

Minutes of the 39th meeting of the Committee Constituted for Deciding the Consent under Orange Category, held on 05.02.2008 in the Conference Room of Chairman, DPCC.

The following persons attended the meeting on 05.02.2008:

1. Sh. J. K Dadoo, Chairman DPCC
2. Sh. S.K.Gupta, Head, Chemical Engineering Deptt. ,IIT Delhi
3. Sh. B. Kumar, SEE, DPCC
4. Sh. M. Dwarakanath, SSO, Deptt of Env., GNCTD
5. EEs CMC – I, II & III.
6. EE and AEEs of PGRC.
7. AEEs and JEE of CMC – I, II & III.

39th meeting of the Committee constituted for deciding the Consent (under Orange Category) was held on 05.02.2008. MS, DPCC was not present in the said meeting.

Following decisions were taken in the said meeting:

Agenda Item No. 1- Lodhi Hotel

As decided on 30.01.2008, the hotel was called for a personal hearing before the Committee. The Committee enquired from the unit why EIA clearance was not taken and the response was that it was the architect's recommendation. The Committee listed three options before the project proponent namely (a) undertake prosecution as advised by MoEF, GOI vide their letter dated 26.11.2007 (b) close down the hotel under section 31(A) of the Air Act, 1981 and 33(A) of the Water Act, 1974 (c) Impose the penalty, on the hotel, of 0.5 % of the project cost in cash, and 0.5 % of the project cost as Bank Guarantee valid for three years during which time the hotel will ensure compliance of all relevant environmental laws.

The project proponent represented by Sh. Abhijit Chatterji, Area Cooperate Affairs Manager, agreed to the third condition of paying the penalty of 0.5 % of the project cost in cash, and 0.5 % of the project cost as Bank Guarantee valid for three years. In compliance of his intention, he filed the letter of acceptance of the penalty and confirmed that he will deposit the same on 08.02.2008. Since this letter was filed during the course of the personal hearing, he could not file it on its letter pad and wrote it by hand.

In view of the fact that the hotel has accepted the penalty, and in view of the objective and intention of DPCC to control Air, Water & Noise pollution, rather than become an impediment in the functioning of commercial activity in Delhi, specially a hotel which is required for a Common Wealth Games, the penalty of 0.5 % of the project cost in cash, and 0.5 % of the project cost as Bank Guarantee appears to be an appropriate and logical solution to the present problem. Closing down the unit will not be in public interest as the Ministry of Tourism, the Common Wealth Games Secretariat and the Govt. of Delhi would not benefit from such action. Prosecuting the hotel in the Court of Metropolitan Magistrate could also not serve the desired purpose because the construction is almost complete and the hotel ready for occupation. The experience of

DPCC in prosecution cases is that there is a long drawn legal battle which lasts for several years which is not a win-win situation for any side. A similar precedent exists whereby the Committee had taken a similar stand last month.

Therefore, the hotel may be issued a formal letter on the above lines on 06.02.2008 by hand so that the unit can comply with the acceptance of the penalty by 08.02.2008 as stated in Mr. Chatterji's letter dated 05.02.2008. The matter will be put up in CMC on 11.02.2008 once the penalty is accepted & paid as directed so that a final decision is taken in this matter.

Agenda Item No.2- ISO certification by Five Star Hotels

ISO 14001 notification will be circulated to all the members of the Committee and the matter will be discussed in next CMC meeting on 11.02.2008.

Agenda Item No. 3- Construction Complex at Kirti Nagar.

This unit was asked to submit EIA Clearance from MOEF vide DPCC letter dated 05.12.2007 to enable CMC to evaluate his application for Consent to Establish filed on 18.07.2007. The unit did not bother to reply to this letter and instead MoEF vide letter dated 23.01.2008 wrote to Secretary (Env.) to initiate necessary action under EPA in view of the fact that construction work was in progress even before the Environmental Clearance was obtained by the unit. The latest position about this unit downloaded from the net vide the minutes of the MoEF dated 10.01.2008 indicates that the project proponent was asked to stop the construction work and submit an affidavit with an undertaking that he will not execute the work without EIA clearance. The unit has also not filed all the required documentation before the EIA Committee of MoEF. Therefore, according to the net download, MoEF did not recommend the case for Environmental Clearance.

In view of the above damaging evidence against the unit, it may be appropriate to get an up to date status of the unit through an inspection to be done by MS with the concerned EE of the CMC and report filed before CMC within 15 days. Case will be taken up in the next CMC meeting on 26.02.2008.

Agenda Item No. 4- PGRC case.

This agenda was discussed and decision taken is annexed as **Annexure – 1**.

Agenda Item No.5- Cases of Shopping Malls.

I. The Committee took up the issue of Shopping Malls today. After some deliberation it was decided that the list of 74 Shopping Malls cannot be a hard and fast list, as large scale construction activities are taking place in Delhi. It therefore appears appropriate that all the three EEs of the CMC make sincere efforts to update the list of Shopping Malls by doing the following:-

- (a) Contacting the area Dy. Commissioner of their districts in writing and in person and get the updated list from them.
- (b) Do a similar exercise with the concerned Dy. Commissioner of MCD in their respective jurisdiction.

(c) MS will separately collect this information from DDA, Metro and the three discoms, DJB & MoE&F.

II. In the meeting taken on 23.10.2007, it was decided that 53 Shopping Malls which had not applied for Consent to Establish should be issued notices by DPCC. In the minutes of the meeting taken on 23.10.2007, it was also clarified that wherever these notices have to be issued their addresses will be verified from the sources where this information about their existence has been received. These directions were to be complied within 04 weeks and confirmation to be placed in CMC of December, 2007. No such information even on the file or in the CMC has been filed till date, for which MS must seek the written explanation of 3 CMC EEs.

The EE, Incharge of the CMC-I states that in seven cases malls have applied for Consent to Establish and six cases they have not applied. The concerned EE will find out the addresses from his own sources and issue the notice if necessary **by hand** to the six malls within 10 days and report to me on file **by 15.02.2008 positively**. No violation of this order will be accepted under any circumstances.

EE, Incharge of the CMC-II states that in fourteen cases, malls have applied for Consent to Establish and twelve cases they have not applied. The concerned EE will find out the addresses from his own sources and issue the notice if necessary **by hand** to the twelve malls within 10 days and report to me on file **by 15.02.2008 positively**. No violation of this order will be accepted under any circumstances.

Incharge of the CMC-III states that in twenty two cases malls have applied for Consent to Establish and thirteen cases they have not applied. The concerned EE will find out the addresses from his own sources and issue the notice if necessary **by hand** to the thirteen malls within 10 days and report to me on file **by 15.02.2008 positively**. No violation of this order will be accepted under any circumstances.

EE, CMC-I reported that one of out of seven cases who has applied for Consent to Establish, EIA clearance has been granted. Notice may be issued to the remaining six cases out of seven who have applied for Consent to Establish to file the EIA as soon as possible.

EE, CMC-II reported that five of out of fourteen cases who has applied for Consent to Establish, EIA clearance has been granted. Notice may be issued to the remaining nine cases out of fourteen who have applied for Consent to Establish to file the EIA as soon as possible.

EE, CMC-III reported that eleven of out of twenty two cases who has applied for Consent to Establish, EIA clearance has been granted. Notice may be issued to the remaining cases out of twenty two who have applied for Consent to Establish to file the EIA as soon as possible.

EE, CMC-I reported that two cases where MoEF has ordered prosecution out of the seven cases of Consent to Establish applied. The concerned EE will make full efforts in MoEF to find out if there are any other cases out of the total thirteen malls in their area where any adverse order has been passed by MoEF.

EE, CMC-II reported that in two cases i.e. Construction of Mall by Parasvnath Developers at Azadpur Metro Station & construction of Ring Road Mall at plot no. 21, Sector-3, Manglam Place, Delhi where MOEF has ordered stoppage of construction work, as per the information gathered from internet. The concerned EE will make full efforts in MOEF to find out if there are any other cases out of the total twenty six malls in their area where any adverse order has been passed by MOEF.

EE, CMC-III reported that in two cases letters for prosecution have been received from MoEF and in one case as gathered in the internet the unit has not been recommended for EIA clearance. In the remaining 32 cases, the concerned EE will make full efforts in MoEF to find out if there are any other cases, by going to MoEF, where any adverse order has been passed by MOEF.

Agenda Item No.6 – Case of Signature Bridge over River Yamuna.

Consent to Establish granted.

Agenda Item No. 7- Disposal of Printing waste from Printing units in Delhi

The said agenda was taken up, as the Printers Association had submitted a representation to consider incineration, of the Hazardous Waste generated by their members, at BMW facility due to higher calorific value of the waste. The Committee felt that the printing waste may be incinerated in the incinerator at TSDF facility as this is one of the prescribed treatment options in HW (M& H) Guidelines, issued by CPCB. Therefore, DPCC may send a reply to the Association on the same lines and advice be sought from MoEF and CPCB enclosing a copy of the representation of the Association.

Meeting ended with thanks to the Chair.

ACTIVITY	REMARKS/ATR	Decision on 05.02.08
Bridge over River Yamuna by DTTDC	Applied for consent to establish on 24.8.2007. Submitted a letter of MoEF, GOI dated 14.3.07 that EC is not required for such projects.	The applicant has applied for Consent to Establish and stated in its letter dated 29.01.2008 that the work of the bridge is about to start, and that MoEF has confirmed Environmental Clearance is not required. The other documentation at this stage in terms of the project report appears to be complete. In view of the above, Consent to Establish may be granted.

Address	Activity	Facts of the case	Decision on 05.02.2008
Chhattarpur, Mehrauli, N. Delhi - 30	Resorts with Restaurant,Banquette Hall	Decision of CMC dt 30.01.2008 A complaint has been received from the Chief Minister's Office for Tivoli Resorts at Chatterpur. The complaint is in the nature of violation of D.G. Set rules. The moot point is whether the ETP is installed and is fully operational. Also whether the unit has a valid consent to establish / operate. These facts may be ascertained by the PGRC and the case may be put up on 5th February, 2008. Inspection done on 04.02.2008. STP installed, but not found in operation during the inspection. Fresh bore water is being mixed in the final treated water collection tank and the same is used for gardening purposes.Septic conditions were prevailing in various units of STP. 750, 380 and 125 KVA DG sets found in the premises, placed in separate accoustic enclosures.Adequate stack height has not been provided with the DG set of capacity of 125 KVA. Apart from two permanent kitchens one temporary kitchen exists. No channelisation of emissions generated from the cooking process. Unit is having two oil fired boilers for hot water generation. Not applied for consent to establish/operate.	The unit was inspected and notice u/s 31(A) of the Air Act and u/s 33(A) of the Water Act may be issued to the unit drawing out the deficiencies found during the inspection. Separately in a paragraph the gist of the complaint should also be mentioned seeking the comments of the unit. The unit may also be asked to apply Consent to Establish and file an affidavit within 20 days. Case is to be taken up in CMC meeting on 29.02.2008.