

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

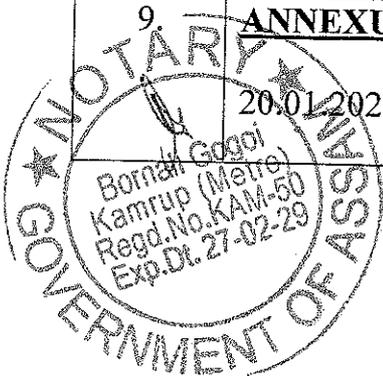
M.A No. 15 /2025/EZ

in

O.A No. 92/2023/EZ

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Date: 10.03.2025

Filed by:

Place: Guwahati

Vikram Rajkhowa

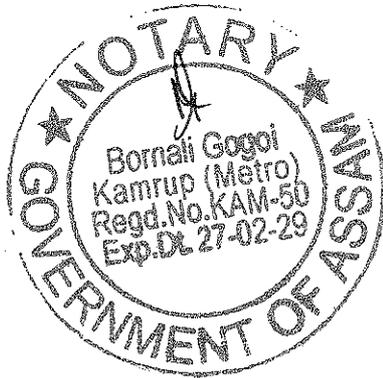
Vikram Rajkhowa

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M.A No. _____/2025/EZ

IN

O.A No. 92/2023/EZ

IN THE MATTER OF:

O.A No. 92/2023/EZ

Dr. Ganesh Das & Ors.

- Versus -

...Applicant(s)

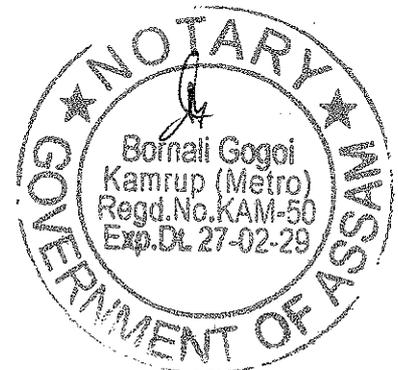
M/s Arya Erectors India Pvt. Ltd. & Ors.

...Respondent(s)

- AND -

IN THE MATTER OF:

- 1. Dr. Ganesh Das**
Son of Sri. Dijendra Ch. Das
Resident of Tribeni Apartment
Flat No. 5A, 5th Floor, Madhabdevpur
Rehabari, Guwahati 781008, Assam
Email: ganeshdas40244@yahoo.com
- 2. Sri. Brojen Dutta**
Son of Late Jiban Ch. Dutta
Resident of D-22, Arya Smart Living
Abhaypur, North Guwahati 781031, Assam
Email: brojendutta07@gmail.com

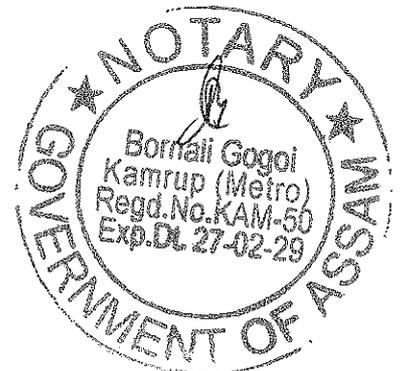


3. **Sri. Sanjay Baruah**
Son of Late Prutul Kumar Baruah
Resident of D-41, Arya Smart Living
Abhaypur, North Guwahati 781031, Assam
Email: sanjaybar@gmail.com
4. **Sri. Ravi Dey**
Son of Sri. Mintu Dey
Resident of D-41, Arya Smart Living
Abhaypur, North Guwahati 781031, Assam
Email: ravid75@yahoo.in

...Applicants (in the M.A)

- Versus -

1. **M/s Arya Erectors India Pvt. Ltd.**
Represented by its Managing Director
503, K.P Enclave, Sohagpur, Rehabari
Guwahati 781008, District – Kamrup (M), Assam
Email: aryaerectorsindia@gmail.com
2. **State Environmental Impact Assessment Authority, Assam**
Represented by its Member Secretary
Bamunimaidam, Guwahati 781021
District – Kamrup (Metro), Assam
Email: ikalita.acs@assam.gov.in
3. **Ministry of Environment, Forest and Climate Change**
Government of India
Represented by its Secretary
India Paryavaran Bhawan, Jorbagh,
New Delhi 110003
Email: secy-moef@nic.in
4. **Guwahati Metropolitan Development Authority**
Represented by its Chief Executive Officer (CEO)
Statefed Building, Bhangagarh, Guwahati 781005
Assam
Email: ceogmdaghy@gmail.com



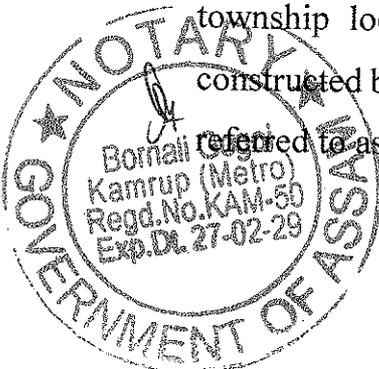
5. **North Guwahati Municipal Board**
Represented by its Chairman
North Guwahati, Guwahati 781030, Assam
Email: northghyrevcircle2016@gmail.com
6. **Rudreswar Gaon Panchayat**
Represented by its President
Rudreswar, North Guwahati 781030
Dist. – Kamrup, Assam
Email: rudreshwar.gp@gmail.com
7. **Pollution Control Board, Assam**
Represented by its Member Secretary
Bamunimaidam, Guwahati 781021,
Assam.
Email: membersecretary@pcbassam.org

...Respondents (in the M.A)

Humble petition of the applicants above-named in
the instant Miscellaneous Application.

MOST RESPECTFULLY SHOWETH:

1. The address of the counsel of the applicants are given for the purpose of service of notices and other correspondences.
2. The addresses of the respondents are given for the purpose of service of notices and other correspondences regarding this application.
3. The applicants are all purchasers of houses (villa/flat) at 'Arya Smart Living' township located at Abhaypur, North Guwahati, Kamrup district, Assam, constructed by Respondent No. 1 M/s Arya Erectors India Pvt. Ltd. (hereinafter referred to as the "project proponent")

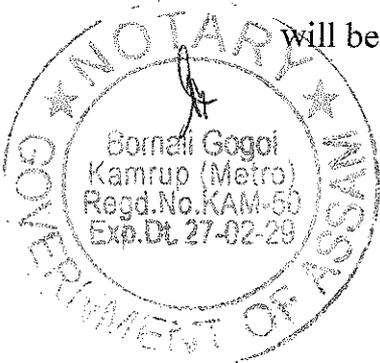


4. The Applicant No. 1 to 3 being aggrieved by non-compliance of various conditions of Environmental Clearance (EC) dated 21.01.2014 issued to Respondent No. 1 and violation of the provisions of EIA Notification, 2006, had filed O.A No. 32/2023/EZ raising grievance against Respondent No. 1 project proponent, which was disposed by this Hon'ble Court by order dated 24.03.2023, with a direction to Respondent No. 2 SEIAA, Assam, to consider and decide the representation dated 06.07.2022 and 20.10.2022 by a reasoned speaking order.

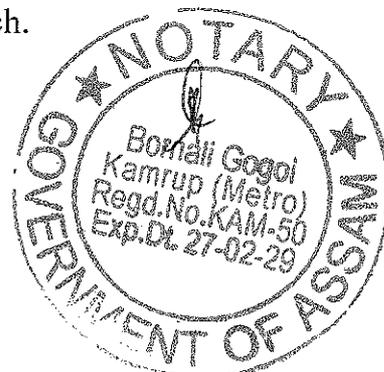
5. Thereafter, upon various non-compliance and violations reflected in the order of Respondent No. 2 SEIAA, Assam, dated 09.05.2023, the Applicants preferred O.A No. 92/2023/EZ, which was disposed of by this Hon'ble Court by order dated 12.09.2024, directing as under:

i.) Since, Respondent No. 1 has expanded the project by including an additional about 2 Bighas of land and raising additional construction of a clubhouse, swimming pool etc., without getting reappraisal of the EC dated 21.01.2014 and without getting the environmental clearance for the additional area, therefore, the Respondent No. 1 has violated clause 2 and 7(ii) of the EIA Notification, 2006 and is liable to compensate for the damage caused to environment by depositing 1% of the project cost incurred in expansion with ASPCB as environmental compensation. The SEIAA, Assam, and ASPCB will jointly workout the cost incurred in expansion of project and determine the environmental compensation.

ii.) Respondent No. 1 is also liable to carry out the remedial measures which will be worked out by SEIAA, Assam based on the damage assessment.



- iii.) The order dated 09.05.2023 passed by SEIAA Assam is found to be bad in law and is hereby set aside. The SEIAA, Assam is directed to decide the representations dated 06.07.2022 and 20.10.2022 of the applicants afresh on other issues keeping in view the observations made above and take appropriate remedial action.
- iv.) Since the grievance of the Applicants is that, in terms of the specific condition at Part-A (I)(i) of the EC, necessary steps to analyse the contour intervals of the site and surrounding areas and the capacity of stormwater drainage have not been taken done and steps are not taken to address the problem of waterlogging and flooding, therefore SIEAA will duly examine the issue of non-compliance of above condition and take appropriate action.
- v.) The SEIAA, Assam is also directed to take action against Respondent No. 1 for violation of the EC condition by complying with the principles of natural justice.
- vi.) The ASPCB is also directed to take action for the violation of the environmental norms found on the spot and reflected in its report dated 21.11.2023.
- vii.) Let the above exercise be completed by the SEIAA, Assam and ASPCB within a period of three months and an action taken report be filed before the Registrar, NGT, Eastern Zone Bench at Kolkata, immediately on completion of three months and if found necessary the matter will be listed for consideration before the Bench.



Be it stated that the aforesaid order dated 12.09.2024 passed by this Hon'ble Court in O.A No. 92/2023/EZ has attained finality as the same did not got in appeal and/or not challenged by Respondent No. 1.

A copy of order dated 12.09.2024 passed by this Hon'ble Court in O.A No. 92/2023/EZ is annexed as ANNEXURE – A.

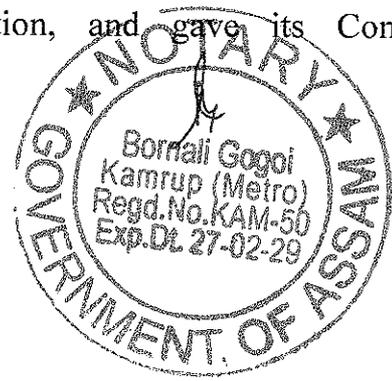
6. That an 'Affidavit of Compliance' dated 20.02.2025 was submitted by Respondent No. 2 SEIAA, Assam, in pursuant to the aforesaid order of this Hon'ble Court dated 12.09.2024 in O.A No. 92/2023/EZ, which was served upon the Applicants through their Counsel on 22.02.2025.

A copy of the 'Affidavit of Compliance' dated 20.02.2025 of SEIAA, Assam, is annexed as ANNEXURE – B.

7. That the aforesaid 'Affidavit of Compliance' dated 20.02.2025 contains the 'Report of the Committee constituted by SEIAA, Assam' in compliance with NGT order dated 12.09.2024 in O.A No. 92/2023/EZ, which was placed before SEIAA, Assam, on 29.01.2025.

The aforesaid report extensively dealt with regard to 'Remedial Measures' towards –

- (a) Water flooding during monsoon,
- (b) Green Belt non-compliance,
- (c) Non-functional STP,
- (d) Improper grey water separation, and gave its Conclusions and Recommendations as follows:



“(a) Summary of environmental violations

The Project Proponent has committed multiple violations of environmental regulations and EC conditions. These include physical expansion without EC, changes in project scope without fresh appraisal, operational non-compliances, and various procedural violations. The violations have resulted in significant environmental impacts, particularly concerning water management and green belt requirements. The committee notes that while some violations occurred due to technical constraints, others resulted from inadequate environmental management systems and lack of proper monitoring.

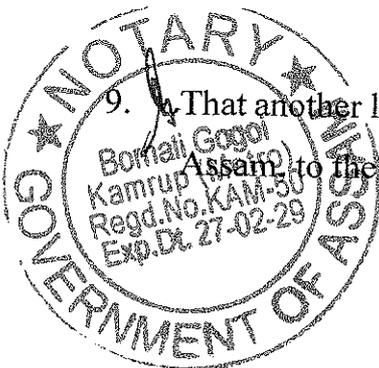
(b) Financial implications

The Respondent No. 1 shall bear all costs associated with implementation of remedial measures, including obtaining/conducting necessary technical studies and implementing drainage system modifications.”

8. That subsequent to the submission of the above-mentioned ‘Report of the Committee’, the Respondent No. 2 SEIAA, Assam, vide letter dated 15.02.2025 forwarded a copy of the said ‘Report of the Committee’ to the project proponent and Respondent No. 1 M/s Arya Erectors India Pvt. Ltd., with the following directions:

“You are, therefore, requested to comply the observations and recommendations of the Committee as suggested in the Report”

9. That another letter dated 15.02.2025 was sent by the Respondent No. 2 SEIAA, Assam, to the Central Ground Water Authority, Assam, as stating follows:



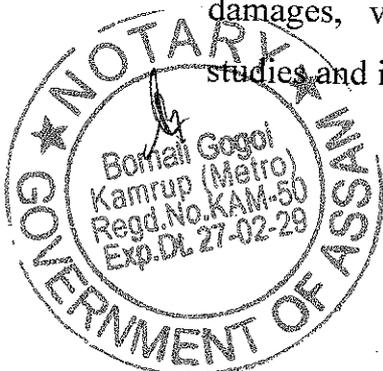
“The aforesaid report reveals that the groundwater extraction has been done without obtaining prior mandatory consent from the office of the Central Ground Water Authority, Assam, as mentioned in para-3 sub-para-(e) at page 14 and 15 of this report for taking necessary action against the project proponent if any violation is done.”

10. That Respondent No. 2 SEIAA, Assam, also sent letter dated 19.02.2025 to the Pollution Control Board, Assam, as follows:

“You are hereby requested to proceed with imposing penalty/compensation on M/s Arya Erectors India Pvt. Ltd. for irregularities with the STP as per the NGT order and finding of committee constituted by the NGT”

The copy of the above-mentioned communications are part of the ‘Affidavit of Compliance’ dated 20.02.2025 at Page No. 38, 39 and 40.

11. That the aforesaid directions of this Hon’ble Court by its order dated 12.09.2024 passed in O.A No. 92/2023/EZ have clearly made liable Respondent No. 1 project proponent to carry out the remedial measures, which will be worked out by Respondent No. 2 SEIAA, Assam. Furthermore, the ‘Report of the Committee’ as well as aforesaid communications of SEIAA, Assam, clearly fasten responsibilities and costs towards remedial measures, damages, violations, including obtaining/conducting necessary technical studies and implementing the same, on Respondent No. 1 project proponent.



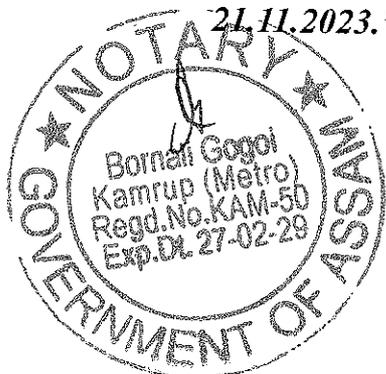
12. However contrary to the aforesaid directions of this Hon'ble Court, the Senior Environmental Engineer cum Regional Head of Respondent No. 7, sent notice vide letter No. APCB/ROK/T-608/24-25/55/83 dated 26.12.2025 to M/s Arya Smart Living and thereafter vide letter No. APCB/ROK/T-608/24-25/84-A/87 dated 10.01.2025 to the President of Arya Smart Living Group Housing Cooperative Society Ltd., fastening violations of the environmental norms upon the Residential Society, instead of the Respondent No. 1 project proponent.

Be it stated that the aforesaid communication dated 19.02.2025 from Respondent No. 2 SEIAA, Assam, to Respondent No. 7 PCB, Assam, clearly fastened the liabilities/penalties on Respondent No. 1 project proponent, however, even after the said communication from SEIAA, Assam, the impugned notices dated 26.12.2025 and 10.01.2025 from the Senior Environmental Engineer cum Regional Head of Respondent No. 7 PCB Assam, has not been withdrawn.

The notices dated 26.12.2025 and 10.01.2025 are annexed as Annexure – 7 and 9 in the 'Report of the Committee'.

13. That the aforesaid impugned notices from Respondent No. 7 PCB, Assam, is in violation of the order dated 12.09.2024 passed by this Hon'ble Court in O.A No. 92/2023/EZ, wherein this Hon'ble Court directed as follows:

“vi. The ASPCB is also directed to take action for the violation of the environmental norms found on the spot and reflected in its report dated 21.11.2023.”



The aforesaid inspection report dated 20.09.2023 filed vide affidavit dated 21.11.2023 by Respondent No. 7 PCB, Assam, in O.A No. 92/2023/EZ fastens the violation on Respondent No. 1 project proponent and not on the Society.

Be it stated that the responsibility of the society will only come subsequent to all remedial measures being taken, violations being rectified and penalties are paid by the builder in accordance with the directions passed by this Hon'ble Court by order dated 12.09.2024 in O.A No. 92/2023/EZ.

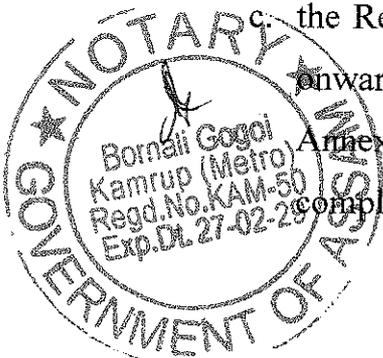
Copy of the aforesaid Affidavit dated 21.11.2023 is annexed herewith as ANNEXURE – C.

14. That Respondent No. 7 PCB, Assam, in fact, could not have issued CTO dated 12.10.2022 (valid till 31.03.2023) to Respondent No. 1 project proponent for the following among other reasons -

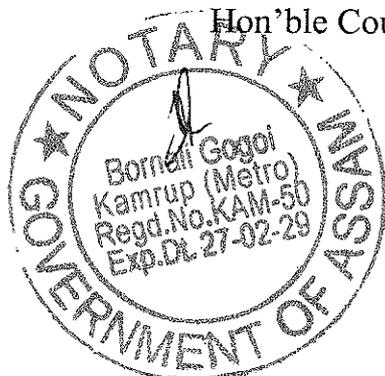
a. the EC of Respondent No. 1 expired on 21.01.2021, i.e., aaround 20 months prior to issuance of CTO dated 12.10.2022, and the same was not renewed by Respondent No. 1 as stated in communication dated 28.12.2020 by SEIAA, Assam, which has been held to be in violation of law by this Hon'ble Court order dated 12.09.2024 (paragraph 46) in O.A No. 92/2023/EZ;

b. the Respondent No. 1 did not obtain CTO for the period 2019 till 2022;

c. the Respondent No. 1 did not submit any compliance report from 2014 onwards, as admitted vide their letter dated 14.07.2022 annexed as Annexure – 6/Page No. 30 of the 'Report of Committee'. Moreover, no compliance reports have been submitted from 2019 till date.



15. That it is reflected in the 'Report of Committee' at Sl.No. 3 (d) that the Respondent No. 1 project proponent refused to apply for renewal of CTO claiming to have handed over the monitoring and maintenance of the common area and common facilities of Arya Smart Living project to the residential society, which is in violation of the findings and directions passed by this Hon'ble Court by order dated 12.09.2024 in O.A No. 92/2023/EZ, which clearly fastened the responsibility and liabilities on Respondent No. 1, wherein Respondent No. 7 PCB, Assam, was directed to take action for the violation of the environmental norms found on the spot and reflected in its report dated 21.11.2023. Under such circumstances this is a fit case for the interference of this Hon'ble Court.
16. That what has transpired subsequent to the above-mentioned notices from Respondent No. 7 PCB Assam, is that the President of the society who is also one of the Directors of the Respondent No. 1 company, in blatant conflict of interest, is trying to thrust the cost towards remedial measures, etc., on the residents of the Arya Smart Living township thereby trying to protect his own interest and that of Respondent No. 1, in violation of the directions of this Hon'ble Court as well as order of SEIAA, Assam.



Copy of the Company Report and AGM dated 28.09.2024 of the Society is annexed herewith as ANNEXURE – D colly.

17. That the CEO-cum-Director (Shareholder) of Respondent No. 1 project proponent, who as the President of Society sent an email dated 20.01.2025 to the residents of Arya Smart Living township demanding monetary contribution of Rs.1,56,000/- from the residents of 156 number of villa houses amounting to Rs.2,43,52,625/- towards 'Water Logging Mitigation Project'.

Be it stated that the aforesaid action of the CEO-cum-Director of Respondent No. 1 company/project proponent holding charge as President of the Society trying to extract payment from the residents towards remedial measures is violative of the order dated 12.09.2024 passed by this Hon'ble Court in O.A No. 92/2023/EZ, which imposed the liabilities towards environmental violations on Respondent No. 1 project proponent. Under such circumstances this is a fit case for the interference of this Hon'ble Court.

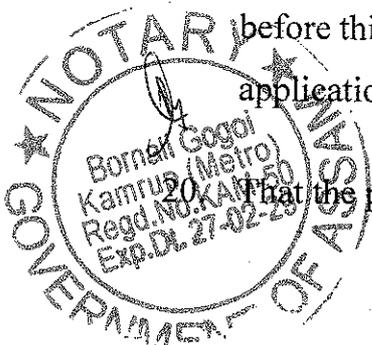
Copy of the above-mentioned emails dated 16.01.2025 and 20.01.2025 is annexed as ANNEXURE – E colly.

18. That the applicants are satisfied with the findings of the comprehensive 'Report of the Committee' of Respondent No. 2 SEIAA, Assam, which clearly highlight the environmental violations of Respondent No. 1 project proponent as well as the directions passed thereafter by Respondent No. 2 SEIAA, Assam, except in regard to the issue of CTO as highlighted herein above.

Furthermore, Respondent No. 2 SEIAA, Assam, maybe directed to oversee that the 'Report of the Committee', which observed that green belt is either non-existent or substantially less than the mandated 3 metres is not diluted by Respondent No. 1 project proponent and the said 3 metres peripheral green belt is maintained in accordance with EC provisions.

19. That the applicants submit that they have not filed any other or similar petition before this Hon'ble Court seeking same or similar relief sought vide the instant application.

That the present application is made bona fide and in the interest of justice.



INTERIM PRAYER

That in view of the above facts and circumstances, it is most respectfully submitted that the applicants have a good *prima facie* case, and in consideration of said facts and circumstances, this Hon'ble Tribunal in the interim, may be pleased to -

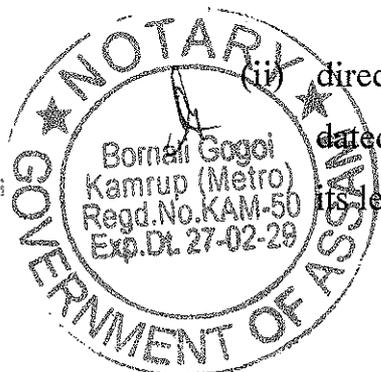
- (i) direct Respondent No. 7 PCB, Assam, not to give effect to notice vide letter No. APCB/ROK/T-608/24-25/55/83 dated 26.12.2025 and letter No. APCB/ROK/T-608/24-25/84-A/87 dated 10.01.2025, and/or
- (ii) direct Respondent No. 1 project proponent to fully comply with the order dated 12.09.2024 passed by this Hon'ble Court in O.A No. 92/2023/EZ, including the order vide communication dated 15.02.2022 of Respondent No. 2 SEIAA, Assam.

PRAAYER

In view of the above said facts and circumstances it is therefore most respectfully prayed by the Applicant that this Hon'ble Tribunal may be pleased to -

- (i) set aside and quash the impugned notice vide letter No. APCB/ROK/T-608/24-25/55/83 dated 26.12.2025 and letter No. APCB/ROK/T-608/24-25/84-A/87 dated 10.01.2025, issued by the Senior Environmental Engineer cum Regional Head of Respondent No. 7, PCB, Assam, in violation of this Hon'ble Court's order;

- (ii) direct Respondent No. 1 project proponent to fully comply with the order dated 12.09.2024 passed by this Hon'ble Court in O.A No. 92/2023/EZ in its letter and spirit, and/or



- (iii) direct Respondent No. 1 project proponent to comply with the order issued by Respondent No. 2 SEIAA, Assam, vide communication dated 15.02.2022, including the observations and recommendations in the report of the Committee of Expert submitted before this Hon'ble Court; and/or
- (iv) direct the Directors of Respondent No. 1 project proponent not to violate the order dated 12.09.2024 passed by this Hon'ble Court in O.A No. 92/2023/EZ in the capacity of President of Arya Smart Living Society or any other capacity in ; and/or
- (v) direct Respondent No. 2 SEIAA, Assam, to oversee that the 'Report of the Committee', which observed that green belt is either non-existent or substantially less than the mandated 3 metres peripheral green belt is not diluted by Respondent No. 1 project proponent and the said distance is maintained across the periphery; and/or
- (vi) to pass any other such order(s)/direction(s) as this Hon'ble Tribunal seem fit and proper in the facts and circumstances of the present case.

Date: 10.03.2025

Place: Guwahati

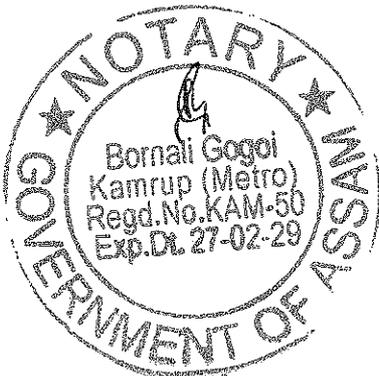
Filed by:

Vikram Rajkhowa

Vikram Rajkhowa

Advocate for the Applicants

504, Amazing Grace Apartment
S.K Bhuyan Road, Dighalipukhuri(E)
Guwahati – 7810001, ASSAM
E: vikram.rajkhowa@gmail.com
M: 9954348258



Sl. No. 26
Date: 10 MAR 2025

-75-

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M.A No. _____/2025/EZ

in

O.A No. 92/2023/EZ

IN THE MATTER OF:

Dr. Ganesh Das & Ors.

: Applicants

Vs.

M/s Arya Erectors India Pvt. Ltd. & Ors.

: Respondents

AFFIDAVIT

I, Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, aged around 53 years, resident of Tribeni Apartment, Flat No. 5A, Madhabdevpur, Rehabari, Guwahati 781008, in the district of Kamrup (M), Assam, do hereby solemnly affirm and state as under:

1. That I am Applicant No.1 in the present application, and as such I am fully conversant with the facts and circumstances of the case, and I am authorized by the other Applicants vide authorization letter dated 10.03.2025 annexed with the application, hence, I am competent to swear this affidavit on their behalf.
2. That the accompanying application has been drafted by my counsel on my/our instructions and I/We have read and understood the contents of the same and nothing material has been concealed therefrom.

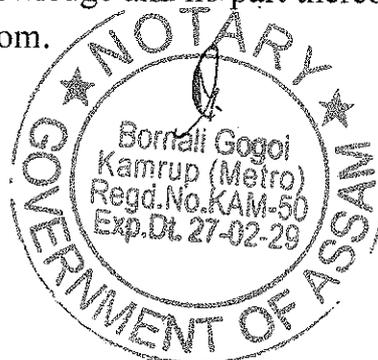
Identified by
Abdullah Hafiz Sahane
Advocate/Advocate Clerk
Enrl. No. 629/2023

Dr. Ganesh Das

DEPONENT

VERIFICATION:

I, the above named, deponent do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.



Dr. Ganesh Das

So I hereby affirm by the Deponent/
DEPONENT
executant who is are identified by
..... Advocate
on 10th day March, 2025

Bornali Gogoi
NOTARY
Kamrup (M) Guwahati.

AUTHORIZATION LETTER

I/we, hereby nominate, constitute and appoint Dr. Ganesh Das, son of Sri. Dijendra Ch. Das, resident of Tribeni Apartment, Flat No. 5A, 5th Floor, Madhabdevpur, Rehabari, Guwahati 781008, Assam, as my/our authorized representative to do the following acts, things or deeds as given below in regard to the Arya Smart Living project of M/s Arya Erectors India Pvt. Ltd.:

1. To file original application, interlocutory application, miscellaneous application and/or any other application, before the National Green Tribunal (NGT), Eastern Zone Bench and/or any other Bench of the NGT.
2. To engage or appoint any advocate, lawyer, solicitor or counsel to conduct the cases in the National Green Tribunal (NGT).
3. To sign and verify all plaints, pleadings, applications, petitions or documents before the court and to deposit, withdraw and receive documents from the court or from the respondents.
4. To do generally all other acts and things for the conduct of aforementioned case(s) as I/We could have done the same if I/We were personally present.
5. I/We further undertake to jointly bear/pay all expenses towards the aforementioned case(s), including advocates/lawyers fee, travel and accommodation expenses, and all other expenses incidental thereto.

Signed and delivered by the within named on 10.03.2025 (date)

Sl.No. Particulars

Signature

1. Dr.Ravi Dey
 S/o Sri Mintu Dey
 R/o D-39, Arya Smart Living
 Abhaypur, North Guwahati 781031
 Assam
 Email: raviday75@yahoo.in

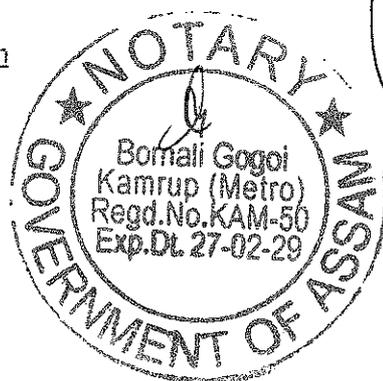
Dey
D-39

2. Sri. Brojen Dutta
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[Signature]
D-41



VAKALATNAMA

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

**MISCELLANEOUS APPLICATION NO. /2025/EZ
IN
ORIGINAL APPLICATION NO. 92/2023/EZ**

IN THE MATTER OF:

Dr. Ganesh Das & Others : Applicants

Vs.

M/s Arya Erectors India Pvt. Ltd., represented : Respondents
by its Managing Director & Others

Know all men by these presents that the above, named **Dr. Ganesh Da, Sri. Brojen Dutta, Sri. Sanjay Baruah and Sri. Ravi Dey**, do hereby nominate, constitute and appoint **Sri. Vikram Rajkhowa and Sri. Ankur Jyoti Sarma, Advocates**, as shall accept this Vakalatnama to be their true and lawful Advocates to appear and act for them in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition, etc., for them and on their behalf and We agree to ratify and confirm all acts to be done by the said Advocates as ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on our behalf. In witness whereof we hereunto set my hand on this 3rd day of March 2025.

Received from the executants
Satisfied and accepted as We
Hold no brief for the other side.

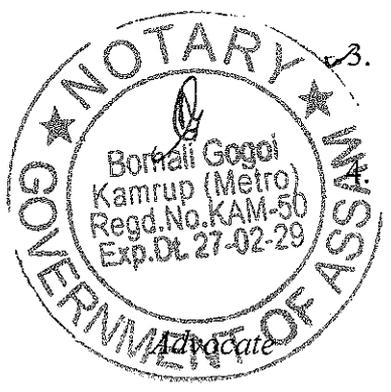
1. Dr. Ganesh Das (Dr. Ganesh Das)
2. Brojen Dutta (Brojen Dutta)

SANJAY BARUAH
Dr. Ravi Dey.

Signature of Executant(s)

Vikram Rajkhowa

Advocate



Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Physical Hearing with Hybrid Mode)**

Original Application No. 92/2023/EZ

Dr. Ganesh Das & Ors.

Applicant(s)

Versus

M/s Arya Erectors India Pvt. Ltd. & Ors.

Respondent(s)

Date of completion of hearing and reserving of order: 19.07.2024

Date of pronouncement of order: 12.09.2024

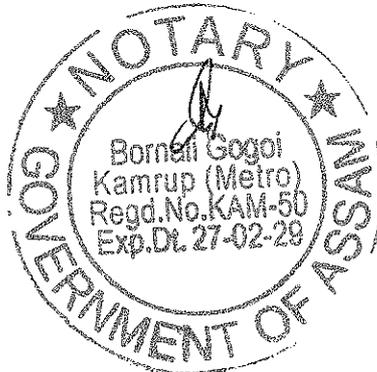
**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

Applicant: Mr. Vikram Rajkhowa, Adv.

Respondent: Mr. Neelanjan Deka, Adv. (in Virtual Mode) a/w
Mr. Sibojyoti Chakraborty, Adv. for R-1,
Mr. Santanu Bora, Adv. (in Virtual Mode) a/w
Ms. Malabika Roy Dey, Adv. for R-2 & 4,
Ms. Amrita Pandey, Adv. for R-3,
Mr. Parswajyoti Das Nair, Adv. for R-5, (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-7

ORDER

1. This original application has been filed by the purchasers of houses (Villa/Flats) at Arya Smart Living in Abhaypur, North Guwahati, Assam, constructed by Respondent No. 1 - M/s. Arya Erectors India Pvt. Limited.
2. The grievance of the Applicants is concerning non-compliance with various conditions of Environmental Clearance (EC) dated 21.01.2014, issued to Respondent No. 1 and violation of provisions of EIA Notification of 2006.



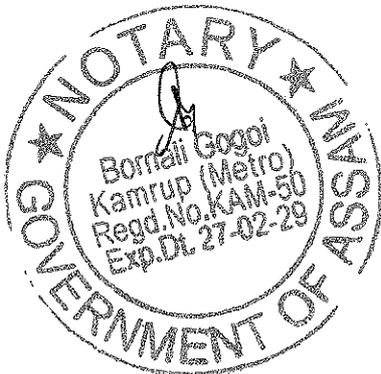
3. The Applicants No. 1 to 4 had earlier filed OA No. 32/2023/EZ, raising the grievance against the project, which was disposed of by the Tribunal by order dated 24.03.2023, with a direction to Respondent No. 2-State Level Environment Impact Assessment Authority (SEIAA), Assam to consider and decide the representations dated 06.07.2022 and 20.10.2022 by a reasoned speaking order. Respondent No. 2 by order dated 09.05.2023 has disposed of the representations. The applicants in the OA rely upon various non-compliance and violations reflected in the order of Respondent No. 2 SEIAA, Assam dated 09.05.2023. The Applicants have detailed their grievance in paragraph 5 of the OA as under:

“5. xxxxxxxx

- (i) *After receiving Environmental Clearance dated 21.01.2014, the project proponent has not submitted any compliance report before the concerned authorities (till date), in gross violation of General Conditions mentioned in the said E.O as follows:*

"Part -B. General Conditions

1. *The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by email) to the SEIAA/Regional Office of MoEF.*
9. *The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the SEIAA and Regional Office of MoEF. The criteria pollutant levels namely PM₁₀, PM₂₅, SO₂, NO₂, etc. (ambient levels as well as stack emission) or critical sectoral parameters, indicated for the project shall be monitored and a record be maintained for the public domain.*
10. *The environmental statement for each financial year ending 31s' March in Form-V as is mandate to be submitted by the project proponent to the SEIAA and State Pollution Control Board as prescribed under the Environmental (Protection) Rules, 1986, as amended subsequently and shall*



also be sent to the respective Regional Offices of MoEF by email."

- (ii) SEIAA admitted in their speaking order that the flood problem in the Arya Smart Living campus is a genuine one.

The project proponent submitted that-

- (a) the contour survey was done prior to the starting of project and same was approved by GMDA, and
(b) the project was completed in 2018 and handed over in 2019 to the society.

The applicants beg to state in regard to the aforesaid contentions of respondent No. 1 that-

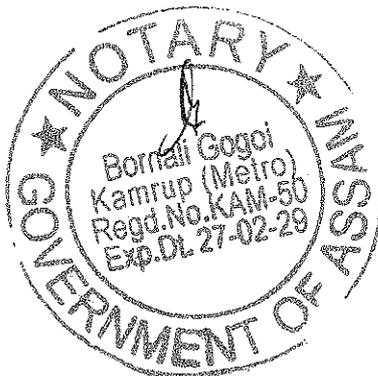
- (a) Firstly, the project proponent had only submitted the contour survey of the internal site area and not that of the external surrounding areas as required under the Specific Conditions at Part - A (f) (i) of E.C, i.e.,

"The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage."

The flood problem in the Arya Smart Living township probably would not have happened, if only the project proponent had complied with the aforesaid Environmental Condition and worked out the storm water drainage after proper contour survey of both internal as well as the external surrounding areas. The suggestion of SEIAA to create a pond inside the township to fill storm water is not a feasible one for a long-term solution as the same is neither approved in the drawings and nor permission is granted for the same.

- (b) Secondly, it is not correct that the project has been handed over by the project proponent to the society. In fact a case is pending before the Hon'ble Gauhati High Court being numbered as W.P(C)/3654/2020, which is preferred by applicant No. 1 against order of the Registrar of Cooperative Societies, Assam, for overlooking the fact that the Director/s of respondent No. 1 company has made their own family members and partners as office bearer of the Arya Smart Living society, which is in conflict of interest, i.e., the project proponent is also the builder/developer as well as the office bearer of the society.

A copy order dated 30.01.2023 is herewith annexed an ANNEXURE — E.

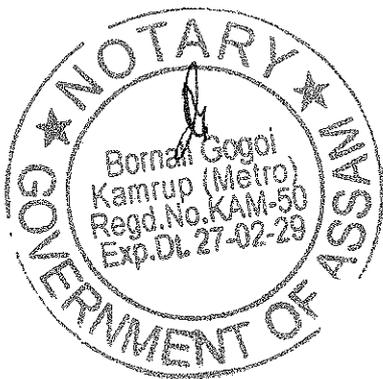


- (c) Thirdly, Real Estate Regulatory Authority, Assam vide an order dated 13.06.2022 observed that the promoter (respondent No. 1) will submit application in prescribed form regarding extension of project completion period. Furthermore, it is reflected in the said order that the representative of GMDA stated that no occupancy certificate has been issued to the promoter due to deviations in the approved plan.

A copy of the REAT, Assam order dated 13.06.2022 is part of O.A No. 32/2023/EZ annexed as Annexure-A.

- (d) The applicants beg to state that the project, proponent is yet to complete the project and construction is still continuing without a valid E.O in violation of EIA Notification, 2006.
- (iii) The Operation Phase Conditions at Part-A.II.(i) of the E.O requires that-"The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation." But the SEIAA speaking order do not mention the submission of any report in this regard.
- (iv) The Operational Phase Conditions at A.II.(v) of the E.O requires that a peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against articulates and noise. Be it stated that the project proponent has not maintained 3 mtrs. green belt all around the plot and in fact have constructed drains, pathways, etc., in the supposed green belt area. The project proponent is trying to mislead by claiming that the green belt is 9000 sq.m. by including common garden areas within the township. The requirement is of a 3 mtr. green belt all across the plot covering an area of 7484.96 sq.m., and same shall not include the other common areas like parks, lawns, etc. Unfortunately, SEIAA speaking order is silent on the issue of green belt.

- (v) The Operation Phase Conditions at A.II.(x) of E.O requires that-"a report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials and technology, R& U factors, etc., and submit to SEIAA in three months." But the SEIAA speaking order do not mention the submission of any report in this regard. That according to the RTI



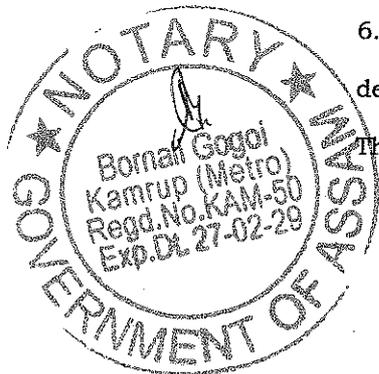
response received earlier from SEIAA the report pertaining to aforesaid energy conservation measures, etc. which was to be submitted in three months is not available.

- (vi) Project proponent received E.O on 21.01.2014 with validity for a period of 5 years, i.e., till 21.01.2019. In the meantime, MoEF&CC vide O.M dated 12.04.2016 extended the validity of E.O of the projects, which had not completed five (5) years on the date of publication of Notification i.e., 29/05/2015 to seven (7) years. Accordingly, the E.O dated 21/01/2014 of project proponent also got automatically extended to 7 years, i.e., up to 21/01/2021. However, the project construction of project proponent is yet to be completed and therefore they were required to apply for the extension of E.O dated 21/01/2014 upon its expiry on 21/01/2021, but as highlighted RTI reply of SEIAA dated 28/12/2020 and 13/05/2022 the project proponent has not applied for extension of E.O dated 21.01.2014 till date, thereby operating without a valid E.O from 21/01/2021 onwards in violation of laws. In this regard the speaking order of SEIAA is silent and SEIAA seem to be accepting the contention of the project proponent on face value rather than on the basis of cogent materials.”

4. The case of the applicants is that Specific Condition at part A(I)(i), and operation phase condition at part-A (II)(i), part-A(II)(v), part-A(II)(x) of EC have not been complied with and EC has expired on 21.01.2021, but the Respondent No. 1, in violation of EIA Notification, 2006 without getting the EC extended, is continuing with the construction of the project and that Respondent No. 1 has done expansion of project without EC appraisal.

5. The applicants have prayed for a direction to Respondent No. 1 to comply with the EC conditions, not to operate without valid EC and to initiate action against Respondent No. 1 for violation of EC conditions.

6. The Tribunal, after considering the grievance of the applicant in detail by order dated 22.08.2023, had issued notice to the respondents. Thereafter, reply and rejoinder have been filed.

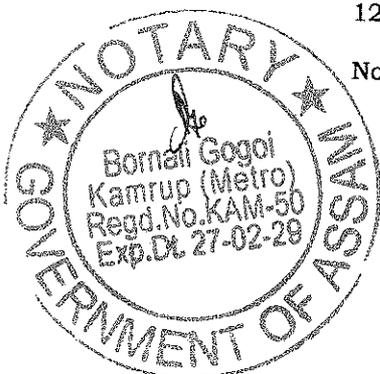


7. Respondent No. 1 has filed the counter affidavit raising the preliminary objections of *res judicata*, limitation, and locus ie. the applicants are not the persons aggrieved. On merit also Respondent No. 1 has taken the plea that the flooding problem arose because of the construction of a new drain by the PWD with the raised level. The plea relating to the violation of EC condition has been denied and the conclusion of SEIAA in respect of non-submission of regular six monthly reports has been disputed.

8. Respondent No. 2, SEIAA, Assam by filing the counter affidavit has taken the stand that representations filed by Applicants No. 1 to 4 have been decided after giving an opportunity of hearing. Counter Affidavit also refers to the formation of a committee and the site inspection and the finding of that Committee. It discloses that for non-submission of half yearly compliance report, a written warning was issued by Respondent No. 2 SEIAA, Assam to Respondent No. 1.

9. Respondent No. 3, Ministry of Environment, Forest and Climate Change (MoEF&CC) by filing the reply has placed on record the EIA Notification, 2006, SOP issued vide OM dated 07.07.2021 for identification and handling of violation cases under EIA Notification, 2006 and the Notification dated 28.08.2014 authorizing SEIAAs constituted by Central Government under section 3(3) of the Environment (Protection) Act, 1986 (EP Act, 1986) and delegating the power under section 19 of the Act.

10. Respondent No. 7, Assam State Pollution Control Board (ASPCCB) has filed the reply disclosing that Respondent No. 1 had obtained CTO on 12.10.2022 which was valid up to 31.03.2023. Thereafter, Respondent No. 1 failed to apply for renewal of the CTO. The reply also discloses that



Respondent No. 1 had failed to obtain permission from the Central Ground Water Authority (CGWA) for extraction of groundwater and that during the inspection on 14.09.2023, the Sewage Treatment Plant (STP) was not found operational and that though the stormwater drainage system was found in place but the potential issues related to the proper gradient flow capacity of rainwater and the adjustment of carrying capacity with the final load bearing drainage system was found. The affidavit of Respondent No. 7 also mentions that during the inspection storm water drain exhibited a greyish to blackish colour indicating potential neglect in maintenance by the housing entity, possibly due to blocked outlets.

11. A separate reply on behalf of Respondent No. 4, Guwahati Metropolitan Development Authority (GMDA) (wrongly under the heading as "affidavit on behalf of Respondent No. 3") has been filed without touching upon the environmental issues.

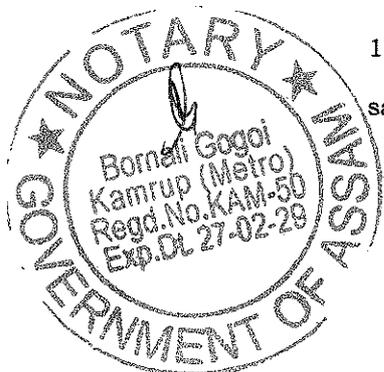
12. Applicant has filed the rejoinders to the above counter affidavits and controverted the plea.

13. We have heard learned Counsel for the parties at length and perused the record.

Preliminary Objections

14. Respondent No. 1 has raised a preliminary objection relating to the *resjudicata* on the plea that earlier OA No. 32/2023/EZ filed by the applicants has been decided by the NGT, therefor fresh OA by them is not maintainable and is hit by the principle of *resjudicata*.

15. Applicants No. 1 to 4 had earlier filed OA No. 32/2023/EZ. The said OA was disposed of by order dated 24.03.2023 by directing as under:



"6. In this view of the matter, we dispose of this Original Application with the following directions: -

(i) The Respondent No.2, SEIAA, Assam, shall consider and decide the two representations of the Applicants dated 06.07.2022 and 20.10.2022, Annexures-N & O, to the Original Application as also the grievances raised in paragraph-9 and its sub-paragraphs of the Original Application.

(ii) The SEIAA, Assam shall decide the aforesaid representations by a reasoned and speaking order within a period of one month. Needless to say, before taking any decision the SEIAA, Assam shall also give opportunity of hearing and submission of written submissions, if any, to the Respondent No.1.

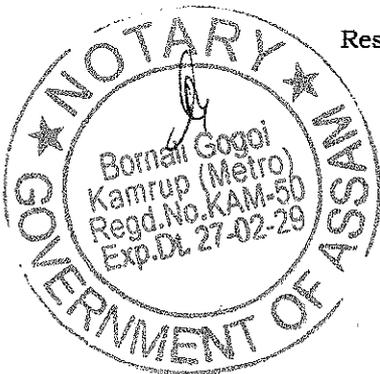
7. With the aforesaid directions, the Original Application No.32/2023/EZ is disposed of.

8. Interlocutory Applications, if any, stand disposed of accordingly.

9. There shall be no order as to costs."

16. While passing the above order the grievance of the Applicants on merit was not examined by the Tribunal. Hon'ble Supreme Court in the matter of *Daryo & Ors. vs. State of UP & Ors.*, AIR 1961 SC 1457 has expressed that the summary dismissal is not a dismissal on merit and will not constitute a bar of *res judicata*. Section 11 of the CPC containing the principle of *res judicata* prohibits a Court from trying any suit or issue in which the subject matter directly and substantially was in issue in a former suit between the same parties and has been heard and finally decided by such Court.

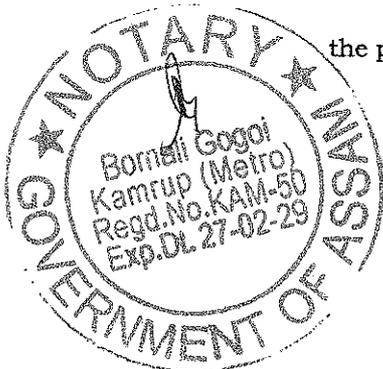
17. Since, in the present case, by order dated 24.03.2023 passed in OA 32/2023/EZ, NGT had not decided the issue on merits, therefore, principle of *res judicata* is not attracted. Thus, we do not find any substance in the preliminary objection relating to *res judicata* raised by Respondent No. 1.



18. Another preliminary objection raised by Respondent No. 1 is in respect of the limitation, on the plea that reliefs claimed in OA are barred by time.

19. Applicants in the present OA have sought compliance of the conditions of EC. They had earlier approached the Tribunal by filing OA No. 32/2023/EZ which was disposed of by order dated 24.03.2023 with a direction to the SEIAA, Assam to consider the representations of the Applicants dated 06.07.2022 and 20.10.2022 within one month. The SEIAA, Assam had decided the said representations by order dated 09.05.2023. Applicants, thereafter, have filed the present OA on 31.07.2023 under section 14(3) of the National Green Tribunal Act, 2010 (NGT Act). A limitation of six months has been prescribed for entertaining such application from the date of the first cause of action. The cause of action arose when SEIAA had passed the order dated 09.05.2023. This OA has been filed within six months from 09.05.2023. That apart, Applicants have raised the plea of continuous cause of action relating to violation of EC conditions by Respondent No. 1. An issue of subsequent expansion of the project by adding additional land of 2 bigha without obtaining EC has also been raised which gives a fresh cause of action. Hence, the OA is not found to be barred by time and cannot be rejected on that ground.

20. Respondent No. 1 has also submitted that the Applicants are not the persons aggrieved and has questioned their locus but such a submission cannot be accepted because the Applicants have purchased the houses/villa/flats in the project in question and they are directly affected by the non-compliance of EC conditions, alteration/expansion of the project and violation of environmental norms concerning the project.

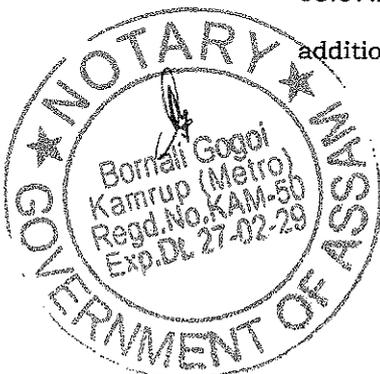


21. Hence, no substance is found in the preliminary objections raised by Respondent No. 1, which are accordingly rejected.

On Merit

22. Arguing on merit, Counsel for the applicant has referred to the report of Respondent No. 7, ASPCB and has pointed out the violations noted therein. He has also submitted that the original EC was for 28 bighas of land but later on, there was an expansion of the project by including 2 bigha more but the Respondent No. 1 had not obtained the EC for expansion of the project. He has further submitted that on account of non-compliance of the EC conditions relating to gradient, the entire area is getting flooded during the rainy season. He has submitted that Respondent No. 1 has violated various EC conditions and that the issues that were raised by the Applicants in the representation have been dealt with by the SEIAA, Assam in a cryptic manner.

23. Learned Counsel for Respondent No. 1 opposing the OA on merit has submitted that there is no environmental issue involved in this OA. The grievance of the Applicants has already been considered by the SEIAA while deciding the representation and passing the order dated 09.05.2023. He has also submitted that the condition of filing six monthly reports was complied with, the Applicants are not the persons aggrieved, PWD had constructed the drain at higher gradient subsequently which leads to flooding of the area and that Respondent No. 1 had tried to construct the pond for collection of rainwater but that was opposed by the residents. He submits that the project was completed on 03.07.2018. Learned Counsel does not dispute that subsequently additional 2 bighas of land was included and a clubhouse and swimming



pool were constructed without reappraisal of the EC or without obtaining a fresh EC.

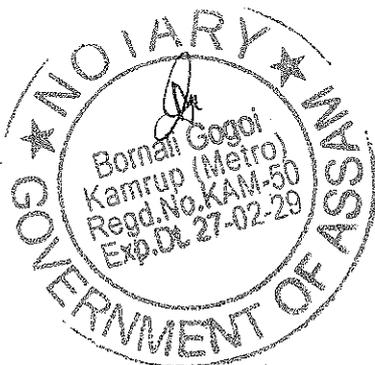
24. Learned Counsel appearing for Respondent No. 2, SEIAA, Assam has submitted that the representations submitted by Applicants have already been decided in terms of the direction of the Tribunal and that now the violations have come to the knowledge of SEIAA, therefore, action against Respondent No. 1 will be taken by SEIAA, Assam.

25. We have examined the record of the OA in the light of submission on merit made by Counsel for the parties.

26. The Ministry of Environment and Forests, Govt. of India exercising the power under sub-section (1) and clause (V) of sub-section (2) of section (3) of Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of EP Act, 1986 has issued the EIA Notification dated 14.09.2006 requiring the prior EC from the concerned regulatory authority. For matters falling under category-B of the schedule, the State Level Environment Impact Assessment Authority (SEIAA) is the regulatory authority for prior EC at the State level. The schedule of the notification contains a list of projects or activities requiring prior EC.

27. The EIA Notification, 2006 requires prior EC for the new scheduled projects and expansion and modernization of existing projects or activities listed in the schedule to the notification. Clause 2 of the EIA Notification provides that:

"2. Requirements of prior Environmental Clearance (EC):-
The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation



of land by the project management except for securing the land, is started on the project or activity;

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product-mix in an existing manufacturing unit included in Schedule beyond the specified range.”

28. The amended EIA Notification dated 2006 includes the following construction projects in clause 8 of the schedule:

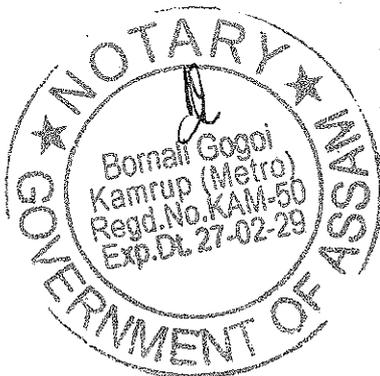
xxx	xxx	xxx
8		Building /Construction projects/Area Development projects and Townships
8(a)	Building and Construction projects	20000 sq. mtrs and <1,50,000 sq. mtrs. of built-up area# #(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area) ++
8(b)	Townships and Area Development projects.	Covering an area 50 ha and or built up area 1,50,000 sq .mtrs ++ ++All projects under Item 8(b) shall be appraised as Category B1

29. The above building projects are category-B projects under EIA Notification, 2006 and require appraisal by the State Level Expert Appraisal Committee (SEAC) and approval by the State Level Environment Impact Assessment Authority (SEIAA).

30. Paragraph 7(ii) of the EIA Notification, 2006 provides as under:

“7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product -mix shall be made in Form I and they shall be considered by the concerned Expert



Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance."

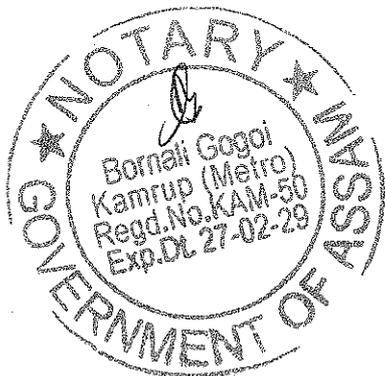
Thus, for expansion of a project or increase in the lease area consideration by EAC/SEAC and prior Environmental Clearance is required.

31. Under the Notification dated 28.02.2014, SEIAA has been authorized and delegated with the powers under section 19 of the Act to take necessary action against the violators.

32. Hon'ble Supreme Court in the judgment dated 03.12.2019 passed in Civil Appeal No. 2435/2019 in the matter of *Keystone Realtors Pvt. Ltd. vs. Shri Anil V. Tharthare and Ors.* has considered the issue of environmental impact on account of the increase in the size of the project and the requirements of EIA Notification on the expansion of the project by holding as under:

“xxxxxx.....xxx”

16. *In a case where the text of the provisions requires interpretation, this Court must adopt an interpretation which is in consonance with the object and purpose of the legislation or delegated legislation as a whole. The EIA Notification was adopted with the intention of restricting new projects and the expansion of new projects until their environmental impact could be evaluated and understood. It cannot be disputed that as the size of the project increases, so does the magnitude of the project's environmental impact. This Court cannot adopt an interpretation of the EIA Notification which would permit, incrementally or otherwise, project proponents to increase the construction area of a project without any oversight from the Expert Appraisal Committee or the SEAC, as applicable. It is true that there may exist certain situations where the expansion sought by a project proponent is truly marginal or the environmental impact of such expansion is non-existent. However, it is not for this Court to lay down a bright-line test as to what constitutes a „marginal“ increase and what constitutes a material increase warranting a fresh Form 1 and scrutiny by the Expert Appraisal Committee. If the government in its wisdom were to prescribe that a one-time „marginal“*

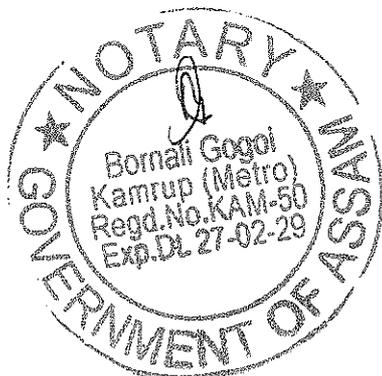


increase (e.g. 5% or 10%) in project size, within the threshold limit stipulated in the Schedule, could be subject to a lower standard of scrutiny without diluting the urgent need for environmental protection, conceivably this Court may give effect to such a provision. This would be subject to any challenge on the ground of their being a violation of the precautionary principle. However, as the EIA Notification currently stands, an expansion within the limits prescribed by the Schedules would be subject to the procedure set out in paragraph 7(ii).

17. At the time of the second increase, the total construction area of the appellant's project was enlarged from 32,395.17 square metres to 40,480.88 square metres. As a result of the expansion, the appellant constructed sixteen additional flats which were sold at the prevailing market rate. The appellant did not comply with the procedure set out under paragraph 7(ii) of the EIA Notification but rather sought an „amendment“ to the EC. The third respondent did not require the appellant to submit an updated Form 1 nor was the proposal processed and evaluated by the fourth respondent. The „amendment“ to the EC dated 13 March 2014 does not discuss the potential environmental impact of the increase in construction area, but merely records that the construction area now stands at 40,480.88 square metres. The procedure set out under paragraph 7(ii) of the EIA Notification exists to ensure that where a project is expanded in size, the environmental impact on the surrounding area is evaluated holistically considering all the relevant factors including air and water availability and pollution, management of solid and wet waste and the urban carrying capacity of the area. This was not done in the case of the appellant's project. It was not open to the third respondent to grant an „amendment“ to the EC without following the procedure set out in paragraph 7(ii) of the EIA Notification.

18. We further note that as on the date of the impugned order construction at the project site had already been completed. A core tenet underlying the entire scheme of the EIA Notification is that construction should not be executed until ample scientific evidence has been compiled so as to understand the true environmental impact of a project. By completing the construction of the project, the appellant denied the third and fourth respondents the ability to evaluate the environmental impact and suggest methods to mitigate any environmental damage. At this stage, only remedial measures may be taken. The NGT has already directed the appellant to deposit Rupees one crore and has set up an expert committee to evaluate the impact of the appellant's project and suggest remedial measures. In view of these circumstances, we uphold the directions of the NGT and direct that the committee continue its evaluation of the appellant's project so as to bring its environmental impact as close as possible to that contemplated in the EC dated 2 May 2013 and also suggest the compensatory exaction to be imposed on the appellant.

[Emphasis provided]

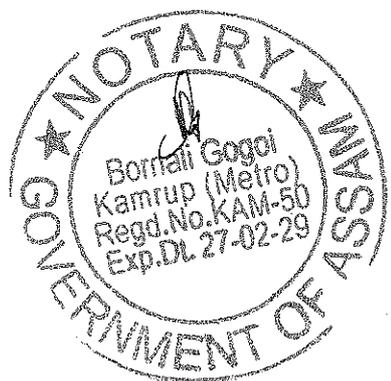


33. Thus, it is settled that evaluation of the environment impact prior to the execution of the construction project is essential. The same applies to the expansion of the construction project also and in case of violation, the Project Proponent is liable to pay penalty and environmental compensation.

34. In the above Civil Appeal No. 2435/2019, order of the NGT dated 11.02.2019 passed in Appeal No. 122/2018 (Earlier Appeal No. 9/2014) (WZ) in the matter of *Anil Tharthare v. The Secretary, Envtl. Dept. Govt. of Maharashtra & Ors.* was under challenge wherein the Tribunal while examining the issue of illegality in amending the EC on expansion of the project had considered the importance of the EIA Notification and the issue of amendment of EC without following the due process in case of expansion of the project and has held as under:-

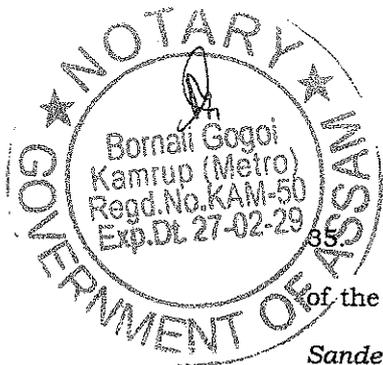
“xxxxxx.....
28. As regards the question whether EIA is mandatorily required, it may be noted that EIA has been recognised as the most valuable, inter-disciplinary and objective decision-making tool with respect to alternate routes for development, process technologies and project sites. It is considered an ideal anticipatory mechanism allowing measures that ensure environmental compatibility in our quest for socio-economic development. In fact, the whole concept is based on jurisprudential principle of ‘Sustainable Development’ and ‘Precautionary Principle’ though statutory basis has been provided to the same for effective enforcement.

29. The projects covered by the Notification dated 14.09.2006 cannot be undertaken without environmental clearance. This may invite prosecution and punishment under section 15 of the Environment (Protection) Act, 1986 or other provisions. Mere fact that a project is not covered by the said notification is not conclusive to negate such requirement if impact on environment justifies it. One cannot ignore that impact assessment in all cases of potential impact is by itself a part of concept of sustainable development, which in turn is part of Article 21. Thus, even where notification does not require EIA, such requirement may apply by virtue of Article 21, if there is potential of impact on environment. In such a case the Court or Tribunal concerned with enforcement of principle of sustainable development can require this to be done, as mandatory condition, for continuing a project. In our jurisprudence, the



protection of environment is fully ingrained. It is not only a part of Directive Principles under Article 48A and Fundamental Duties under Article 51A(g), but also inherent in the Fundamental Right under Article 21 of the Constitution. Principles of Sustainable Development, Precautionary Principle, and Intergenerational Equity are not only part of our jurisprudence, in terms of case law but also incorporated in Section 20 of National Green Tribunal Act, 2010. Needs for development have to be fulfilled consistent with these principles. There can be no development at the cost of environment.¹

30. Environmental laws are required to be read into every activity adversely impacting environment. Grant of any permission or sanction by any authority has always to be read as subject to inherent limitation of the environment norms being maintained. Once pollution is being created, mere permission/ sanction by itself is no defense. While absence of a sanction may by itself be violation of law, even grant of sanction is never to be treated as unconditional and does not obviate the requirement to maintain environment norms. Adverse impact on environment is actionable in all situations. Accordingly, if there is an impact to the environment, there must be an Environment Impact Assessment. The fact remains that flats may have been allotted in which case it may be difficult to disturb or penalize such occupants who may not be party to violations. Still, the Tribunal cannot be mute spectator as far as the project proponent, respondent No. 6 is concerned. In this light, to uphold the Rule of Law, it is necessary that the violators are required to compensate for their illegal acts which may also act as a deterrent against those project proponents who circumvent the law to suit their convenience. This is also in conformity with 'Polluter Pays' principle.
31. By way of an interim arrangement, let the project proponent deposit a sum of Rs. 1 crore with the CPCB within one month towards interim cost of damage to the environment. The Committee which we propose may suggest the amount which should be recovered for such violation so that the amount can be deterrent and dissuade violators of law and also to cover the cost of restoration of the environment."



Learned Counsel for the Applicants placing reliance upon the order of the Tribunal dated 01.02.2021 in OA No. 837/2018 in the matter of *Sandeep Mittal vs. Ministry of Environment, Forests & Climate Change & Ors.* has submitted that there is a huge gap in effective monitoring

¹ Intellectuals Forum Vs. State of A.P - (2006) 3 SCC 549, Bombay Dyeing & Mfg. Co. Ltd. - (2006) 3 SCC 434, M.C. Mehta v. Union of India - (2004) 12 SCC 118, Tirapur Dyeing Factory Owners Assn. v. Noyyal River Ayacutdar Protection Assn - (2009) 9 SCC 737, T.N. Godavarman Thirumulpad v. Union of India - (2000) 10 SCC 606, Narmada Bachao Andolan v. Union of India - (2000) 10 SCC 664, Vellore Citizens Welfare Forum Vs. Union of India and Ors. (1996) 56 SCC 647, N.D. Jayal and Ors. Vs. Union of India and Ors. (2004) 9 SCC 362, Lafarge Umiam Mining (P) Ltd., Vs. Union of India and Ors. (2011) 7 SCC 338, and G. Sundarrajan Vs. Union of India and Ors. (2013) 6 SCC 620

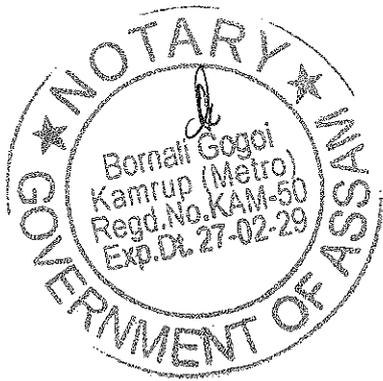
mechanism and in this regard, he has placed reliance upon para 3 of the said judgment wherein it has been held that:

“xxxxxx.....xxx
3. The matter has thereafter been considered on several dates including 29.04.2019, 23.07.2019, 22.11.2019 and 31.7.2020. It has been repeatedly found that the mechanism for monitoring environmental norms is inadequate, as a result of which there is rampant violation of Environmental Clearance (EC) conditions, as noted by this Tribunal in several cases. The Tribunal also noted the observations in the Judgments of the Hon’ble Supreme Court in T.N. Godavarman Thirumulpad Vs. Union of India & Ors. (2014) 4 SCC 61 and Lafarge Umiam Mining Private Limited Vs. Union of India, (2011) 7 SCC 338 that power of the regulator under Section 3(3) of the Environment (Protection) Act, 1986 is coupled with duty and **there is a need for effective monitoring mechanism**. The Hon’ble Supreme Court also observed that there is poor monitoring and there are huge gaps in laying down of conditions and enforcement thereof. Such observations have also been made by the Comptroller and Auditor General of India (CAG), pointing out deficiencies on this aspect.”

36. The submission of the parties needs to be examined in the light of the aforesaid legal position.

37. Environmental Clearance (EC) dated 21.01.2014 was issued to Respondent No. 1 in respect of the project involving the construction of Arya Smart Living at Abhaypur North, Guwahati on a plot area of 38,106 sq. m. It was specifically stipulated in the EC as under:

“xxxxxx.....xxx
2. It is inter-alia, noted that the project involves the construction of Arya Smart Living at Abhaypur North, Guwahati on a plot area of 38,106 sq. m. The total construction built up area proposed for the project is 62,133.036 sq. m. The Podium area 2886 sq. m. The paved area is 12989.4 sq. m. The building foot print area is 12709.6 sq. m. The basement area 5791.636 sq. m. The green belt area is 7484.96 sq. m. The complex will have Villas – Type A 08 units, Type B 08 units, Type C 108 units. Apartment units 156, Shops 6 and Retail outlet 4. The total water requirement of the project is estimated to be about 286.63 KLD. The capacity of STP is 230 KLD. The treated water will be used 194 KLD and for Flushing 91 KLD. There will be no discharged of waste water. Total solid waste generation for the project will be 1.13 Tones per day. The power requirement is 2385.17 KW. Total car parking proposed 516 nos. The total cost of the project is Rs. 72.2 Crores.”



It has not been disputed during the course of arguments that in Assam 1 Bigha equals 1346.42 sq.mt. Thus, the EC dated 21.01.2014 was for plot area of about 28.4 bigha.

38. The record further reflects that a complaint Petition was filed before the Real Estate Regulatory Authority (RERA), Assam making allegations against the promoter for occupying the building without obtaining a complete occupancy certificate, rejection of occupancy due to unauthorized construction, misrepresentation in respect of total land and that the joint inspection was got done. RERA, Assam in the order dated 13.06.2022 had recorded the details of the project area as under:

(d) Total area of land standing in the name of Arya Erectors India Pvt. Ltd. as per Land records

- i. As per Chitha copy and Jamabandi copy of revenue village Abhaypur KP No. 198, the Arya Erectors India Pvt. Ltd. is the landholder of the following area as mentioned against each dag:

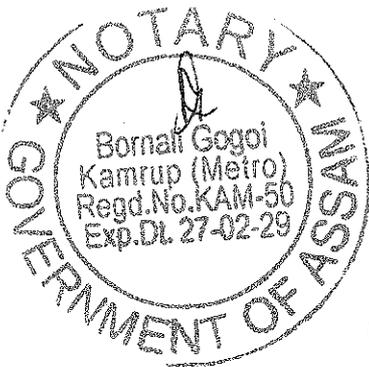
Dag No 884- 19 Bigha 0 katha 9 Lecha
Dag No. 885- 0 Bigha 01 Katha 11 Lecha
Dag No. 889- 03 Bigha 02 Katha 0 Lecha
Dag No. 890- 05 bigha 01 Katha 4 Lecha
Total 28 Bigha 0 katha 4 Lecha

- ii. As per Chitha copy and Jamabandi copy of revenue village North Guwahati Town KP no. 271, the Arya Erectors India Pvt. Ltd is the landholder of the following area as mentioned against the dag no. 764.

Dag No 764- **02 Bigha 0 katha 0 Lecha.**
Total area of land held by the Arya Erectors India Pvt. Ltd at Abhaypur and North Guwahati town under the project- **30 bigha 0 katha 04 Lecha (28B-0 K- 04 lecha + 2 B-0 K-0 L)**

(e) Status in the Field-Observation

During joint visit, it is seen that the project is being implemented in the entire area of **30 Bigha 0 Katha 4 Lecha** (28Bigha 0 kitha4 Lecha of Abhaypur village plus 2 Bigha 0



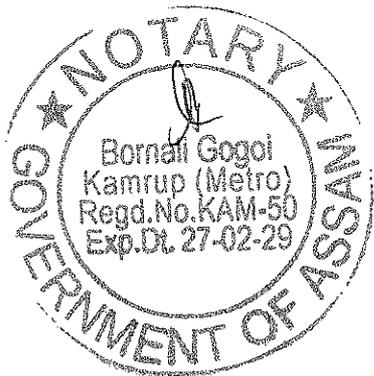
katha 0 Lecha of North Guwahati town). However, the promoter has not yet submitted application for registration of the project being implemented at revenue village North Guwahati town over an area of 2 bigha covered by Dag No. 764 and KP No. 271 and also balance part of the project under GMDA measuring 4 Bigha 13 Lecha."

39. Thus, Respondent No. 1 has implemented the project in the area of 30.4 bigha whereas the EC was obtained only for about 28.4 bigha. Hence, he has carried out construction on the area much more than the one for which environmental clearance was granted.

40. The order of the RERA, Assam dated 13.06.2022 also records the stand of GMDA that no occupancy certificate was issued to the promoter due to deviation in the approved plan and that the promoter had constructed some structures which were not approved by the GMDA.

41. It is undisputed that Respondent No. 1 had subsequently included about 2 bighas of land in the project and constructed a clubhouse and swimming pool on that land. Counsel for Respondent No. 1 during the course of the argument has candidly admitted the factum of adding 2 bighas in the project land and constructing club house and swimming pool thereon. Such additional inclusion of land and construction amounts to the expansion of the project for which in terms of clause 7(ii) of the EIA Notification of 2006, prior environmental clearance was required, which has not been obtained in the present case. The SEIAA was to examine beforehand the environmental damage, if any, and the extent of it, on account of the inclusion of the additional area in the project and the raising of construction on the additional area, which has not been done.

42. It is also the submission of the Applicants that the apartments for which the environmental clearance was granted were changed into villas



and the construction of retail outlet was given up. Hence, that also amounts to a change of scope of the project in addition to the issue of expansion of the project by inclusion of 2 bighas.

43. The General Condition No. 3 of the EC dated 21.01.2014 also clearly stipulates that:

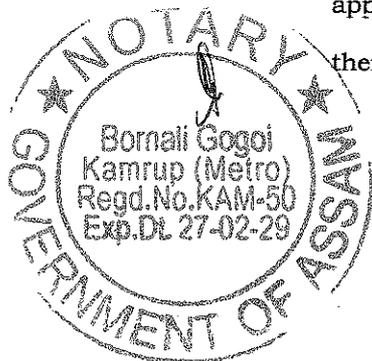
“xxx.....xxx.....xxx

3. *In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by the SEIAA.”*

44. As per the said condition also in case of a change of scope of the project, the Project Proponent was required to have a fresh appraisal of environmental clearance.

45. Hence Respondent No.1 has not only violated the General EC condition No. 3 but has violated clause 7(ii) of the EIA notification, therefore, Respondent No. 1 is liable to pay environmental compensation for deviating from the original project, expanding the project without prior EC and causing damage to the environment. Considering the circumstances of the case, we are of the view that such environmental compensation in the present case should be levied @ 1% of the cost of expansion of the project.

46. The record further reflects that the EC issued to Respondent No. 1 on 21.01.2014 was initially valid for a period of five years till 21.09.2019 and its validity was automatically extended up to 21.01.2021 by virtue of the OM dated 12.04.2016. The communication dated 28.12.2020 issued by the SEIAA, Assam states that Respondent No. 1 thereafter did not apply for renewal of EC. Any construction carried on by the respondent thereafter is in violation of law.



47. There is also a violation in respect of renewal of CTO and in providing proper rainwater drain. Respondent No. 7, ASPCB has filed the report/affidavit dated 21.11.2023 mentioning the violations as under:

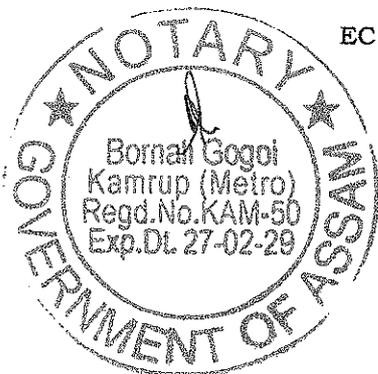
“xxxxxx.....xxx

- 3. *That pursuant to the direction passed by this Hon'ble Court, an inspection was carried out on 14th September, 2023 of the residential Building Construction-62000 sq. mt. (built-up area). The unit had obtained Consent to Operate (CTO) on 12th October, 2022 which was valid till 31st March, 2023. The unit has failed to apply for renewal of the CTO. The unit has failed to obtain permission from Central Ground Water Board (CGWA) for extraction of ground water.*
- 4. *As per the inspection report dated September 20, 2023, there had been no record of rainfall in the locality since last four to five days till the date of inspection i.e.14/09/2023. Consequently, the investigation could not conclusively assess the occurrence of waterlogging. Notably, the Sewage Treatment Plant (STP) was found non-operational during the inspection. Upon inquiry, the project authority explained that the STP has a capacity of approximately 230 KLD and operates twice a week. While a stormwater drainage system is in place, the inspection highlighted potential issues related to the proper gradient, flow capacity of rainwater, and the adjustment of carrying capacity with the final load-bearing drainage system. It is essential to emphasize that the problem of waterlogging cannot be solely attributed to any single stakeholder if the design and coordination of these drainage systems are not appropriately managed at both micro and macro levels. During the inspection, the stormwater drain exhibited a greyish to blackish colour, indicating potential neglect in maintenance by the housing entity, possibly due to blocked outlets.”*

48. The above report reflects that the CTO has not been renewed after 31.03.2023, STP was found non-operational and there is improper gradient of the stormwater drain.

49. The EC dated 21.01.2014 was issued by SEIAA, Assam to Respondent No. 1 containing Specific and General Conditions and the conditions relevant for the present controversy incorporated in the said

EC are as under:-



"PART - A. SPECIFIC CONDITIONS

I. Construction Phase

(i) The storm water drainage shall be worked out after analysing the contour levels of the site and the surrounding area and the capacity of storm water drainage.

xxxxxx.....xxx

(xvii) Permission for ground water use shall be obtained from the competent authority prior to construction / operation of the project.

(xviii) Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water."

II. Operation Phase

(i) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed.

xxxxxx.....xxx

(v) The peripheral green belt of 3 mtrs. width shall be developed all around the plot area and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise.

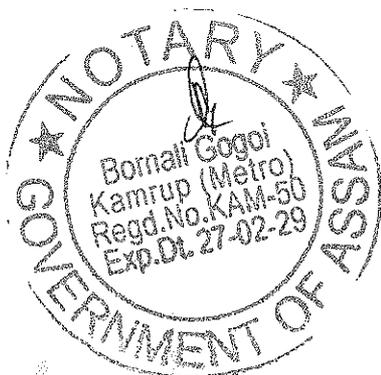
xxxxxx.....xxx

(ix) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized. Width of the internal road should be 7 mt. and 9 mts. in the project area.

(x) A report on the energy conservation measures confirming to energy conservation norms finalized by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R&U Factors, etc. and submit to the SEIAA in three months time.

PART - B. GENERAL CONDITIONS

(1) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the SEIAA/Regional Office of MoEF&CC.



xxxxxx.....xxx

(3) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by the SEIAA."

50. The applicant in the representations dated 06.07.2022 and 20.10.2022 had raised the specific grievance relating to violation of above EC conditions such as the STP, green belt, storm water etc. by Respondent No. 1 but without properly examining the same, SEIAA, Assam by order dated 09.05.2023 has rejected the representation by observing as under:-

"On Specific condition at part A(I) (i) of the EC

- The respondents submitted that the contour survey was done prior to starting of the project. Submitted GMDA approved contour survey map.
- The project was handed over to the Arya Smart Living Society in 2019, being completed in all respect including the drainage system as per requirement.
- The water logging problem started after the improvement of road and construction of drain taken up by PWD during 2017 to 2020. A technical study of the Water logging problem in Arya Smart Living campus and its adjoining areas of Abhaypur, North Guwahati was taken up by IIT Guwahati on request from the ASL society. It revealed that the bed of the newly constructed drain along the road is at 15 cm higher than the internal drain. Supporting photographs were submitted.

On Specific Condition A (I) (xviii) of EC

- Dual Plumbing system was partially complied with e.g. at places i.e. Water fall at front, car washing etc.

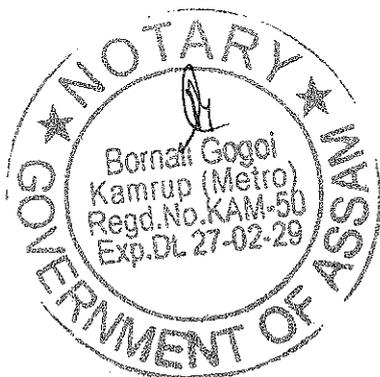
Operational phase Condition A(II) (i) of EC

- The design and supply of STP was done by firms, expert in the relevant field of work.

Operational phase Condition A(II) (v) of EC

- The Green belt area is 9000 sq.m No of trees planted including hedges etc. shall be around 900. Green Belt also maintained all around the campus with exception of two corners.

Operational phase Condition A(II) (vii) of EC



- The ground water level being high and also as existing low lying area which acts as a natural water reservoir, only roof and surface rain water runoff is collected in the installed water tanks of 5000 Its capacity around the campus.

Operational phase Condition A (II) (ix) of EC

- There is no traffic congestion both inside and outside the campus. One parking area in each villa has been given as approved by GMDA.

Operational phase Condition A (II) (x) of EC

- Energy conservation measures have been taken in the villas and all common areas. Heard and seen both verbal and written submissions of the representative of Arya Realtors India Pvt. Ltd. Also perused the Final report of the Technical Study carried out by Indian Institute of Technology, Guwahati on request by Arya Smart Living Society.

The site visit was also done by team of experts which included.-

Name-

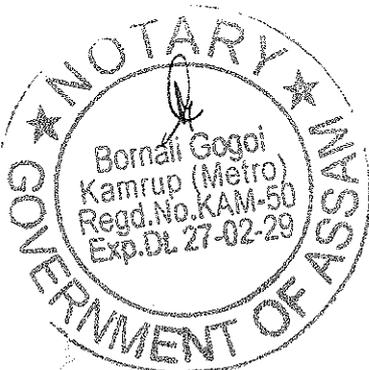
1. Shri Praydut Kr. Choudhury, Chairman SEIA
2. Shri Swapan Kr Seal Sarma, Chairman SEAC
3. Prof. Bhagawat Pran Duarah, Member SEAC
4. Prof. Sarat Phukan, Member SEAC
5. Dr. Santanu Kr Dutta, Secretary SEAC

As Both the representation 'N' & 'O' are identical except an additional clause at representation 'N'-(5) Therefore both are being disposed simultaneously.

Regarding allegation at SL (1) of representation 'N' & 'O'

- The flood problem in the ASL campus is a genuine one The Arya Erectors, India Pvt. Ltd. contended that the project was completed in 2018 and handed over in 2019 and that in the meantime development of road & drain was taken up. The submitted photographs by the respondent no.1 also reveals that the natural drainage at front has also been encroached by neighbors. The nearby areas being developed only a common approach involving the development departments and neighboring community can bring in a fruitful one time solution to the problem. In the meantime, the Arya Erectors India Pvt. Ltd. Shall create a pond in appropriate low lying area inside the campus with adequate capacity & with raised bank, railing all around for safety. The excess water to be pumped out to the drain along the road with approval from competent authority. This pond shall be so constructed so as to be filled by only the Storm water. Other activities can also be planned with the coordinated effort of all concerned.

Allegation at SI (3) of representation 'N' & 'O'



- *The design and supply of the STP was done by firms, experts in the field of works and stated to be functional at the time of handing over (supporting documents submitted). Therefore, ASL society has to keep it functional.*

Other matters.

- *The matter of non submission of six monthly compliance reports to SEIAA has been viewed seriously and a stricture in this regard shall be issued separately."*

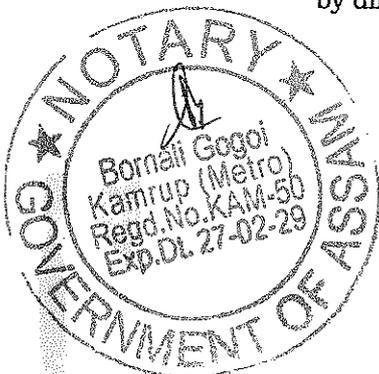
51. While examining the grievance in respect of non-compliance of the condition relating to the performance of STP, the SEIAA has only mentioned that "The design and supply of STP was done by firms, expert in the relevant filed of work".

52. In respect of six-monthly reports, SEIAA in the order dated 09.05.2023 has found that six monthly reports were not submitted and it was viewed seriously but no action has been proposed or taken in this regard. Somewhat similar is the situation with respect to other grievances also.

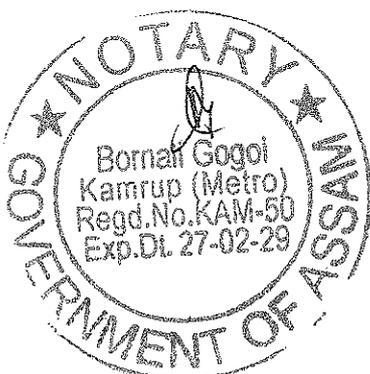
53. The above order clearly reflects that the grievance raised by the applicant in the representation has not been properly considered by the SEIAA, Assam and representation has been rejected by a cryptic order.

54. We find that though the Applicants had raised the specific grievance about non-compliance with various EC conditions by Respondent No.1 in the representations dated 06.07.2022 and 20.10.2022 but SEIAA while passing the order dated 09.05.2023 has not properly applied its mind to the grievances raised.

55. In view of the above analysis and conclusions, we dispose of the OA by directing as under:-



- i. Since, Respondent No. 1 has expanded the project by including an additional about 2 Bighas of land and raising additional construction of a clubhouse, swimming pool etc., without getting reappraisal of the EC dated 21.01.2014 and without getting the environmental clearance for the additional area, therefore, the Respondent No. 1 has violated clause 2 and 7(ii) of the EIA Notification, 2006 and is liable to compensate for the damage caused to environment by depositing 1% of the project cost incurred in expansion with ASPCB as environmental compensation. The SEIAA, Assam and ASPCB will jointly workout the cost incurred in expansion of project and determine the environmental compensation.
- ii. Respondent No. 1 is also liable to carry out the remedial measures which will be worked out by SEIAA, Assam based on the damage assessment.
- iii. The order dated 09.05.2023 passed by SEIAA Assam is found to be bad in law and is hereby set aside. The SEIAA, Assam is directed to decide the representations dated 06.07.2022 and 20.10.2022 of the applicants afresh on other issues keeping in view the observations made above and take appropriate remedial action.
- iv. Since the grievance of the Applicants is that, in terms of the specific condition at Part-A (I)(i) of the EC, necessary steps to analyze the contour intervals of the site and surrounding areas and the capacity of stormwater drainage have not been taken done and steps are not taken to address the problem of waterlogging and flooding, therefore SIEAA will duly examine



the issue of non-compliance of above condition and take appropriate action.

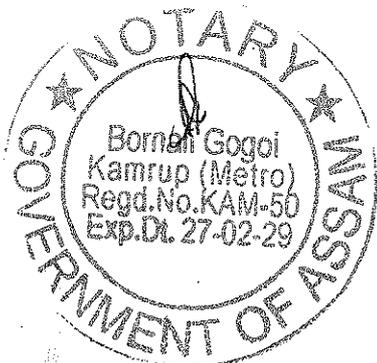
- v. The SEIAA, Assam is also directed to take action against Respondent No. 1 for violation of the EC condition by complying with the *principles of natural justice*.
- vi. The ASPCB is also directed to take action for the violation of the environmental norms found on the spot and reflected in its report dated 21.11.2023.
- vii. Let the above exercise be completed by the SEIAA, Assam and ASPCB within a period of three months and an action taken report be filed before the Registrar, NGT, Eastern Zone Bench at Kolkata, immediately on completion of three months and if found necessary the matter will be listed for consideration before the Bench.

Prakash Shrivastava, CP

B. Amit Sthalekar, JM

Dr. Arun Kumar Verma, EM

September 12, 2024
Original Application No. 92/2023/EZ
avt...





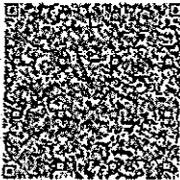
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Sl. No. 1265
Date: 20.02.2025

20 FEB 2025

Mauchumi Barua

Small Logo Kamrup (Metro) NOTARY GOVT. OF ASSAM LINA BARUA Kamrup (Metro) Guwahati Regd. No. KAM-37

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BEFORE THE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOLKATA

Original Application No. 94 of 2024/EZ

Original Application No. 92/2023/EZ

Dr. Ganesh Das &Ors-Applicant

-Vs-

M/s Arya Erectors India Pvt. Ltd. &Ors-Respondents

Manchini Barua

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Filed by:

Malabika Roy Dey, Advocate
Standing Counsel, State of Assam

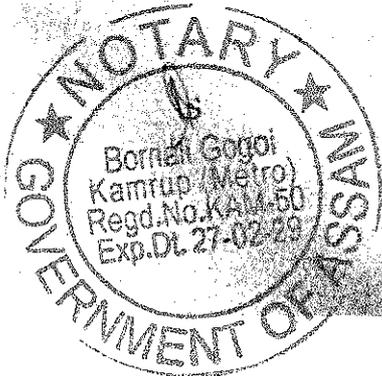
E-mail: mrdev@rediffmail.com

Mobile: 9051634204

20 FEB 2025



LINA BARUA
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No. KAM-37



v Mauchumi Barua

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No. 92/2023/EZ

Dr. Ganesh Das & Ors-Applicant

-Vs-

M/s Arya Erectors India Pvt. Ltd. & Ors-Respondents

**Compliance Affidavit on behalf of State Environment Impact
Assessment Authority, (SEIAA) Assam**

I Smti Mauchumi Barua aged about 55 years, residing at Guwahati, presently serving as Member Secretary , SEIAA, Assam do hereby solemnly affirm and state as follows:

1. That the answering deponent begs to state that pursuant to the order of the Hon'ble National Green Tribunal, Eastern Zone Bench, dated 12.09.2024, this affidavit is being filed .

2. That as per the said order a committee was formed by SEIAA, vide its order dated 01.10.2024, comprising of the following members: (i) Prof. Sarat Phukan, Chairman of the Committee;

(ii) Sri M.D. Adhikari, Senior Environment Scientist, PCBA

(iii) Sri Chandan Kumar Katakai, AEE,PWRD,JTRD, Guwahati -1

(iv) Sri Deepjyoti Medhi, AE, PWRD,JTRD, Guwahati- 1

(v) Sri Debraj Kalita, Town Planner, GMDA, Guwahati. – Be it

declared that the detailed qualifications of the all members of the Committee, are stated in the Report annexed here with.

3. That the Committee conducted through site inspections and meeting with stakeholders, through two separate visits. The First field visit by the Committee was held on 18.10.2024 and the second on 25.10.2024.

The details of which are stated in the Report annexed herewith.

That the committee dealt with all the observations made by the proponent, as regards the Environmental violations made by the Project and also considered the administrative and procedural lapses.

LINA BARUA
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No. 27/02-24

NOTARY
LINA BARUA
Kamrup (Metro)
Regd. No. KAM-37
Exp. Dt. 27/02-25

NOTARY
Bimal Gogoi
Kamrup (Metro)
Regd.No.KAM-50
Exp.Dt.07-02-29

20 FEB 2025

All the detailed observations are stated in the Compliance Report annexed herewith.

5. That besides this the committee after observing the Gross violation committed by the Project proponent, and also identified the comprehensive remedial measures necessary for environmental violations and which should also be followed in future. Be it mentioned that these measures are designed to address both immediate concerns and long time sustainability.

6. That after observing gross violation by the Project Proponent the Committee recommended the Environmental Compensation to be paid by the Project Proponent and also stated the manner in which the same should be paid.

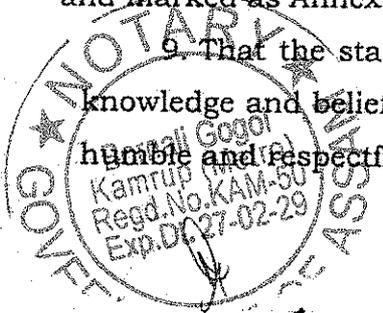
The entire Compliance Report is annexed herewith and marked as Annexure -X to this affidavit.

7. That it is pertinent to mention here, that in order to take appropriate action the copy of the Report has been sent to the Central Ground Water Authority, (CGWA), Assam, and Pollution Control Board, Assam for taking necessary action.

8. That a copy of the entire report is also sent to M/s Arya construction with a direction to comply the observations and recommendations of the committee as suggested in the said Report.

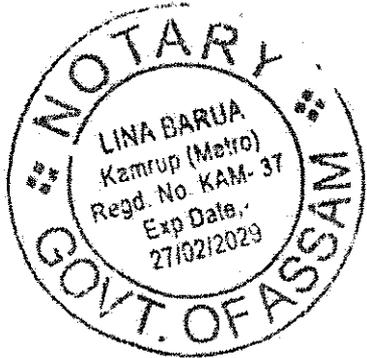
The photocopies of the letters of communication are annexed herewith and marked as Annexure -'Y' .

9. That the statements made in the above paragraphs are true to my knowledge and belief and derived out of available records and - are also my humble and respectful submissions before the Hon'ble Tribunal.



Identified by
Rajeev Kalita
Advocate
Enrl No. 345/2020

20 FEB 2025



Manchumi Barua

DEPONENT

LINA BARUA
NOTARY GOVT. OF ASSAM
Kamrup (Metro) Guwahati
Regd. No. KAM-37

29-01-2025

M. Roy (SEIAA)
Accountant
Tent up
early
29/01/25

To
The Chairman
State Environment Impact Assessment Authority (SEIAA), Assam
Guwahati

Sub: Submission of the Report of the Committee constituted by SEIAA pursuant to NGT order dated September 12, 2024, in OA No. 92/2023/EZ

Sir,

In reference to the Hon'ble National Green Tribunal's order dated September 12, 2024, in Original Application No. 92/2023/EZ and subsequent constitution of this Committee vide SEIAA Office Order bearing no. SEIAA.3431/2023/199 dated 01-10-2024, I am hereby submitting the Committee's detailed report.

The Committee has thoroughly examined all aspects as directed by NGT, including:

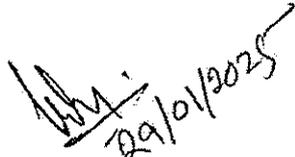
- Assessment of project expansion costs and environmental compensation calculation.
- Evaluation of environmental damage and required remedial measures.
- Review of compliance with EC conditions.
- Analysis of contour intervals and stormwater drainage issues.

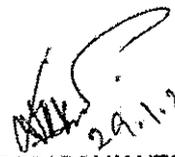
The report contains our findings, analysis, and recommendations based on site visits, document review, and stakeholder consultations.

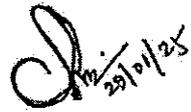
We request you to kindly review the report and take further necessary action as per the NGT's directions.

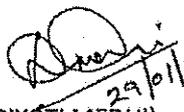
Yours faithfully,

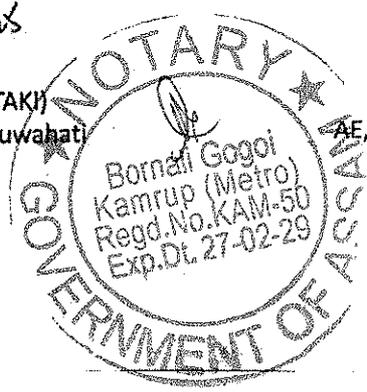

(SARAT PHUKAN)
Member, SEIAA, Assam


(M. D. Adhikary)
Senior Environmental Scientist, PCBA


(DEBARAJ KALITA)
Town Planner, GMDA


(CHANDAN KR KATAKI)
AEE, PWRD(R), JTRD Guwahati


(DEEPIYOTI MEDHI)
AEE, PWRD, JTRD, Guwahati



REPORT OF THE COMMITTEE CONSTITUTED BY SEIAA, ASSAM

(IN COMPLIANCE WITH NGT ORDER DATED 12-09-2024 IN O.A. No. 92/2023/EZ)

A. BACKGROUND

This report has been prepared pursuant to the order dated 12-09-2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. 92/2023/EZ (Dr. Ganesh Das &Ors. Vs. M/s Arya Erectors India Pvt. Ltd. &Ors.). The assessment of violations and recommended actions are based on the following legal and regulatory framework:

1. Environment (Protection) Act, 1986 and Rules thereunder.
2. EIA Notification 2006 and its subsequent amendments.
3. MoEF&CC Office Memorandum dated 07-07-2021 regarding Standard Operating Procedure for dealing with violation cases.
4. NGT Principal Bench order in OA No. 837/2018 (Sandeep Mittal vs. MoEF&CC&Ors.).
5. Supreme Court judgment in Civil Appeal No. 2435/2019 (Keystone Realtors Pvt. Ltd. vs. Shri Anil V. Tharthare and Ors.).
6. Water (Prevention and Control of Pollution) Act, 1974.
7. PCB, Assam Notification No. TECH-15011/B/2024-CCA-PCBA, dt. 26/12/2024

B. COMMITTEE COMPOSITION

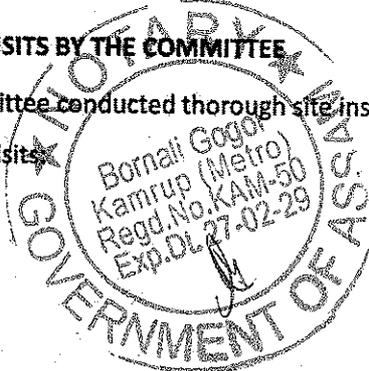
Pursuant to the NGT order dated 12.09.2024, a five-member joint committee has been constituted by SEIAA-Assam vide order dated 01.10.2024 to submit a detailed report as per the NGT directive. The committee comprises experts from relevant fields to ensure comprehensive assessment:

1. Prof. SaratPhukan - Member, SEIAA (Chairman of the Committee) Expertise: Environmental Impact Assessment and Management
2. Shri. M. D. Adhikary - PCBA Expertise: Pollution Control and Monitoring
3. Shri Chandan Kr. Katak, AEE, PWRD, JTRD, Guwahati-1
4. Shri Deepjyoti Medhi, AE, PWRD, JTRD, Guwahati-1
5. Shri Debaraj Kalita, Town Planner, GMDA, Guwahati

The committee's composition ensures representation of all necessary technical and regulatory expertise required for comprehensive evaluation of the environmental violations and determination of appropriate remedial measures.

C. FIELD VISITS BY THE COMMITTEE

The committee conducted thorough site inspections and stakeholder consultations through two separate visits.



1. First Visit (18-10-2024):

- Meeting with representatives of M/s Arya Erectors India Pvt. Ltd and inspection of:
 - STP facility and its operational status
 - Drainage systems and flood-prone areas
 - Green belt implementation
 - Water management systems
 - Collection of relevant documentation and operational data

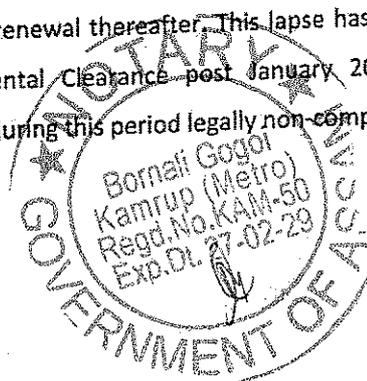
2. Second Visit (25-10-2024):

- Meeting with petitioners and concerned residents for detailed assessment of:
 - Resident grievances
 - Environmental impact on daily life
 - Feasibility of proposed remedial measures

D. KEY OBSERVATIONS BY NGT

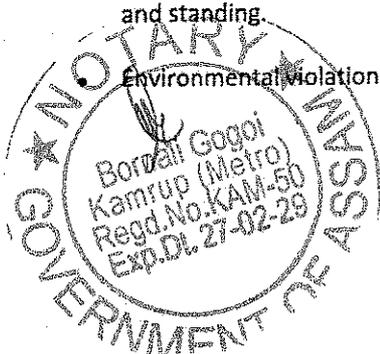
The Hon'ble National Green Tribunal, in its order dated 12-09-2024, has made several significant observations regarding environmental violations and non-compliance by the Project Proponent. These observations form the foundation for this committee's investigation and recommendations. The Tribunal's key findings encompass both statutory violations and operational deficiencies:

1. **Project expansion without environmental clearance:** The Tribunal observed that Respondent No. 1 undertook substantial expansion of the project by incorporating an additional 2 Bighas of land and constructing additional facilities including a clubhouse and swimming pool. This expansion was executed without obtaining the mandatory Environmental Clearance, constituting a clear violation of environmental regulations. The Tribunal particularly emphasized that this action violates clause 2 and 7(ii) of the EIA Notification, 2006, which explicitly requires prior environmental clearance for any project expansion.
2. **Environmental clearance validity and operation:** The Environmental Clearance initially issued on 21-01-2014 had a validity period of five years, extending till 21-09-2019. While this was automatically extended to 20-01-2021 through regulatory provisions vide No. F.No. 22-27 /2015 -IA- III dated 12 April, 2016 , the Tribunal noted that Respondent No. 1 failed to apply for renewal thereafter. This lapse has resulted in the project operating without valid Environmental Clearance post January 2021, making any construction or operational activities during this period legally non-compliant.



3. **Operational non-compliances:** The Tribunal identified several operational violations that directly impact environmental quality and public health:
- The project operated without a valid Consent to Operate (CTO) after 31-03-2023.
 - Groundwater extraction was conducted without obtaining necessary permissions from the Central Ground Water Authority.
 - The Sewage Treatment Plant (STP) was found non-operational during inspection by concerned authority.
 - Significant issues were observed in the stormwater drainage system including insufficient cross sectional area of sewage drains, improper gradient and inadequate flow capacity.
 - The stormwater drains showed signs of neglect, evidenced by greyish to blackish colouration.
4. **Project modifications and scope changes:** The NGT noted significant deviations from the originally approved project scope. The Respondent No. 1 modified the development plan by converting approved apartments into villas and abandoning the planned retail outlets. Such fundamental changes in project scope, as per the NGT observation, necessitated a fresh environmental appraisal, which was not undertaken. These alterations potentially impact the overall environmental footprint of the project and require reassessment of various environmental parameters.
5. **Administrative and procedural lapses:** The NGT critically observed that SEIAA's order dated 09-05-2023, which addressed the applicants' representations, was inadequate and cursory in nature. The order failed to properly examine the grievances raised by the applicants in their representations dated 06-07-2022 and 20-10-2022. This observation highlights the need for more thorough and substantive consideration of environmental concerns raised by affected parties.
6. **Legal standing and jurisdiction:** The NGT decisively addressed preliminary objections raised by Respondent No. 1 regarding res judicata, limitation, and locus standi. In rejecting these objections, the Tribunal established important principles:
- The applicants, as purchasers of houses/villas/flats in the project, have direct stake and standing.

Environmental violations create continuous cause of action.



- The matter involves substantial environmental concerns requiring adjudication.
7. **Environmental impact assessment:** Drawing from the Supreme Court's judgment in the Keystone Realtors case, the Tribunal emphasized the fundamental principle that environmental impact assessment must precede both project execution and expansion. This observation reinforces the preventive approach in environmental protection.

E. TASKS ORDERED FOR SEIAA, ASSAM

The National Green Tribunal has issued the following specific directions to SEIAA, Assam:

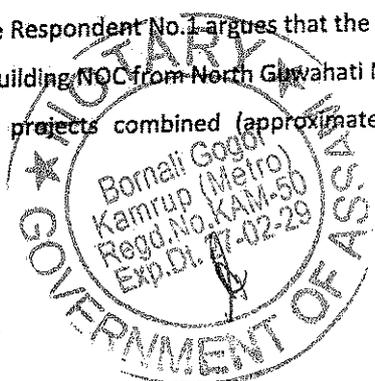
1. Regarding joint assessment, SEIAA must collaborate with PCBA to determine the actual cost incurred in the project expansion and calculate environmental compensation at 1% of the project cost, which is to be deposited with PCBA.
2. Concerning damage assessment and remedial measures, SEIAA is tasked for working out appropriate remedial measures based on their damage assessment. They must ensure that these measures are implemented by Respondent No. 1.
3. SEIAA must undertake a fresh review of the previous representations dated 06-07-2022 and 20-10-2022. This review should result in a new, reasoned order that properly addresses the issues raised, followed by appropriate remedial action based on their findings.
4. Regarding technical compliance, SEIAA must examine compliance with specific condition at Part-A (I)(i) of the EC. This involves reviewing the analysis of contour intervals of the site and surrounding areas, as well as the capacity of stormwater drainage. Based on this examination, they must take appropriate action regarding any non-compliance.
5. On the enforcement front, SEIAA is directed to take action against Respondent No. 1 for violation of EC conditions, ensuring that principles of natural justice are followed.
6. Finally, regarding timeline and reporting, SEIAA must complete all these directed exercises within three months. They must then file an action taken report with the Registrar, NGT, Eastern Zone Bench at Kolkata. The matter may be listed for further consideration if found necessary.

F. OBSERVATIONS AND RECOMMENDATIONS

Based on detailed site inspections, stakeholder consultations, and technical assessments, the committee presents its findings and recommendations as follows:

1. Expansion and scope changes of the project:

While the Respondent No. 1 argues that the additional land was registered as a separate project with its own building NOC from North Guwahati Municipal Corporation, and that the total built-up area of all three projects combined (approximately 29,750 sqm) is only about 48% of the approved



constructed area of 62,133.036 sqm as per the EC dated 21.01.2014, this does not address two core issues:

- a) The first issue relates to proceeding with construction without necessary environmental clearances. The Respondent's contention that the construction on the 2 bighas of land does not qualify for EC due to its size being only around 446 sqm, which is less than the 20,000 sqm minimum threshold, overlooks the fact that this was an addition to an existing EC-approved project requiring reappraisal. As per the NGT order dated 12.09.2024, this constitutes a violation requiring environmental compensation.
- b) The second issue pertains to significant changes in the approved project scope. The Respondent has modified the development plan by converting approved apartments into villas and abandoning the planned retail outlets. As per General Condition No. 3 of the EC dated 21.01.2014, "In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by the SEIAA." These fundamental changes in project scope were implemented without obtaining the mandatory fresh environmental appraisal, constituting a separate violation of EC conditions.

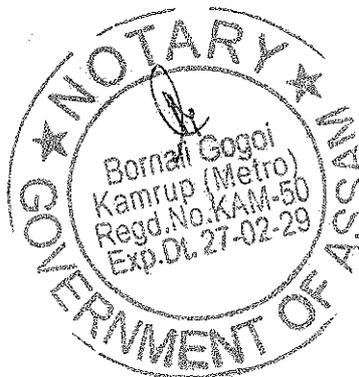
Both these actions - physical expansion and scope modification - have potentially altered the project's environmental footprint from what was originally assessed and approved in the EC, requiring fresh environmental impact assessment as per established legal precedents.

2. Remedial measures

During the field visits and after extensive consultations with stakeholders, the committee has identified comprehensive remedial measures necessary to address the environmental violations and ensure future compliances. These measures are designed to address to both immediate concerns and long-term sustainability:

(a) Water flooding during monsoon

The property faces significant flooding issues during monsoon, presenting a major environmental and safety concern. The committee's investigation revealed that storm waters enter the campus through multiple points including sewage canals and boundary wall openings. As the sewage canals of the ASL campus being lower than the PWD surface road side drain exist outside the campus, cannot discharge water from the campus. The current mitigation measure of using two/three water pumps has proven insufficient. A proper design for managing storm water flooding would need a very detailed study and planning.



A professional survey conducted by Precision Surveying Co., dated 22-10-2022, has documented significant terrain differentials:

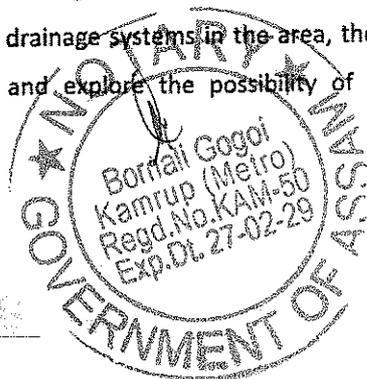
- Western boundary: Ground level 20cm higher than Phase 1 campus
- Southern boundary: 61cm higher than Phase 1 campus
- Eastern boundary: 26cm higher than Phase 1 campus
- Northeastern boundary: 26cm higher than Phase 1 campus
- PWD drain bed level near ASL campus: 16cm higher than trijunction area of ASL drain

The area surrounding the Arya Smart Living campus has undergone significant terrain modifications due to extensive construction activities in adjacent areas like upgradation of road works. The existing drainage system inside the Arya Smart Living campus requires comprehensive redesign and major rehabilitation works. This would necessitate advanced terrain mapping and hydrological assessment using modern technology.

The survey should employ drone-based LIDAR mapping combined with RTK-GPS ground control points to generate a high-resolution Digital Elevation Model (DEM) with accuracy up to 10cm. This would provide precise terrain data of both the campus and surrounding areas up to 500 meters radius, with particular attention to drainage pathways and potential water accumulation zones. The acquired data should be processed using advanced hydrological modelling software to simulate various rainfall scenarios, accounting for both regular monsoon conditions and extreme weather events. This modelling would enable the design of optimal drainage solutions calibrated to actual site conditions. While the initial cost for such a detailed survey is higher than conventional methods, it would prove cost-effective by enabling precise drainage solutions and preventing future flooding issues. Alternatively, the Respondent No. 1 may obtain suitable high-resolution LIDAR data from government agencies such as PWD or GMDA, if available, provided it meets the technical requirements for accurate hydrological modelling.

The committee recognizes that due to the ASL campus being significantly lower than the surrounding areas, a conventional gravity-based drainage system alone may not provide complete resolution to flooding issues. The hydrological modelling should therefore evaluate a comprehensive solution that integrates multiple approaches.

As the existing PWD roadside drain are designed primarily as run-off drains, the committee recommends that Respondent No. 1 should first consult with PWD regarding their future plans for stormwater management infrastructure in this area. If there is a plan from PWD to develop stormwater drainage systems in the area, the Respondent No.1 should align their drainage design accordingly and explore the possibility of developing connecting discharge drains that would



integrate with the planned PWD infrastructure. This forward-looking approach would ensure that any investments in drainage infrastructure by the Respondent No. 1 would be compatible with future municipal developments.

Within the campus, the drainage system should be designed considering both regular monsoon conditions and extreme weather events. The exact specifications, locations, and designs should be determined through the hydrological modelling process. The modelling should evaluate scenarios both with and without potential future municipal stormwater infrastructure to ensure adaptability of the proposed solutions.

If the hydrological modelling indicates that gravity-based drainage solutions and integration with future municipal infrastructure would not adequately address the flooding issues, the committee recommends evaluating an engineered water management system as a last resort. This would include identifying and permanently sealing all boundary wall openings to prevent storm water inflow from outside, strategic placement of sluice gates at key drainage points that can be closed during extreme flooding events to prevent backflow, creation of a stormwater retention pond (either covered or open) at a suitable location within the campus, and installation of high-capacity pumps with backup power systems to evacuate accumulated water to external drainage networks, whenever necessary. However, this approach should only be considered after exhausting other options, as it would require significant investment in infrastructure, continuous maintenance, and reliable power backup systems to ensure functionality during critical periods.

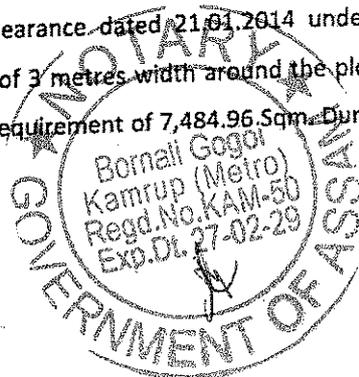
The final design should incorporate whichever combination of these approaches proves most effective based on the hydrological modelling results, while ensuring long-term sustainability and reliability of the system.

The initial development cost for implementing any of these solutions, including the engineered water management system if required, shall be borne by Respondent No. 1. The recurring costs including regular maintenance, power consumption, equipment servicing, and other operational expenses would be the responsibility of the Residents' Society.

This committee does not have required time, budget and technical resources to do this entire study itself, and therefore, suggests SEIAA orders the Respondent No. 1, as per the NGT order, to institute entire study as mentioned above by engaging a competent public sector organization.

(b) Green Belt non-compliance

The Environmental Clearance dated 21.01.2014 under Part-A(II)(v) mandates development of a peripheral green belt of 3 metres width around the plot area with local species. The EC specifies a total green belt area requirement of 7,484.96 Sqm. During field inspection, the committee observed



significant non-compliance with these conditions. The green belt is either non-existent or substantially less than the mandated 3 metres in multiple locations.

The committee's investigation has identified two major structural impediments:

1. The main sewage drain constructed inside the boundary wall partially occupies the space required for the peripheral green belt.
2. Certain residential structures have been constructed in very close proximity to the boundary wall.

During interaction with residents, it was proposed to maintain at least one-metre width of green belt in locations where residential structures are near the boundary. They suggested construction of provision of the green belt to be on the raised bed to serve as an additional barrier against the inflow of external water.

However, even this measure may require significant engineering modifications, including relocation of the boundary sewage drain and construction of an alternative drainage system.

The committee recommends integrating green belt development with the comprehensive topographic survey and redesign of the drainage system. The viability of creating the green belt on a raised bed would be investigated during the survey and subsequent hydrological modelling. Implementation should proceed in phases:

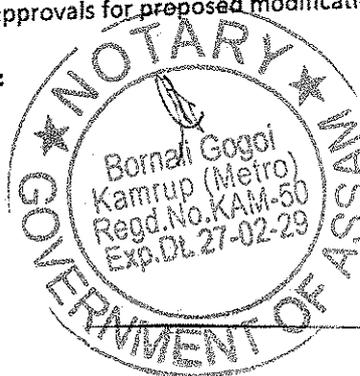
Phase 1 (Immediate):

- Identify and map all available spaces suitable for green belt development.
- Establish 3-meter green belt in unencumbered areas where no structural or drainage constraints exist.
- Maintain existing green areas with proper care protocols.

Phase 2 (Technical assessment):

- Complete topographic survey and hydrological modelling.
- Based on modelling results, integrate modified drainage and green belt designs.
- Determine feasibility of raised bed structures and their impact on drainage.
- Prepare detailed engineering plans for drainage modifications inside the campus.
- Obtain necessary approvals for proposed modifications from the competent authority.

Phase 3 (Implementation):



- Execute approved drainage system modifications.
- Construct raised bed structures if approved by hydrological assessment.
- Implement 1-meter wide green belt in areas with structural constraints.
- Create compensatory plantation in identified alternative locations to achieve the mandated 7,484.96 Sqm total green area.
- Establish long-term maintenance protocols for all planted areas

(c) Non-functional STP

The Environmental Clearance dated 21-01-2014 under Operation Phase Conditions Part-A(II)(I) mandates that "The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done. Zero discharge criteria should be met as agreed."

During field visits on 18-10-2024 and 25-10-2024, the committee conducted detailed inspection of the STP facility. The STP, designed with a capacity of 70 KLD, was found to be operating significantly below its intended efficiency. According to the Project Proponent's own admission, the plant operates only twice a week during night time for 2-3 hours instead of the mandatory daily operation. This intermittent operation has resulted in inadequate treatment of sewage, creating potential environmental and health hazards for the residents.

The committee's inspection revealed several critical deficiencies in the STP's operation and maintenance. The treatment units showed signs of poor maintenance with accumulated sludge and inadequate aeration. The absence of proper flow meters at inlet and outlet points makes it impossible to verify the actual volume of sewage being treated. Furthermore, no records were available regarding the quality of treated effluent or its utilization, indicating a complete absence of proper monitoring and documentation systems.

The operational staff interviewed during the inspection demonstrated insufficient understanding of the treatment process and operational requirements. No standard operating procedures were available at the site, and maintenance logs were either incomplete or non-existent. The lack of proper training and operational protocols has contributed significantly to the plant's poor performance.

Given these critical violations and their direct impact on public health and environment, the committee recommends a comprehensive rehabilitation program. The Project Proponent must



undertake immediate repair and upgradation of the STP to ensure its proper functioning. This should include installation of proper monitoring equipment, flow meters, and automated dosing systems. A qualified operator must be appointed, and proper training should be provided to all operational staff.

The committee further recommends that an independent expert should be engaged to certify the STP's operation, as originally mandated in the EC. Regular monitoring of inlet and outlet parameters through NABL accredited laboratories should be initiated, and proper records should be maintained. The Project Proponent should submit monthly performance reports to SEIAA until stable operation is achieved, following which quarterly reports would suffice.

(d) Improper grey water and black water separation

The Environmental Clearance dated 21-01-2014 under Specific Conditions at Part-A(I)(xviii) mandates that "Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water." During field inspections conducted on 18-10-2024 and 25-10-2024, the committee undertook a thorough assessment of the water management systems within the campus and found significant violations of this condition.

The Project Proponent has implemented the dual plumbing system only partially.

This partial implementation reflects a significant deviation from the EC requirements, which mandate comprehensive separation throughout the project. The committee observed that grey water from most residential units is being directly discharged into open drains without any treatment or separation, creating unhygienic conditions within the premises.

The situation becomes particularly problematic during monsoon periods when grey water mixes with rainwater and spreads across the open areas, exacerbating the existing flooding issues. Water samples collected from various points within the campus showed high organic content, indicating mixing of grey and black water streams. This mixing not only violates EC conditions but also nullifies the potential benefits of water recycling and reuse that could have been achieved through proper separation.

During discussions with residents, several complaints were received regarding foul odour from the drains and waterlogged areas, indicating the presence of organic matter in the grey water being discharged. The committee also noted that the absence of proper separation systems has led to increased load on the already struggling STP, affecting its performance and efficiency.

The committee recommends that the Respondent A must undertake comprehensive modification of the plumbing system to ensure proper separation of grey and black water streams throughout the



campus. This modification should be integrated with the proposed drainage system redesign to ensure optimal functionality. The implementation should include installation of appropriate treatment facilities for both water streams and establishment of a proper monitoring system to ensure sustained compliance.

3. Environmental compensation assessment

Based on the detailed investigation of violations and following the directives of NGT and guidelines of MoEF&CC, the committee has assessed the environmental compensation under different categories of violations:

(a) Project expansion and scope change without Environmental Clearance

The committee confirms two distinct violations in this category:

Physical Expansion: Respondent No. 1 expanded the project by adding 2 bighas of land and constructing additional facilities including clubhouse and swimming pool without obtaining necessary environmental clearance. The expansion was registered as a separate project with Regulatory Estate Regulatory Authority, Assam, bearing Temp Project Id RERA-ASM-PROJ-130-2022 (Annexure-1) with submission date 04-07-2022. The estimated cost of this expansion project is documented as Rs. 148.50 Lakhs.

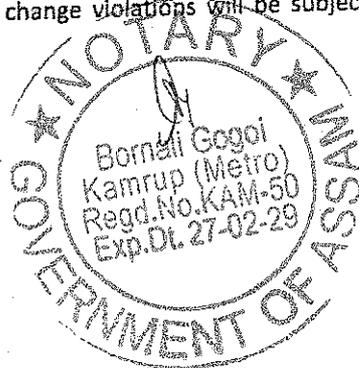
Scope Modification: The Respondent has substantially modified the project scope from the originally approved plan by:

- Converting approved apartments into villas
- Abandoning the planned retail outlets

These changes were implemented without obtaining the mandatory fresh environmental appraisal required under General Condition No. 3 of the EC.

Following the NGT's direction to levy environmental compensation at 1% of the expansion cost for the physical expansion, the committee determines the compensation amount as Rs. 1,48,500/- (Rupees one lakh forty-eight thousand five hundred only).

In light of the Hon'ble Supreme Court's stay order dated 02.01.2024 in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India on the operation of Office Memoranda dated 7th July 2021 and 28th January 2022, the determination and imposition of environmental compensation for both the physical expansion and scope change violations will be subject to further orders of the Supreme Court.



(b) Operation without valid Environmental Clearance

The Environmental Clearance dated 21.01.2014 was initially valid for five years till 21-01-2019, which was automatically extended to seven years (till 21-01-2021) through MoEF&CC Office Memorandum dated 12-04-2016. As evidenced by RTI responses dated 28-12-2020 and 13-05-2022 from SEIAA, Respondent No. 1 has not applied for extension of EC after its expiry.

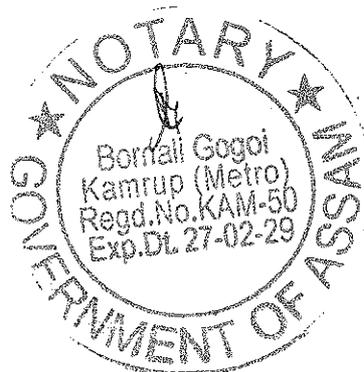
The period of violation can be precisely determined based on documentary evidence. The Environmental Clearance expired on 21-01-2021.

The project has not received full occupancy certificate from Guwahati Metropolitan Development Authority (GMDA) or North Guwahati Municipal Board (NGMB) till today. The occupancy certificate bearing no. NGMB/BP/2021-22/2129 dated 31-07-2021 was cancelled by NGMB. Subsequently, NGMB issued a part occupancy certificate, bearing no. NGMB/BP/2022-23/2870 dated 02-11-2022, for the portion of the club house constructed within the approved site of 2 bighas (Annexure-2), as communicated to Real Estate Regulatory Authority, Assam (RERA) vide letter no. NGMB/BP/2022-23/2916 dated 06-12-2022 (Annexure-3). Later, GMDA has issued another part occupancy certificate vide letter no. GMDA/BP/2214/26112012/679 dated 21-08-2023 covering only 64 out of total 123 villas (Annexure-4). The project continues to operate without valid EC although it was expired on 22-01-2021. As of the date of this report, this constitutes a period of 48 months (from 22-01-2021 to 31-01-2025), and the violation continues.

In light of the Hon'ble Supreme Court's stay order dated 02.01.2024 in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India on the operation of Office Memoranda dated 7th July 2021 and 28th January 2022 (Annexure-5), the determination and imposition of environmental compensation for operating without valid EC during this period will be subject to further orders of the Supreme Court.

(c) Non-submission and Delayed Submission of six-monthly Compliance Reports

The Environmental Clearance conditions under Part-B General Conditions (1) mandate regular submission of six-monthly compliance reports to SEIAA and Regional Office of MoEF&CC. The committee's examination of records reveals that the Project Proponent submitted eleven compliance reports on 14-07-2022, covering the period from January 2014 to January 2019 (Annexure-6). These reports, while comprehensive in coverage, were submitted after a significant delay of more than three years from their due dates. Furthermore, no compliance reports were submitted for the extended EC period from January 2019 to January 2021, during which four reports were due.



In light of the Hon'ble Supreme Court's stay order dated 02.01.2024 in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India on the operation of Office Memoranda dated 7th July 2021 and 28th January 2022, the determination and imposition of environmental compensation for delayed and non-submission of compliance reports will be subject to further orders of the Supreme Court.

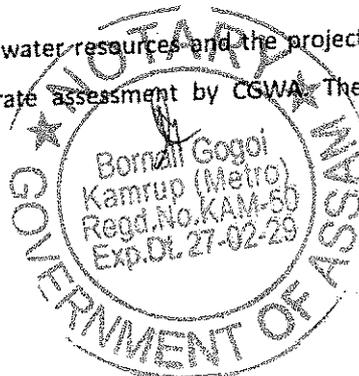
(d) Operation without valid Consent to Operate from PCBA

The Pollution Control Board, Assam issued Consent to Operate (CTO) to M/S. Arya Smart Living, ARB Road, Abhayapur, North Guwahati, District- Kamrup under Section 25 of Water(Prevention and Control) 1974, and Section 21 of Air(Prevention and Control), 1981 with validity till 31-03-2023. Due to non-submission of renewal of Consent to Operate(CTO) the Board has issued a notice to the occupier vide letter no. APCB/ROK/T-608/24-25/55, dated 26th December 2024 (Annexure-7). In response to the communication with Arya Erectors Pvt. Ltd, they refused to apply for renewal of CTO and stated with legal proof that they have handed over the monitoring and maintenance the common area and common facilities of the housing project to the Housing Society in the name and style " Arya Smart Living Group Housing Co-Operative Society Limited" which include Sewage Treatment Plant(STP), DG set(2 nos) etc. (Annexure-8). Subsequently the Board has issued another notice to the President of the Housing Society vide letter no. APCB/ROK/T-608/24-25/84, dtd, 16th January,2025 with a direction to submit renewal of CTO application to the Board (Annexure-9). The compensation for CTO violation would be imposed by the PCBA at the time of CTO renewal.

(e) Groundwater extraction without CGWA permission

The committee's investigation reveals that groundwater extraction has been undertaken without obtaining the mandatory permission from Central Ground Water Authority. During site inspection, it was observed that the Project Proponent has installed groundwater extraction systems for meeting the project's water requirements. The Project Proponent has explained that they did not obtain CGWA permission because: 1) they had originally planned to use municipal water supply from the JICA-GMDA project which was promised by 2016 but did not materialize, 2) water being a state subject and the Assam Ground Water Control and Regulation Rules only being approved in 2022 after project completion, 3) CGWA permission not being considered mandatory in Assam when the project started in 2013, and 4) no other similar real estate projects in Assam during that period had reportedly applied for such permission. However, regardless of these explanations, the quantum of groundwater extracted and the duration of such unauthorized extraction needs to be determined by CGWA for calculating appropriate environmental compensation as per their established guidelines.

Given the critical nature of groundwater resources and the project's location in a water-sensitive area, this violation requires separate assessment by CGWA. The committee believes it is the



authority of the CGWA to determine the compensation amount considering factors such as the quantum of extraction, duration of violation, and the area's hydrogeological sensitivity. The SEIAA, Assam is hereby requested to intimate CGWA regarding this matter.

(f) Summary of Environmental Compensation

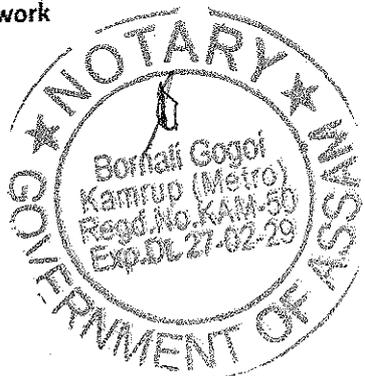
The committee has assessed potential violations related to:

1. Expansion and change of scope without EC
2. Compliance Report submissions
3. Operating without valid EC
4. CTO Violations (under PCBA jurisdiction)
5. Groundwater Extraction (under CGWA jurisdiction)

The committee notes that:

- The quantification and imposition of environmental compensation in relation to EC violations is currently subject to the Supreme Court's stay order in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India.
- The compensation amounts cannot be finalized or demanded until further orders from the Supreme Court by the SEIAA, Assam. The final determination and payment of any compensation will be subject to applicable judicial orders and statutory provisions.
- The compensation for CTO violation would be imposed on the Respondent No. 1 at the time of renewal of CTO for which the Respondent No.1 and the Residents' Society (Arya Smart Living Group Housing Cooperative Society Limited) are already served show-cause notice by the PCBA.
- Separate assessments by CGWA regarding unauthorized groundwater extraction may proceed as per their respective statutory frameworks. The SEIAA, Assam is requested to intimate the CGWA in this matter.
- The above recommendations and actions would effectively address the the grievances raised by the petitioner in its representations dated 06-07-2022 and 20-10-2022 to the SEIAA, Assam.

4. Implementation and monitoring framework



The committee, after careful consideration of all aspects of environmental violations and necessary remedial measures, recommends a comprehensive implementation and monitoring framework to ensure effective compliance and environmental protection:

(a) Implementation timeline

The remedial measures shall be implemented in three distinct phases:

Immediate phase (Within 30 Days): The Respondent no. 1 must address critical environmental and health concerns by ensuring functional operation of essential environmental infrastructure. This includes regular operation of STP with proper documentation, collection and submission of all documents related to project expansion and scope changes, implementation of green belt in unencumbered areas, and initiation of the topographic and hydrological survey process through engagement of a competent public sector organization. The Project Proponent shall submit a detailed action plan to SEIAA covering all remedial measures with specific timelines.

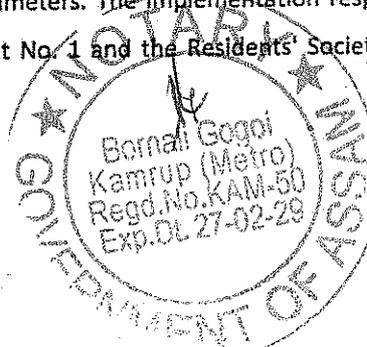
Short-term Phase (1-3 months): This phase shall focus on technical assessments and comprehensive design modifications. The Respondent no. 1 shall first explore the possibility of obtaining suitable high-resolution topographical data from PWD or other government agencies. If such data meeting the technical requirements is not available, then a fresh topographic survey (Drone based LIDAR) shall be conducted. The acquired topographical data shall be used for hydrological modelling, leading to a comprehensive drainage system redesign. Based on these studies, detailed plans shall be developed for green belt implementation and modification of the plumbing system for proper grey/black water separation. The Respondent no. 1 shall also establish proper monitoring systems and documentation protocols for all environmental parameters.

Long-term phase (3-6 months): This phase shall involve implementation of all major structural changes including drainage system modifications, establishment of green belt in feasible areas as per the approved plan, modification of plumbing systems to ensure proper water separation, and installation of permanent environmental monitoring infrastructure. The Respondent No. 1 shall ensure completion of all remedial measures within this timeframe.

(b) Monitoring protocol

The committee recommends establishment of a robust monitoring system to ensure effective implementation of remedial measures and sustained environmental compliance:

Environmental monitoring: The Respondent No. 1 shall establish a comprehensive environmental monitoring system covering all critical parameters. The implementation responsibilities have been clearly delineated between the Respondent No. 1 and the Residents' Society (ASL Group Housing



Cooperative Society Ltd). While the Resident No. 1 shall be responsible for implementing all remedial infrastructure and completing required modifications, the Residents' Society shall undertake regular operational monitoring including STP operations, drainage system performance, and water quality testing through NABL accredited laboratories.

Compliance documentation: A systematic documentation process shall be maintained for all environmental aspects. This shall include maintenance of separate registers for each environmental component, photographic documentation with proper date and time stamps, and regular compliance status reports to regulatory authorities. Special emphasis shall be placed on documenting the implementation of remedial measures and modifications to ensure full compliance with both original EC conditions and additional requirements.

Third-Party verification: Independent third-party audits shall be conducted quarterly to verify compliance with both remedial measures and EC conditions. The audit scope shall cover verification of physical infrastructure modifications as well as operational compliance. The audit reports shall be submitted to SEIAA with copies to PCBA. The auditors shall be selected from a panel of approved environmental auditors with relevant expertise in construction sector environmental management.

G. CONCLUSIONS AND FINAL RECOMMENDATIONS

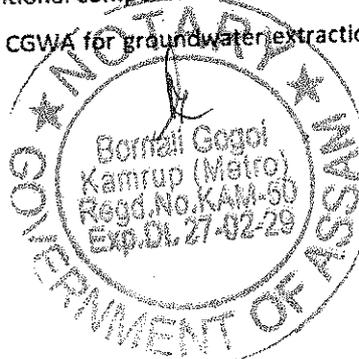
After thorough evaluation of all aspects of the case, the committee presents its final conclusions and recommendations for ensuring environmental compliance and protection:

(a) Summary of environmental violations

The Project Proponent has committed multiple violations of environmental regulations and EC conditions. These include physical expansion without EC, changes in project scope without fresh appraisal, operational non-compliances, and various procedural violations. The violations have resulted in significant environmental impacts, particularly concerning water management and green belt requirements. The committee notes that while some violations occurred due to technical constraints, others resulted from inadequate environmental management systems and lack of proper monitoring.

(b) Financial implications

As mentioned above, the penalty for EC violations is currently subject to the Hon'ble Supreme Court's stay order in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India and the same would be calculated by SEIAA for the periods mentioned in this report once the verdict is given by the Hon'ble Supreme Court in this matter. Additional compensations to be determined by PCBA for CTO violations at the time of CTO renewal and CGWA for groundwater extraction shall be added to this



amount. The Respondent No. 1 shall bear all costs associated with implementation of remedial measures, including obtaining/conducting necessary technical studies and implementing drainage system modifications.

(c) Mandatory actions

Environmental infrastructure:

- Immediate rehabilitation and daily operation of STP
- Implementation of proper dual plumbing system
- Development of green belt as per modified plan
- Installation of scientific drainage system based on proper hydrological assessment

Documentation and monitoring:

- Establishment of proper record-keeping system
- Regular environmental monitoring through accredited laboratories
- Maintenance of operational logs for all environmental infrastructure
- Regular submission of compliance reports

Administrative requirements:

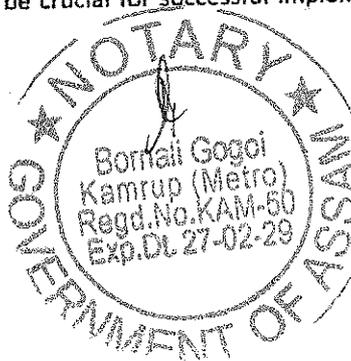
- Payment of environmental compensation within stipulated timeframe
- Obtaining necessary permissions from CGWA
- Renewal of Consent to Operate
- Regular training of operational staff

(d) Future compliance measures

To prevent recurrence of violations and ensure sustained environmental protection, the committee recommends:

- Establishment of dedicated Environmental Management Cell
- Regular environmental audits by third-party experts
- Periodic review meetings with regulatory authorities
- Development of emergency response protocols

The implementation of these recommendations shall ensure compliance with environmental regulations while addressing the concerns raised by residents. Regular monitoring by SEIAA and other regulatory authorities will be crucial for successful implementation of these measures. Clear

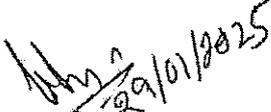


delineation of responsibilities between the Project Proponent and the Residents' Society is essential for long-term sustainability of these measures.

This committee requests the SEIAA, Assam to take actions early and serve notice to the Respondent No. 1 for implementing of aforesaid remedial measures.


29/01/2025
(SARAT PHUKAN)

Member, SEIAA, Assam

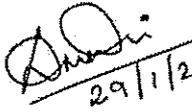

29/01/2025
(M. D. Adhikary)

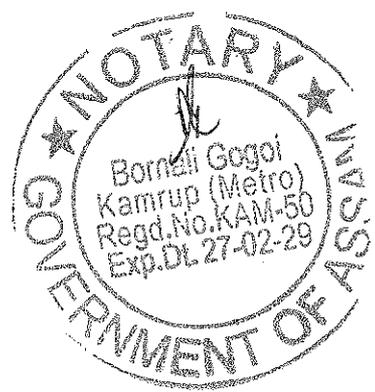
Senior Environmental Scientist, PCBA


29.1.25
(DEBARAJ KALITA)

Town Planner, GMDA


29/01/25
(CHANDAN KR KATAKI)
AEE, PWRD(R), JTRD Guwahati


29/1/25
(DEEPIYOTI MEDHI)
AE, PWRD, JTRD, Guwahati



- 68 - (23)
Annexure-1

RERA, Assam

Temp Project Id : RERA-ASM-PROJ-130-2022
Submission Date : 04-07-2022 08:20:33 AM
Applicant Type : Company
Project Type: ONGOING

FORM-A

Part - 1

1. Name and registered address of the company

ARYA ERECTORS INDIA PRIVATE LIMITED

(Annex a copy in Folder)

HOUSE NO. 123, ARYA SMART LIVING, ABHAYPUR, NORTH GUWAHATI, PO COLLEGE NAGAR, PS CHANGSARI, DIST KAMRUP, ASSAM, PIN-781031

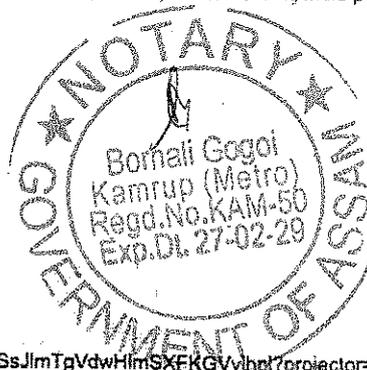
Phone(Landline)	6900523731
Phone(Mobile)	6900523731 (Number Shared by Promoter in Public)
Email ID	aryaerectorsindia@gmail.com
Website	
Pan No. (Annex a copy in Folder A)	XXXX598E
CIN No./Firm Registration No. (Annex a copy in Folder A)	U70101AS2010PTC010190

2. Managing Director/HOD/CEO:

Name : **ANIL KUMAR SARMA**
Office Address : **UZANBAZAR**
Phone (landline)
Phone (Mobile) **6900523731** (Number Shared by Promoter in Public)
Email ID **aryaerectorsindia@gmail.com**
District **KAMRUP M**
WhatsApp No.
Ward No.
Landmark
Road Name
Town/ Village **GUWAHATI**
Bylane
P.O. KAHILIPARA



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OFFICE OF THE NORTH GUWAHATI MUNICIPAL BOARD
 :::NORTH GUWAHATI:::GUWAHATI-781030:::

No. NGMB/BP/2022-23/2870

Dated: 02-11-2022



2A

OCCUPANCY CERTIFICATE
 [Under Rule 15 (a) of Building Byelaws, 2014]

To,

SRI ANIL KUMAR SARMA,
 Managing Director
 Arya Erectors India Pvt. Ltd.
 H. No. 123, Arya Smart Living, Abhaypur,
 North Guwahati, Dist: Kamrup,
 Assam, PIN-781030

Sir / Madam,

This is to certify that the construction of the R.C.C. Building- G.F.+1st floor (Part) approved vide No Objection Certificate No. NGTC/NOC/2013-14/1742 dated 18/12/2013, situated at Revenue Villages - North Guwahati Town, Mouza: Sila-Sindurighopa, Dist: Kamrup, Assam covered by Dag Nos. 764 of K. P. Patta No. 272 completed under the supervision of Technical Person- Akar Foundation, having registration No. CA/97/22284, is permitted to occupy the building based on the following-

1. Earlier Occupancy Certificate vide No. NGMB/BP/2021-22/2129 dated 31/07/2021 issued in favour of M/S Arya Erectors India Pvt. Ltd. is hereby cancelled as per order from the Chief Executive Officer, GMDA vide Order No. GMDA/BP/2214/26112012/489 dated 16/09/2022.
2. Completion Certificate submitted by RTP along with as built drawings showing plot and built-up areas.
3. Completion Report in Form No. 16.
4. Certificate by Architect on Record in Form No. 17.
5. Certificate by Construction Engineer on Record in Form No. 18.
6. Certificate by Structural Engineer on Record in Form No. 19.
7. Area statement of building as per as built drawing in Form No. 20.
8. Certificate from the Chief Electrical Inspector cum Adviser, APDCL, Assam issued vide No. CEIA/SES/2017/PT/Amingaon/SS/12 & CEIA/SES/2017/PT/Amingaon/OH/12 dated 23/08/2018.
9. N.O.C. issued vide No. F&ES/FPW/3362/794/18 dated 11/12/2018 from the Director of Fire and Emergency Services, Assam.
10. Rain Water Harvesting provisions are existing.
11. Parking provided at Ground 6 Nos. and Open 8 Nos. is as per approved site plan.
12. Segregate and store waste generated into two separate bins, i.e. biodegradable, non-biodegradable. Handover segregated waste to be processed, treated and disposed off through composting within the premises.

One set of completion plan / as built drawing duly certified is returned herewith.

Yours faithfully

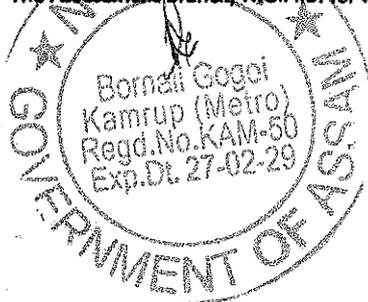
[Signature]
 Executive Officer
 North Guwahati Municipal Board
 North Guwahati-30

Memo No. . NGMB/BP/2022-23/2870 (A)

Dated: 02/11/2022

Copy to:-

1. The Chief Executive Officer, GMDA, Bhangagarh, Guwahati for favour of information.
2. Akar Foundation, 2nd Floor, Woodland Marriage Hall Complex, Opp. DGP Office, B.K. Kakati Road, Uluberi, Guwahati-781007
3. The Assessment Branch, N.G.M.B. for information.



[Signature]
 Executive Officer
 North Guwahati Municipal Board
 North Guwahati

376
11/12/22
NORTH GUWAHATI MUNICIPAL BOARD

OFFICE CHAIRMAN
NORTH GUWAHATI MUNICIPAL BOARD
GUWAHATI - 30

- 70 -
(655)

MEMO/DP/2022-23/2916

TP
MS

Date
06/12/2022

To
The Secretary,
Real Estate Regulatory Authority, Assam
Jawahar Nagar, Khanapara,
Guwahati-781022

Nikhil Deka
12/12/22

Sub: Action taken by North Guwahati Municipal Board on the order dated 16/09/2022 passed by the Chief Executive Officer, Guwahati Metropolitan development Authority.

Ref: Your letter No. Assam/RERA/2017/64/170 Dated 28/11/2022.

Sir,

With reference to the subject cited, I hereby inform you that a hearing was called by the Chief Executive Officer, Guwahati Metropolitan development Authority (GMDA) on 01/09/2022 at the office of the CEO, GMDA. And as per the order of the CEO, GMDA, dated 16/09/2022, the Occupancy Certificate issued by us to M/S Arya Erectors India Pvt. Ltd. bearing No. NGMB/BP/2021-22/2129 dated 31/07/2021 was cancelled and a fresh proposal for occupancy certificate was submitted by M/S Arya Erectors India Pvt. Ltd. for the constructed part that falls under the jurisdiction of the North Guwahati Municipal Board. Accordingly, we verified the proposal and issued a part occupancy certificate bearing No. NGMB/BP/2022-23/2870 dated 02/11/2022.

Please find enclosed a copy of earlier occupancy certificate cancellation and new part occupancy certificate issued to M/S Arya Erectors India Pvt. Ltd for your kind perusal.

Yours faithfully

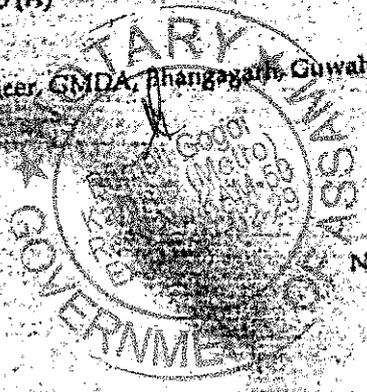
[Signature]
Executive Officer
North Guwahati Municipal Board
Guwahati
North Guwahati Municipal Board
North Guwahati

Dated: 05/12/2022

Memo No. NGMB/BP/2022-23/2916 (A)

Copy to:-

✓ The Chief Executive Officer, GMDA, Bhangaagah, Guwahati for favour of information



[Signature]
Executive Officer
North Guwahati Municipal Board
North Guwahati

No. B 1743

OFFICE OF THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY GUWAHATI

PART OCCUPANCY CERTIFICATE

(Under Clause 17 (b) of Building Byelaws of 2006)

No. GMDA/BP/2214/26112012/679

Dated: 21/07/2023

To,
M/S Arya Erectors India Pvt Ltd.
Sri Anil Kr Sarma, Managing Director,
H No. 123, Arya Smart Living, Abhaypur,
North Guwahati, Dist: Kamrup, Assam, Pin-781031.

Sir/Madam,

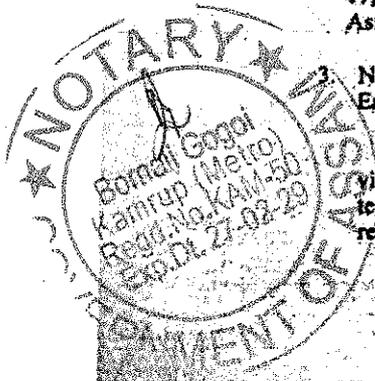
This is to certify that the construction of the Residential apartment building project of villas permitted vide NOC. No. GMDA/ BP/2214/26112012/156, dated 25.06.2013 in a Patta no. 198, Dag no. 884, 885, 889, 890 situated at Revenue Village Abhaypur under Mouza- Sila Sinduri Ghopa, has been completed under the supervision of M/S Akar foundation, Guwahati-781007, Assam is hereby permitted to occupy partly completed villas with uses as mentioned below.

- Type-A: Gr+1 (No of villas 5)—Built up area of each villa 444.62 SqM (approx) including parking space for car.
- Type-B: Gr+2 (No of villas 7)—Built up area of each villa 263.72 SqM (approx) including parking space for car.
- Type-C: Gr+2 (No of villas 19)—Built up area of each villa 195.80 SqM (approx) including parking space for car.
- Type-D: Gr+1 (No of villas 33)—Built up area of each villa 152.34 SqM (approx) including parking space for car, based on the following conditions.

1. As per Completion certificates submitted by RTP dated 03.07.2018, as built drawings showing plot and built up areas.
 - Completion Report Form No. 16.
 - Certificate by Architect on record.
 - Certificate by Structural Engineer & Construction Engineer on record.
2. Load Sanctioning Letter issued vide No. CGM (D)APDCL (LAR)/Arya Erectors India/ 2016-17, dated 28.12.2016, from the Chief General Manager (D) APDCL (LAR), Office of The Assam Power Distribution Company Ltd, Guwahati.
3. NOC issued vide no. F&ES/FPW/3362/194/13, dated 11.12.2018 from the Director Fire and Emergency Services, Assam, Guwahati.

It is here by mentioned that the residential 64 villas, as per annexed list, out of 123 villas of project (part) only is allowed for occupation. Further, you are directed to ensure the terms and conditions of the NOC issued earlier. One set of completion plan duly certified is returned herewith.

Yours faithfully



Received
Sri Anil Kr Sarma
Managing Director
M/S Arya Erectors India Pvt Ltd.

(Signature)
Sri Anil Kr Sarma
Managing Director
M/S Arya Erectors India Pvt Ltd.

F. No. IA3-3/4/2024-1A.III [E 230791]
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110 003

Dated: 8th January, 2024

OFFICE MEMORANDUM

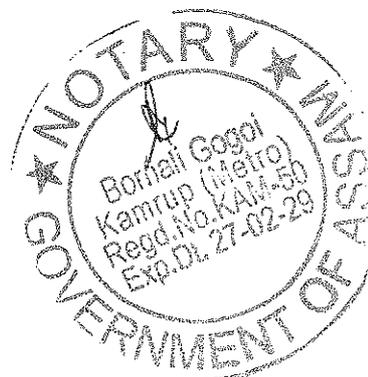
Sub: Stay imposed by Hon'ble Supreme Court with reference to the SOP dated 7th July 2021 and OM dated 28th January 2022 - reg.

The Ministry issued a Standard Operating Procedure (SOP) dated 7th July 2021 bearing the file number 22-21/2020-1A.III, for identification and handling of violation cases under EIA Notification 2006 in compliance to order of the Hon'ble National Green Tribunal in Appeal No. 34/2020 (WZ) titled Tanaji B. Gambhire Vs Chief Secretary, Government of Maharashtra.

2. The SoP was challenged in the Madurai Bench of the High Court of Madras in the matter W.P.(MD) No. 11757 of 2021 titled Fatima Vs Union of India and was interim stayed vide order dated 15th July 2021.
3. Subsequently, in the Order dated 9th December 2021 in the matter of Civil Appeal Nos. 7576-7577 of 2021 in Electrosteel Steels Limited Vs Union of India and Ors., the Hon'ble Supreme Court of India *inter-alia* observed the following:

"93. The interim order passed by the Madras High Court appears to be misconceived. However, this Court is not hearing an appeal from that interim order. The interim stay passed by the Madras High Court can have no application to operation of the Standard Operating Procedure to projects in territories beyond the territorial jurisdiction of Madras High Court. Moreover, final decision may have been taken in accordance with the Orders/Rules prevailing prior to 7th July, 2021."

4. In this regard, the Ministry issued an OM dated 28th January, 2022 for circulating the above order of the Hon'ble Supreme Court to all the EACs and SEIAAs/SEACs. In view of the above observations of the Hon'ble Supreme Court, violation proposals

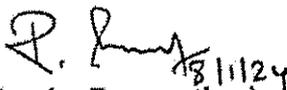


pertaining to all the States except the State of Tamil Nadu were being appraised at the Central level and the respective SEIAs/SEACs.

5. However, the Hon'ble Supreme Court in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India, has stayed the operation of both the Office Memoranda dated 7th July 2021 and dated 28th January 2022 issued by this Ministry.

6. The copy of the order which is self-explanatory is enclosed herewith for necessary action.

7. This is issued with the approval of the competent authority.


(Sundar Ramanathan)
Scientist E

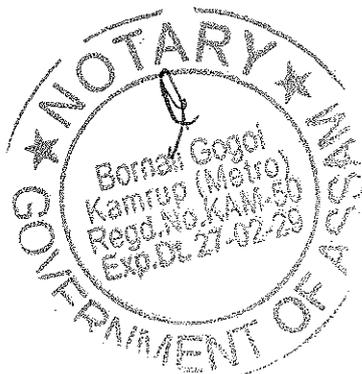
Encl: As above.

To

1. Chairperson/ Member Secretaries of all Expert Appraisal Committees
2. Chairperson/Member Secretaries of all SEIAs/SEACs
3. All Officers of IA Division

Copy for information to

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (TK)/JS (SKB)
5. Website, MoEF&CC /Guard file



ITEM NO.23

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA
(FOR ADMISSION
ORDERS/DIRECTIONS)

and

IA

Respondent(s)
No.257416/2023-APPROPRIATE

Date : 02-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jian, Adv.
Ms. Tanya Shrivastava, Adv.

For Respondent(s)

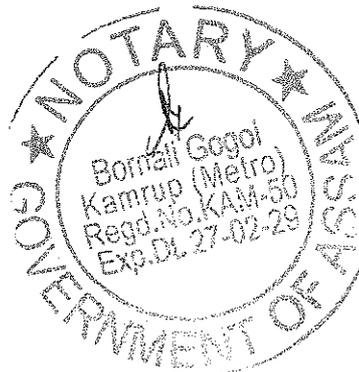
UPON hearing the counsel the Court made the following
O R D E R

1. Issue notice returnable in four weeks.
2. Until further orders, there shall be stay of operation of the Office Memoranda dated 7th July, 2021 and 28th January, 2022 issued by the Ministry of Environment, Forest and Climate Change.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)
COURT MASTER (NSH)

Signature not Verified
Department of
ASHA SUNDRIYAL
Date: 20/01/24
14:37:26
Name:





ARYA ERECTORS
INDIA PRIVATE LIMITED
CIN: U70101AS2010PTC010190

OK

Annexure - 6 - 75- 30

Arya Erectors India Pvt. Ltd.
H/No. 1123, Arya Smart Living
Abhaypur, North Guwahati, Pin: 781001, Assam
Tel: +91 98596 66501
Email: aryaelectorsindia@rediffmail.com
Web: www.aryaelectorsindia.com

Submitted to M. N. Deba on 14/07/2022

(Recd. 14/7/22)

Date: 14/07/2022

*Compliance Report
for 2014 to 2019*

To,

The Chairman
State Environment Impact Assessment Authority (SEIAA)
Bamunimaidam, Guwahati 781021

Sub: APOLOGY FOR NON-COMPLYING TO THE INSTRUCTIONS AND FOR DELAYED SUBMISSION OF COMPLIANCE REPORTS.

Ref. Environmental Clearance Letter F. No. SEIAA.07/2013/10, Dated 21st January, 2014.

Dear Sir,

We were issued the Environment Clearance in reference to the No. and date stated above for our project Arya Smart Living at Abhaypur, North Guwahati, Dist: Kamrup, Assam. As per instructions, we were supposed to submit the periodic compliance reports for the environmental clearance mentioned above. We have tried to maintain the conditions of the Environmental Clearance and also prepared the reports on timely basis. But, due to inadvertent mistake and considering the pandemic situation we were unable to submit the reports in time. **This letter is to express our sincere apology for not adhering to your instructions with regards to submission of periodic compliances of Arya Smart Living. We regret our behavior and realize that we should not have ignored the instructions given by your Authority. This non-compliance has caused issues for the organization.**

We assure you that this will not happen next time. Thank you for putting your faith in us, and we hope you will accept our apology.

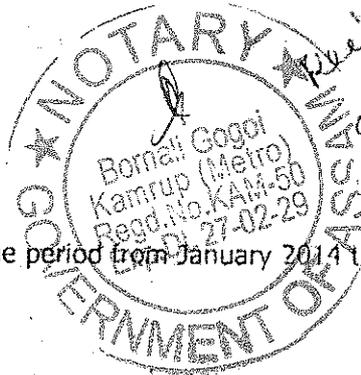
Kindly accept the periodic compliance reports that were due from January 2014 to June 2019.

With our sincerest apology and best regards.

For Arya Erectors India Pvt. Ltd.



(Amarendra Mazumdar)
Manager (Admin) cum OSD



Received 11 nos compliance for 2014 to June 19

[Signature]
14/7/22

Encl: Compliance reports for the period from January 2014 to June 2019

[Signature]
14/7/22



Regional Office: Kamrup
Pollution Control Board, Assam
(Department of Environment & Forest: Govt. of Assam)
Amingaon, Guwahati-31
Email: ro_kamrup@pcbassam.org



No.APCB/ROK/T-608/24-25/55-²³

Dated Amingaon, the 26th of December, 2024

To,
M/s Arya Smart Living
ARB Road, Abhaypur, North Guwahati
Dist: Kamrup, Assam-781031

Sub: VIOLATION OF ENVIRONMENTAL NORMS

It has come to the notice of the Board that you have been operating your unit without obtaining valid Consent to Operate (CTO) from the Pollution Control Board, Assam since 01.04.2023. As per the provision, it is obligatory on your part to obtain mandatory consent under Section-25 of Water (Prevention & Control of Pollution) Act, 1974 & Section 21 of Air (Prevention & Control of Pollution) Act, 1981.

Subject to provision of the Section-25 of Water (Prevention & Control of Pollution) Act, 1974, no person without the previous consent of the Board shall establish or take any step to establish any industry/unit; operation or process or any treatment and disposal system or any extension or addition thereto which is likely to discharge sewage or trade effluent into a stream or well or sewer or land. Also, subject to the provisions of the Section 21 of Air (Prevention & Control of Pollution) Act, 1981, no person shall, without the previous consent of the State Board, establish or operate any industry/unit in an air pollution control area.

Therefore, in view of the above you are hereby directed to apply for necessary consent in the Pollution Control Board, Assam within 7 (seven) days from the date of receipt of this letter. Failing which Board will be bound to initiate legal actions against you under the above mentioned environmental legislations which may invite the stoppage or regulation of supply of electricity, water or any other services to your unit or all with environmental compensation fine for illegal run/operation of your unit which may please be noted.

(P.K.Dutta)

Sr.Env.Engineer cum Regional Head

Regional Office-Kamrup
Senior Environmental Engineer
Regional Office Kamrup
Pollution Control Board, Assam

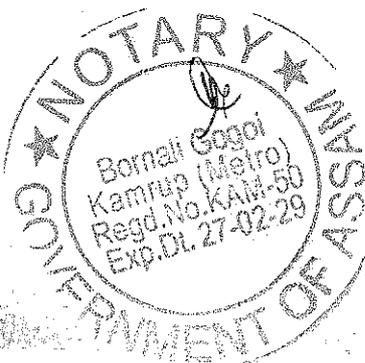
Dated Amingaon, Guwahati, 26th December, 2024

Memo No.APCB/ROK/T-608/24-25/55 -A²³

Copy to:

The Member Secretary, Pollution Control Board, Assam, Bamunimaidam, Guwahati-21 for favour of kind information.

o/c

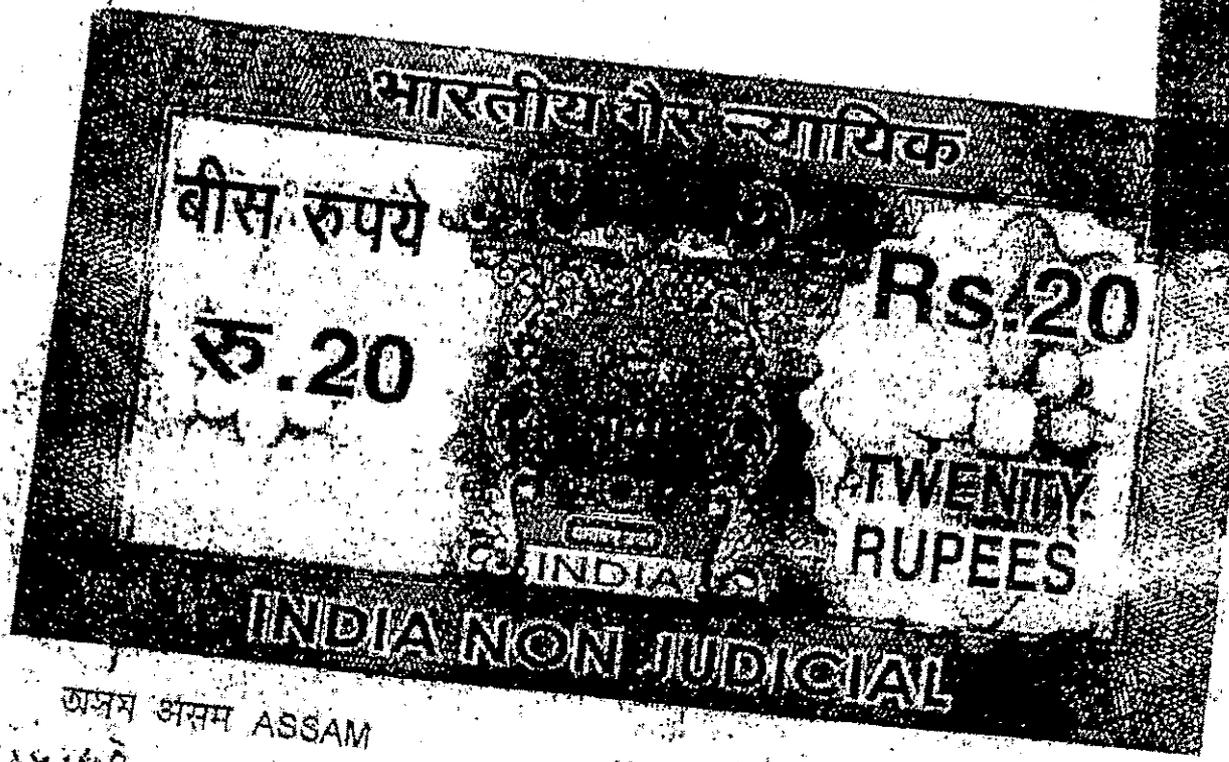


(P.K.Dutta)

Sr.Env.Engineer cum Regional Head

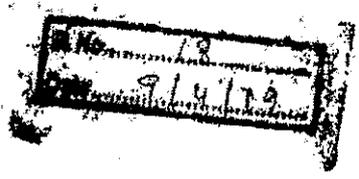
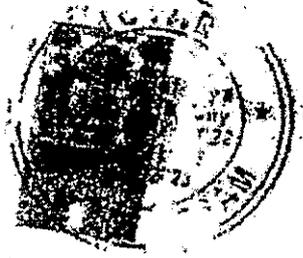
Regional Office-Kamrup
Senior Environmental Engineer
Regional Office Kamrup
Pollution Control Board, Assam

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অসম ASSAM

21AA 905839



DEED OF AGREEMENT

THIS DEED OF AGREEMENT is made on this 08th day of April 2019 at Amingaon Guwahati-781031

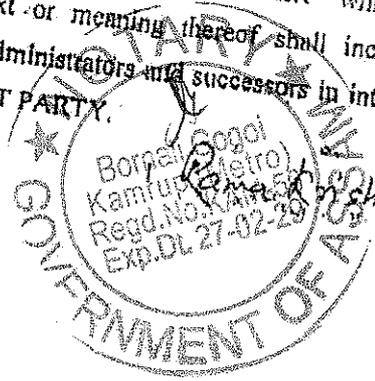
BETWEEN

M/S ARYA ERECTORS INDIA PRIVATE LIMITED, a Company registered under the Companies Act, 1956, Head Office: H. No. 123, Arya Smart Living, VIII: Abhaypur, Mouza: Sila-Sindurlghopa, Dist: Kamrup, Assam, PIN-781031 represented by its Managing Director, Mr. Anil Kumar Sarma, S/O Late Pabindra Nath Sarma, resident of House No.20, Happy Villa, Boloram Bora Road, Barowari, P.O. Silpukhuri, Guwahati-781003 herein with called as the "LAND OWNER & DEVELOPER" which expression unless repugnant to the context or meaning thereof shall include the Company's representatives, assign, administrators and successors in interest on ONE PART hereinafter called as FIRST PARTY.

Erectors
filled

Erectors
filled
Anil Kumar Sarma

23
14/19
of Baishya
(GOVT. OF ASSAM)
Guwahati
Regd. No. Kam-22



Anil Kumar Sarma
Needar

AND

"Arya Smart Living Group Housing Cooperative Society Limited" represented by its President, Mr. Rama Krishna Newar, which includes to mean Phase-I & Phase-II of the project (In short, the name should be ASLG HSG. Coop. Soc. Ltd.), address: Arya Smart Living, Vill: Abhaypur, North Guwahati, Dist: Kamrup, Assam herein after called as SECOND PARTY (which expression unless repugnant to the context shall mean and include their heirs, executors, administrators and assigns) etc. of the SECOND PARTY.

For & behalf of Arya Erectors India Private Limited
Arya Smart Living
Managing Director

WHEREAS the FIRST PARTY "ARYA ERECTORS INDIA PRIVATE LIMITED", was formed with the objectives to deal in real estate and housing schemes and has been undertaking Group Housing Residential schemes and Group Housing Residential project on behalf of a SOCIETY/ Association of Persons for its subscribed members on the plot of land (more particularly described in schedule 'A') owned by the FIRST PARTY for the aforementioned purpose.

Banti Balshya
Kamrup (Metro) Assm
Regd. No. KAM-22
Expiry Date
22/05/2023
GOVT. OF ASSAM

AND WHEREAS, First Party being undisputed owner over a plot of land measuring 30 Bigha 0 Katha 4 Lecha, covered by Dag No. 1340 (19 Bigha 0 Katha 9 Lecha) of Patta No. 1113, Dag Nos. 885 (0 Bigha 1 Katha 11 Lecha), 889 (3 Bigha 2 Katha 0 Lecha) & 890 (5 Bigha 0 Katha 0 Lecha) of Patta No. 198, Dag No. 1112 (0 Bigha 1 Katha 4 Lecha) of Patta No. 1339 situated at Revenue Village-Abhaypur and Mouza - Sila Sinduri Ghopa, in the District of Kamrup (Sadar) and Dag No. 764 (2 Bigha 0 Katha 0 Lecha) of Patta No. 271 at Revenue Vill: North Guwahati, under Sila-Sindurighopa Mouza, in the district of Kamrup, Assam, has completed a project of housing where it (First Party) with few numbers of Villas with a total built up area of 371365 sq. ft on the plot of land mentioned in schedule 'A' after fulfilling the formalities and the said villas shall be known as ARYA SMART LIVING, at Abhaypur, North Guwahati.

Rama Krishna Newar

9/10/19
Banti Balshya
NOTARY, GOVT. OF ASSAM
Kamrup (Metro), Guwahati
Regd. No. KAM-22

NOTARY
Borali Gogoi
Kamrup (Metro)
Regd. No. KAM-50
Exp. Dt. 27-02-29
GOVERNMENT OF ASSAM

AND WHEREAS, the First Party has agreed in favour of the Second party to use a room in the Club House of Arya Smart Living, VIII, Abhaypur, Mouza: Sila-Sindurighopa, Dist: Kamrup, Assam, as the registered office of the Second Party (more particularly described in Schedule 'B') and to fix sign Board & Notice Board of the Second Party.

AND WHEREAS, the Second Party shall monitor and maintain the common area and common facilities which includes Front Gate, Boundary Wall, Pathway/Joggers track, Children Play area, landscape gardening, other facilities include Club House & Swimming pool, Garbage disposal plant, sewage treatment plant, water supply, generator, drainage, green area, Roads, Transformer, Electrical installation systems on common areas, Campus Security Systems, Rain Water harvesting and hostels for security.

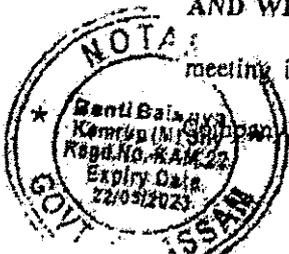
AND WHEREAS it is agreed that the registered office of Arya Erectors India Pvt. Ltd. shall be exempted from payment of any charges.

AND WHEREAS, it is agreed that the approved persons of the Company can avail the facilities of the community hall without any charges.

AND WHEREAS, it is agreed that with prior notice, the Company can arrange meeting in the community hall for which no charges will be levied from the

For & behalf of Arya Erectors India Private Limited
Ramesh Kumar Sharma
M-3019 D

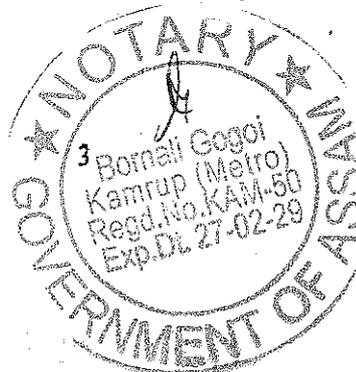
Ramesh Kumar Sharma



SCHEDULE "A"

Land measuring 30 Bigha 0 Katha 4 Lecha, covered by Dag No. 1340 (19 Bigha 0 Katha 9 Lecha) of Patta No. 1113, Dag Nos. 885 (0 Bigha 1 Katha 11 Lecha), 889 (3 Bigha 2 Katha 0 Lecha) & 890 (5 Bigha 0 Katha 0 Lecha) of Patta No. 198, Dag No. 1112 (0 Bigha 1 Katha 4 Lecha) of Patta No. 1339 situated at Revenue Village-Abhaypur and Mouza - Sila Sinduri Ghopa, in the District of Kamrup (Sadar) and Dag No. 764 (2 Bigha 0 Katha 0 Lecha) of Patta No. 271 at Revenue Vill: North Guwahati, under Sila-Sindurighopa Mouza, in the district of Kamrup, Assam.

9/4/19
Banti Baishya
NOTARY, GOVT. OF ASSAM
Kamrup (Metro), Guwahati
Regd. No.: KAM-22



SCHEDULE "B"

A room at the Club house of Arya Smart Living, standing over a plot of land measuring 2 Bighas covered by Dag No. 764 of K.P. Patta No. 271 of Revenue Vill: North Guwahati under Mouza: Sila-Sindurighopa in the district of Kamrup, Assam.

In witness whereof, the parties hereto have set their hands unto this agreement on 08th day of April 2019.

Witnesses:

1. *Likendrajit Borah*
Go dasi Ananta Borah
Charman, Kanchan - Nagar
Charman - 3

FIRST PARTY

For & behalf of Arya Erectors
India Private Limited
Anil Kumar Sarma
Managing Director

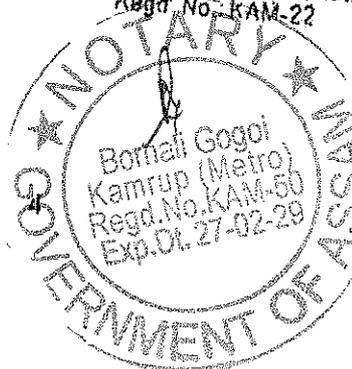
2. *Umash Borah*
C/O - Anojen Borah
Vill + P.O - Panikhati
Dist - Kamrup, Assam

SECOND PARTY

President
ASGHSQ Corp. Ltd.



9/4/19
Banti Balshya
NOTARY, GOVT. OF ASSAM
Kamrup (Metro), Guwahati
Regd. No. KAM-22





Regional Office: Kamrup
Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)
Amingaon, Guwahati-31
Email: ro_kamrup@pcbassam.org



No. APCB/ROK/T-608/24-25/84

Dated: Amingaon, the 10th January, 2025

To,
President,
Arya Smart Living Group Housing Cooperative Society Limited,
Abhaypur, North Guwahati
District: Kamrup, Assam-781031

SUB: VIOLATION OF ENVIRONMENTAL NORMS

It has come to the notice of the Board that you have been operating your unit without obtaining valid Consent to Operate (CTO) from the Pollution Control Board, Assam since 01-04-2023. After recent communication with Arya Erectors Pvt. Ltd., in reply to our letter dated 26th December, 2024, they refused to apply for renewal of CTO and stated with legal proof that your Society is the current occupant of the project and CTO matters are to be handled by you. As per the latest PCBA Notification No. TECH-15011/8/2024-CCA-PCBA, dated 26th December, 2024, it is obligatory on your part to obtain mandatory consent under Section-25 of Water (Prevention & Control of Pollution) Act, 1974 and Section-21 of Air (Prevention & Control of Pollution) Act, 1981.

Subject to provision of the Section-25 of Water (Prevention & Control of Pollution) Act, 1974, no person without the previous consent of the Board, shall establish or take any step to establish any industry/unit; operation or process or any treatment and disposal system or any extension or addition thereto which is likely to discharge sewage or trade effluent into a stream or well or sewer or land. Also, subject to provisions of the Section-21 of Air (Prevention & Control of Pollution) Act, 1981, no person shall, without the previous consent of the State Board, establish or operate any industry/unit in an Air Pollution Control Area.

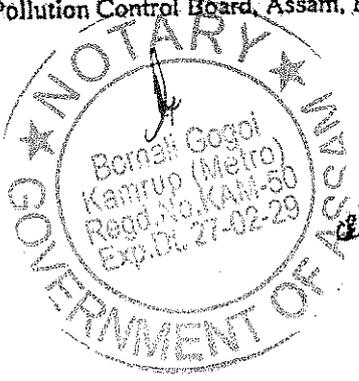
Hence, comprehending the above, you are hereby directed to apply for necessary consent in the Pollution Control Board, Assam within 15 (fifteen) days from the date of receipt of this letter, failing which, the Board has to initiate legal action against you under the above mention environmental legislations which may include the stoppage or regulation of supply of electricity, water or any other services to your unit which may please be noted.

Enclosed: Copy of PCBA notification (As stated above)

(P.K. Dutta)
Sr. Env. Engineer cum Regional Head
Senior Environmental Engineer
Regional Office Kamrup
Pollution Control Board: Assam
Amingaon, Guwahati-31
Dated: Amingaon, the 10th of January, 2025

Memo No. : APCB/ROK/T-608/24-25/84-A

Copy to : The Member Secretary, Pollution Control Board, Assam, Bamunimaidam, Guwahati - 21 for favour of kind information



(P.K. Dutta)
Sr. Env. Engineer cum Regional Head
Senior Environmental Engineer
Regional Office Kamrup
Pollution Control Board: Assam
Amingaon, Guwahati-31

o/c



**OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA
BAMUNIMAIDAM, GUWAHATI-21.**

No. SEIAA.3431/2023/402

Dated: 15.02.2025

From:

Smti Mauchumi Barua, ACS,
Member Secretary, SEIAA, Assam.
Bamunimaidam, Guwahati-21

To

M/s Arya Erectors India Pvt. Ltd.
Represented by its Managing Director,
503, K.P Enclave, Sohagpur,
Rehabari, Guwahati-781008
Kamrup (M).

Sub: Compliance of order dated 12.09.2024 passed by Hon'ble NGT Eastern Branch Kolkata in O.A No. 92/2023(EZ) in the matter of Dr. Ganesh Das & Ors. Vs. M/s Arya Erectors India Pvt. Ltd. & Ors.)-Reg.

Sir/ Madam,

In compliance of the above order passed by Hon'ble NGT Eastern Branch Kolkata, the Committee has submitted its report to the office of SEIAA, Assam on 29/01/2025 and placed the same in 30th Meeting of the SEIAA. After perusal of the observations and recommendations by the Committee, due discussion and deliberation, the SEIAA unanimously decided to send a copy of the Report to the Project Proponent.

You are, therefore, requested to comply the observations and recommendations of the Committee as suggested in the Report.

This is for your kind information and necessary action.

Yours faithfully

Encl: As stated above,

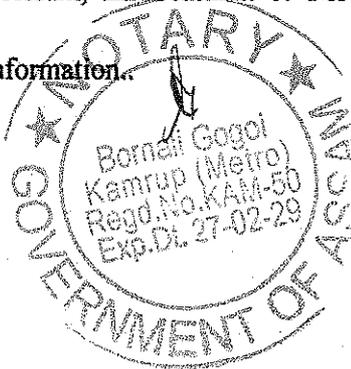
Member Secretary
SEIAA, Assam

Dated: 15.02.2025

Memo No. SEIAA.3431/2023/402 -A

Copy to:

1. The Secretary to the Govt. of Assam, Environment & Forest Deptt; Dispur, Ghy-6 for kind information.
2. The Chairman, SEIAA for kind information.
3. Office copy.



Member Secretary
SEIAA, Assam



- 83 -

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OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA
BAMUNIMAIDAM, GUWAHATI-21.

No. SEIAA.3431/2023/ 403

Dated: 15.02.2025

From:

Smti Mauchumi Barua, ACS,
Member Secretary, SEIAA, Assam,
Bamunimaidam, Guwahati-21

To

Central Ground Water Authority (CGWA), Assam
Central Ground Water Board North Eastern Region Betkuchi,
Opposite ISBT, NH-37, Guwahati,
Kamrup Metro Assam- 781005.

Sub: Compliance of order dated 12.09.2024 passed by Hon'ble NGT Eastern Branch Kolkata in O.A No. 92/2023(EZ) in the matter of Dr. Ganesh Das & Ors. Vs. M/s Arya Erectors India Pvt. Ltd. & Ors.)-Reg.

Sir/ Madam,

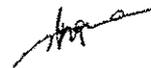
In compliance of the above order passed by Hon'ble NGT Eastern Branch Kolkata, the Committee has submitted its report to the office of SEIAA, Assam on 29/01/2025 and placed before 30th Meeting of the SEIAA. After perusal of the observations and recommendations by the Committee, due discussion and deliberation, the SEIAA unanimously decided to communicate the report with the Central Ground Water Authority (CGWA), Assam.

The aforesaid report reveals that the groundwater extraction has been done without obtaining prior mandatory consent from the office of Central Ground Water Authority (CGWA), Assam as mentioned in para-3 sub-para- (e) at page -14 & 15 of this report for taking necessary action against the project proponent if any violation is done.

This is for your kind information and necessary action.

Yours faithfully

Encl: As stated above,

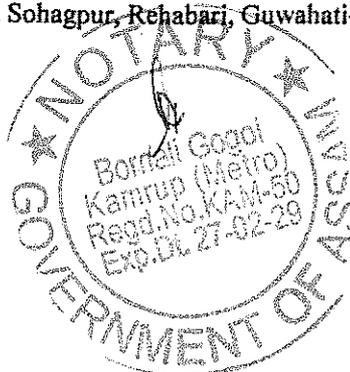

Member Secretary
SEIAA, Assam

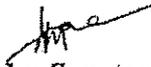
Dated: 15.02.2025

Memo No. SEIAA.3431/2023/ 403 -A

Copy to:

1. The Secretary to the Govt. of Assam, Environment & Forest Deptt; Dispur, Ghy-6 for kind information.
2. The Chairman, SEIAA for kind information.
3. M/s Arya Erectors India Pvt. Ltd. Sohagpur, Rehbari, Guwahati-08 for kind information.
- ✓ 4. Office copy.




Member Secretary
SEIAA, Assam



-84-

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OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA
BAMUNIMAIDAM, GUWAHATI-21.

No. SEIAA.3431/2023/413

Dated: 19.02.2025

From:

Smti Mauchumi Barua, ACS,
Member Secretary, SEIAA, Assam.
Bamunimaidam, Guwahati-21

To

The Chairman
Pollution Control Board, Assam
Bamunimaidam, Guwahati-21

Sub: Compliance of order dated 12.09.2024 passed by Hon'ble NGT Eastern Zone Bench Kolkata in O.A No. 92/2023(EZ) in the matter of Dr. Ganesh Das & Ors. Vs. M/s Arya Erectors India Pvt. Ltd. & Ors.)-Reg.

Sir,

In compliance of the above order passed by Hon'ble NGT Eastern Zone Bench Kolkata, the Committee has submitted its report to the office of SEIAA, Assam on 29/01/2025 and same was placed before 30th Meeting of the SEIAA. After perusal of the observations and recommendations by the Committee, due discussion and deliberation, the SEIAA unanimously decided to communicate with your good office.

You are hereby requested to proceed with imposing penalty/ compensation on M/s Arya Erectors India Pvt. Ltd for irregularities with the STP as per the NGT order and finding of the committee constituted by the NGT.

This is for your kind information and necessary action.

Yours faithfully

Encl: As stated above,

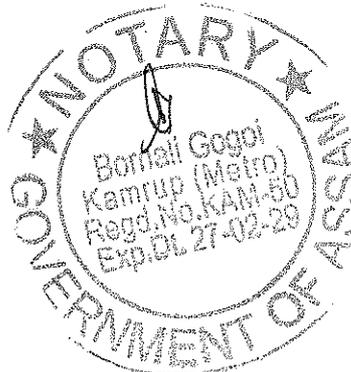

Member Secretary
SEIAA, Assam

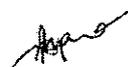
Dated: 19.02.2025

Memo No. SEIAA.3431/2023/413 -A

Copy to:

1. The Secretary to the Govt. of Assam, Environment & Forest Deptt; Dispur, Ghy-6 for kind information.
2. The Chairman, SEIAA for kind information.
3. Office copy.




Member Secretary
SEIAA, Assam

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No.92/2023/EZ

In the matter of:-

Ganesh Das & 4 Ors.

.. Applicants

Versus

M/s Arya Erectors Private Limited & Ors.

... Respondents

INDEX

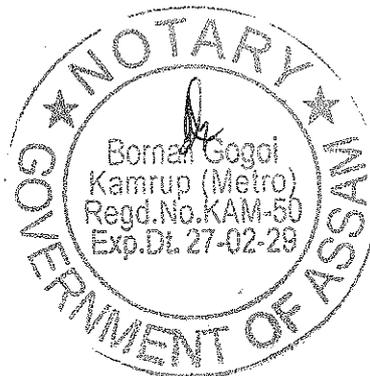
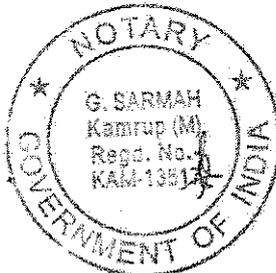
Sl. No.	Particulars	Page no
1	Affidavit filed on behalf of Assam State Pollution Control Board	1-3
2	Annexure-A:: Copy of the inspection report dated 20.09.2023	4-9

Dated: 21 /11/2023

Place: Guwahati, Assam

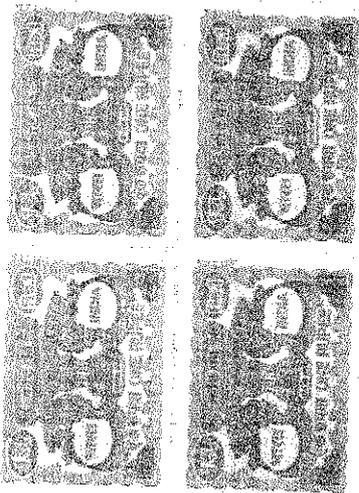
Filed by

Surendra Kumar



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No.92/2023/EZ



In the matter of:-

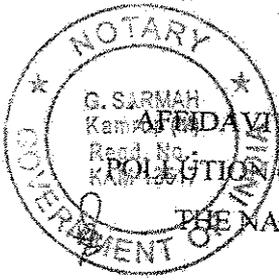
Ganesh Das & 4 Ors.

.. Applicants

Versus

M/s Arya Erectors Private Limited & Ors.

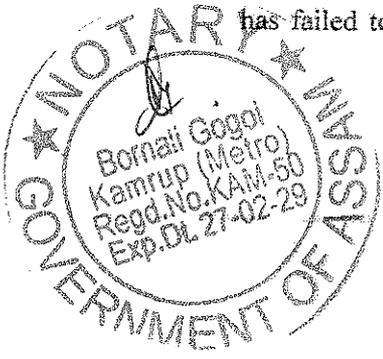
... Respondents



AFFIDAVIT FILED BY THE RESPONDENT NO. 7 I.E. ASSAM STATE
POLLUTION CONTROL BOARD IN COMPLIANCE WITH THE ORDER OF
THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH

I, Meghnad Nath, aged about 59 years, working as Addl. Chief Environmental Engineer and Nodal Officer (legal) in Pollution Control Board, Assam, having office at Bamunimaidam Guwahati -781021, Assam do hereby solemnly affirm and state as follows: -

1. I am the Addl. Chief Environmental Engineer and Nodal Officer (legal) in Pollution Control Board, Assam and I am the authorized signatory of respondent No. 7. I am competent and have been duly authorized by respondent No. 7 to make and affirm this affidavit on behalf of respondent No. 7. I am fully acquainted with the facts and circumstances of the case.
2. I affirm this affidavit in terms of the solemn order passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That pursuant to the direction passed by this Hon'ble Court, an inspection was carried out on 14th September, 2023 of the residential Building Construction- 62000 sq. mt. (built-up area). The unit had obtained Consent to Operate (CTO) on 12th October, 2022 which was valid till 31st March, 2023. The unit has failed to apply for renewal of the CTO. The unit has failed to obtain



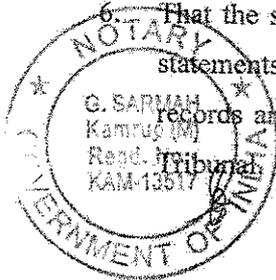
permission from Central Ground Water Board (CGWA) for extraction of ground water.

- 4. As per the inspection report dated September 20, 2023, there had been no record of rainfall in the locality since last four to five days till the date of inspection i.e.14/09/2023. Consequently, the investigation could not conclusively assess the occurrence of waterlogging. Notably, the Sewage Treatment Plant (STP) was found non-operational during the inspection. Upon inquiry, the project authority explained that the STP has a capacity of approximately 230 KLD and operates twice a week. While a stormwater drainage system is in place, the inspection highlighted potential issues related to the proper gradient, flow capacity of rainwater, and the adjustment of carrying capacity with the final load-bearing drainage system. It is essential to emphasize that the problem of waterlogging cannot be solely attributed to any single stakeholder if the design and coordination of these drainage systems are not appropriately managed at both micro and macro levels. During the inspection, the stormwater drain exhibited a greyish to blackish colour, indicating potential neglect in maintenance by the housing entity, possibly due to blocked outlets.

The copy of the inspection report dated September 20, 2023, annexed as Annexure A

- 5. That the answering respondent respectfully submits that answering respondent is ready and willing to abide by the order/s and direction/s made by this Hon'ble Tribunal and has and shall take all possible steps to comply the directions of the Hon'ble Tribunal.

6. That the statements made in paragraphs 1 is true to my knowledge and the statements made in paragraph nos. 2 to 5 are information derived from records and the rest thereof are my humble submission before this Hon'ble



Identified by me

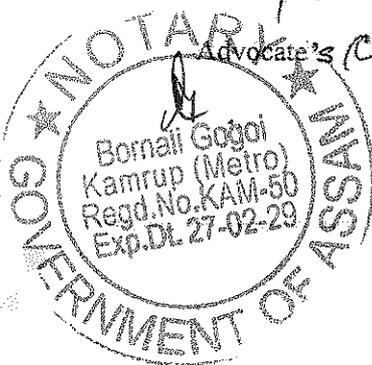
Debjit K. Sengupta
 21-11-2023
 Advocate's Clock

Sarma
 GITANJALEE SARMA
 NOTARY
 Guwahati, Kamrup (M)
 Regd. No. KAM-13517
 GOVT. OF ASSAM

Debjit K. Sengupta

Deponent

I solemnly affirm and declare that the above contents are true and correct to the best of my knowledge and belief and I have read over and explained the contents to the declarant and that the declarant seemed perfectly to understand.



VERIFICATION

-88-

Sl. No. 1677
Date 21/11/23

I, Meghnad Nath, aged about 59 years, working as Addl. Chief Environmental Engineer and Nodal Officer (legal) in Pollution Control Board, Assam, having office at Bamunimaidam Guwahati -781021, Assam, do hereby verify that the contents of paragraphs 2 to 5 and parts thereof are based on information and/or derived from sources which I verily believe to be true and I have not suppressed any material facts and circumstances and the rest are my humble submissions, before this Hon'ble Tribunal.

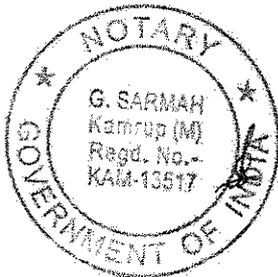
Meghnad Nath
Deponent

Identified by me

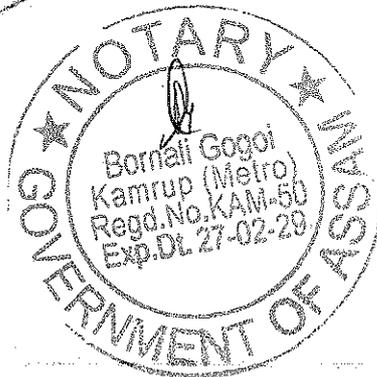
Dilip K. Sharma
21-11-2023
Advocate's Clerk

DATE: 21/11/23
PLACE: Guwahati

I, the undersigned, do hereby certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly satisfied.



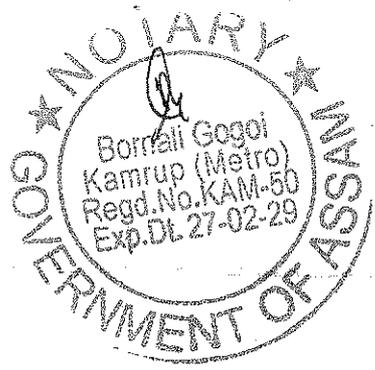
Gitanjali Sarma
21/11/23
GITANJALI SARMAH
NOTARY
Guwahati, Kamrup (M)
Regd. No.- KAM-13617
GOVT. OF INDIA



INSPECTION REPORT

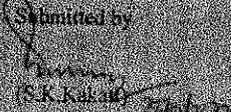
As per the direction of the Head Office, P.U. BA vide email dtd 14/09/2023, the undersigned Board official carried out inspection of M/s Arya Erectors India Private Limited (Arya Smart Living) located at vill Abhayput North Guwahati under North Guwahati Revenue Circle in Kamrup district on 14/09/2023 in connection with the NGI case bearing (G) No. 92/2023 (Dr. Ganesh Das & 4 Ors. Vs M/s Arya Erectors Pvt. Ltd & 6 Ors) and the details are given below.

1	Name and address of the unit	M/s Arya Erectors India Private Limited (Arya Smart Living), vill Abhayput, North Guwahati Distt Kamrup, Pin- 781011
2	Contact person	(1) Mr. Nandhartha Sarkar, Project Engineer, M/s Arya Erectors India Pvt. Ltd Mobile No. 7002907944 (2) Sri Sunjay Baruah (Applicant), E/o D-4, Arya Smart Living Mobile No. 7042597792
3	GPS Coordinate	N-26.19494552 (latitude) and E-91.71746423 (longitude)
4	Type of Project	Residential Building Construction-62000 sq. mtr (built-up area)
5	Water Logging Aspects	On the day of inspection and prior to 2-3 days of inspection, there was no rain in the said locality. Therefore the case of water logging could not be verified if at all the water logging arises due to non-existence of proper land scapping, rain water management of drainage system by the stakeholders of the town planning of the area, viz. PWD, WRD, ULB etc. If a proper gradient is not maintained by all the water bearing drainage system along with ascending load bearing capacity till final discharge to water bodies both at micro and macro level, there is bound to be water logging problem in a heavily rain fed area like Assam.
6	Greenbelt development	Greenbelt that has been developed seems to be around 20-25% of the total plot area.
7	Status of STP	During the time of inspection the STP was found to be not in operation. On enquiry, the project authority had stated that the capacity of STP is around 230 KL/D and operation is carried out twice in a week.
8	Storm Water Drainage System	Storm water drainage system exists. If the proper gradient and capacity of the flow out of the rain water vis-a-vis proper adjustment of the carrying capacity with the final load bearing drainage system, if not designed properly by all the stakeholders both at micro and macro level, the problem of the water logging cannot be squarely pin pointed on a single stakeholder. During inspection the storm water drain was seemed to be greyish to blackish colour which may be due to negligence on the part of maintenance of housing entity by keeping some of the outlets

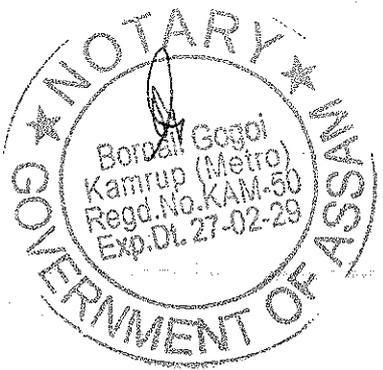


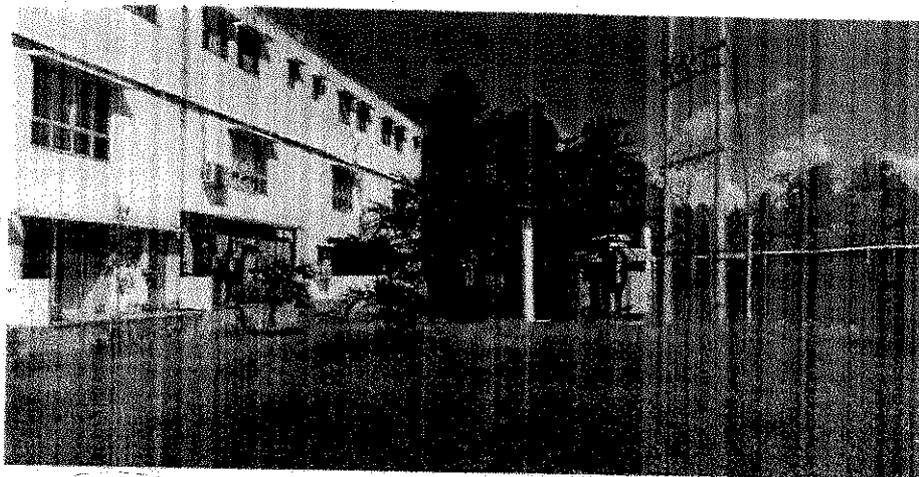
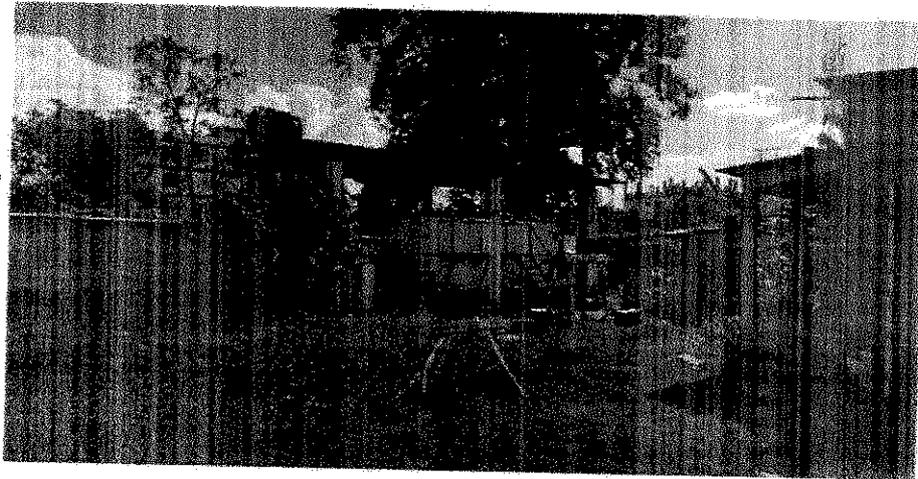
		implemented from the kitchen areas etc.
	Complaint Compliance Status	
(i)	Status of C.T.O	The unit has obtained C.T.O of the Board vide order No.WD/KAM/14622/10/07 dated 12.10.22 with validity upto 31.03.2023. The unit has yet not applied for renewal C.T.O.
(ii)	Air Emission Aspects	There are two no. DG sets within the housing complex of capacity 250 KVA each having in-built stacks and acoustic enclosure.
(iii)	CGWA Permission	The unit has not obtained necessary permission from CGWA for extraction of ground water.
(iv)	Rain water Harvesting	Rain Water Harvesting is available only for the apartment complexes with capacity of around 15 KLD (KCS/KLD).As stated, the water is used for plantation, gardening etc.
(v)	Solid Waste Aspects	As stated by the project authority, the solid waste is being collected and dispose of by the agencies/persons authorized by the I.L.D.
(vi)	Hazardous Waste Aspects	As stated by the housing entity, the HPK i.e. used oil from the DG sets are being taken by the service provider.

NR: Photographs taken during the time of inspection are also enclosed herewith.

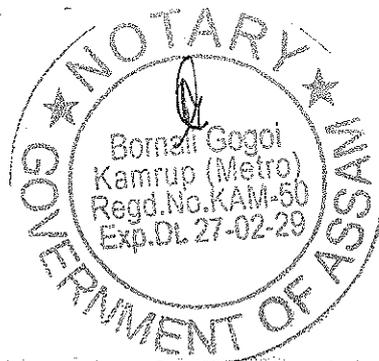
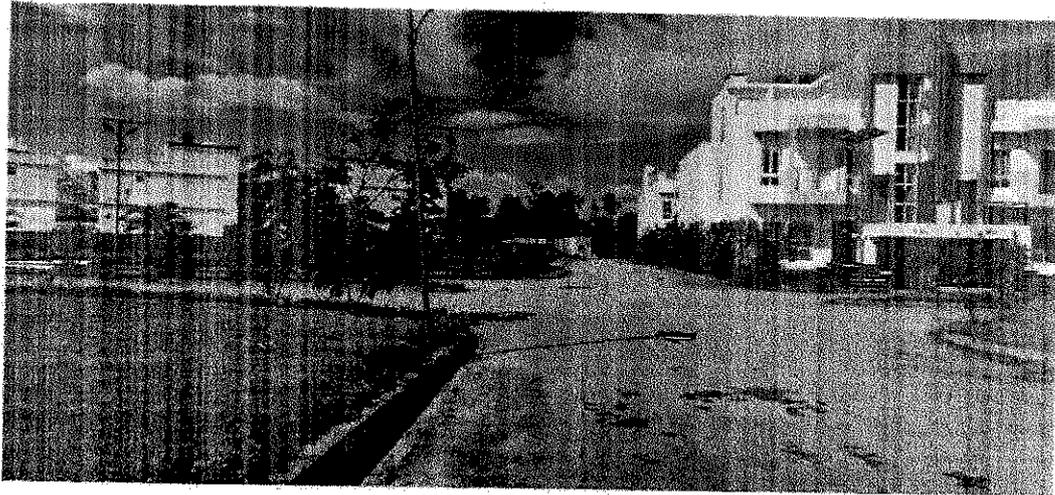
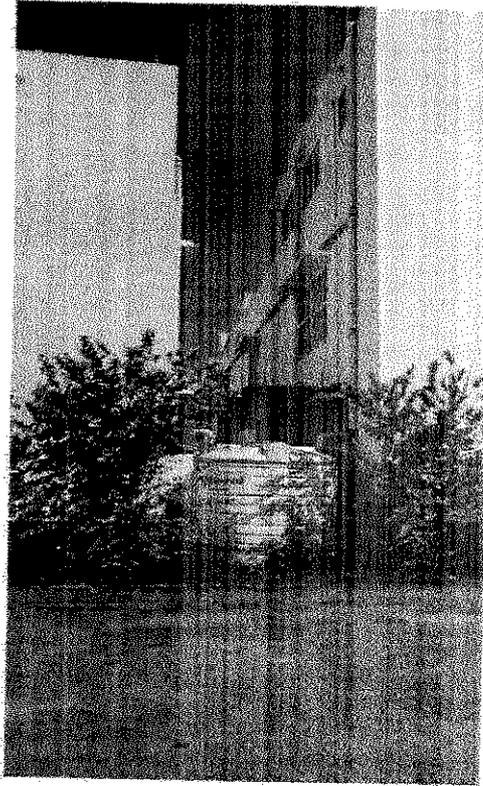
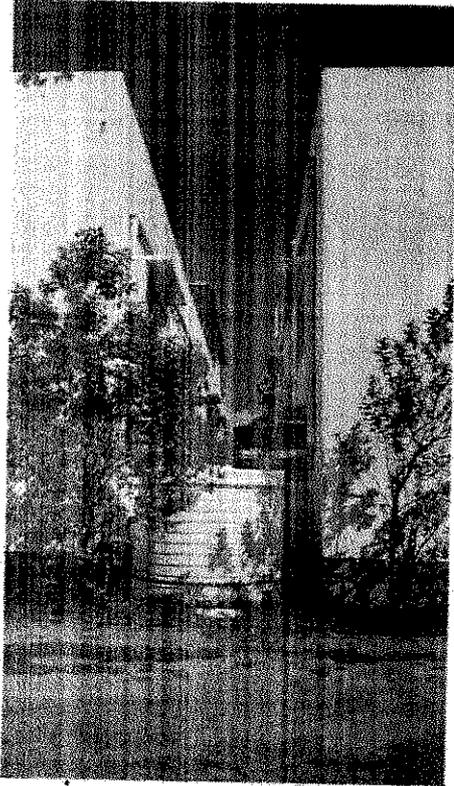
Submitted by

 (S.K. Kalita)
 Assit. Engineer
 RO-Kamrup, PCB

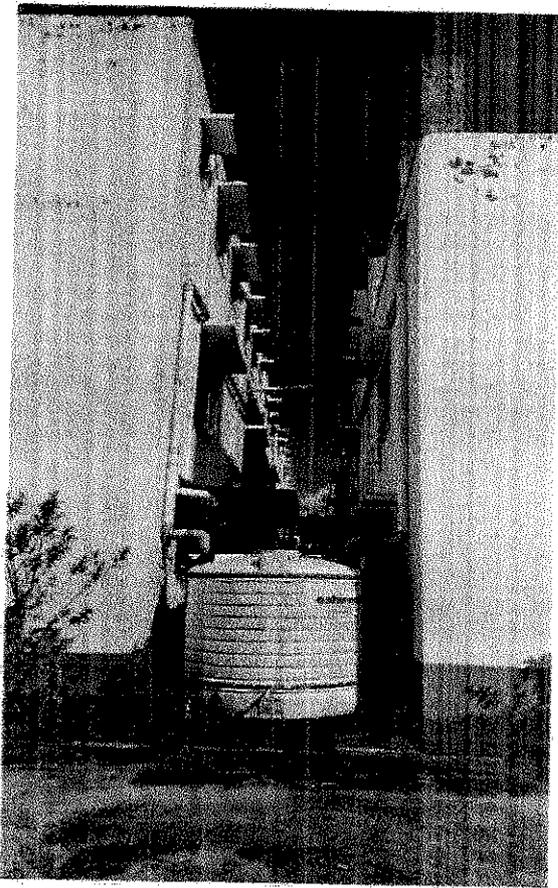
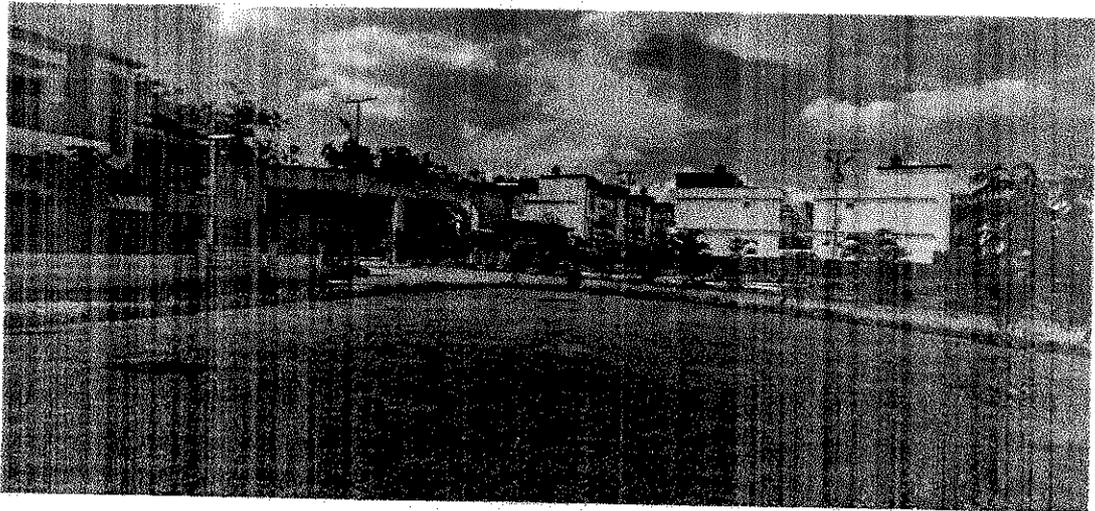

 Senior Environmental Engineer
 Regional Office, Kamrup
 Pollution Control Board, Assam
 Assam, Guwahati-781001



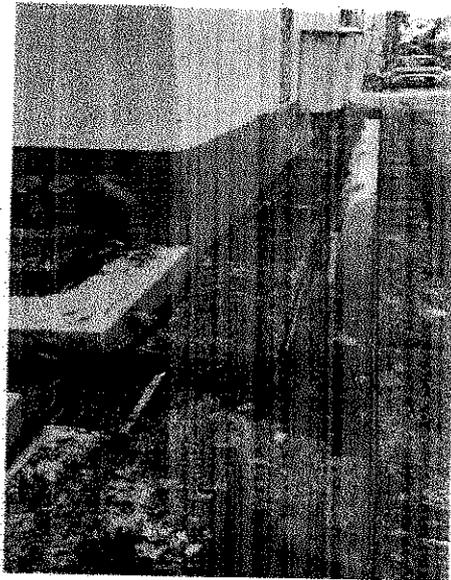
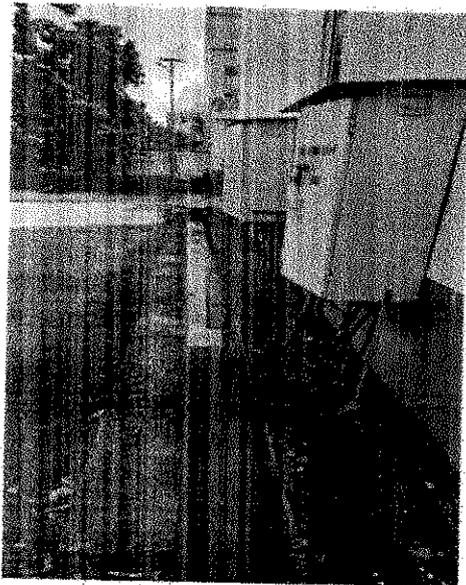
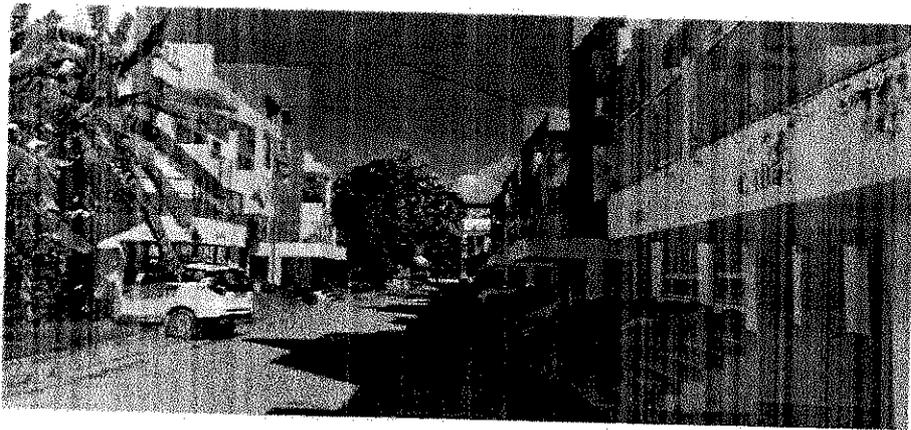


NOTARY
Borna Gogoi
Kamrup (Metro)
Regd. No. KAM-50
Exp. Dt. 27-02-29
GOVERNMENT OF ASSAM





NOTARY
★ ★
Borna Gogoi
Kamrup (Metro)
Regd.No.KAM-50
Exp.DL 27-02-29
★ ★
GOVERNMENT OF ASSAM



NOTARY
Borna Gogoi
Kamrup (Metro)
Regd. No. KAM-50
Exp. Dt. 27-02-29
GOVERNMENT OF ASSAM

Company Director Trademark Address

Enter search criteria

[Browse Companies by Activity, Age and Location \(/companies-list\)](#)

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5

ARYA ERECTORS INDIA PRIVATE LIMITED

As on: 2025-02-27

ARYA ERECTORS INDIA PRIVATE LIMITED (CIN: U70101AS2010PTC010190) is a Private company incorporated on 17 Dec 2010. It is classified as government company and is registered at Registrar of Companies, Shillong. Its authorized share capital is Rs. 50000000.00 and its paid up capital is 45054180.00.

ARYA ERECTORS INDIA PRIVATE LIMITED's Annual General Meeting (AGM) was last held on 17 Dec 2024. and as per records from Ministry of Corporate Affairs (MCA), its balance sheet was last filed on 2024-03-31. **ARYA ERECTORS INDIA PRIVATE LIMITED's** NIC code is 7010 (which is part of its CIN per the NIC code, it is involved in Real estate activities with own or leased property. [This class includes buying, selling, renting and operating of self or leased real estate such as apartment building and dwellings, non-residential buildings, developing and subdividing real estate into lots etc. Also included are development and sale of land and cemetery lots, operating of apartment hotels and residential mobile home sites.(Development on account involving construction is classified in class 4520)].

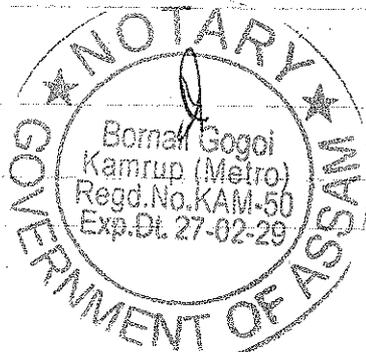
Directors of ARYA ERECTORS INDIA PRIVATE LIMITED are RAHUL SARMA, BIJOYA GOSWAMI, ANIL KUMAR SARMA, and RAM KRISHNA PRADHAN.

ARYA ERECTORS INDIA PRIVATE LIMITED's Corporate Identification Number (CIN) is U70101AS2010PTC010190 and its registration number is 10190. You may contact ARYA ERECTORS INDIA PRIVATE LIMITED on its Email address - aryaerectorsindia@gmail.com. Registered address of ARYA ERECTORS INDIA PRIVATE LIMITED is House No.123, Arya Smart Living, Abhoypur, North Guwahati, Kamrup (Rural), North Guwahati, Assam, India - 781031.

Current status of ARYA ERECTORS INDIA PRIVATE LIMITED is - Active.

Basic Information

CIN	U70101AS2010PTC010190 (https://www.zauba.com/ARYA-ERECTORS-INDIA-PRIVATE-LIMITED-U70101AS2010PTC010190)
Name	ARYA ERECTORS INDIA PRIVATE LIMITED (https://www.zauba.com/ARYA-ERECTORS-INDIA-PRIVATE-LIMITED-U70101AS2010PTC010190)
Listed on Stock Exchange	Unlisted
Company Status	Active
ROC	ROC Shillong
Registration	10190





**ARYA SMART LIVING GROUP HOUSING
CO-OPERATIVE SOCIETY LIMITED**

Regd No. G-09/2019-20, Dated 10th June 2019

-96-

Arya Smart Living, Abhaypur, North Guwahati
Mouza : Sila-Sindurighopa
Dist: Kamrup, Assam, Pin- 781031
Majsociety19@gmail.com

Ref. No.

Date: 9.9.24

Arya Smart Living Group Housing Co-operative Society Limited, North Guwahati, Abhaypur

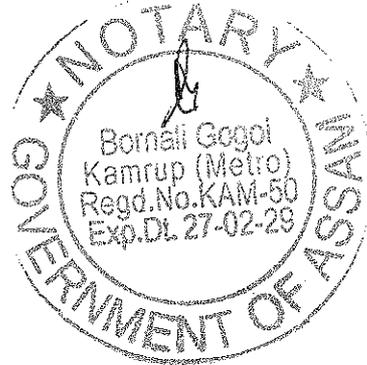
Annual Report

Annual General Meeting – 28th September 2024.

Respected Members & Board of Directors,

I, on behalf of Board of Directors of Arya Smart Living Group Housing Co-operative Society Limited, welcome all the members of the society to the 4th Annual General Meeting of the Society. Our Society which was registered on 10th June 2019 started functioning with a Promoter Board and on the 1st Annual General Meeting of the Society, held on 31st January 2021, 15 members were elected as Board of Directors for a term of 5 years of which the following members are currently in place.

1. Dr. Bijoya Goswami.
2. Mrs. Binita Jalan.
3. Mr. Ram Krishna Pradhan.
4. Mr. Tapanjyoti Dutta.
5. Mr. Binode Chetia.
6. Mr. Shashanka Mohan Goswami.
7. Dr. Bishnupada Choudhury.
8. Mr. Ramesh Chandra Sarma.
9. Mr. Krishna Kanta Ojah.
10. Mr. Nilutpal Dutta.
11. Dr. Imdadul Hussain.
12. Mr. Biren Gogoi.
13. Mr. Dilip Sarkar.



Summary of Financial Statement for the year ending 31st March 2024.

- Your Society had collected an amount of Rs. 51,99,765 /- (Previous year 41,92,702) during the financial year ending 31st March 2024 which is kept in a bank account in the name of your society. The society has made fixed deposit of Rs. 15 lakh (Rs.5lakh each) for future uncertainties. The funds were collected for the purpose of carrying out maintenance activities

Tapanjyoti Dutta

- as mandated by the Bye Law of the society. The Bank account is being operated with joint signatories of the office bearer of your society.
- Your Society had incurred an expenditure of Rs.44,70,636/- (Previous year Rs. 36,96,107) for various maintenance activities during the financial year ending 31st March 2024.

Office Bearers

The Board of Directors in a meeting held on 7th March 2021 has passed a resolution for appointment of Office Bearer of your society. The composition Office Bearer elected by Board of Directors are as follows and there has been no change in the composition of Board of Directors of your Society since then.

- Mr. Ram Krishna Pradhan, President
- Mr. Binode Chetia, Vice President
- Mr. Tapanjyoti Dutta, Secretary
- Mr. Krishna Kanta Ojah, Treasurer

Meetings of Board of Directors

During the Financial year ending 31st March 2024, number of meetings of Board of Directors of your society was held on the following dates:

- 22nd October 2023
- 4th February 2023
- 26th May 2024
- 13th July 2024
- 5th September 2024.

Summary of key tasks undertaken:

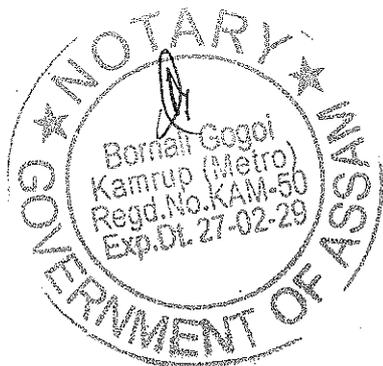
Dear Members,

I present to you the Secretarial Report detailing various activities and initiatives undertaken by the society during the period since the last General Body Meeting. The following points highlight the significant accomplishment and projects executed:

1. **Major protection during fire hazards:** There have been two major fire hazards in individual villas in the society. The effort and attention given to upkeep of the equipments and training of the staffs has protected the villa owners with respect to life and property. Other electrical hazards which keep coming frequently are well attended in conjunction with society staff and APDCL staffs.
2. **Landscaping and Beautification at ASL Campus:** ASLGHCSL initiated a landscaping project to enhance the visual appeal of the ASL campus. A diverse range of plants, including trees like Bakul, Neem, Deodar, Nahar, Pine, Krishna Sura, Ficus, and Ejar selected to suit the local climate and soil, as well as to minimize damage from monkeys and reduce their presence in the campus. The following activities were conducted for the beautification:
 - Tubs were placed at strategic locations.

Tapanjyoti Dutta

- Plantations of trees at strategic locations.
 - Fencing were made to ensure taking care of the plants in and around the campus and proper maintenance.
 - Initiatives were taken during the World Environment Day where the villa owners were encouraged to plant trees with name tags of their kids.
3. **Mass Cleaning of the ASL campus:** In addition to regular cleaning routines on this expansive campus, we also undertake mass cleaning initiatives periodically. Key cleaning tasks include the removal of litter, debris, and other waste materials from open areas.
 4. **Main Drain Cleaning:** The cleaning tasks include removing blockages to ensure smooth water flow. This process is carried out annually.
 5. **Road Repairing:** Repairing of road was done during the month of Nov- Dec 23.
 6. **Swimming Pool:** Like last year, swimming pool was activated with the onset of summer. The regular maintenance task has been handed over to a professional agency which maintains around 25 pools in and around the city.
 7. **New Gym Equipment:** Additional equipment required were made available at the gym including barbells and dumb bells.
 8. **Preventors for Electric pumps:** The electronic preventors were installed in the pumps for ensuring its safety.
 9. **Purchase of Chairs and Tables for the Clubhouse:** Additional chairs and tables were made available in the club house.
 10. **Purchase of Bicycles:** In order to support the staff movement in the expansive campus; two bicycles were made available to them.
 11. **Soil Filling:** Soil filling work was done in strategic areas.
 12. **Diesel Generators (DG) maintenance:**
 - Four new batteries and a battery charger were purchased for use with DG1 and DG2
 - Periodic servicing of DG 1 and DG 2 were done.
 13. **Electrical Barrels:** Barrels for the electrical gang and sub-gang were replaced.
 14. **Mobile Phone:** A new mobile phone was purchased and placed at security gate.



Borjani Gogoi

Secretary
ASLG HSG Coop. Soc. Ltd.

Challenges before your Society:

- After two years of Promoter Board maintenance and three years of additional maintenance by the elected board, that is a total of five years, the maintenance fees collected from members were revised and the same has started since June 2024. The main reason for the same is the enhancement of salaries of our regular staffs particularly the vintage ones. The same has been resisted by a few members which is unfortunate as because the staffs are facing inflation as seen in the state economy too. A critical part of fund collection is also to gradually build a sinking fund which will be necessary once the multi electrical cum mechanical installations starts wearing out and needs replacement. Timely collection of monthly maintenance charges from members by Society is a constant challenge before the society as it impacts the working capital capacity of your Society to meet its recurring commitment to contractors, vendors and procurement of items for maintenance activities. Members are requested to consider this hardship faced by Society.
- There is always going to be constant expectation of the members towards the higher quality of maintenance services which in turn is totally linked with the quantum of only one source of revenue stream of the Society which is members' monthly contribution and therefore a balance needs to be strike-out. Therefore, going forward review of monthly contribution vis-à-vis the level of services expected and exploring the additional source of revenue stream of Society needs to be reviewed critically.
- Also the fact that the litigatory challenges put forward by a small fringe group of people in their individual capacity has led to erosion of funds of the society. A lot of time attention and financial resources has been spent on multiple frivolous complaints filed in regulatory body and most of these complaints have been rejected outright by the regulatory authorities/ quasi judicial authorities.
- It has been observed that considering above constraints, services rendered to the members by Board and Office Bearers are at all times subjected to excessive criticism which goes to disrespect the time and effort of Board and Office Bearers. Member's attention is invited that the Office of Board and Office Bearers is not an office of profit but rather they are devoting and investing their valuable personal time towards the objective of the Society which results in advantage of comfortable stay of all members.

Acknowledgement

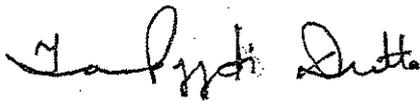
Your Society wishes its sincere gratitude to the staff of the Contractors and the Contractor for their support and services.

Your Society wishes its sincere gratitude to various non-Board members for their ongoing contribution and support from time to time.

Your Society wishes its sincere gratitude to all the officers of the Office of Assistant Registrar, Co-Operative Societies for their guidance and support to the Society for complying the Co-Operative Societies Law.

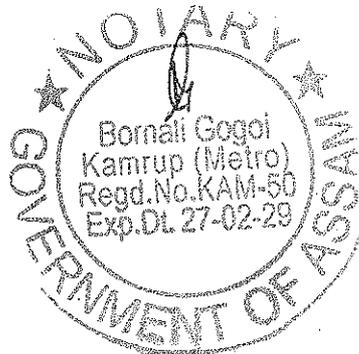
Thanking you,

For and behalf of Board of Directors



Tapanjyoti Dutta, Secretary, ASLGHCSSL

Secretary
ASLG HSG Coop. Soc. Ltd.



Fw: Announcement of Implementation of Waterlogging Mitigation Project

Ganesh Das <ganeshdas40244@yahoo.com>
To: Vikram Rajkhowa <vikram.rajkhowa@gmail.com>

Mon, Feb 24, 2025 at 1:43 PM

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Wednesday, February 12, 2025, 7:23 PM, Ganesh Das <ganeshdas40244@yahoo.com> wrote:

Dear president
Please send me soft copy of following documents
1. ARCS approved last AGM resolution
2. Last directors meeting resolution copy in relation to water logging issues
3. IIT vetting DPR soft copy (pdf version)
Dr G Das
A6 ASL, North Guwahati, Assam.

Sent from Yahoo Mail for iPhone

On Thursday, January 16, 2025, 2:46 PM, Ganesh Das <ganeshdas40244@yahoo.com> wrote:

Sent from Yahoo Mail for iPhone

Begin forwarded message:

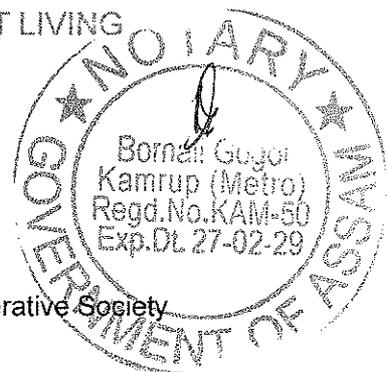
On Thursday, January 16, 2025, 9:10 AM, ARYA SMART LIVING <aslsociety19@gmail.com> wrote:

To

The Members of Arya Smart Living Group Housing Cooperative Society Limited

Abhaypur, North Guwahati

Subject:Water Logging Mitigation Project Committee



Dear Sir/Madam,

All the members of the Society are desirous to bring a practical solution to the problem faced due to water logging on the campus of the Society. The intention and desire of the members and duly supported by BOD had resulted in two technical documents in past i.e. technical study report prepared by IIT, Guwahati shared to members in June 2022 and technical implementation report prepared by Dr D N Buragohain shared to members in June 2024.

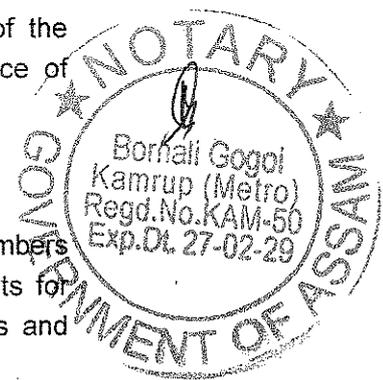
Please find below the brief of the chronological incidents leading to the present announcement of implementation. This carries a lot of significance as a gridlock has been removed due to active participation by a few members, giving unlimited time since the last 6 months.

For some reason or the other, the implementation of the above-mentioned studies and report could not take place, but the momentum started gathering from July 2024 onwards with the members of the Society approaching the BOD. Accordingly, the BOD had reached the Department of Civil Engineering, IIT, Guwahati ("IITG") to arrive at a practical feasible solution considering the constraints faced by the campus.

With the aid of grid survey report of the entire campus that was undertaken in August 2024 under the guidance and supervision of IITG and thereupon based on intensive study and analysis within the framework of earlier technical study, a concept solution was arrived at, which was presented to the members of the Society in Club House on 25th September, 2024 by IITG.

BOD after intense deliberation had placed before the members a proposal to implement the Water Logging Mitigation Project ("Project"). The members in Annual General Meeting held on 28th September 2024 had passed two specific resolutions on matters relating to Water Logging Mitigation Project i.e. Implementation Plan of the Project and formation of an empowered committee for matters related to execution of the Project. The AGM resolution was further approved by the Office of Assistant Registrar of Co-Operative Societies.

In the meantime, in line with concept solution presented to the members on 25th September 2024, the preparation of technical documents for construction activities (Road Cross Section, Drawings, Estimates and



Bill of Quantities) of the Project was undertaken. The technical documents had undergone an intense proof checking from the Department of Civil Engineering, IIT, Guwahati. After intense scrutiny of the technical documents by IITG and multiple revision and updates, the technical documents were concluded.

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Now, in order to give effect to the Resolution passed by the members in Annual General Meeting held on 28th September 2024, the constitution and the terms and reference of Water Logging Mitigation Project Committee is notified to all the members of the Society. The Committee aided by IITG's proof checked technical documents for construction activities of the Project will undertake all necessary activities that is required for successful completion of the project. The functions of the committee will act as road map of the Project and all members of the Society are requested to participate and co-operate with the road map.

Yours Sincerely

For and behalf of the Board of Directors of Arya Smart Living Group Housing Cooperative Society Limited

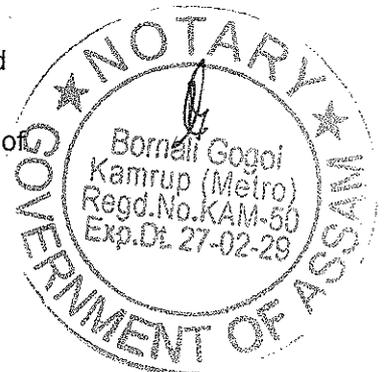
Ram Pradhan

President

Arya Smart Living Group Housing Cooperative Society Limited

Terms and Reference of Water Logging Mitigation Project Committee

Members of the Society in Annual General Meeting held on 28th September 2024 ("AGM") had passed a two specific resolution on matters relating to Water Logging Mitigation Project ("Project") i.e. Implementation Plan of the Project and **formation** of an empowered committee for matters related to execution of the Project. The AGM resolution was further approved by the Office of Assistant Registrar of Co-Operative Societies.



Water Logging Mitigation Project Committee ("**Committee**") will execute various aspects of Implementation Plan of the Water Logging Mitigation Project. The execution of the plan will be in line with the Road Cross Section, Drawings, Estimates and Bill of Quantities ("**Technical Documents**") which was proof checked by the Department of Civil Engineering, IIT, Guwahati

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The initial composition of the Committee will be as follow and the initial members of the Committee can co-opt furthers members of the Committee drawn from the members of the Society depending on the requirement of the Project

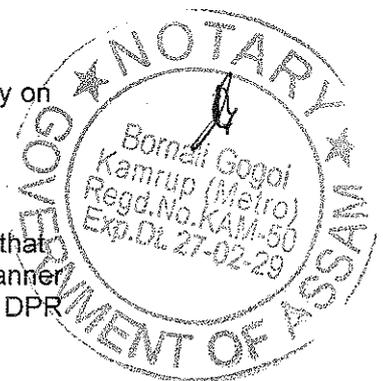
Sl. no	Name	Capacity in relation to the Society	Role in Committee
1.	Dr D N Buragohain B Tech, M Tech, PHD Dept. of Civil Engineering, IIT Mumbai Founder Director of IIT, Guwahati	Member of Society	Chairman of Committee
2.	Mr Sumnyak Sumnyan Retd, Chief Engineer, PWD, Highway Govt of Arunachal Pradesh	Member of Society	Member of Committee
4.	Ms Nirmali Chetia Gogoi	Internal Auditor of Society	Treasurer of Committee
5.	Designated Manager of the Society	Manager of the Society	Administrative Staff of Committee

The term of the Committee will be for such a period starting from the date of notification of constitution of the Committee till the completion of Water Logging Mitigation Project.



The functions and responsibilities of the Committee shall be as follow

1. To coordinate with IITG team for any matters connected with Technical Documents
2. To finalize the solution model options
3. To finalize the type and quality of materials
4. To review the Bill of Quantity (BOQ) as per Technical Documents and after considering input of the serial no 2 & 3 above and also after evaluating the market condition and further after considering cost optimization, arrive at the cost of the Project
5. To issue Request for Quotation (RFQ) to the potential contractors in line with BOQ of the Technical Documents
6. To obtain the quotations from at least three potential contractors who have adequate experiences in executing the nature of work as per the Technical Documents
7. To frame the evaluation criteria for selecting the contractor
8. To finalize the terms and conditions of the contract / purchase order / engagement letter
9. To communicate to the members of the Society the details of the Project Cost, Technical Documents and Contractors document after completing the task under serial no 1 to 8 and before awarding the contract
10. To shortlist contractors based on evaluation criteria and to appoint the contractor considering the Project Cost, Quality of work as per design and specification of Technical Documents and timeline to complete the project
11. To hold consultative meetings with the members of the Society on matters relating to execution of the Project
12. To carry out all necessary activities that is required to ensure that the contract awarded to the contractor is carried out in a timely manner and in accordance with the design and specifications of approved DPR



13. To examine the contractor's bills/invoice with respect to payment terms of the contract and physical progress of work in progress and to forward the bills/invoices with amount approved for payment to the authorized signatories of bank account of the Society.

14. To engage or hire any technical resources that may be required for the smooth and timeline execution of the Project and to incur expenditure related to it.

15. To reimburse to the maintenance fund account of the Society for any expenditure incurred towards the project

16. Treasurer of the Committee is authorized with proper documentation and records to carry out the collection process of the contribution amount from each member of the Society as per "Monetary Contribution Plan of the Water Logging Mitigation Project"

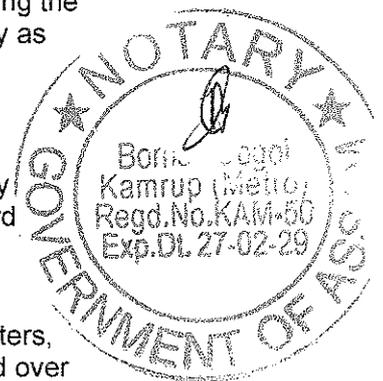
17. Treasurer of the Committee is authorized to delegate the collection process to any members of the Society / Committee as it deem fit which will be necessitated by the fact considering the time involvement of the collection process.

18. To monitor the fund collection status from the members of the Society and to formulate detailed financial plan to finance the deficit in collection.

19. To prepare and execute the financial plan which will include the scope and terms of raising funds from any source to finance the deficit in collection that may arise if some members express their inability to pay their contribution as per "Monetary Contribution Plan of the Water Logging Mitigation Project". The financial plan documents for raising the funds will be executed by the authorized signatories of the Society as referred in bye law no 9 of the society.

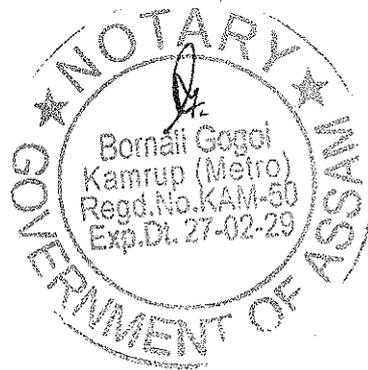
20. To get the Project Receipt and Payment Statement audited by Internal Auditor of the Society and to submit the same to the Board

21. To keep all hard and online version of documents, papers, letters, vouchers, bills, and all documents relating to the Project and hand over the same to the Board at the end of the Project



22. To coordinate with members of Society with regard to traffic plan, car parking arrangements, construction work in front of row house line and other matters that will arise during the construction activities.

23. To undertake and carry out all such other activities and action that may be required from time to time for attainment the objective of the Project in consultation with Members of the Society, Officer Bearer and with Board of the Society and to incur any expenditure that may arise with such activities.



Fw: Monetary Contribution payable for Water Logging Mitigation Project

Ganesh Das <ganeshdas40244@yahoo.com>
To: Vikram Rajkhowa <vikram.rajkhowa@gmail.com>

Mon, Feb 24, 2025 at 1:43 PM

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Tuesday, January 28, 2025, 4:47 PM, Ganesh Das <ganeshdas40244@yahoo.com> wrote:

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Monday, January 20, 2025, 12:10 PM, ARYA SMART LIVING <aslsociety19@gmail.com> wrote:

**Water Logging Mitigation Project
Committee**

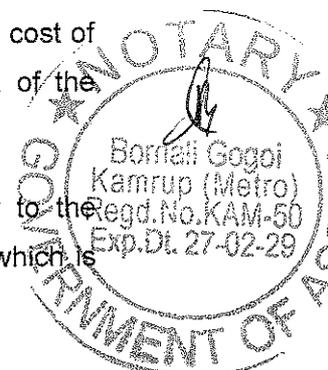
Monetary Contribution Plan of Water Logging Mitigation Project

Following announcement is being made for necessary information and action for all the Villa house under the jurisdiction of the Society for the purpose of "Monetary Contribution Plan of the Water Logging Mitigation Project"

The total cost of Water Logging Mitigation Project ("Project") is estimated to be Rs 2,43,52,625 /- (Rupees Two Crore Forty-Three Lakhs Six Hundred Twenty-Five only) after considering Paver Block solution model.

The one-time payment of the monetary charge in connection with the Project is fixed at Rs 1,56,000 /- (Rupees One Lakh Fifty six Thousand only) based on total cost of the Project divided by 156 numbers of Villa house under the jurisdiction of the Society.

Members of the Society, owners of Villa houses are requested to refer to the approved Monetary Contribution Plan of Water Logging Mitigation Project which is given below:



(a) The outcome of the Water Logging Mitigation Project ("Project") will contribute towards the repair, replacement and improvement of the infrastructure & facilities under the jurisdiction of the Society. This infrastructure enhancement will be an integral part of areas and facilities as described in clause no 3 of the Bye Law of the Society. Since the members of the Society will enjoy the continuous services arising from the infrastructure enhancement, there will be a monetary charge payable by the members in the form of one-time payment. A resolution was passed in the Annual General Meeting of the Society held on 28th September 2024 that all 156 numbers of Villa / House under the jurisdiction of the Society will make one-time equal payment towards the cost of the project. This monetary charge is in accordance with clause no 9(7) of the Bye Law of the Society and Section 38(4) and Section 38(5) of the Assam Co-Operative Society Act, 2007

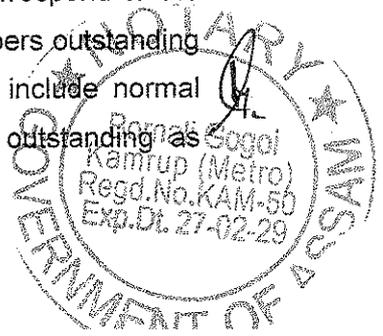
(b) The one-time payment of the monetary charge payable by the members of the Society will be the result of total cost of Project as determined by Water Logging Mitigation Committee ("Committee") divided by 156 numbers of Villa / House under the jurisdiction of the Society. The total cost of the Project shall be determined by the Committee after selection of one or more combinations of the solution model option.

(c) The one-time payment of monetary charge payable by each member will be communicated by the Committee upon determination of total cost of project and the Committee is authorized with proper documentation and records to carry out the collection process from each member of the Society.

(d) The one-time payment of the monetary charge needs to be deposited or electronically transferred by the members to the bank account of the society within a period of 30 days from the date of communication by the Committee

(e) The one-time payment of monetary charge payable by each member is of permanent character as per clause no 4(a) of the Bye Law of the Society and this liability of the member cannot be exempted by waiver of the use and enjoyment of any services associated with infrastructure enhancement arising from the Project.

(f) In the event of any member of the Society fails to pay the one-time payment of monetary charge within a period of 60 (Sixty) days from the date of notification of communication by the Committee, then such monetary charge will be treated as dues outstanding against clause no 9(7) of the Bye Law of the Society and such members will be treated as defaulting members. The outstanding dues will be payable by the defaulting members along with interest that will correspond to the interest cost on borrowings by Society to fund such defaulting members outstanding dues. The total charges payable by any defaulting members will include normal maintenance charges as fixed from time to time and the dues outstanding as mentioned above along with interest.



(g) All receipts and payments of funds associated with the Project shall be accounted in separate Water Logging Mitigation Project Fund Account in the books of account of the Society.

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N.B. Payment made within first 30 days starting from today (20th Jan 2025) can avail a 5% one time discount. Net payment post discount is Rs 1,48,300/

