

IN THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

**M.A.No. 54 of 2024 IN
Appeal No. 13 of 2021**

Amaltash Residential Welfare Association (ARWA)Appellant

Versus

State of Haryana & Ors

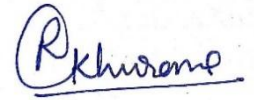
.....Respondent(s)

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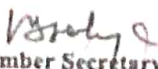
Filed By:

Date: - 06.03.2025



Rahul Khurana, Advocate
Counsel for State Environment Impact
Assessment Authority Haryana
(Respondent No. 2 and 8)
09811894060
rkhuranalegal@gmail.com

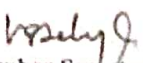
Keeping in view of above, you are hereby advised to submit report after making corrections / amendments within two days positively, so that compliance of Hon'ble NGT can be made at the earliest to avoid any further litigations in the matter.


Member Secretary,
SEIAA, Haryana

Endst. No. SEIAA/HR/2024/ 329

Dated: 19/11/2024

A copy of above is forwarded to PA to Chairman, SEIAA for information, please.


Member Secretary,
SEIAA, Haryana

815**Re: Order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.**

Me SEIAAHRY Environment Dept, Haryana <seiaa-21.env@hry.gov.in>
Mon, 25 Nov 2024 2:39:10 PM +0530 •

To "Narender Sharma" <narendersharma.cpcb@gov.in>

Cc "Dharmendra Kumar Gupta" <gupta.dharmendra@gov.in>, "Chairman SEIAA" <chairman-seiaa@hry.gov.in>

Dear Sir,

It is to submit that earlier site visit report was submitted through whatsapp by Shri Bhupinder Singh Rinwa, Member Secretary, SEAC, whereas, as requested by you draft site visit report is hereby again forwarded through this email with a request to submit final report at the earliest to avoid any further litigations/ adverse remarks by Hon'ble NGT.

Thanks & Regards,

Office of SEIAA, Haryana
Bays No. 55-58, 1st Floor, Paryatan Bhawan,
Sector-2, Panchkula, Haryana
Ph. 0172-2565232, 4043956

From: "SEIAAHRY Environment Dept, Haryana" <seiaa-21.env@hry.gov.in>
To: "scy seachr" <scy.seachr@gmail.com>
Sent: Wednesday, November 20, 2024 11:30:04 AM
Subject: Fwd: Order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.

From: "Narender Sharma" <narendersharma.cpcb@gov.in>
To: "SEIAAHRY Environment Dept, Haryana" <seiaa-21.env@hry.gov.in>
Cc: "Chairman SEIAA" <chairman-seiaa@hry.gov.in>, "Dharmendra Kumar Gupta" <gupta.dharmendra@gov.in>
Sent: Tuesday, November 19, 2024 5:49:28 PM
Subject: Re: Order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.

Sir,

Kindly see if you could forward the draft report in reply to this email.

Regards,

Narender

----- On Tue, 19 Nov 2024 17:16:11 +0530 **gupta.dharmendra gupta.dharmendra**
<gupta.dharmendra@gov.in> wrote ---

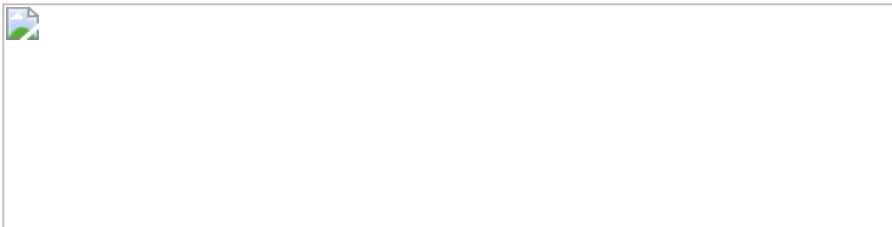
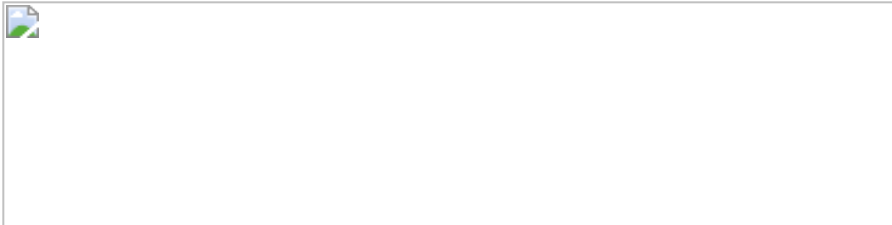
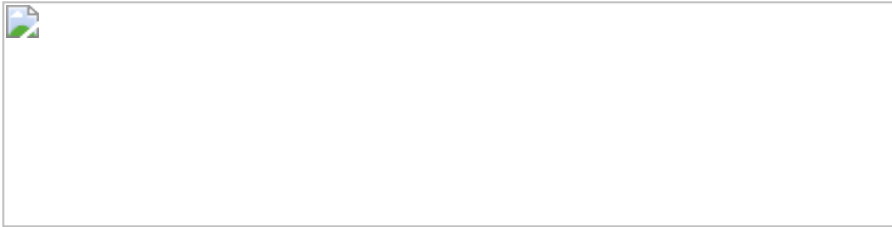
Till date i have not recieved any draft, please send the draft once again to finalise the report.

----- On Tue, 19 Nov 2024 16:59:10 +0530 **SEIAAHRY Environment Dept, Haryana** <seiaa-21.env@hry.gov.in> wrote ---

Please find enclosed herewith letter No. SEIAA/HR/2024/327-328 dated 19.11.2024, issued by SEIAA, Haryana.

Thanks & Regards,

Office of SEIAA, Haryana
Bays No. 55-58,1st Floor, Paryatan Bhawan,
Sector-2, Panchkula, Haryana
Ph. 0172-2565232,4043956



⌵ **1 Attachment(s)** • [Download as Zip](#)

site visit silverglades.docx



14.8 KB • 

817

818**Re: Order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.**

Me SEIAAHRY Environment Dept, Haryana <seiaa-21.env@hry.gov.in>
Wed, 04 Dec 2024 11:42:37 AM +0530 •

To "Narender Sharma" <narendersharma.cpcb@gov.in>, "Dharmendra Kumar Gupta" <gupta.dharmendra@gov.in>

Cc "Chairman SEIAA" <chairman-seiaa@hry.gov.in>, "scy seachr" <scy.seachr@gmail.com>

Dear Sir,

Kindly refer to this office Memo No. SEIAA/HR/2024/327-328 dated 19.11.2024, on the subject cited above vide which it was advised to submit report after making correction's/amendments within two days, but no communication/ report has been received so far.

Keeping in view of above, you are hereby again advised to submit report within two days positively, without any failure, so that compliance of Hon'ble NGT can be made at the earliest to avoid any further litigations in the matter.

Thanks & Regards,

Office of SEIAA, Haryana
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Ph. 0172-2565232,4043956

819

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To: "SEIAAHRY Environment Dept, Haryana" <seiaa-21.env@hry.gov.in>
Cc: "Chairman SEIAA" <chairman-seiaa@hry.gov.in>, "Dharmendra Kumar Gupta" <gupta.dharmendra@gov.in>
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Regards,

Narender

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Please find enclosed herewith letter No. SEIAA/HR/2024/327-328 dated 19.11.2024, issued by SEIAA, Haryana.

Thanks & Regards,

Office of SEIAA, Haryana
Bays No. 55-58, 1st Floor, Paryatan Bhawan,
Sector-2, Panchkula, Haryana
Ph. 0172-2565232,4043956



820



821**Site Visit Report in compliance of order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.**

Me SEIAAHRY Environment Dept, Haryana <seiaa-21.env@hry.gov.in>
Tue, 17 Dec 2024 4:30:26 PM +0530 •

To "Dharmendra Kumar Gupta" <gupta.dharmendra@gov.in>, "Narender Sharma" <narendersharma.cpcb@gov.in>

Cc "Chairman SEIAA" <chairman-seiaa@hry.gov.in>

Please find enclosed herewith Site Visit Report prepared by Member Secretary, SEAC, Haryana in compliance of order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.

If, there is any changes or amendment is required, same may kindly be done in bold / italic / colour change including adding of conclusion as per site visit.

Thanks & Regards,

O/o SEIAA, Haryana
Bays No. 55-58, 1st Floor, Paryatan Bhawan,
Sector-2, Panchkula, Haryana
Ph. 0172-2565232, 4043956

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amended Final Site Visit Report... .docx
20.7 KB • 📄

822**Site Visit Report in compliance of order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.**

Me Pardeep Kumar <seiaa-21.env@hry.gov.in>
Fri, 07 Feb 2025 10:57:58 AM +0530 •

To "gupta.dharmendra gupta.dharmendra" <gupta.dharmendra@gov.in>, "Narender Sharma" <narendersharma.cpcb@gov.in>

Cc "PK Das" <chairman-seiaa@hry.gov.in>, "hspcbcee" <hspcbcee@yahoo.com>, "scy seachr" <scy.seachr@gmail.com>

This is with reference to your email dated 04.02.2025, on the subject cited above.

In compliance of directions dated 16.05.2024 passed by the Hon'ble National Green Tribunal, the Joint Committee inspected the Project site on 21.08.2024, whereas after conducting the site inspection, draft site inspection report was prepared and forwarded to both the Regional Officers (MOEF & CC, GOI and CPCB) for finalization of the same, but, this office has not received any response, till now.

Thereafter, this office vide letter dated 19.11.2024 & email dated 04.12.2024, asked both the Regional Officers (MOEF & CC, GOI and CPCB) to submit report after making corrections/amendments within two days, but no communication/ report has been received so far.

Now, on 04.02.2025, both the Members of the Joint Committee have put the following questions instead of finalization of Site inspection Report:

- 1. When there was no construction done at the project site under EC granted on 15.06.2018, what was the reason to considering this project as Expansion Project of the earlier Group Housing rather that considering it a new Group Housing cum Commercial Project?**

Reply: As per the provisions of EIA Notification 14.09.2006, the Ministry of Environment & Climate Change vide Office Memorandum dated 30.08.2019, has directed to submit all the file related to Grant of Terms of Reference and Environment Clearance shall be submit online though PARIVESH w.e.f. 01.09.2019 and not to accept any physical file. It is appropriate to mention here that the Ministry has developed FORM-1 and 1A for submission of Projects for Construction and Development Projects under category 8 (**applicable only on the Built up Area**) in the schedule of EIA Notification 2006.

Whereas, in the module/application form of the PARIVESH Web Portal there is only clause added i.e. NEW/Expansion/Modernization in FORM-1 and 1A for submission of Projects for Construction and Development Projects under category 8 (**applicable only on the**

Built up Area) in the schedule 823 of EIA Notification 2006. The Project Proponent has applied for Grant of Environment Clearance under Expansion Category in the same plot Area only due to change in Built up area from 1,18,744.25 sqm to 1,21,827.69 sqm (difference 3,083.44 sqm), accordingly, the Proposal was considered by the State Expert Appraisal committee and State Environment Impact Assessment Authority.

2. **Please Confirm whether the EC granted to PP on 15.06.2018 is still valid or has been superseded by the EC issued on 01.02.2021? This information is not available in any of the documents provided to the Joint Committee.**

Reply: Earlier Environment Clearance was granted on 15.06.2018 for the built up area of 1,18,744.25 Sqm over an plot area of 19627.25 Sqm; but construction Activity was not stated at the project site.

In the meanwhile, due to change in the planning the Built up Area of the Project increased from 1,18,744.25 sqm to 1,21,827.69 sqm (difference 3,083.44 sqm). Accordingly, on 01.02.2021, Environment Clearance under Expansion Category was accorded for 1,21,827.69 sqm on the same plot i.e. 19627.25 sqm (as per previous EC letter dated 15.06.2018).

Hence, the Environment Clearance letter dated 15.06.2018 is automatically superseded by the Environment Clearance letter dated 01.02.2021.

3. **Before Approval why not SEIAA asked for CCR either from RO-MOEF& CC or SPCB. In several cases if the project comes under expansion but no construction work started on the site, in that case a status report is submitted either from RO-MOEF& CC or SPCB.**

Reply: The Proposal was considered by the State Expert Appraisal Committee during its 203rd meeting held on 16.10.2020; wherein, the issue regarding certified compliance report was considered and the project proponent intimated and submitted an Affidavit before the Committee that "**The Company has not commenced any construction work at the project site till date**". Accordingly, it was decided by the Committee that as the construction has not been started at the project site therefore there is no necessity of certified compliance report to appraise the project.

It is relevant to mention here that the Amaltash Residential Welfare Association has raised some specific issues as depicted below; on which the Joint committee has to focus for preparation of the Site Inspection Report; so the compliance of the Hon'ble National Green Tribunal can be made, the matter is already get delayed:

1. UNILATERAL CHANGES TO THE SUB-COMMITTEE.
2. GREEN AREA

3. TRAFFIC MANAGEMENT **824** 18MTR. ROAD ISSUE.
4. EXCAVATED SOIL DISPOSED AND NOT PRESERVED.
5. WRONG RAINFALL DATA

Keeping in view of above, you are hereby advised to submit your report after making corrections/amendments in the report prepared by the Authority **on or before 10.02.2025**, in case no response received from your side; it will be presumed that the report prepared by the Authority is final and the same shall be submitted before the Hon'ble National Green Tribunal.

office of SEIAA, Haryana
Bay's No. 55-58, Paryatan Bhawan, Sector-2,
Panchkula, Haryana

---- On Tue, 04 Feb 2025 15:19:24 +0530 **gupta.dharmendra gupta.dharmendra**
<gupta.dharmendra@gov.in> wrote ---



Sir,

I am agreed with the both comments of Dr. Narendra Sharma ji i.e.

1. When there was no construction done at the project site under EC granted on 15/06/2018, what was the reason to considering this project as Expansion Project of the earlier Group Housing rather that considering it a new Group Housing cum Commercial project ?

2. Please confirm whether the EC granted to PP on 15/06/2018 is still valid or has been superseded by the EC issued on 01/02/2021. ? This information is not available in any of the documents provided to the Joint Committee.

Before approval why not SEIAA asked for CCR either from RO-MoEF&CC or SPCB? In several cases if the project comes under expansion but no construction work started on the site, in that case a status report is submitted either from RO-MoEF&CC or from SEIAA.

After getting reply, RO-MoEF&CC will provide comments within one day.

With regards

Dr. Dharmendra Gupta
Director (S)
RO-MoEF&CC, Chandigarh

---- On Tue, 04 Feb 2025 14:15:22 +0530 **Narender Sharma** <narendersharma.cpcb@gov.in>
wrote ---

Sir,

825

With reference to the trailing email along-with only background information, no change is required in content of the report shared by Member Secretary SEAC, since this will be reproduced as such, as the background information provided by SEIAA, to the members of the Joint Committee.

However, to provide outcome of the site visit/examination of various documents, as a member of the Joint Committee representing CPCB, the clarity/more information is required on the following points:

As per information provided by SEIAA:

1. **Environmental Clearance (EC) for a Residential Project** was granted to M/s Silverglades Infrastructure Pvt. Ltd by SEIAA vide No SEIAA/HR/2018/605 dated 15.06.2018 with validity upto 07 years i.e June 2025.

As per conditions of the EC granted to the PP, (xviii) *The project proponent shall seek fresh environmental clearance in case any modification/revision is required at a later stage due to exchange of revenue rasta existing in the project area or change in any plan due to combined zoning plan"*

Please confirm whether any construction was carried out by the PP under the environmental clearance granted on 15/06/2018 ?

2. **Project Proponent submitted proposal on 28/07/2020 for Expansion of Group Housing Project.** The proposal was for **residential cum commercial project.**

As per MoM of the 203rd Meeting of the SEAC held on 14-16/10/2020, shared with the members of the Joint Committee by SEIAA:

i) The **certified compliance report** with regard to EC granted on 15/06/2018 **was not submitted by the Project Proponent.**

ii) The SEAC Committee was intimated by the PP that **the construction has not yet started at the project site under the EC granted on 15/06/2018** and pleaded before the SEAC that **they may be exempted from the certified compliance report.**

iii) **The SEAC** discussed as the construction has not started at the project site, **therefore there is no necessity of the certified compliance report to appraise the project.**

Environmental Clearance for the Expansion Project (Group Housing and Commercial) was granted to the **PP vide SEIAA memo no. 118 dated 01.02.2021.**

Kindly help us to understand:

1. When there was no construction done at the project site under EC granted on 15/06/2018, what was the reason to considering this project as Expansion Project of the earlier Group Housing rather that considering it a new Group Housing cum Commercial project ?

2. Please confirm whether the EC granted to PP on 15/06/2018 is still valid or has been superseded by the EC issued on 01/02/2021. ? This information is not available in any of the documents provided to the Joint Committee.

CPCB member will provide the comments within 24 hours after receipt of the feedback on the above points (in blue text).

Regards,

Narender

826

---- On Tue, 17 Dec 2024 16:30:26 +0530 **SEIAAHRY Environment Dept, Haryana** <seiaa-21.env@hry.gov.in> wrote ---

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Ph. 0172-2565232, 4043956



827**Re: Site Visit Report in compliance of order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.**

gg gupta.dharmendra gupta.dharmendra <gupta.dharmendra@gov.in>
Tue, 11 Feb 2025 11:09:17 AM +0530 •
To "Pardeep Kumar" <seiaa-21.env@hry.gov.in>
Cc "Narender Sharma" <narendersharma.cpcb@gov.in>, "PK Das" <chairman-seiaa@hry.gov.in>, "hspcbcee" <hspcbcee@yahoo.com>, "scy seachr" <scy.seachr@gmail.com>

Sir,

Thanks for the clarification.
I have gone through the reply it seems OK and convincing to me.
Please proceed further.

With kind regards

Dharmendra

---- On Fri, 07 Feb 2025 10:57:55 +0530 **Pardeep Kumar** <seiaa-21.env@hry.gov.in> wrote ---



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<gupta.dharmendra@gov.in> wrote ---

Sir,

I am agreed with the both comments of Dr. Narendra Sharma ji i.e.

1. When there was no construction done at the project site under EC granted on 15/06/2018, what was the reason to considering this project as Expansion Project of the earlier Group Housing rather that considering it a new Group Housing cum Commercial project ?

2. Please confirm whether the EC granted to PP on 15/06/2018 is still valid or has been superseded by the EC issued on 01/02/2021. ? This information is not available in any of the documents provided to the Joint Committee.

Before approval why not SEIAA asked for CCR either from RO-MoEF&CC or SPCB? In several cases if the project comes under expansion but no construction work started on the site, in that case a status report is submitted either from RO-MoEF&CC or from SEIAA.

After getting reply, RO-MoEF&CC will provide comments within one day.

With regards

Dr. Dharmendra Gupta
Director (S)
RO-MoEF&CC, Chandigarh

---- On Tue, 04 Feb 2025 14:15:22 +0530 **Narender Sharma** <narendersharma.cpcb@gov.in> wrote ---

Sir,

With reference to the trailing email along-with only background information, no change is required in content of the report shared by Member Secretary SEAC, since this will be reproduced as such, as the background information provided by SEIAA, to the members of the Joint Committee.

However, to provide outcome of the site visit/examination of various documents, as a member of the Joint Committee representing CPCB, the clarity/more information is required on the following points:

As per information provided by SEIAA:

1. **Environmental Clearance (EC) for a Residential Project** was granted to M/s Silverglades Infrastructure Pvt. Ltd by SEIAA vide No SEIAA/HR/2018/605 dated 15.06.2018 with validity upto 07 years i.e June 2025.

As per conditions of the EC granted to the PP, (xviii) *The project proponent shall seek fresh environmental clearance in case any modification/revision is required at a later stage due to exchange of revenue rasta existing in the project area or change in any plan due to combined zoning plan"*

Please confirm whether any construction was carried out by the PP under the environmental clearance granted on 15/06/2018 ?

2. **Project Proponent submitted proposal on 28/07/2020 for Expansion of Group Housing Project.** The proposal was for **residential cum commercial project.**

As per MoM of the 203rd Meeting of the SEAC held on 14-16/10/2020, shared with the members of the Joint Committee by SEIAA:

i) The **certified compliance report** with regard to EC granted on 15/06/2018 **was not submitted by the Project Proponent.**

ii) The SEAC Committee was intimated by the PP that **the construction has not yet started at the project site under the EC granted on 15/06/2018** and pleaded before the SEAC that **they may be exempted from the certified compliance report.**

iii) **The SEAC** discussed as the construction has not started at the project site, **therefore there is no necessity of the certified compliance report to appraise the project.**

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Environmental Clearance for the Expansion Project (Group Housing and Commercial) was granted to the **PP vide SEIAA memo no. 118 dated 01.02.2021**.

Kindly help us to understand:

- 1. When there was no construction done at the project site under EC granted on 15/06/2018, what was the reason to considering this project as Expansion Project of the earlier Group Housing rather that considering it a new Group Housing cum Commercial project ?**
- 2. Please confirm whether the EC granted to PP on 15/06/2018 is still valid or has been superseded by the EC issued on 01/02/2021. ? This information is not available in any of the documents provided to the Joint Committee.**

CPCB member will provide the comments within 24 hours after receipt of the feedback on the above points (in blue text).

Regards,

Narender

---- On Tue, 17 Dec 2024 16:30:26 +0530 **SEIAAHRY Environment Dept, Haryana** <seiaa-21.env@hry.gov.in> wrote ---

Please find enclosed herewith Site Visit Report prepared by Member Secretary, SEAC, Haryana in compliance of order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.

If, there is any changes or amendment is required, same may kindly be done in bold / italic / colour change including adding of conclusion as per site visit.

Thanks & Regards,

O/o SEIAA, Haryana
Bays No. 55-58, 1st Floor, Paryatan Bhawan,
Sector-2, Panchkula, Haryana
Ph. 0172-2565232, 4043956



832



833

Re: Site Visit Report in compliance of order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.

gupta.dharmendra gupta.dharmendra <gupta.dharmendra@gov.in>

Tue, 11 Feb 2025 3:45:49 PM +0530 *

To "Pardeep Kumar" <seiaa-21.env@hry.gov.in>

Cc "Narender Sharma" <narendersharma.cpcb@gov.in>, "PK Das" <chairman-seiaa@hry.gov.in>, "scy seachr" <scy.seachr@gmail.com>, "hspcbcee" <hspcbcee@yahoo.com>

Reading 1 / 2

Sir,

Please find enclosed signed report for your kind perusal and further processing.

With kind regards

Dharmendra

----- On Tue, 11 Feb 2025 12:38:58 +0530 Pardeep Kumar <seiaa-21.env@hry.gov.in> wrote -----



1 Attachment(s) • Download as Zip

NGT Report Silverglades Infrastr... .pdf

1.9 MB •

**Joint Inspection Report Silverglades Infrastructure Pvt. Ltd. Group
Housing Project in Village Sukhrali, Sector 28, Gurugram**

References:

- i. EC granted vide SEIAA Memo No. SEIAA/HR/2018/605 dt. 15.06.2018
- ii. Expansion EC granted vide No. SEIAA (126)/HR/2021/118 dt 01.02.2021
- iii. NGT Order dated 31.05.2021 in Appeal No. 13/2021
- iv. NGT Order dated 16.05.2024 in Appeal No. 13/2021
- v. Representation of RWA dated 23.07.2024

In compliance to the directions dated 16.05.2024 passed by the Hon'ble National Green Tribunal, an opportunity of hearing was given to the Association by the Committee Members on 23.07.2024; wherein, the representatives of the Amaltash Residential Welfare Association submitted representation dated 23.07.2024 raised the following issues:-

1. UNILATERAL CHANGES TO THE SUB-COMMITTEE.
2. GREEN AREA
3. TRAFFIC MANAGEMENT AND 18MTR. ROAD ISSUE.
4. EXCAVATED SOIL DISPOSED AND NOT PRESERVED.
5. WRONG RAINFALL DATA

The Committee comprising Dr. Narendra Sharma, (Regional Director, CPCB, Chandigarh), Dr. Dharmendra Kumar Gupta, Director (S), RO-MoEF&CC, Members of RWA and Project Proponent visited the project site on 21.08.2024.

1. Background:

- 1.1. M/s Silverglades Infrastructure Pvt. Ltd. (herein after referred as company) was granted License No. 110 of 2013 for development of Group Housing project in Sukhrali, Sector-28, Gurugram. The building plan was approved for residential use vide Memo No. ZP. 1085/AD (RA) 2015/22036 dated 06.11.2015 (Annexure-1). Transit Oriented Development (TOD) policy of 2016 by the Government was announced on 09.02.2016 (Annexure-2) which calls for development of mix-land use projects with 70% Residential and


Wahid

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(Signature)

30% Commercial component and allows the benefit of higher FAR, and hence permits new developments to come up in proximity to mass transportation means like Metro Rail. This policy aims to provide opportunity to more individuals to rely on public transport and hence discourage the use of individual vehicles for daily commute, with collateral benefit of significant reduction in carbon emissions, pollution and traffic congestion in urban cities such as Gurugram.

- 1.2. After announcement of the above TOD Policy, the company made an application on 26.06.2017 for revision of their building plan under this policy allowing mixed land use with 70% Residential and 30% commercial component. This revised Building Plan was approved in the Building Plan Approval Committee meeting held on 10.11.2017 as conveyed vide Memo No. ZP-1085/SD(BS) 2017/32647 dated 19.12.2017 (Annexure- 3). Then the company applied to SEIAA for Environment Clearance on 09.02.2018. After due process the EC for this project was granted vide SEJAA Meme. No SEIAA/HR/2018/605 dated 15.06.2018.
- 1.3. Subsequently on 20.01 2020, the company applied for further revision of their building plan which was approved by the DTCP vide Memo No ZP-1085 AD(RA)/2020/17983 dated 12.10.2020 (Annexure-4). In the meantime, the company applied for EC for Expansion of this Group Housing Project on 28.07.2020 in anticipation of approval of the above-mentioned revision of their Building Plan involving residential and commercial mixed land-use and got approval for the same. EC for expansion was granted vide SEIAA memo no. 118 dated 01.02.2021.
- 1.4. A resident welfare association namely Amaltash Residential Welfare Association (henceforth referred to as RWA) of the neighbouring group housing colony, namely "The Laburnum", vide their complaint dated 21.11.2020 raised certain objections to the Expansion of the Silverglades Project. In continuation of this complaint, the RWA made another representation dated 20.12.2020. Challenging the grant of this EC for expansion, the RWA filed the Appeal no. 13/2021 in the NGT Principal Bench, New Delhi. Hon'ble NGT, in their Order dated 31.05.2021, expressed the view that the issues raised in the representation need to be first considered by an expert committee, followed by an opportunity to SEIAA to take a call in the matter, following due process. For this purpose, Hon'ble

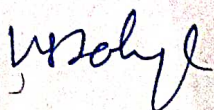


NGT constituted a three-member committee of the R.O. MoEF&CC, R.O CPCB and Member Secretary SEIAA Haryana. Member Secretary, SEIAA Haryana was nominated as the nodal agency for coordination.

- 1.5. In compliance of the above mentioned NGT Order, SEIAA Haryana, vide their office order dated 27.10.2021 constituted a team comprising of Dr. Punit Ghai, Member SEIAA, Arch. Hitendra Singh, Member SEAC, Sh. Narender Sharma, a nominated member of RO CPCB Chandigarh and Sh. Kuldeep Singh, RO HSPCB Gurugram, to find out the outcome of the allegations and actual position of the project. Subsequently, vide SEIAA Order dated 14.12.2021, Dr. Punit Ghai was substituted by Sh. S. N. Misra, Member SEAC. In the meantime, the terms of SEAC members Arch. Hitendra Singh and Sh. S. N. Misra lapsed on 29.01.2022. Therefore, vide SEIAA order dated 08.04.2022, these two SEAC members were substituted by new SEAC Members namely Sh. Rajbir Singh Bondwal and Sh. Sandeep Gupta vide letter. No. SEIAA/HR/2022/720-728 dated 08.04.2022.
- 1.6 The sub-committee comprising Sh. Suneel Dave, (Regional Director, CPCB, Chandigarh), Dr. Rajbir Singh Bondwal and Dr. Sandeep Gupta (both Members, SEAC, Haryana) and Sh. Praveen Kumar, AEE, HSPCB, Regional Office, Gurugram North visited the project site on 12.07.2022. The company's representative Sh. Paras Kumar Jain briefed the team about the past activities and present status of the project. The appellant/complainant RWA, who were contacted on phone, did not come to the project site and wanted a separate hearing. Therefore, the committee visited their place in the neighboring premises namely 'The Laburnum' group housing society, and discussed their concerns with the present RWA representatives. Thereafter, the committee inspected the construction work at the project site to verify the facts stated by the both parties. The site observations were captured in some photographs, typical ones of which are enclosed in this report for record and reference.

2. Site Inspection:

During the Site inspection of the referred project, the committee provided an opportunity to the representatives of Amaltash Residential Welfare Association as well as to the representatives of M/s Silverglades Infrastructure Pvt. Ltd submits their grievances.



3 

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[Handwritten signature]

3 *[Handwritten signature]*

1. Unilateral changes to the Sub-Committee:

Sub Committee was formed by the SEIAA as per the availability of the Members for the site inspection to avoid time taking process for the compliance of the directions passed by the Hon'ble National Green Tribunal, as explained above.

2. Green Area:

Association has objected as unit has intentionally used term of "Green Cover" instead of "Tree Cover". The term of "Green Cover" includes Lawns, herbs, and shrubs, which can be gradually replaced with parking spaces.

It is to submit that the State Expert Appraisal Committee during 203rd meeting directed to the project proponent to revise Form 1 water calculation, Green Area and RWH calculation etc. The project proponent vide letter dated 16.10.2020 submitted revised green Area details having 4953.80 sqm (alongwith the component Peripheral Plantation 1058 Sqm, Avenue Plantation 120 Sqm, Grass Lawn 2045 Sqm and Green Belt 1730.80 Sqm.

Further, Association has objected that as per clause 3.A.10 of the EC, no tree cutting was proposed for the project.

It is to submit that as per the records vide letter dated 01.02.2021, the Environment Clearance was granted for the Expansion of the project due to change in Ground Coverage, FAR and Non-Far Area having built up area of 3083.44 Sqm; whereas, as per Statutory Compliance No. VI i.e. Green Area condition No. i. no tree can be felled/transplant unless exigencies demand. Where absolutely necessary, tree felling shall be with prior permission from concerned regulatory Authority.

The Project Proponent obtained permission from Forest Department vide NoC dated 05.08.2021, for felling/transplant of 06 Numbers of Trees under section 4 of PLPA 1990.

3. Traffic Management and 18 Mtr. road issue:

The traffic management plan and traffic impact assessment study made in February 2021 was checked on the site and it was found that the major traffic shown on the road as per the study is in fact internal colony road and ultimately going through a different society. Committee is of the

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view that traffic management plan should be resubmitted through a Government approved agency.

18 Mtr. Road (9 mtr. 2 lane, 2 way) is shown till the project and as per the Association submission it is not correct as due to house built-up in the corner, a bottle neck is created and 18 Mtr. road is reduced before the project.

4. Excavated Sand/Soil Disposed and not preserved:

During site inspection project proponent submitted that due to constraint of space the top Sand/Soil is stored at a separate place i.e. at different site (on project at Sohna) which can be visited by the Committee Members. The Sand/Soil which will be required for back filling wherever required once the construction was complete. The site mentioned by the PP was verified.

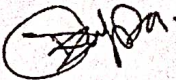
5. Wrong Rainfall Data:

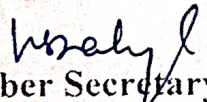
Association submitted that unit has submitted in the form 1A the rainfall data calculation @ 45 MM value and apprehended there is insufficient infrastructure of Storm Water Management and has also mentioned that in the conceptual plan PP has submitted 90 MM value. On verification it was found that SEIAA has considered 90 MM value for the calculation of rainfall data.

3. Conclusions:

There were 5 points raised by the association in the complaint, detail of the same has been given above and from the above it was concluded that traffic management plan submitted for major traffic on road is internal road and passing through different society therefore revised traffic management impact assessment study should be done through a Government approved agency and 18 mtr. wide road shown till the project should also be rechecked as due to one house the road becomes narrow towards project.

Regional Officer,
CPCB,
Chandigarh


Director (S),
RO-MoEF&CC,
Chandigarh


Member Secretary
SEIAA, Haryana

840

Re: Site Visit Report in compliance of order dated 16.05.2024 passed by the Hon'ble National Green Tribunal in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors.

NS Narender Sharma <narendersharma.cpcb@gov.in>
Thu, 20 Feb 2025 4:26:15 AM +0530 •
To "Pardeep Kumar" <seiaa-21.env@hry.gov.in>
Cc "PK Das" <chairman-seiaa@hry.gov.in>, "scy seachr" <scy.seachr@gmail.com>, "hspcbcee" <hspcbcee@yahoo.com>, "guptadharmendra" <gupta.dharmendra@gov.in>, "R D Chandigarh, CPCB" <rdchandigarh.cpcb@gov.in>

महोदय,

उपरोक्त मामले में सीपीसीबी सदस्य की रिपोर्ट/टिप्पणियाँ संलग्न हैं।

यह रिपोर्ट सदस्य सचिव, SEIAA, हरियाणा को सौंपी जा रही है, इसे अन्य दो सदस्यों (SEIAA और MoEF&CC) द्वारा अंतिम रूप दी गई रिपोर्ट के साथ सीपीसीबी सदस्य की टिप्पणियों/रिपोर्ट के रूप में, अध्यक्ष, SEIAA, हरियाणा के विचार के लिए जोड़ा जा सकता है।

धन्यवाद,

नरेंद्र

=====

Sir,

Please find attached herewith Report/Comments of CPCB Member in the above matter.

This report is being submitted to the Member Secretary, SEIAA, Haryana, to be appended to the report finalized by the other two members (SEIAA and MoEF&CC) as the comments/report of the CPCB Member, for the consideration of the Chairman, SEIAA, Haryana, for passing appropriate orders as per the directions of the Hon'ble NGT vide order dated 16/05/2024 in the matter of M.A. No. 54/2024 in Appeal No. 13/2021; Amaltash Residential Welfare Association Versus State of Haryana & Ors.

Thanks,

Narender

=====

---- On Tue, 11 Feb 2025 16:27:01 +0530 **Narender Sharma** <narendersharma.cpcb@gov.in> wrote ---



1 Attachment(s) • [Download as Zip](#)



Comments Report of CPCB Mem... .pdf
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Comments/Report of CPCB Member in the matter of MA No. 54/2024 in Appeal No. 13/2021 (IA No. 218 of 2024); Amaltash Residential Welfare Association Appellant Versus State of Haryana & Ors.

A. Background and the Facts of the Matter:

1. The matter in MA No. 54/2024 is related to non-compliance of the orders of Hon'ble NGT dated 31/05/2021, in the matter of appeal No, 13 of 2021 against the environmental clearance dated 01.02.2021 by SEIAA, Haryana for expansion of Group Housing Project at village Sukhrali, Sector – 28, District Gurugram in favour of M/s Silver Glades Infrastructure Pvt. Ltd. This M.A has been filed by the Applicant with the prayer of restoration of the Appeal No. 13/2021, which was earlier disposed off vide order dated 31/05/2021 with the directions, as reproduced below:

“3. We have considered the grounds for challenge to the EC and heard learned Counsel for the appellant. We are of the view that the issues raised (mentioned above or which may be additionally highlighted by the appellant in its representation in pursuance of this order) need to be first considered by an expert Committee followed by an opportunity to SEIAA to take a call in the matter, following due process.

4. Accordingly, we constitute a three - member Committee comprising of the Regional Officer, MoEF&CC, the Regional Officer, CPCB and the Member Secretary, SEIAA, Haryana. Member Secretary, SEIAA, Haryana will be nodal agency for coordination. The Committee will be free to consult any other expert / organization/individual. The Committee may consider impact of project on the recipient environment in the light of the objections raised by the appellant. The appellant may furnish its version to the Committee through the Member Secretary, SEIAA, Haryana within two weeks, with a copy to the PP. The PP may give its response within next two weeks. The Committee may give its report to the Chairman of SEIAA within three months. Based on the said report, the SEIAA, Haryana, may, if necessary, revisit the EC and pass further appropriate order of granting or not granting EC or imposing additional conditions. Any aggrieved party will be free to take remedy as per law against the fresh decision of the SEIAA. Any step taken by the PP in pursuance of the impugned EC will be at its own risk and will be subject to further order of SEIAA or any proceeding arising therefrom.

5. We have not considered it necessary to issue notice to the respondents having regard to the nature of the above order and also in view of the fact that the parties will be provided opportunity of hearing by the joint Committee. However, if the respondents are aggrieved, they are given liberty to move this Tribunal.”

fy 18/02/25

2. Further, it was observed and directed by the Hon'ble NGT vide Order dated May 16, 2024 that:

Para 06: *The Tribunal while disposing the appeal by order dated 31.05.2021 had directed the three-member committee to give its report to the Chairman of SEIAA within three months and thereafter the SEIAA was required to revisit the EC if necessary and pass further order of granting/not granting EC/passing further appropriate order/imposing additional conditions.*

Para 07: *The said exercise has not been carried out till now. We expect the three-member committee to have due regard to the orders of the Tribunal and submit the report in terms of the said order atleast now within a period of three months to the Chairman of SEIAA, Haryana. SEIAA, Haryana on receipt of the said report is expected to do the needful in terms of the order dated 31.05.2021 within two months and submit action taken report before the Registrar General of the Tribunal on completion of the two months by e-mail at judicial-ngt@gov.in.*

3. The member representing CPCB, Shri Suneel Dave, Scientist 'F' superannuated on 30th June, 2024 and hence he was replaced by Dr. Narender Sharma, Scientist 'F', as member of the Expert Committee.
4. The Expert Committee was directed by the Hon'ble NGT to submit the report within 03 months from May 16, 2024. However, the meeting of the Expert Committee comprising of the following members, was conducted by the Nodal agency on July 23, 2024 in the Office of the Member Secretary, SEIAA and HSPCB.
- i. Shri Pradeep Kumar, IAS, Member Secretary, SEIAA and MS, HSPCB
 - ii. Shri Dharmendra Gupta, Scientist 'F'/Director, MoEF&CC, IRO, Chandigarh
 - iii. Dr. Narender Sharma, Scientist 'F', CPCB Regional Directorate, Chandigarh
- Shri Bhupinder Rinwa, Chief Environmental Engineer and Member Secretary, SEAC was also present during the meeting. The representatives of the both the applicant and project proponent were given personal hearing in the meeting of the Joint Committee.
5. The appellant furnished its version to the Committee both verbally and in writing along with supportive documents during the meeting.
6. The site inspection was scheduled and conducted on August 21, 2024 and the following 02 members of the Expert Committee were present during the site visit:
- i. Shri Dharmendra Gupta, Scientist 'F'/Director, MoEF&CC, IRO, Chandigarh
 - ii. Dr. Narender Sharma, Scientist 'F', CPCB Regional Directorate, Chandigarh

Aug 18/2024

Shri Bhupender Rinwa, CEE and Member Secretary, SEAC also accompanied the Expert Committee during the site visit. Both the appellant and project proponent were also associated by the Expert Committee in the site inspection.

No representative/member of SEIAA participated in the site inspection.

7. A draft site visit report was shared with CPCB Member through WhatsApp on November 6, 2024 (**Annexure-1**) but only containing information of previous inspection of the Sub-Committee, which has been challenged and contested by the appellant. No comments could be provided on this draft report as it contained only background information without any observations made during the site inspection.
8. Both MoEF&CC and CPCB members received a letter No. SEIAA/HR/2024/327-328 dated 19.11.2024 from SEIAA Hayrana through email dated 19/11/2024, mentioning that a draft report was shared with the members after site visit conducted on 21/08/2024 with an advice to submit the report within 02 days.
9. In response to the above email and letter, MoEF&CC Member informed SEIAA vide email dated 19/11/2024 that he has not received any draft. CPCB Member also requested to provide the draft through email, vide email dated 19/11/2024.
10. SEIAA, Haryana sent the draft again on 25/11/2024 (**Annexure-2**) which was followed by another Email reminder dated 04/12/2024 referring to the draft report sent on 19/11/2024 with an advice to submit the report within 02 days. In response to the above draft report and the email reminder, SEIAA was informed vide email dated 10/12/2024 that Draft report is incomplete and contains only background data.
11. Further, updated version of the report was received from SEIAA vide email dated 17/12/2024 covering only 04 points of issues raised by the appellant, without incorporating the comments of the members made during the site visit (**Annexure-3**).
12. Clarification was sought by MoEF&CC and CPCB Members on the issue raised by Appellant regarding Residential Project Versus Residential cum Commercial Project vide email dated 04/02/2025 and the feedback from SEIAA was received vide email dated 07/02/2025.
13. The final Inspection report alongwith conclusion drawn by SEIAA was received through email dated 11/02/2025 (**Annexure-4**), for signatures mentioning that *"you are hereby advised to submit your duly signed report on or before 12.02.2025, till 12:00 (Noon), in case no*

Raj 18/02/25

response received from your side; it will be presumed that the report prepared by the Authority is final and the same shall be submitted before the Hon'ble National Green Tribunal."

14. CPCB Member communicated to SEIAA vide email dated 11/02/2025 that *"The report doesn't cover all the issues raised by the applicant properly and hence it may not be possible for me to sign it in the present form, as a member of the Expert Committee, representing CPCB. Will review the report and revert back with my comments before 12 noon tomorrow, as required."*

However, CPCB Member could not send the comments on the report prepared and finalized by two two members (SEIAA and MoEF&CC) before 12/02/2025 due to involvement of other NGT matters listed for hearing before 18/02/2025. *Therefore, CPCB Member is submitting the comments/report separately covering all the issues raised by the Appellant for consideration of the SEIAA.*

B. Main Issues raised by the Appellant:

In the appeal No. 13 of 2021; Amaltas Residential Welfare Association Versus State of Haryana and Ors, the following points were raised by the Appellant:

- i. *It is erroneously stated that the land has been earmarked for development of residential facilities as per the Gurgaon Master Plan. The said project is not just a residential project but is a mix of both residential and commercial.*
- ii. *It is mandatory to provide a "Traffic Circulation Plan" of the area where the project is proposed. The PP has failed to provide such plan, including the transport routes and infrastructure to handle extra traffic as a result of the project. The area is highly congested and the project will lead to traffic jams and parking issues. The project will worsen the traffic and pollution levels.*
- iii. *Calculation of storm water management and run off load given by the project proponent is incorrect. Provision of six numbers of rain harvesting pits is not adequate.*
- iv. *Source of water supply from Gurugram Metropolitan Development Authority (GMDA) has not been properly assessed. Mode of transfer of water from GMDA has not been mentioned. Consent of GMDA for the water supply has also not been mentioned.*
- v. *The project is in the vicinity of commercial space. There are several gated societies. There is no study of sewerage network including disposal of surface runoff from basements to drains.*

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- vi. *Form 1 and Form 1A submitted by the project proponent are incomplete with deliberate omissions and misrepresentations.*
 - vii. *The existing infrastructure is not adequate to sustain the project.*

It was also mentioned in Hon'ble NGT Order dated 31/05/2021 in the above matter that *"We are of the view that the issues raised (mentioned above or which may be additionally highlighted by the appellant in its representation in pursuance of this order) need to be first considered by an expert Committee followed by an opportunity to SEIAA to take a call in the matter, following due process."*

Besides above, the Appellant during hearing before the Expert Committee on July 23, 2024 in the Office of Member Secretary, SEIAA, also provided a brief note containing background and ground for filing the application before Hon'ble NGT alongwith relevant documents.

During site inspection on August 21, 2024, Appellant namely Amaltash Residents Welfare Association, submitted a convenience note and Chart for consideration of the Expert Committee.

Similarly, the proponent also submitted reply to the issues raised by the appellant, to the Joint Committee alongwith relevant supporting documents,

The issues raised by the appellant in its note provided to the expert committee are reproduced below:

1. CONSTITUTION OF THE SUB-COMMITTEE:

- 1.1. As per the Order dated 31 May 2021 ("**Order**") passed by the Hon'ble National Green Tribunal ("**NGT**"), the "**Expert Committee**" was constituted to be a three-member committee comprising of: (a) Regional Officer, Ministry of Environment, Forest and Climate Change (MoEF&CC). (b) Regional Officer, Central Pollution Control Board ("**CPCB**") and (c) Member Secretary, SEIAA, Haryana (being the nodal agency for coordination) (collectively "**Expert Committee**"). The said Expert Committee was directed to submit its report to the Chairman of SEIAA, Haryana, within three months of the passing of the Order dated May 31, 2021 (i.e. on or before August 31, 2021). However, upon a perusal of the Memo No. SEIAA (168)/HR/2023/772-773 issued by SEIAA dated November 6, 2023 [*sent 10 ARWA by email,*] it was revealed that the Site Inspection Report ("**Report**") has been prepared on February 24, 2023, more than 17 months, after it ought to have been submitted.
- 1.2. That a perusal of the aforesaid Memo dated November 6, 2023, as well as upon inspecting the records on 14 December 2023, ARWA was shocked to learn that the Report was not even prepared by the Expert Committee, as per the directions of the Hon'ble NGT. The same has been (admittedly) prepared by a Sub-Committee, unilaterally constituted by the SEIAA, comprising of three members i.e., Mr. Praveen Kumar (AEE, HSPCB), Mr.

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Sandeep Gupta (Member, SEAC, Haryana) and Mr. Rajbir Singh Bondwal (Member, SEAC, Haryana).

Evidently, the categorical directions passed by the NGT vide its Order have been flouted. The Expert Committee was to comprise of the Regional Officers of MoEF&CC or CPCB. and they had to submit the report to the Chairman of SEIAA, whereas the Sub-Committee is itself constituted by the SEIAA, who have made the Site Inspection Report and submitted it directly to the Chairman of SEIAA.

- 1.3. That the Appellant is conscious of the fact that the Order specifies that the Expert Committee will be free to consult any other expert organization/individual. However, nowhere does it stipulate that the SEIAA itself can unilaterally constitute a Sub-Committee to undertake the task of preparing the report itself without the supervision or the signatures of the members of the Expert Committee, as appointed by the NGT.
2. **UNILATERAL CHANGES TO THE SUB-COMMITTEE:**
 - 2.1. Upon inspection by ARWA of Report, it was shocking to note that the Sub-Committee, be howsoever constituted, made numerous unilateral changes to its committee members. Even if it is assumed that the Expert Committee rightly constituted the Sub-Committee to assist it in preparing the report, there was no power vested within the said Sub-Committee to unilaterally make changes within its board, or to replace members without the assent of the Expert Committee.
 - 2.2. Clearly, the Sub-Committee has exercised powers (vis. directly submitting the Report to the Chairman, SEIAA, or unilaterally making changes to its constitution, etc.) not vested within it.
3. **SITE INSPECTION REPORT OBSERVATIONS AND DISCREPANCIES SILVERGLADES' SUBMISSIONS:**
 - 3.1. The Site Inspection Report highlights discrepancies in the information provided by Silverglades regarding soil preservation, which likely led the SEIAA to make an "*ill-informed decision.*" (*Para 3.1.4 of the Site Inspection Report*)
 - 3.2. The Report identifies inconsistencies between the peak-hour rainfall values disclosed in the Concept Plan (90mm) and those stated in Form IA (45mm). This discrepancy raises concerns about the adequacy of the pits to handle water volume during the rainy season. (*Pgs. 5-6 of the Site Inspection Report*)
 - 3.3. The absence of clear provisions for tree plantation is noted, which could result in a loss of greenery. (*Pg. 6 of the Site Inspection Report*)
 - 3.4. The Report suggests that the figures and statements submitted by Silverglades in Form 1, Form 1A, and the Conceptual Plan should be re-evaluated by the SEIAA. (*Pgs. 6-7 of the Site Inspection Report*)
 - 3.5. The Report records dissatisfaction with the traffic management plan submitted by Silverglades. It highlights the serious concern that several adjoining roads no longer accommodate two-lane traffic, thereby increasing the distance between the project site and both the national highway and the metro station. The Report urges the SEIAA to thoroughly examine Silverglades' traffic management plan. (*Pgs. 7-8 of the Site Inspection Report*)

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4. DELIBERATE USE OF THE TERM "GREEN COVER" INSTEAD OF "TREE COVER":

- 4.1. The Report reveals that Silverglades intentionally used the term "green cover" instead of "tree cover". The term "green cover" includes lawns, herbs, and shrubs, which can be gradually replaced with parking spaces, thereby leading to a loss of greenery. (*Para 3.1.6 of the Site Inspection Report*)
- 4.2. Silverglade used these terms for the removal of temporary greenery for their own various other purposes in the future (as observed in the Report), resulting in contravention of the terms of the EC granted by SEIAA.

5. INSUFFICIENT STORMWATER INFRASTRUCTURE:

- 5.1. The Report, under Para 3.1.5, notes that the ARWA raised concerns about inadequate stormwater management infrastructure. Upon inspection, it was found that Silverglades provided conflicting rainfall data, stating 45mm in Form 1A dated July 2020 and 90mm in the Conceptual Plan dated July 2020. These misleading disclosures cast serious doubts on the validity of the EC, making it liable to be set aside.
- 5.2. The misrepresentation led to incorrect calculations for rainwater harvesting pits, confirming ARWA's concerns about inadequate stormwater management. Further as shown in the approved plans of silver glades the storm water from the complex is shown to be going onto a non-existent storm water drain on the Laburnum drive road.

6. GLARING ISSUES WITH THE TRAFFIC IMPACT ASSESSMENT STUDY (TIAS):

- 6.1. At item 1.19 on Page 8 of Form 1 dated July 2020, Silverglades was asked whether the project would cause any "Closure or diversion of existing transport routes or infrastructure leading to a change in traffic movements". Silverglades submitted a Traffic Impact Assessment Study (TIAS) following objections raised by ARWA in 2021. The study, conducted by a private firm hired by Silverglades, is potentially biased and is evidently in violation of Clause VII.iii. of the EC.
- 6.2. The TIAS, particularly Figure 1.1 on page 7, which Silverglades used to justify its compliance with the Transit-Oriented Development (TOD) Policy, is completely false and misleading. The road identified as "Laburnum Drive Road" is actually an internal colony road, typically closed for security reasons, and does not provide a direct connection between the Project and the MG Road Metro Station as claimed in the report. The road indicated on their plan narrows down to a 9-meter road that ends up at the gates of another society Essel towers with no through fare to MG road.
- 6.3. Chapter 6.0, under "Mitigation Measures" of the Report suggests widening *Laburnum Road* from 18m to a 13m divided carriageway with footpaths and green areas on either side. This recommendation contradicts the information provided in Form 1, 2020, which stated that there would be no changes or diversions. The assertion that there is space for such widening is based on incorrect assumptions.
- 6.4. The TIAS incorrectly presents a 9m road (2-lane, two-way) near the project site, ignoring the fact that the area does not accommodate a 9-meter-wide road. The road narrows significantly creating a bottle neck just before the entrance of the proposed mall due to a built-up house on the corner adjoining the main entrance to the mall and opposite to the main entry and exit points of the Laburnum Society This critical detail was deliberately

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omitted from the TIAS, misleading the SEIAA and contributing to an ill-informed decision to grant the EC.

- 6.5. The EC specifically requires, under Serial No. 27 in the "Specific Conditions", that there shall be no adverse effects on traffic movement during the construction or operational phases of the project. However, the TIAS itself acknowledges that changes to accommodate traffic will be necessary, contradicting this condition.
- 6.6. Clause VII.iii. of the EC mandates that Silverglades submit a detailed traffic management and decongestion plan to ensure that the current level of service on roads within a 5km radius of the project is maintained and improved after the project's implementation. This plan was supposed to be based on the cumulative impact of all developmental activities and increased habitation within the 5km radius and validated by the State Urban Development Department. However, the traffic assessment study submitted by Silverglades fails to meet these stipulations and lacks validation or certification from the State Urban Development Department or the PWD.

7. SOIL MANAGEMENT FAILURES:

- 7.1. The Sub-Committee observed no evidence of on-site soil storage, contrary claims made in Form 1, indicating that the soil was removed. *(Para 3.1.4)*
- 7.2. Silverglades later claimed that the soil was moved off-site due to congestion, contradicting their original disclosure(s). Hence, as noted in the Site Inspection Report, the SEIAA took an ill-informed decision to grant of EC due to the wrong information given by Silverglades.

8. PARKING DEFICIENCIES:

- 8.1. The Ministry of Environment, Forest and Climate Change (MoEF&CC) requires 922 equivalent car spaces (ECS) (parking), but the total proposed parking of the project is only 806 ECS, as per EC dated February 1, 2021.
- 8.2. The mechanical stilt parking proposed is also prone to technical issues, which are likely to aggravate local traffic problems due to the time taken to enter and exit a car from such a parking space. It's a known fact that these machines have a high failure and dependency rate.

9. OTHER CRITICAL CONDITIONS IN THE EC DATED FEBRUARY 1, 2021:

9.1. TREE CUTTING IN VIOLATION OF EARLIER INFORMATION:

As per specific conditions under Clause 3.A.10. of the EC, no tree cutting was proposed for the project. Instead, Silverglades was required to plant additional trees. However, Annexures 7 and 8 of the EC reveal that Silverglades misinformed SEIAA, as they have admittedly cut trees

9.2. REGULAR UPDATING OF COMPLIANCE WITH AUTHORITIES:

According to Clause X.iii. of the EC, Silverglades was required to upload the status of compliance with the stipulated environmental clearance conditions, including monitored data, on their website and update it semi-annually. Additionally, as per Clause X.v., Silverglades was required to submit an environmental statement for each financial year and publish it on their website.

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9.3. FALSE PROXIMITY TO METRO STATION:

The Concept Plan, the TIAS, and at various other places (information) given by Silverglades inaccurately shows IFFCO Chowk Metro Station as being 200 meters from the project, whereas the actual distance and access point by a car is at least 1.2 km kms and by foot 700 meters as per the roads available in the vicinity of Sushant lok 1 Block A.

9.4. CERTIFICATE FOR ANNUAL WATER AVAILABILITY:

Clause II.v. requires a certificate from the local water supply authority, specifying the total annual water availability, the quantity already committed, the quantity allotted to the project, and the remaining balance. This certificate should distinguish between groundwater and surface water sources, ensuring no impact on other users. However, no such certificate was provided.

9.5. RAIN WATER HARVESTING PLAN:

As per Clause II.xii., a rainwater harvesting plan must be designed with a minimum of one recharge bore per 5,000 square meters of built-up area and storage capacity for at least one day of total fresh water requirements. However, such a plan is not found in the Site Inspection Report.

Apart from the above points, the appellant vide is letter dated July 23, 2024 addressed to the Member Secretary, HSPCB, Panchkula also raised the following issue:

C. Point-wise Comments of CPCB Member on various issues raised by the Appellant, based on the site visit and the examination of the documents provided by both the Appellant and the Project Proponent shared with the members of the Joint Committee.

The site visit was carried out on August 21, 2024 by associating both the appellant and the project proponent. The relevant documents provided by the appellant and the project proponent were examined. Based on the findings the point-wise comments of CPCB members are as follows:

During site visit, the appellant was categorically asked if their objection is on any project coming at this site under reference including Residential Project of the Silverglades, which was granted Environmental Clearance by SEIAA on 15/06/2018 or on the present Residential cum Commercial Project, which was granted Environmental Clearance on 01/02/2021. It was clarified by the Appellants that i) they didn't have any objection to the EC granted for the **Residential Project** in 2018 ii) they have filed appeal only against the grant of Environmental Clearance for the **"Residential cum Commercial Project"** for the reasons mentioned in their representation.

With regard to the issued raised by the appellant before the Hon'ble NGT that *"It is erroneously stated that the land has been earmarked for development of residential facilities as per the*

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Gurgaon Master Plan. The said project is not just a residential project but is a mix of both residential and commercial." The SEIAA was requested to provide feedback on the following points vide email dated 04/02/2025:

1. **Environmental Clearance (EC) for a Residential Project** was granted to M/s Silverglades Infrastructure Pvt. Ltd by SEIAA vide No SEIAA/HR/2018/605 dated 15.06.2018 with validity upto 07 years i.e June 2025.

As per conditions of the EC granted to the PP, (xviii) The project proponent shall seek fresh environmental clearance in case any modification/revision is required at a later stage due to exchange of revenue rasta existing in the project area or change in any plan due to combined zoning plan"

Please confirm whether any construction was carried out by the PP under the environmental clearance granted on 15/06/2018 ?

2. **Project Proponent submitted proposal on 28/07/2020 for Expansion of Group Housing Project.** The proposal was for a residential cum commercial project.

As per MoM of the 203rd Meeting of the SEAC held on 14-16/10/2020, shared with the members of the Joint Committee by SEIAA:

i) The certified compliance report with regard to EC granted on 15/06/2018 was not submitted by the Project Proponent.

ii) The SEAC Committee was intimated by the PP that the construction has not yet started at the project site under the EC granted on 15/06/2018 and pleaded before the SEAC that they may be exempted from the certified compliance report.

iii) The SEAC discussed as the construction has not started at the project site, therefore there is no necessity of the certified compliance report to appraise the project.

Environmental Clearance for the Expansion Project (Group Housing and Commercial) was granted to the PP vide SEIAA memo no. 118 dated 01.02.2021. Kindly help us to understand:

1. When there was no construction done at the project site under EC granted on 15/06/2018, what was the reason to considering this project as Expansion Project of the earlier Group Housing rather that considering it a new Group Housing cum Commercial project ?

2. Please confirm whether the EC granted to PP on 15/06/2018 is still valid or has been superseded by the EC issued on 01/02/2021. ? This information is not available in any of the documents provided to the Joint Committee.

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The feedback on the above queries, as received from SEIAA vide email dated 07/02/2025, is reproduced, as follows:

- i. As per the provisions of EIA Notification 14.09.2006, the Ministry of Environment & Climate Change vide Office Memorandum dated 30.08.2019, has directed to submit all the file related to Grant of Terms of Reference and Environment Clearance shall be submit online through PARIVESH w.e.f. 01.09.2019 and not to accept any physical file. It is appropriate to mention here that the Ministry has developed FORM-1 and 1A for submission of Projects for Construction and Development Projects under category 8 (applicable only on the Built up Area) in the schedule of EIA Notification 2006.
- ii. Whereas, in the module/application form of the PARIVESH Web Portal there is only clause added i.e. NEW/Expansion/Modernization in FORM-1 and 1A for submission of Projects for Construction and Development Projects under category 8 (applicable only on the Built up Area) in the schedule of EIA Notification 2006. The Project Proponent has applied for Grant of Environment Clearance under Expansion Category in the same plot Area only due to change in Built up area from 1,18,744.25 sqm to 1,21,827.69 sqm (difference 3,083.44 sqm), accordingly, the Proposal was considered by the State Expert Appraisal committee and State Environment Impact Assessment Authority.
- iii. Earlier Environment Clearance was granted on 15.06.2018 for the built up area of 1,18,744.25 Sqm over a plot area of 19627.25 Sqm; but construction Activity was not stated at the project site.
- iv. In the meanwhile, due to change in the planning the Built up Area of the Project increased from 1,18,744.25 sqm to 1,21,827.69 sqm (difference 3,083.44 sqm). Accordingly, on 01.02.2021, Environment Clearance under Expansion Category was accorded for 1,21,827.69 sqm on the same plot i.e. 19627.25 sqm (as per previous EC letter dated 15.06.2018).
- v. Hence, the Environment Clearance letter dated 15.06.2018 is automatically superseded by the Environment Clearance letter dated 01.02.2021.
- vi. The Proposal was considered by the State Expert Appraisal Committee during its 203rd meeting held on 16.10.2020; wherein, the issue regarding certified compliance report was considered and the project proponent intimated and submitted an Affidavit before the Committee that "The Company has not commenced any construction work at the project site till date". Accordingly, it was decided by the Committee that as the construction has not been started at the project site therefore there is no necessity of certified compliance report to appraise the project.

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The comments of CPCB member, on other issues raised by the appellant are as follows:

1. Point No. 01 and 02: Constitution of the sub-committee and unilateral changes to the sub-committee:

The examination of the relevant record in this regard shows that:

- i. Hon'ble NGT vide Order dated 31 May 2021 directed to constitute an "*Expert Committee*" comprising of: (a) Regional Officer, Ministry of Environment, Forest and Climate Change (MoEF&CC). (b) Regional Officer, Central Pollution Control Board ("*CPCB*") and (c) Member Secretary, SEIAA, Haryana (being the nodal agency for coordination). The said Expert Committee was directed to submit its report to the Chairman of SEIAA, Haryana, within three months of the passing of the Order dated May 31, 2021.
- ii. A Site Inspection Report was prepared and submitted to the Chairman, SEIAA, Haryana on February 24, 2023.
- iii. This above report was not prepared by the Expert Committee constituted by the Hon'ble NGT but a three member sub-committee comprising of AEE, HSPCB and two members of State Expert Appraisal Committee (SEAC), Haryana.
- iv. It appears from the available record that the report of the above referred sub-committee was not examined by the Expert Committee constituted by Hon'ble NGT before forwarding to the Chairman, SEIAA, Haryana.
- v. The examination of the record also shows that one member of CPCB namely Shri Sunil Dave, Regional Directorate, Chandigarh was also part of the sub-committee but he didn't sign the report citing the following reason:

"As the undersigned (Shri Suneel Dave, CPCB) is representing CPCB in the three member expert committee constituted in compliance with the Hon'ble NGT order dated 31/05/2021, thus it will be inappropriate to be part of this sub-committee report fairly due to the fact the report is going to be discussed and evaluated by the said committee comprising SEIAA, CPCB and MoEF&CC. To avoid any conflict of judgement at a later stage let the report be finalized at your end"

Sunil Dave
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However, as mentioned in the above section the report of the sub-committee was not examined by the Expert Committee constituted by Hon'ble NGT, before submitting the same to Chairman, SEIAA, Haryana, by the sub-committee.

No additional comments in this regard are being made by CPCB Member since no information is available in the record made available to CPCB Member regarding i) *any action taken by Chairman SEIAA on the report of sub-committee* and ii) *Changes made to substitute the Expert Committee with the Sub-Committee* and iii) *Composition of the sub-committee comprising of the members only from SPCB and SEIAA.*

2. Point No. 03: Site inspection report observations and discrepancies in Silverglades' submissions:

Since CPCB was not signatory to the above referred site inspection report of the sub-committee dated 24/02/2025, it may not be appropriate on CPCB to comment on the findings of the sub-committee without having background information considered by the sub-committee.

However, the sub-committee, wherein two representatives were also members of SEAC (the committee which examines the applications for EC and makes recommendations to SEIAA for the grant of EC) namely Shri Sandeep Gupta, Member, SEAC, Haryana and Shri Rajbir Singh Bondwal, Member, SEAC, Haryana has mentioned in their report that:

"3.1.4. The company has stated in Point 1.8 under the heading Activity of Form 1 that the soil excavated from the site will be used in backfilling and the other area development activities. According to the company's representative, however, despite slight depression at the project site, it is not feasible to utilize utilize/consume/accommodate the huge quantity of soil excavated from the basements for on-site backfilling. The sub-committee neither observed soil heaped/stored in any part of the project area. Obviously, it has been transported away.

In contrary to the information furnished in Form 1, the company has stated that since the site is very congested, the top soil was preserved at site and part moved to other location, so that the same can be returned once the construction is over and extra excavated earth was moved out of the site with prior permission of the Mining Officer, Department of Mines & Geology, Gurugram vide Permit No. 2768 w.e.f. 20.10.2020 to 19.07.2021 and Permit No. 3319 w.e.f. 23.06.2021 to 22.12.2021. Obviously, the company furnished) information in Form 1 of the EC application in a routine manner, hence rendering the SEIAA to take ill-informed decision."

4.3.1 Para 02: *Though the EC was granted after following due process, the case may be relooked by SEIAA by referring again to the project data as provided in Form 1, Form 1A, Conceptual Plan and other documents, ensuring that the information provided by the*

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Company is complete and unambiguous and without deliberate omissions and misrepresentations.

However, no information is available in the records provided to CPCB member with regard to action taken by SEIAA on the above findings and suggestions of the sub-committee comprising of SEAC, Haryana Members.

3. Point No. 04: Deliberate use of the term "green cover" instead of "tree cover":

The appellant has raised objection on using the term "green cover" instead of "tree cover". The examination environmental clearance granted to the Project Proponent by SEIAA, Haryana reveals that:

- i. Under the heading VI Green Cover of EC, the SEIAA has imposed a condition at S.No. ii that *"A minimum of tree (5' tall) for every 80 sqm of the land should be planted and maintained. The existing trees will be counted for this purpose. The landscape planning should include plantation of native species. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Water intensive and/or invasive species should not be used for landscaping.*
- ii. Total Area of the land of the project is 19627.25 m² and total minimum number of trees @ 1 tree per m² comes to $19627.25/80 = 245$ trees.
- iii. As per Letter dated 13/08/2024 of Silverglades addressed to Member Secretary SEIAA, the project proponent has proposed 713 trees against the minimum requirement of 245 trees.
- iv. *It is true that project proponent has used the term "green cover". However, SEIAA has imposed condition of planting minimum 245 trees and the project proponent has proposed to plant 713 trees. Irrespective of the term used by the project proponent, 713 trees will be planted and therefore, it will be a tree cover besides other landscaping activities.*

4. Point No. 05: Insufficient Stormwater Infrastructure:

- i. The issue of providing conflicting rainfall data by the Silverglades has been raised by the applicant stating that 45mm rainfall was mentioned in Form 1A dated July 2020 and 90mm rainfall is mentioned in the Conceptual Plan dated July 2020.

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As per background note provided by SEIAA to Expert Committee, the rainfall considered for granting Environmental Clearance is 90 mm.

The number of rain water harvesting pits mentioned in Environmental Clearance is 05 with 98.12 m³ volume each and the project proponent has proposed 06 pits as per reply submitted to the Joint Committee.

The number (Five) and volume of rainwater harvesting pits (98.12 m³) for 90 mm rainfall is adequate but the dimensions of the pit i.e. effective diameter and depth for 45 mm rainfall in the Form-I, 90 mm rainfall in Conceptual Plan dated July 2020 and in the presentation are the same i.e 4m Diameter and 3.5m depth. The pit size for 45 mm rainfall and 90 mm rainfall can not be the same, when the number of pits are the same in both the cases.

Therefore, the volume of the pits (98.12 m³) is adequate for 90 mm rainfall but the pit size (4 m dia and 3.5 m depth) mentioned is not adequate to have pit volume of 98.12 m³. SEIAA may get this reviewed and take necessary action to address this issue.

- ii. The issue has been raised regarding storm water from the complex shown to be going onto a non-existent storm water drain on the Laburnum drive road, in the approved plans of Silver glades.

As per reply submitted by the Project proponent in response to issues raised by the Appellant, a reference has been made to assurance for storm water to Silverglades given by Drainage Division, GMADA Gurugram vide Memo No. 69 dated 05/02/2021, wherein it is communicated to Silverglades by GMADA that " the storm water connection in Master storm water drainage along the master road between Sectir-27/28 for disposal of proposed Group housing to be developed over an area measuring 4.85 acres under Licence No. 110 of 2013 dated 27/12/2023 in revenue estate of village Sukhrali, Sector 28, Gurugram will be accorded after completion of your project and after proper verification of the document as per requirement "

Since, the connection is yet to made after completion of the project, allegation regarding non-existence of storm water drain shown in the approved plans of the Silverglades appears to be correct. However, this SEIAA may get this validated from the drainage department.

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5. Point No. 06: Glaring Issues with the Traffic Impact Assessment Study (TIAS):

- i. The Section VII: Transport (iii) of the Environmental Clearance granted to the Project Proponent clearly specifies that:

“A detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of service of the roads within a 05 Km radius of the project is maintained and improved upon after implementation of the project. This plan should be based on cumulative impact of all developments and increased habitation being carried out or proposed to be carried out by the project of other agencies in this 05 Km radius of the site in different scenarios of space and time and the traffic management plan shall be duly validated and certified by the State Urban Development Department and the PWD/Competent Authority for road augmentation and shall also have their consent to the implementation of these components of the plan which involve the participation of these departments.”

- ii. As per record made available to the members of the Expert Committee, a Traffic Management Plan has been prepared by the Project Proponent by involving M/s TPA Engineering Consultancy (I) Pvt. Ltd.

However, as mandated in the Environmental Clearance granted on 01/02/2021, **the project proponent has yet to get it validated and certified by the State Urban Development Department and the PWD/Competent Authority for road augmentation and shall also have their consent to the implementation of these components of the plan which involve the participation of these departments.**

Therefore, it may not be appropriate on the part of CPCB Member at this stage to comment on the adequacy of the Traffic Management Plan until this is validated, certified and the consent of PWD/Competent Authority for road augmentation, in view of the issues raised by the appellant including width of the roads, gated societies, major traffic shown in the internal roads etc.

6. Point No. 07: Soil Management Failures:

The Environmental Clearance granted to the Project Proponent by SEIAA Haryana on 01/02/2021 specifies at Section VI: Green Cover (iv) that *“Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas and external*

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services. It should be stockpiled appropriately in the designated areas and reapplied during plantation of the proposed vegetation at site."

There is no mention of on-site or off-site storage of topsoil in the conditions of Environmental Clearance. However, as long as the topsoil is preserved and properly stockpiled in the designated area with prior intimation to SEIAA for use during vegetation plantation on-site, there should be no issue.

7. Point No. 08: Parking Deficiencies:

The appellant has raised a concern that "*The Ministry of Environment, Forest and Climate Change (MoEF&CC) requires 922 equivalent car spaces (ECS) (parking), but the total proposed parking of the project is only 806 ECS, as per EC dated February 1, 2021*"

SEIAA is required to ensure that guidelines of MoEF&CC in this regard are followed and if required necessary additions conditions may be imposed in the Environmental Clearance.

8. Point No. 09: Other Critical Conditions in the EC dated February 1, 2021:


- i. The Environmental Clearance granted to the Project Proponent by SEIAA Haryana on 01/02/2021 specifies at Section VI: Green Cover that: i) No tree can be felled/transplant unless exigencies demand. Where absolutely necessary, tree felling shall be with the permission from the concerned regulatory authority. Old trees should be retained based on girth and age regulations as may be prescribed by the forest department. Plantations to be ensured species (cut) to species (planted). *In view of this, tree felling if any with the permission of the concerned regulatory authority, may not be termed as violation.*
- ii. M/s Silverglades has provided a copy of the Six monthly compliance of the stipulated environmental conditions submitted to Regional Office, MoEF&CC, Chandigarh on 01/06/2024. *However, the same is not available on the website of the company.*
- iii. The issue regarding allegedly shown distance of IFFCO Chowk Metro Station from the project as 200 meters against the actual distance of 1.2 km by car and 700 meters by foot, as per the roads available in the vicinity of Sushant lok 1 Block A, *should be addressed during validation and certification of the Traffic Management Plan the State Urban Development Department and the PWD/Competent Authority, as mentioned at S.No 5 above.*

Key
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- iv. Section II: Water Quality Monitoring and Preservation (v) specifies that *“a certificate from the local water supply authority, specifying the total annual water availability, the quantity already committed, the quantity allotted to the project, and the remaining balance. This certificate should distinguish between groundwater and surface water sources, ensuring no impact on other users”* **The Project proponent is bound to comply with this condition before completion of the project.**
- v. Section II: Water Quality Monitoring and Preservation (xi) specifies that *“a rainwater harvesting plan must be designed with a minimum of one recharge bore per 5,000 square meters of built-up area and storage capacity for at least one day of total fresh water requirements.”* With total built up area of 121827.69 m², the project proponent is required to install $121827.69/5000 = 24$ recharge bores, to comply with this condition. **The Project proponent is bound to comply with this condition before completion of the project.**

It is suggested that the compliance of the above points may be linked to Completion Certificate/Occupancy Certificate by SEIAA, with the condition that Project Proponent shall not give occupation or possession before compliance of the above points.

This report is being submitted to the Member Secretary, SEIAA, Haryana, to be appended to the report finalized by the other two members (SEIAA and MoEF&CC) as the comments/report of the CPCB Member, for the consideration of the Chairman, SEIAA, Haryana, for passing appropriate orders as per the directions of the Hon'ble NGT vide order dated 16/05/2024 in the matter of M.A. No. 54/2024 in Appeal No. 13/2021; Amaltash Residential Welfare Association Appellant Versus State of Haryana & Ors. Respondent.



(Dr. Narender Sharma)
Scientist 'F'
CPCB Regional Directorate, Chandigarh

Date: February 18, 2025

**Joint Inspection Report Silverglades Infrastructure Pvt. Ltd. Group
Housing Project in Village Sukhrali, Sector 28, Gurugram**

References

- i. EC granted vide SEIAA Memo No. SEIAA/HR/2018/605 dt. 15.06.2018
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1. Background

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- 1.3. Subsequently on 20.01 2020, the company applied for further revision of their building plan which was approved by the DTCP vide Memo No ZP-1085 AD(RA)/2020/17983 dated 12.10.2020 (Annexure-4). In the meantime, the company applied for EC for Expansion of this Group Housing Project on 28.07.2020 in anticipation of approval of the above-mentioned revision of their Building Plan involving residential and commercial mixed land-use and got approval for the same.
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Committee comprising Sh. Narender Kumar, (Regional Director, CPCB, Chandigarh), Sh. Dharmender Kmar Gupta, _____, MoEF&CC, Sh. Bhupender Singh Rinwa, Member Secretary, SEAC, Members of RWA and Project Proponent visited the project site on _____. Few points were raised by the RWA regarding the traffic survey, Road dimension in front of project site.

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3.1.

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- iv. NGT Order dated 16.05.2024 in Appeal No. 13/2021
- v. Representation of RWA dated 23.07.2024

In compliance to the directions dated 16.05.2024 passed by the Hon'ble National Green Tribunal, an opportunity of hearing was given to the Association by the Committee Members on 23.07.2024; wherein, the representatives of the Amaltash Residential Welfare Association submitted representation dated 23.07.2024 raised the following issues:-

1. UNILATERAL CHANGES TO THE SUB-COMMITTEE.
2. GREEN AREA
3. TRAFFIC MANAGEMENT AND 18MTR. ROAD ISSUE.
4. EXCAVATED SOIL DISPOSED AND NOT PRESERVED.
5. WRONG RAINFALL DATA

The Committee comprising Sh. Narender Kumar, (Regional Director, CPCB, Chandigarh), Sh. Dharmender Kmar Gupta, Regional Officer, MoEF&CC, Members of RWA and Project Proponent visited the project site on 21.08.2024.

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Sub Committee was formed by the SEIAA as per the availability of the Members for the site inspection to avoid time taking process for the compliance of the directions passed by the Hon'ble National Green Tribunal, as explained above.

2. Green Area:

Association has objected as at unit has intentionally used term of “Green Cover” instead of “Tree Cover”. The term of “Green Cover” includes Lawns, herbs, and shrubs, which can be gradually replaced with parking spaces.

It is to submit that the State Expert Appraisal Committee during 203rd meeting directed to the project proponent to revise Form 1 water calculation, Green Area and RWH calculation etc. The project proponent vide letter dated 16.10.2020 submitted revised green Area details having 4953.80 sqm (alongwith the component Peripheral Plantation 1058 Sqm, Avenue Plantation 120 Sqm, Grass Lawn 2045 Sqm and Green Belt 1730.80 Sqm.

Further, Association has objected that as per clause 3.A.10 of the EC, no tree cutting was proposed for the project.

It is to submit that as per the records vide letter dated 01.02.2021, the Environment Clearance was granted for the Expansion of the project due to change in Ground Coverage, FAR and Non-Far Area having built up area of 3083.44 Sqm; whereas, as per Statutory Compliance No. VI i.e. Green Area condition No. i. no tree can be felled/transplant unless exigencies demand. Where absolutely necessary, tree felling shall be with prior permission from concerned regulatory Authority.

The Project Proponent obtained permission from Forest Department vide NoC dated 05.08.2021, for felling/transplant of 06 Numbers of Trees under section 4 of PLPA 1990.

3. Traffic Management and 18 Mtr. road issue:

The traffic management plan and traffic impact assessment study made in February 2021 was checked on the site and it was found that the major traffic shown on the road as per the study is in fact internal colony road

and ultimately going through a different society. Committee is of the view that traffic management plan should be resubmitted through a Government approved agency.

18 Mtr. Road (9 mtr. 2 lane, 2 way) is shown till the project and as per the Association submission it is not correct as due house built-up house in the corner a bottle neck is created and 18 Mtr. road is reduced before the project.

4. Excavated Sand/Soil Disposed and not preserved:

During site inspection project proponent submitted that due to constraint of space the top Sand/Soil is stored at a separate place i.e. at different site (on project at Sohna) which can be visited by the Committee Members. The Sand/Soil which will be required for back filling wherever required once the construction was complete. The site mentioned by the PP was verified.

5. Wrong Rainfall Data:

Association submitted that unit has submitted in the form 1A the rainfall data calculation @ 45 MM value and apprehended there is insufficient infrastructure of Storm Water Management and has also mentioned that in the conceptual plan PP has submitted 90 MM value. On verification it was found that SEIAA has considered 90 MM value for the calculation of rainfall data.

After having heard, both the versions, the committee observed during the site inspection that _____

3. Conclusions:

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18 Mtr. Road (9 mtr. 2 lane, 2 way) is shown till the project and as per the Association submission it is not correct as due to house built-up in the corner, a bottle neck is created and 18 Mtr. road is reduced before the project.

4. Excavated Sand/Soil Disposed and not preserved:

During site inspection project proponent submitted that due to constraint of space the top Sand/Soil is stored at a separate place i.e. at different site (on project at Sohna) which can be visited by the Committee Members. The Sand/Soil which will be required for back filling wherever required once the construction was complete. The site mentioned by the PP was verified.

5. Wrong Rainfall Data:

Association submitted that unit has submitted in the form 1A the rainfall data calculation @ 45 MM value and apprehended there is insufficient infrastructure of Storm Water Management and has also mentioned that in the conceptual plan PP has submitted 90 MM value. On verification it was found that SEIAA has considered 90 MM value for the calculation of rainfall data.

3. Conclusions:

There were 5 points raised by the Association in the complaint detail of the same has been given above and from the above it was concluded that traffic management plan submitted for major traffic on road is internal road and passing through different society therefore revised traffic management impact assessment study should be done through a Government approved agency and 18 mtr. wide road shown till the project should also be rechecked as due to one house the road becomes narrow towards project.

**Regional Officer,
CPCB,
Chandigarh**

**Regional Officer,
MoEF & CC,
Chandigarh**

**Member Secretary
SEIAA, Haryana**

Re: Expert Committee report after visit -876 dated 16.05.2024 passed by the Hon'ble NGT in M.A. No. 54/2024 in Appeal No. 13/2021 (IA No. 218/2024) titled as Amaltash Residential Welfare Association versus State of Haryana & Ors

Me Pardeep Kumar <seiaa-21.env@hry.gov.in>
Wed, 04 Mar 2025 4:26:00 PM +0530
To "Narender Sharma" <narendersharma.cpcb@gov.in>, "Amit Jha" <admanager@thelaburnum.com>, "gupta.dharmendra gupta.dharmendra" <gupta.dharmendra@gov.in>, "Estate Manager" <estatemanager@thelaburnum.com>

With reference to the subject cited above, I have been directed to inform that the Joint Inspection Report (duly signed by RO, MoEF & CC and the Member Secretary SEIAA) was received on 11.02.2025; whereas, the comments of the Regional Officer, CPCB, Chandigarh was received on 20.02.2025, **which are required to be placed before the Chairman, State Environment Impact Assessment Authority for final conclusion; as per the directions passed by Hon'ble NGT vide its Order dated 31.05.2021 & 16.05.2024 in Appeal No.13 of 2021.**

In this context, it is to submit that the term of the Authority has been lapsed on 20.02.2025 and the posts of Chairman, SEIAA & the Member Secretary, SEIAA become non-functional w.e.f. 21.02.2025, **hence, at present no action can be initiated, in the aforesaid matter.**

Accordingly, action on the Joint Inspection Report (duly signed by RO, MoEF & CC and Member Secretary SEIAA) as well as the comments of Regional Officer, CPCB, Chandigarh can **only be initiated** after the re-constitution of the State Environment Impact Assessment Authority (SEIAA), Haryana by the Ministry of Environment, Forest & Climate Change, Government of India.

This is for your kind information, please.

Office of SEIAA, Haryana
Bay's No. 55-58, 1st Floor, Paryatan Bhawan,
Sector-2, Panchkula, Haryana

---- On Tue, 04 Mar 2025 19:55:13 +0530 Narender Sharma <narendersharma.cpcb@gov.in> wrote ---

Sir,