with SEIAA & SEAC, Delhi. In the mean time MoEF&CC, GOI has issued a notification dated 14.03.2017 regarding the violation cases.

SEIAA in its 45th meeting held on 24.03.2017 decided that the project proponent be asked to approach MOEF & CC, GOI for appraisal & amendment of EC in view of Notification dated 14.03.2017 and matter be referred to legal cell for filing prosecution.

SEIAA deliberated in the 49th meeting held on 04.07.2017 decided to delist the case in view of appraisal & amendment of EC to be considered by MOEF&CC, GOI as per Notification S.O.804(E) dated 14.03.2017 due to the fact that it is a violation case as expansion has been undertaken without obtaining amendment of Environmental Clearance issued in 2008.

Accordingly, letter issued on 24.07.2017 for delisting the case. The file of draft complaint received from the legal cell(LO-I), DPCC has been sent to LO-II for its vetting who is dealing with the matters in NGT as done in other cases of violations.

SEIAA deliberated in the 50th meeting held on 02.08.2017 decided that the complaint be vetted by the law officer dealing with the NGT matter and progress be apprised in next meeting.

SEIAA deliberated in the matter in its 51st meeting held on 15.09.2017 and acknowledged that the vetted complaint has been signed by M.S., SEIAA and legal cell of DPCC is in the process of filing the same before designated court. Further the SEIAA decided that the project proponent be asked to submit the compliance of the action taken in respect of notification dated 14.03.2017 regarding the appraisal and amendment in Environmental Clearance with a copy to all concerned. Accordingly the letter was issued on 03.10.2017.

SEIAA in its 52nd meeting held on 01.11.2017 deliberated in the matter and decided to issue the reminder to the Project proponent to submit the compliance of the action taken in respect of notification dated 14.03.2017 and also decided that legal Cell of DPCC be asked to confirm the status of filing of prosecution in writing to SEIAA, Delhi and matter be brought in next meeting. Accordingly the reminder letters were issued on 15.11.2017 to project proponent and legal cell of DPCC.

A reply vide letter dated 22.11.2017 has been received from the project proponent stating that they have uploaded the application of the project on OSMEC portal having proposal No. IA/DL/NCP/67057/2017 on 31.07.2017

It was appraised to SEIAA that status of filing of complaint is not received from legal cell of DPCC. SEIAA in its 53rd meeting held on 05.12.2017 deliberated in the matter and decided to ask for the reasons for delay in filing of prosecution be obtained in writing from Legal Cell of DPCC. No reply received so far.

6

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Chairman, SEIAA

(Dr. B.C. Sabata)
Member Secretary, SEIAA

(Dr. K.K Pant)
Member, SEIAA

The SEIAA decided that M.S, SEIAA may write to M.S, DPCC to obtain the status of filing of prosecution from concerned legal cell of DPCC. Status be apprised to SEIAA, Delhi in its next meeting on 08.02.2018.

Agenda No:04

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.

SEIAA deliberated the issue in its 47th meeting held on 04.05.2017 and ex-post facto ratified the decision taken by the then MS, SEIAA to keep the issuance of Environmental Clearance in abeyance in view of erstwhile OM dated 12.12.2012 for want of legal action. It was further decided that in view of notification dated 14.03.2017 the Environmental Clearance approved by the erstwhile SEIAA now cannot be issued at the state level in view of aforesaid notification. The project proponent, being the violation case, be asked to approach MOEF & CC, GOI for obtaining Environmental Clearance along with all relevant background. MS, SEIAA to file prosecution expeditiously.

Letter to the project proponent was issued on 15.05.2017. The file forwarded for legal vetting to legal cell of DPCC regarding prosecution.

SEIAA in its 48th meeting held on 29.05.2017 desired that the progress be reported in next meeting.

SEIAA deliberated the matter in its 49th meeting held on 04.07.2017 and observing that file has been received from Legal Cell of DPCC along with the complaint to be filed, SEIAA desired the process be completed within a week and progress be reported in next meeting.

Matter was deliberated in the 50th meeting held on 02.08.2017 and observing that complaint signed by MS, SEIAA has been forwarded to the legal cell of DPCC for further necessary action, SEIAA decided that progress be reported in next meeting.

SEIAA in its 51st meeting held on 15.09.2017 deliberated in the matter and decided that as per verbal information gathered from DPCC the prosecution has been filed before designated court, the same may be confirmed in writing from legal cell of DPCC and Project proponent be asked to submit the compliance of the action taken in respect of notification dated 14.03.2017 regarding the appraisal and amendment in Environmental Clearance with a copy to all concerned. Accordingly the letter was issued on 03.10.2017.

The prosecution has been filed before designated court as per note dated 14.09.2017 of LO-I.

71
(Krishna Mohan Sahni)
Chairman, SEIAA

(Dr. B.C. Sabata)
Member Secretary, SEIAA

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

SEIAA in its 52nd meeting held on 01.11.2017 deliberated in the matter and decided to issue the reminder to submit the compliance of the action taken in respect of notification dated 14.03.2017. Accordingly the reminder letter was issued on 15.11.2017. A letter dated 20.11.2017 has been received from the project proponent & requested to take honor of their letter dated 08.06.2017 regarding exception from EC. However, nothing mentioned about the status of directions issued by SEIAA, Delhi vide its letter dated 03.10.2017 & 15.11.2017 regarding compliance of notification dated 14.03.2017. SEIAA in its 53rd meeting held on 05.12.2017 deliberated in the matter and decided to ask the project proponent to confirm in a categorical manner whether it has applied to MoEF & CC for consideration of its environmental clearance. Accordingly letter was issued on 12.12.2017. The project proponent submitted the reply dated 09.01.2018 as per averments made by the project proponent he is challenging the applicability of Environmental Clearance. On the other hand prosecution proceedings have already been initiated by SEIAA, Delhi for carrying out renovation work without seeking prior Environmental Clearance.

In the circumstances, SEIAA, Delhi decided to await the Hon'ble court proceedings.

Agenda No.05

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 considered in 65th SEAC meeting dated 30.04.2014, 66th SEAC meeting dated 22.05.2014, 73th SEAC meeting dated 17.10.2015, 74th SEAC meeting dated 12.12.2015, 78th SEAC meeting dated 09.04.2016, 79th SEAC meeting dated 16.04.2016, 80th SEAC meeting dated 28.05.2016, 81st SEAC meeting dated 16.07.2016 & in 82nd SEAC meeting dated 20.08.2016 and subsequently in 38th SEIAA meeting dated 05.10.2016 & 43rd SEIAA meeting dated 02.02.2017.

8

(Krishna Mohan Sahni)
Chairman, SEIAA

(Dr.B.C. Sabata)
Member Secretary, SEIAA

(Dr. K.K Pant)
Member, SEIAA

SEIAA in its 44th meeting held on 02.03.2017 deliberated on the issue and decided that in view of MOEF & CC Notification dated 09.12.2016, SEIAA is no longer concerned with the subject matter of this case which appropriately, should immediately be transferred to the concerned local body for further course of action.

In the meantime MoEF&CC, GOI issued a notification dated 14.03.2017 regarding the violation cases.

The Authority in its 45th meeting held on 24.03.2017 reviewed its earlier decision taken on 02.03.2017 in view of the notification dated 14.03.2017 issued by MOEF & CC, GOI for grant of EC in view of said Gazette Notification S.O No. 804 (E) dated 14.03.2017. It was decided to ask the project proponent to apply to MOEF & CC, GOI. Separately, the Authority resolved that compliant for filling the prosecution by SEIAA be vetted by the legal cell of DPCC dealing with the NGT matter expeditiously so that matter be considered in next meeting of Authority.

Accordingly letter issued to Project Proponent and file sent to legal cell of DPCC. SEIAA in its 46th meeting held on 10.04.2017 deliberated the issue and observed that report from legal cell awaited and should be obtained and put up in next meeting.

A response vide letter dated 21.04.2016 from Sub District Magistrate (South) was received stating that a field visit was made by Halqa Patwari of concerned village and as per his report no construction activities is going on and no material was found lying there. A compliance report from DISCOM has also been received stating that there is no electricity supply available to the project and DG Sets are used for construction activity.

SEIAA in its 47th meeting held on 04.05.2017 took note of status of action in the matter and desired that filing of prosecution be expedited and be initiated within 30 days positively and compliance be reported in next meeting. The case was referred to legal cell of DPCC accordingly and SEIAA in its 48th meeting desired that the progress be reported in next meeting.

Matter was deliberated in the 49th meeting of SEIAA held on 04.07.2017 and observing that file has been received from Legal Cell of DPCC along with the complaint to be filed, SEIAA desired the process be completed within a week and progress be reported in next meeting.

Matter was deliberated in the 50th meeting held on 02.08.2017 and observing that complaint signed by MS, SEIAA has been forwarded to the legal cell of DPCC for further necessary action, SEIAA decided that progress be reported in next meeting.

SEIAA in its 51st meeting held on 15.09.2017 deliberated in the matter and decided as per verbal information gathered from DPCC the prosecution has been filed before designated court, the same may be conformed in writing from legal cell of DPCC and Project proponent be asked to submit the compliance of the action taken in respect of notification dated 14.03.2017 regarding the appraisal and amendment in Environmental Clearance with a copy to all concerned. Accordingly letter has been issued on 03.10.2017.

9

(Krishna Mohan Sahni)
Chairman, SEIAA

(Dr. B.C. Sabata)
Member Secretary, SEIAA

(Dr. K.K Pant)
Member, SEIAA

The prosecution has been filed before designated court as per note dated 14.09.2017 of LO-I.

SEIAA in its 52nd meeting held on 01.11.2017 deliberated in the matter and decided to issue the reminder to submit the compliance of the action taken in respect of notification dated 14.03.2017 enclosing the copies of earlier letters issued in view of representation dated 16.10.2017. Accordingly the reminder letter issued on 15.11.2017. However, no response received, so far.

SEIAA in its 53rd meeting held on 05.12.2017 deliberated in the matter and decided to issue the reminder to the project proponent as a last opportunity. Accordingly letter was issued on 12.12.2017. No reply received so far.

SEIAA deliberated in the issue and decided to call the project proponent in next meeting on 08.02.2018 at 2:00 PM.

Agenda No. 06

Complaint against Delhi Development Authority for violations w.r.t. Environmental Clearance conditions in its project titled "Construction of 352 Multi-storeyed 2 Bedroom Apartment adjoining Pocket 3, Sector-19 B, Dwarka, New Delhi."

Matter was taken up in the SEIAA meeting dated 19.08.2016 and the Authority remanded the matter to SEAC for examination & submitting report upon physical verification within 30 days.

The case was considered in 82nd meeting of SEAC held on 20.08.2016 and committee decided for the site visit by the SEAC members be conducted in 1st week of September 2016. The site visit could not be conducted due to unavoidable circumstances.

The SEAC in its 83rd meeting held on 15.10.2016 and 85th meeting held on 17.12.2016 recommended that inspection be conducted expeditiously.

The SEAC in its meeting held on 11.03.2017 recommended that the case be referred back to SEIAA in view of Gazette Notification issued vide S.O No. 3999 (E) dated 09.12.2016 and the observation of SEIAA in its 41st meeting dated 15.12.2016 deciding that with immediate effect only the building and construction projects falling under Category B of item No. 8 (b) will be dealt with SEIAA & SEAC, Delhi

The SEIAA in its 45th meeting held on 24.03.2017 decided that the complaints be forwarded to DPCC for inspection by concerned consent management cell and case be put up in next meeting.

SEIAA in its 46th meeting held on 10.04.2017 noted with regret that the inspection report sought in this matter from DPCC has still not been received. SEIAA, therefore resolved in its said meeting that DPCC be reminded in the matter and awaited inspection report be put up

10

(Krishna Mohan Sahni)
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(Dr. B.C. Sabata)
Member Secretary, SEIAA

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

positively at the next meeting of the Authority by 30.04.2017. In meeting scheduled on 04.05.2017 it was observed that the inspection is still awaited.

The SEIAA decided in its 47th meeting held on 04.05.2017 that the project proponent be called in next meeting of SEIAA to ascertain its response regarding the complaint with documentary evidences. Accordingly letter issued to Project Proponent on 15.05.2017.

The DDA vide its letter dated 22.05.2017 has submitted its point wise comments on the complaint and requested to postpone the appearance on 29.05.2017.

The SEIAA in view of comments received from DDA decided to call the project proponent in next meeting.

SEIAA deliberated in the 49th meeting held on 04.07.2017. The representations of the DDA's Sh. K. S. Narwal, Executive Engineer & Sh. S.C. Taneja, Assistant Engineer attended the meeting and handed over the reply dated 03.07.2017 during meeting. The DDA representation explained that no construction work for the project started before EC. The Authority decided that that DDA should submit consolidated parawise reply w.r.t the complaint to clarify their stand. Accordingly, letter issued to DDA on 24.07.2017. A letter dated 10.07.2017 has also been received from the complainant withdrawing its earlier complaint dated 25.07.2016.

SEIAA deliberated in the 50th meeting held on 02.08.2017 and deferred the case for want of reply from DDA. Subsequently DDA submitted its reply on 28.07.2017 giving para-wise reply of complaint.

In 51st meeting held on 15.09.2017, SEIAA deliberated on the issue and in view of withdrawal of complaint by complainant it was decided that the project proponent be asked to strictly adhere to the EC Conditions and submit the requisite six-monthly monitoring reports to the prescribed Authority.

It was also separately decided to refer the matter to MOEF & CC, GOI to decide as to which Authority in Delhi will proceed with this matter henceforth in view of notification dated 09.12.2016 i.e., the cases in which EC has been issued prior to 09.12.2016 for the built-up area less than 1,50,000 Sq.m. Accordingly the letters were issued on 03.10.2017.

SEIAA in its 52nd meeting held on 01.11.2017 deliberated in the matter and decided that the reminder be issued to MOEF&CC,GOI for the letter dated 03.10.2017 referring the matter to MOEF & CC, GOI to decide as to which Authority in Delhi will proceed with this matter henceforth in view of notification dated 09.12.2016 i.e., the cases in which EC has been issued prior to 09.12.2016 for the built-up area less than 1,50,000 Sq.m. Accordingly the reminder letter issued to MOEF&CC,GOI on 15.11.2017.

SEIAA in its 53rd meeting held on 05.12.2017 deferred the matter.

The SEIAA deliberated on the issue and observed that Hon'ble NGT vide its judgment dated 08.12.2017 has directed not to give effect to Notification dated 09.12.2016. In view of frequent changes in position of law, matter be kept in abeyance.

11

(Krishna Mohan Sahni)
Chairman, SEIAA

(Dr. B.C. Sabata)
Member Secretary, SEIAA

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

AGENDA 07:

Violation cases

SEIAA in its 36th meeting held on 07.09.2016 deliberated on the draft complaint to be finalised by the legal cell of DPCC in accordance with the decision during erstwhile SEIAA, it was discussed that there were 7 cases in which complaints to be prepared as per decision taken previously. It was decided that the concerned legal cell of DPCC be directed to report the status of all these 7 cases to the Authority's information. The Authority was of the view that these matters be henceforth assigned to a single lawyer well versed with NGT matter.

Accordingly legal cell has forwarded the status of 7 cases stating that in 4 cases draft compliant had not been put up earlier because of NGT orders dated 07.07.2015 and its stay by the Apex court and in 1 case the compliant has been redrafted in the name of MS, SEIAA.

Out of these 7 cases 2 cases namely Hotel Ashok YatriNiwas built by India Tourism Development Corporation Ltd. & Akshardham" at NH-24, Off Nizamuddin Bridge, Akshardham Setu, New Delhi are being considered by the SEIAA in their respective agendas.

The names of the remaining 5 cases in which the draft complaints have been received are as following:

1. Hotel Project "Dusit D2" A Bird Hotel at Asset No.10, Hospitality District, IGI Airport, New Delhi.
2. "MID Market Hotel" Project at Asset-5A, Delhi Aerocity, Indira Gandhi International Airport, New Delhi.
3. New Ward Block & Diabetic Centre at G.T.B Hospital, Shahdra, Delhi.
4. Commercial Complex at Plot No. 9, Jasola Distt. Centre, New Delhi.
5. Shanti Niketan Buildwell Limited. Plot No-D-3, P-3B, Saket, New Delhi.

The case was considered in the 39th meeting held on 27.11.2016 and decided that all the above 5 cases be referred to the DPCC law officer looking after NGT cases for specific examination of the case for which EC has been issued after issuance of O.M. dated 12.12.2016. Accordingly cases were referred to the DPCC law officer.

The issue was taken up in 40th SEIAA meeting held on 15.11.2016 and 41st and 42nd meeting held on 15.12.2016 and 05.01.2017.

The comments of legal cell received in three cases (S.No.2,3 & 5). The SEIAA in its 43rd meeting held on 02.02.2017 deliberated on the issue and decided that the case of M/S Shanti Niketan Buildwell Limited. Plot No-D-3, P-3B, Saket, New Delhi (S.No.5) be referred to the Sh. Rally counsel engaged by DPCC, for commenting on the opinion of legal cell of DPCC. Clarification in remaining two cases (at Sr.No. 1 & 4 above) be expedited from Law Officer looking into NGT cases, specifically w.r.t the pointed queries raised by SEIAA in each case (at Sr.No. 1 to 4 above)

12

(Krishna Mohan Sahni)
Chairman, SEIAA

(Dr. B.C. Sabata)
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(Dr. K.K. Pant)
Member, SEIAA

SEIAA in its 44th meeting held on 02.03.2017 considered the matters in view of the notification S.O.No. 3999 (E) dated 09.12.2016. Subsequent to the aforesaid notification the State Level Environment Impact Assessment Authority (SEIAA), Delhi in its meeting held on 15.12.2016 decided that with immediate effect only the building and construction projects falling under category B of Item No. 8 (b) will be dealt with SEIAA & SEAC Delhi. The aforesaid decision was taken in view of the fact that Delhi Development Authority has already notified the Unified Building Bye Laws (UBBL) for Delhi vide notification S.O. No. 1191 (E) after getting the concurrence of MOEF & CC, GOI and notifying that there will be no need for seeking EC for buildings with BUA > 20,000 Sq.m and upto 1,50,000 Sq.m after the notification is issued by MOEF & CC, GOI empowering Local Bodies of Delhi to approve building plans after ensuring that the required environmental safeguards are met. The aforesaid UBBL for Delhi-2016 have been adopted and made applicable to the area under jurisdiction of Local Bodies vide notification No. F.5 (189)/AD/LB/2016/5396-5403 dated 17.06.2016.

SEIAA in its above said 44th meeting held on 02.03.2017 deliberated on the issue and decided that in view of MOEF & CC Notification referred above, SEIAA is no longer concerned with the subject matter of this case which appropriately, should be immediately transferred to the concerned local body for further course of action.

Further action for transferring the matter in view of 44th meeting was under process. In the meantime MoEF & CC, GOI issued a notification dated 14.03.2017 regarding the violation cases. Out of 5 cases being considered in this agenda Environmental Clearance has been issued in 4 cases (S.No. 1,2,4,&5) acknowledging the fact that construction was started before grant of Environmental Clearance warranting legal action.

SEIAA deliberated in the matter in its 45th meeting held on 24.03.2017 and decided that the opinion in case of S.No. 5 be expedited and complaints be vetted by legal cell of DPCC in rest of the 4 cases for filing prosecution by MS, SEIAA. Accordingly case files were sent to legal cell on 31st March 2017.

SEIAA in its 48th Meeting held on 29.05.2017 observed that out of these five cases in one case at sr.no. 3 i.e. M/s New Ward Block & Diabetic Centre at G.T.B Hospital, Shahdara, Delhi the EC has not been issued, so far. The Authority took the note of S.O. No. 804 (E) dated 14.03.2017 issued by MOEF & CC, GOI defining the procedure specified for violation cases notification prescribes that ECs in violation cases are now to be issued at central level.

The Authority in view of the notification dated 14.03.2017 issued by MOEF & CC, GOI decided to ask the project proponent to apply to MOEF & CC, GOI and obtain Environmental Clearance as per procedure prescribed. Compliant for filing the prosecution by SEIAA be vetted by the legal cell of DPCC dealing with the NGT matter expeditiously so that matter be considered in next meeting of Authority.

Accordingly letter to GTB hospital, Shahdara issued on 02.06.2017 to obtain Environmental Clearance as per notification dated 14.03.2017.

13

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The file of Shanti Niketan Buildwell Limited has been received with legal opinion of counsel stating that the prosecution under section 19 of EPA is to be filed in spite of submission of environmental damages and bank guarantee to DPCC and subsequently SEIAA deliberated in 49th meeting held on 04.07.2017 & decided that in case of M/S Shanti Niketan Buildwell Limited complaint prepared is to be vetted by legal officer-II dealing with the NGT matters incorporating the critical examination of evidences available in records. Accordingly file sent to LO-II.

SEIAA in its the 49th meeting held on 04.07.2017 further observed that the compliant vetted by legal cell of DPCC in Project (1) Hotel "Dusit D2" A Bird Hotel at Asset No.10, Hospitality District, IGI Airport, New Delhi, Project (2) MID Market Hotel" Project at Asset-5A, Delhi Aerocity, Indira Gandhi International Airport, New Delhi, Project (3) New Ward Block & Diabetic Centre at G.T.B Hospital, Shahdra, Delhi & Project (4) Commercial Complex at Plot No. 9, Jasola Distt. Centre, New Delhi, have been received for filing by Member Secretary, SEIAA and accordingly SEIAA desired that in these four cases, process be completed within a week and progress be reported in next meeting.

It was brought in to the notice of SEIAA in the above said 49th meeting that there is one more similar case as reflected in the record of Bird Hotel i.e., M/S Caddie to whom EC was issued on 22.07.2010 as a violation case. SEIAA decided that Prosecution in this case be also filed after preparation of the compliant by legal cell of DPCC.

Accordingly, the complaints signed by MS, SEIAA have been forwarded to the legal cell of DPCC for further necessary action and file of M/s Caddie has been sent to legal cell of DPCC.

SEIAA deliberated in the 50th meeting held on 02.08.2017 decided that progress be reported in next meeting.

SEIAA deliberated in the 51st meeting held on 15.09.2017 and decided as per verbal information gathered from DPCC the prosecution has been filed in four cases before designated court, the same may be confirmed in writing from legal cell of DPCC. Further necessary action is under process in respect of remaining cases, progress be reported in next meeting of SEIAA.

The prosecution have been filed in four cases (at sr. no. 1 to 4) before designated court as per note dated 14.09.2017 of LO-I.

The examination of evidences available in records with vetted complaint is received from LO-II in case of Shanti Niketan Buildwell Limited. Plot No-D-3, P-3B, Saket, New Delhi. Regarding remaining 01 case of M/s Caddie the file was received from the legal cell of DPCC with draft complaint and the same has been forwarded to LO-II who is dealing the NGT matters as done in other cases for vetting.

SEIAA deliberated in the matter in its 52nd meeting held on 01.11.2017 & decided that the complaint in case of Shanti Niketan Buildwell Limited. Plot No-D-3, P-3B, Saket, New Delhi vetted by legal cell of DPCC be filed before designated court by MS, SEIAA and status be

14

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apprised in next meeting. Further necessary action of vetting the complaint in remaining one case be expedited by the legal cell of DPCC dealing with NGT matters.

The signed complaint in case of Shanti Niketan Buildwell Limited by MS, SEIAA is sent to legal cell of DPCC and the vetted complaint in remaining case has also been forwarded to concerned legal cell of DPCC for further necessary action to file them before designated court.

SEIAA in its 53rd meeting held on 05.12.2017 deliberated in the matter and decided that progress be reported in next meeting. No reply received so far.

SEIAA decided that legal cell of DPCC be reminded to provide the status of filing the prosecution in remaining 2 cases as above.

Agenda No.08:

Issues discussed in Joint meeting of SEAC & SEIAA.

The SEIAA in its 42nd meeting held on 05.01.2017 decided that the project falling in category 'B' of item No. 8(b) as per notification S.O.No. 3999 (E) dated 09.12.2016 may be identified and segregated for further review.

Accordingly the cases were segregated. However, in around 110 nos. of cases the status couldn't found as no record available as most of the ECs issued from MOEF&CC. SEIAA in its 43rd meeting deferred the matter.

SEIAA in its 44th meeting dated 02.03.2017 decided that the inspection be conducted w.r.t to ESIC Hospital, Basai Darapur and Mega Housing Project at Vasant Kunj, New Delhi to ascertain the completion status of the project in which EC were issued in Year 2009, it was further decided in the cases which are under jurisdiction of SEIAA, Delhi as per notification dated 09.12.2016 the letter received undelivered be served through special messenger and reminder be issued to the project which have not responded. Accordingly reminders have been issued on 22.03.2017.

The SEIAA in its 45th meeting held on 24.03.2017 decided to defer the case for next meeting. SEIAA in its 46th meeting of SEIAA held on 10.04.2017 decided that SEIAA/SEAC through its technical trainees under the overall supervision of M.S., SEIAA and SEE/EE of EIA cell, DPCC shall inspect all 10 cases which falls under category 8(b) & the report will be put up in next meetings of SEIAA & SEAC respectively.

The SEIAA in its 47th meeting held on 4.05.2017 decided that a checklist for submission of report from project proponent in respect of G.O dated 28.02.2014 to be submitted on 1st June & 1st December be prepared for better monitoring and other future observation to keep in view for granting Environmental Clearance. Suggestions from SEAC be also invited and put

151

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up in next meeting. The SEIAA in its 48th meeting held on 29.05.2017 again decided that issue may be discussed jointly with SEAC members in next SEAC meeting.

Subsequently in respect to a letter dated 24.05.2017 received from Regional Office (Central Region), MOEC&CC, GOI. The Addl PCCF desiring the detailed information regarding Environment Clearances which have been approved from SEIAA Delhi, for Ministry official record and further necessary action in view of mandate of Regional Office, MOEF to monitor the projects which have been accorded Environmental Clearances, a list of the ECs issued by SEIAA-Delhi since 2008 has been forwarded to Regional Office by MS, SEIAA vide letter dated 29.06.2017.

Issue discussed in joint meeting of SEAC & SEIAA held on 29.07.2017 and after due deliberation it was unanimously decided that for examination of the Six-Monthly Monitoring reports the monitoring parameters be identified and finalized by SEAC.

SEAC further deliberated on the issue in its 91st meeting dated 23.09.2017 and recommended SEIAA may seek clarifications from MOEF & CC, GOI on the jurisdiction of monitoring the compliances of EC conditions for the projects in view of letter dated 24.05.2017, issued by Regional Office MOEF & CC, GOI, mentioning the mandate of Regional office to monitor the project which have been accorded Environmental Clearances. Compliance certificate for EC conditions is also issued by Regional Office, MOEF & CC, GOI, whenever required for amendment in EC due to expansion.

SEIAA in its 52nd meeting held on 01.11.2017 deliberated in the matter and decided to defer the matter for next meeting in want of clarification from Legal Officer-II, DPCC.
SEIAA in its 53rd meeting held on 05.12.2017 deferred the matter.

The SEIAA observed that legal opinion is still not received and it was apprised to SEIAA that the same is under process. Deferred for next meeting

16

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Agenda No.09: Hon'ble National Green Tribunal Judgment dated 08.12.2017 w.r.t Ministry of Environment, Forest & Climate Change Notification dt. 09.12.2016 of S.O No. 3999 (E).

In reference to the notification S.O. No. 3999 (E) dated 09.12.2016 issued by MOEF & CC, GOI the State Level Environment Impact Assessment Authority (SEIAA), Delhi in its meeting held on 15.12.2016 decided that with immediate effect only the building and construction projects falling under category B of Item No. 8 (b) will be dealt with SEIAA & SEAC Delhi. The aforesaid decision was taken in view of the fact that Delhi Development Authority has already notified the Unified Building Bye Laws (UBBL) for Delhi vide notification S.O. No. 1191 (E) after getting the concurrence of MOEF & CC, GOI and notifying that there will be no need for seeking EC for buildings with BUA > 20,000 Sq.m and upto 1,50,000 Sq.m after the notification is issued by MOEF & CC, GOI empowering Local Bodies of Delhi to approve building plans after ensuring that the required environmental safeguards are met. The aforesaid UBBL for Delhi-2016 were adopted and made applicable to the area under jurisdiction of Local Bodies vide notification No. F.5 (189)/AD/LB/2016/5396-5403 dated 17.06.2016.

The above decision of SEIAA, Delhi was apprised to Director (Local Bodies), Government of National Capital Territory of Delhi, Vice Chairman, Delhi Development Authority, Joint Secretary (Impact Assessment Division), Ministry of Environment, Forest & CC, Secretary, Department of Environment, Commissioner, North Delhi Municipal Corporation, Commissioner, East Delhi Municipal Corporation, Commissioner, South Delhi Municipal Corporation and Chairman, New Delhi Municipal Corporation Council, vide letter No. F.NO. DPCC/SEIAA/2017/43/5471-5478 dated 10.02.2017.

Hon'ble National Green Tribunal vide its Judgment dated 08.12.2017 in OA. No. 677 of 2016, O.A. No. 01 of 2017, O.A No. 7 of 2017, O.A No. 55 of 2017 and O.A No. 67 of 2017 with respect to the Notification dated 09.12.2016 of MoEF & CC, GOI has directed as follows:

1. *We hold and declare that this Tribunal has jurisdiction to examine the legality, validity and correctness of a Notification issued by the competent forum in exercise of its power of subordinate legislation with regard to acts stated in Schedule-I to the National Green Tribunal Act, 2010.*
2. *We hold and declare that (i) clause 14(8), (ii) the provisions relating to exclusion of Consent to Operate and Consent to Establish under Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 in clause 14 of the impugned Notification; (iii) Appendix-XVI relating to constitution and functioning of Environmental Cell, cannot be sustained and are liable to be quashed for the reasons afore-stated. Thus, we direct MoEF&CC to re-examine its Notification dated 9th December,*

17

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2016 and take appropriate steps to delete, amend and rectify the clauses of the said Notification in light of this judgement.

- 3. As a result of the above, the byelaws amended by the DDA vide its Notification dated 22nd March, 2016 can also not be given effect to, unless the Notification dated 9th December, 2016 is amended in terms of this judgement.*
- 4. Till the time the Ministry comply with the above directions and notify the amended provisions of Regulations of 2006, it will not implement the impugned Notifications. However, once the amended regulations are notified, MoEF&CC/SEIAA /Local Authorities can give effect to that, without any further reference to the Tribunal.*
- 5. MoEF & CC shall, particularly take care that the laudable social cause of 'providing Housing to the poor' does not get defeated by business, economic profitability with reference to 'ease of doing business', while particularly protecting the environment.*

The SEIAA deliberated and took note of the above said judgement dated 08.12.2017. It was decided that with immediate effect the SEIAA will entertain all the applications seeking prior Environmental Clearance for the Building and Construction projects and Townships/ Area Development projects having the built-up area more than 20,000 Sq.m as per EIA Notification, 2006 amended vide Notification S.O No. 3252 (E) dated 22.12.2014 in respect of these project/activity as being done prior to Notification dated 09.12.2016. A letter for intimation to all concerned issued by M.S, SEIAA in this regard including Registrar NGT.

Agenda No. 10

Cases/proposals uploaded on OSMEC portal.

- 1. Staff Quarters at Maidan Garhi, New Delhi for Central Bureau of Investigation (CBI).**
Proposal Number- SIA/DL/NCP/71943/2017.

The Project Proponent has submitted proposal on OSMEC portal on 29.12.2017 with plot area= 31,000 Sq.m and built-up area = 93034.14 sq.m .

18

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Member, SEIAA

2. Proposed Additional Building Complex for the Supreme Court of India, adjoining Pragati Maidan, New Delhi - Environmental Clearance - Regd.
Proposal Number- SIA/DL/NCP/21520/2011

The Project Proponent has submitted proposal on OSMEC portal with plot area= 49331.18 sq.m and built-up area = 97143.58 sq.m .

The SEIAA decided that in view of Hon'ble NGT judgment dated 08.12.2017 all the applications being submitted on OSMEC portal with built-up area more than 20,000 Sq.m be processed by M.S, SEIAA & SEAC for appraisal, as being done prior to Notification dated 09.12.2016.

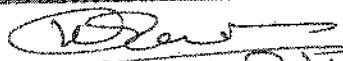
The date of next meeting is 08.02.2018 at 01:00 PM.

Meeting ended with vote of thanks to Chair.

19

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Member Secretary, SEIAA


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Member, SEIAA