

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 245 OF 2021**

IN THE MATTER OF:

Vineet Sinha

...Applicant

VERSUS

Union of India & Ors.

...Respondents

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Drawn and Filed By:

Pranav

VSA Legal
Counsels for Respondent No.6
32, Ground Floor, Uday Park,
South Extension II,
New Delhi 110047
Phone - 01143541022
office@vsalegal.in

Date: 28.03.2022

Place: New Delhi

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**REPLY AND OBJECTIONS TO JOINT COMMITTEE REPORT
DATED 21.01.2022 ON BEHALF OF RESPONDENT NO. 6 i.e.
EXPRESS BUILDERS AND PROMOTERS PVT. LTD.**

Most Respectfully Showeth:

1. The present Reply and Objections to Joint Committee Report dated 19.02.2022 is being filed on behalf of Respondent No. 6, Express Builders and Promoters Pvt. Ltd. in Original Application No. 245 of 2021. The Original Application (OA) is filed against alleged violation of Environment Clearance (EC) dated 19.09.2011. It further alleges that the Answering Respondent No. 6 has exceeded the limit of construction with the connivance of NOIDA Authority and failed to set up pollution control devices. This Hon'ble Tribunal was pleased to consider the case on 18.10.2021 and was of the view that the facts of the instant OA require verification, in furtherance whereof a Joint Committee comprising of Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB), State Environment Impact Assessment Authority (SEIAA) and NOIDA was constituted. The Hon'ble Tribunal further directed the Joint Committee to ascertain as to how NOIDA has given permission to raise construction in excess of the construction permitted under the EC. The Joint Committee was further directed to serve a copy of the Joint Committee Report to the Answering Respondent.

2. It is submitted that in compliance with the Order dated 18.10.2021, the Joint Committee conducted a Site Inspection on 01.02.2022 and subsequently submitted its Report dated 19.02.2022 before this Hon'ble Tribunal on 21.02.2022.
3. The present Reply Affidavit is being filed in response to OA and to place before this Tribunal objections to the Joint Committee Report dated 19.02.2022.
4. It is submitted that the present Application is not maintainable and must be dismissed in limine by this Hon'ble Tribunal. The contents of the Application are denied in totality as the Applicant has made unsubstantiated and vague allegations without any basis or valid supporting documents. It is submitted that the Applicant has deliberately attempted to twist the facts and circumstances of the instant matter with the aim to misguide this Hon'ble Tribunal. It is submitted that the Answering Respondent has not responded to the adverse observations, allegations, contention or statement set out in the Application, in this reply and nothing contained in the Application ought to be admitted by the Hon'ble Tribunal merely on the ground of non-traverse. The Answering Respondent seeks liberty of this Hon'ble Tribunal to file additional submissions and/ or response as may be deemed necessary, at a later stage.
5. The instant reply is not a para wise reply and the Answering Respondent seeks liberty to file the same at a later stage if the need so arises.

I. PRELIMINARY SUBMISSIONS -

A. Antecedents of the Applicant:

6. It is submitted that the Applicant in the instant OA is a black mailer who has instituted multiple litigations against the Answering Respondent before various forums and lost in all such previous attempts. The present OA is tainted with

malafide which is writ large from the history of the cases between the Applicant and the answering Respondent. It is the submission of the answering Respondent that this Tribunal must lay down guidelines and law with respect to whether such Applicants can approach this Tribunal to settle personal scores and if they do, such applicants ought to be rejected with exemplary costs. This proceedings under the NGT Act must not be allowed to be misused by persons such as the Applicant.

7. It is submitted that the Applicant had earlier instituted proceedings before Hon'ble High Court of Delhi, Real Estate Regulatory Agency (RERA) and even filed police complaints against the Answering Respondent and eventually failed in all forums. The Applicant has initiated multiple litigation with the sole intent of harassing the Answering Respondent and going as far as filing false affidavits.
8. It is submitted initially the Applicant had filed a false police complaint against the Answering Respondent seeking a direction that a sale deed for an apartment may be registered in Applicant's name.

The answering Respondent submitted its response to the police on 20.03.2021 and clarified that the Applicant is trying to obtain registration without the payment of requisite Stamp duty. Earlier, the Answering Respondent on the request of the Applicant even gave possession to the Applicant without the payment of stamp duty on humanitarian ground that the Applicant is facing financial crisis. In this regard the Applicant even gave a letter and an affidavit stating that he is unable to pay the stamp duty due to shortage of funds. The Police found that the complaint filed by the Applicant was frivolous and sought registration of sale deed without the payment of stamp duty and therefore did not register any F.I.R against the Answering Respondent.

A copy of the Response dated 20.03.2021 submitted by the Answering Respondent to the Police Station, Barakhamba Road has been marked and appended as **Annexure R/1 at pages 278 to 279.**

9. In the meanwhile, the Applicant also preferred a complaint against the Answering Respondent on 13.03.2021 before the Ld. RERA on the false ground that the Answering Respondent is not registering the sale deed. The Ld. RERA upon consideration of the issue disposed of directing that the registration be done upon payment of stamp duty by the Applicant. A copy of the Order dated 27.08.2021 passed by the Ld. RERA has been marked and appended as **Annexure R/2 at pages 280 to 282.**

10. It is submitted that the Applicant even preferred two litigations before the Hon'ble Delhi High Court.

11. The Applicant in the present OA has filed W.P.(CRL) 1019/2021 titled *Vineet Sinha Advocate vs Union of India & Ors.* in April, 2021 against the Answering Respondent before the Hon'ble Delhi High Court which is still pending adjudication. Further, the Applicant has even initiated another proceeding W.P.(C) 5660/2021 titled *Vineet Sinha Advocate vs Union of India & Ors.* on 27.05.2021 against the Answering Respondent wherein the WP was dismissed as withdrawn by the Hon'ble Delhi High Court on 23.09.2021. It is submitted that the Applicant preferred both the litigations against the Answering Respondent seeking the registration of sale deed.

A copy of the Orders passed in W.P.(CRL) 1019/2021 and W.P.(C) 5660/2021 by the Hon'ble Delhi High Court has been marked and appended as **Annexure R/3 (Colly) at pages 283 to 284.**

12. It is submitted that all the previous litigation were for registration of the flat in favour of Applicant which was pending due to the non-payment of stamp duty by the Applicant. The Applicant was directed to pay the stamp duty to complete the registration process. Subsequently, upon payment of the Stamp duty on 08.09.2021, the Registration was done on 23.10.2021 in favour of the Applicant.
13. The present OA is a clear case of personal vendetta by the Applicant who using this Hon'ble Tribunal to settle personal scores with the Answering Respondent. The Applicant being a lawyer by profession has gone so far as to filing false affidavit on record before this Hon'ble Tribunal. It is submitted that the Applicant at para 3 of the OA has stated that the "*project proponent is presently operating and constructing the said housing society*" despite the knowledge a stay is in operation since 30.05.2018 and no construction has taken place since 30.05.2018.
14. Without prejudice to the right of the Answering Respondent to reply to IA No. 195/2021 at a later stage, it is submitted that the Applicant has stated that the "*PP is continuing the with the project and raising construction contrary to the terms of EC.*" while being fully aware that no construction has been undertaken since the interim stay imposed on 30.05.2018 by the Hon'ble Allahabad High Court. Further, the stay was removed only on 28.10.2021 when the Writ Petition before the Delhi High Court was dismissed as withdrawn. The Applicant filed the IA ad interim exparte stay on the same day and deliberately stated that the Answering Respondent is continuing with construction activities. Further, the fact that no construction is going on can be verified from the Joint Committee Report.
15. The previous litigations and the deliberate filing of false affidavit clearly shows that the present application is a clear

case of personal vendetta. This Hon'ble Tribunal must take cognizance of the offence under Section 340 of CrPC and initiate proceedings against the Applicant.

16. The answering Respondent submits that the Applicant has mischievously failed to produce the above-mentioned orders before this Tribunal and hence not approached this Tribunal with clean hands.

17. It is submitted that the Applicant has instituted the present case with the sole intent of harassing and arm-twisting the Answering Respondent to accepting his demands and has thus approached this Hon'ble Tribunal with unclean hands.

B. Inadmissibility of Joint Committee Report-

18. This Hon'ble Tribunal in its Order dated 18.10.2021 considered it appropriate to form a Joint Committee comprising of CPCB, SPCB, SEIAA and NOIDA. This was done in order to do complete justice to the process of verification of the allegations contained in the OA. A bare perusal of the Report dated 19.02.2022 reveals that the said Report has not been signed / accepted by NOIDA and therefore no reliance whatsoever can be placed on the said Report. The following present response is however without prejudice to the right of the answering Respondent to contest the admissibility of such incomplete Report and without prejudice to the rights of the answering Respondent to contest any further report which might be filed by NOIDA in future.

19. Be that as it may, the Answering Respondent seeks to place reliance upon the facts mentioned in the Joint Committee Report which would establish that the Answering Respondent has been fully compliant. The Answering Respondent seeks to state the observation made by the Joint Committee -

- (i) As per EC, the Answering Respondent had permissions to construct 804 dwelling units while the Answering Respondent has only constructed 715 units.
- (ii) The EC prescribes 928 parking spaces, while the Answering Respondent has a provision for 746 which is also within the limit prescribed by the EC.
- (iii) The EC directs the construction of 5 rainwater harvesting pits, while the Answering Respondent has constructed 4 out of the 5 and will construct the last one at the time of construction of the last tower. The Joint Committee collected the samples collected from the pits for analysis and found it to be in conformity with the standards.
- (iv) The Joint Committee has verified that the Answering Respondent has provided the green cover as per EC. It noted that trees have been planted all along the boundary wall along with other plants and trees existing in the project.
- (v) The STP of the Answering Respondent was found to be functional and conforming to the norms during a Joint Committee inspection conducted on 01.02.2022.
- (vi) The Joint Committee noted that as per the EC conditions the Answering Respondent uses part of the treated water for horticulture purpose and the rest is discharged in the sewer line of the NOIDA authority.

C. The Unit has obtained all applicable environmental permissions –

20. Without prejudice to the above it is submitted that the Answering Respondent was engaged in constructing, developing and maintaining the housing society Express Zenith at Plot No. 2A, Sector – 77, Noida (“Housing Society”).

21. The site plan of the Answering Respondent was sanctioned on 26.07.2011 by NOIDA for construction of 6 towers. According

to the approved Site Plan dated 26.07.2011, the housing society was for a total area of plot size admeasuring 21,700 sq. Mtrs. A copy of sanctioned Site Plan dated 26.07.2011 has been marked and appended as **Annexure R/4 at pages 285 to**.

22.It is submitted that SEIAA considered the proposal of the Answering Respondent for grant and EC. The SEIAA considered the proposal for EC and granted EC dated 19.09.2011 to the Answering Respondent. A Copy of EC dated 19.09.2011 has been marked and appended as **Annexure R/5 at pages 286 to 290**.

23.It is submitted that the Answering Respondent has obtained consent to establish from the Uttar Pradesh Pollution Control Board on 22.05.2013. A copy of the CTE dated 22.05.2013 has been marked and appended as **Annexure R/6 at pages 291 to 294**.

24.Subsequently, the Answering Respondent was granted Consent to Operate (CTO) from 01.01.2018 to 31.12.2019. A copy of the CTO dated 01.03.2018 has been marked and appended as **Annexure R/7 at pages 295 to 297**.

D. All Construction activities undertaken before expiration of EC dated 19.09.2011 -

25.It is submitted that the Answering Respondent has obtained EC for construction of six towers namely, A, B, C, D, E and F. It is submitted that the Answering Respondent undertook all the construction activities for Towers B, C, D, E and F well before the expiration of the EC dated 19.09.2011 on 18.09.2018. This can be corroborated from the Occupancy Certificates dated 03.11.2015 for Towers D, E and F and another dated 15.12.2017 for Towers B and C. A copy of Occupancy Certificate dated 03.11.2015 for Towers D, E and

F has been marked and Appended as **Annexure R/8** at **pages 298 to 302**.

The copy of Occupancy Certificate dated 15.12.2017 for Towers B and C has been marked and appended as **Annexure R/9** at **pages 303 to 307**.

26. It is submitted that after the completion of the five Towers, only the construction of Tower A remained which was stayed on 30.05.2018 by the Hon'ble Allahabad High Court. It is submitted that the EC dated 19.09.2011 expired on 18.09.2018 while the interim Order passed by the Allahabad High Court was in force.

27. It is submitted that since 30.05.2018, the Answering Respondent has not undertaken any construction activity till date which has been corroborated by the fact that no contempt petition was filed against the Answering Respondent before the Hon'ble Allahabad High Court. It is further submitted that the NOIDA Authority has also verified that the Answering Respondent has not undertaken any construction activity after the imposition of stay on 30.05.2018. The fact that no construction is ongoing has been verified by the Joint Committee in its Report dated 19.02.2022. True copy of the Compliance certificate filed by NOIDA has been marked and appended as **Annexure R/10** at **pages 308 to 311**.

28. An Application for extension of EC along with Form I was submitted on 28.08.2018 well before the expiry of the EC dated 19.09.2011. It is submitted that due to the pendency of the Writ Petition before the Hon'ble Allahabad High Court, and the stay imposed, the Answering Respondent was not able to obtain the extension of EC. Further, even after the vacation of stay on 28.10.2021, the Answering Respondent did not undertake any construction activity for Tower A without obtaining EC which can be corroborated from the observation of Joint Committee Report. It must however be

pointed out that the answering Respondent has a well-founded suspicion to the effect that the Petitioner before the High Court as well as the Applicant before this Tribunal are working hand in glove against the business interests of the answering Respondent since the day on which the High Court petition was withdrawn i.e. 28.10.2021, on the exact same date the Applicant herein moved an Application before this Tribunal asking for stay of construction bearing I.A. No. 195/2021. The Applicant has further misused the platform of this Tribunal which is reserved for genuine environmentalists and filed a false affidavit before this Tribunal to the effect that *"PP is continuing the with the project and raising construction contrary to the terms of EC"* and hence must be penalised for the same u/s 340 CrPC. The fact that no construction is going on is verified from the Joint Committee Report.

29. Further, it is submitted that the Applicant's argument that the Answering Respondent has undertaken construction activities after the expiry of the EC dated 19.09.2011 falls flat due to one simple reason that out of the six towers to be constructed, five of them were already constructed prior to the expiration of EC on 18.09.2018. Further, the construction of the last tower was already stayed before the expiration of EC by virtue of the Stay imposed by the Hon'ble Allahabad High Court on 30.05.2018.

30. It is submitted that the Applicant has deliberately twisted the facts and filed a false affidavit to the effect that construction activities are ongoing when in fact he was fully aware of the stay in place since 30.05.2018. The Applicant is clearly guilty of perjury and the Answering Respondent will undertake legal proceedings against the Applicant.

E. No violation of Environment Clearance conditions –

31. It is important to emphasise here that the purpose of Environmental Clearance is to analyse the effect of

developmental activities on the environment before such activities are implemented. In this regard it is submitted that the EC granted on 19.09.2011 was issued after taking into consideration the impact the proposed housing society would have on environment in terms of the considerations such as water requirement, power requirement, area of the project, waste water generation, solid waste generated, number of dwelling units, the total number of residents i.e., density in those units among other things. It is submitted that the EC dated 19.09.2011 states that the maximum height of the buildings would be 60 mtrs for six towers and the total dwelling units will comprise of 804 units which would house 3984 residents.

It is submitted that the height of the building as per completion plan is also 60.2 meters.

A copy of the Completion plan has been marked and appended as **Annexure R/11 at pages 3/2 to —**.

32.It is submitted that till date the Answering Respondent has not exceeded the number of dwelling units permitted under EC dated 19.09.2011. The Answering Respondent has constructed only 715 units till date which is well within the permitted number of units as per the EC. It is submitted that in view of the number of the units actually constructed the question of exceeding the permitted number of dwelling units does not arise. It is submitted that the Joint Committee Report has also established that the Answering Respondent has constructed only 715 units which is within the limit prescribed in the EC.

33.It is further the submission of the answering Respondent that the present OA is further not maintainable in view of the Joint Committee Report which clearly states that, neither the total number of units allowed by the EC has gone beyond the permissible limits nor the number of parking permitted been violated. It is the case of the Respondent that penal action

under the NGT Act ought not to take place on the basis of presumptions, apprehensions and surmises.

F. No violation in increase in number of floors of Towers constructed-

34. Post the site verification by the Joint Committee, it is aptly clear that the Respondent No. 6 has neither violated the height of the building as permitted by the EC, nor exceeded the total number of units and parkings, nor the density and nor the capacity of the STP. Therefore, the Application deserves to be rejected on the ground of there being no "*substantial question relating to environment (including enforcement of any legal right relating to environment)*" arising out of Schedule I enactments, as prescribed under Section 14 of the NGT Act.

35. Without prejudice to the above, it is submitted that the answering Respondent undertakes to not exceed the number of units, density, sewage generation, parkings over and above what is permissible as per the existing EC or Consent or as may be amended/expanded/ extended in future as per applicable laws.

36. In addition to the above, the answering Respondent on 22.02.2022 has moved an application for modification of EC dated 19.09.2011. The said application for amendment of EC is pending consideration before SEIAA.

A copy of the Application dated 22.02.2022 for correction of EC dated 19.09.2011 has been marked and appended as **Annexure R/12 at pages 313 to 326 .**

37. It is submitted that although the Answering Respondent obtained the sanction for revised plan only on 15.11.2017 and the same could not be applied for expansion of EC due to the stay on construction activities placed by Hon'ble High Court of Allahabad on 30.05.2018. It is submitted that since

the Answering Respondent could not undertake construction activities during the subsistence of Stay Order, there would be no increase in number of dwelling units. It is for this reason, the Answering Respondent did not apply for expansion of EC till the pendency of the said Writ Petition. A copy of revised sanction plan has been marked and appended as **Annexure R/13 at pages 327 to —**.

38. It is submitted that it was only after the Petition before the Hon'ble High Court of Allahabad was disposed of as withdrawn on 28.10.2021, the Answering Respondent could plan to undertake construction of Tower A and thus, applied for expansion of EC on 29.11.2021. It is submitted that the Answering Respondent has not undertaken any construction activity since the imposition of Stay on 30.05.2018 and therefore the question of violation of EC condition by expansion does not arise.
39. It is the humble submission of the Answering Respondent that it has not built the project beyond the permitted number of dwelling units, height of the building, number of parking units, density of the population as per EC dated 19.09.2011. The said fact can be corroborated from the findings of the Joint Committee Report.
40. It is reiterated that till date the Answering Respondent has not exceeded the number of dwelling units as permitted by EC dated 19.09.2011. In this reference the Answering Respondent seeks to place reliance on EIA Amendment Notification dated 02.03.2021 wherein an exemption has been granted for activities (listed under item 2, 3, 4 and 5 of the Schedule of EIA) where there is increase in production capacity from the requirement of Prior EC provided there is no increase in pollution load (derived on the basis of such prior EC).

A copy of EIA Amendment Notification dated 02.03.2021 has been marked and appended as **Annexure R/14 at pages 328 to 334**.

41. It is submitted that the Answering respondent seeks to draw a similar correlation in the instant case wherein, there is no construction beyond the number of dwelling units permitted as per EC. In fact, it is important to emphasise that the Answering Respondent has still not constructed the total number of dwelling units permitted as per EC dated 19.09.2011.
42. Without prejudice to the above, it is submitted that if the answering respondent had carried out construction beyond permissible limits or beyond the permissible height as per environment clearance, the current height of the building would have been beyond 60 meters. The same is also clear from the sanction plan dated 15.11.2017.
43. In so far as the allegation regarding excessive construction, (one extra floor) it is submitted that the Answering Respondent has moved an appropriate application before SEIAA for amendment of EC in order to bring the same consistent with the building bylaws which allow G+19 floors.
44. A bare perusal of the sanction plan dated 15.11.2017, shows that the Answering Respondent was permitted to construct G+19 floors having 60 mtrs height. The Answering Respondent has constructed G+19 floors with 60 mtrs which can be corroborated from the Completion Plan. Further the EC permitted the construction of tower to the height of 60 mtrs and 804 dwelling units and the Answering Respondent is compliant with this condition as well. The Answering

Respondent has not increased the height of the tower nor has increased the number of dwelling units.

Therefore, the said construction cannot be termed as illegal construction in terms of the EC dated 19.09.2011.

G. Inapplicability of Goel Ganga Developers India Pvt. Ltd vs Union of India reported as (2018) 18 SCC 257

45. Without admitting to any violation of EC, the Answering respondent seeks to object to the imposition of any environmental compensation by the Joint Committee as per Goel Ganga Developers India Pvt. Ltd vs Union of India (2018) 18 SCC 257. The facts of Goel Ganga Developers India Pvt. Ltd vs Union of India (2018) 18 SCC 257 and the present case are completely distinguishable.

46. It is submitted that the Joint Committee has incorrectly placed its reliance on the Goel Ganga Developers India Pvt. Ltd vs Union of India (2018) 18 SCC 257 due to the simple fact that there is a specific procedure prescribed under the EIA, 2006 which provides as to how violation category projects are to be dealt with.

47. In this reference the Answering respondent seeks to place its reliance on EIA Amendment notification dated 14.03.2017. The Notification defined violation cases as projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the EIA Notification, 2006.

48. Further, the MoEF & CC has also issued OM dated 07.07.2021 which provides the Standard Operating Procedure for Identification and handling of violation cases under EIA. The SOP also provides a mechanism for calculation of penalty for violation cases. A copy of MoEF & CC OM dated

07.07.2021 has been marked and appended as **Annexure R/15 at pages 335 to 343** .

49.The above-mentioned OM laying down the SOP for imposition of penalty for violation of environmental laws is in furtherance of various Orders which have been passed by this Hon'ble Tribunal from time to time. Further, the said OM which currently holds the field, has been issued after passing of the Judgement of Goel Ganga Developers India Pvt. Ltd vs Union of India (2018) 18 SCC 257.

50.Assuming without admitting, if at all it is found by the SEIAA while considering the EC expansion application, that the Answering Respondent is operating in violation of the EC due to expansion, the SOP provides for the mechanism to be followed to penalise the Answering Respondent.

51.The Hon'ble Supreme Court in Electrosteel Steels Limited Vs Union and Others has upheld and the confirmed the application of OM dated 07.07.2021 in cases of violation. A copy of the Judgement dated 09.12.2021 by the Hon'ble Supreme Court in Electrosteel Steels Limited Vs Union and Others has been marked and appended as **Annexure R/16 at pages 344 to 380**.

H. Operation of STP strictly as per the Consent Conditions

52.It is submitted that the Answering Respondent has undertaken the operation of its STP after obtaining the CTO valid from 01.01.2018 to 31.12.2019. It is submitted that the Answering Respondent's STP was operated in conformity with the norms which can be verified by Inspection Report dated 27.12.2017 which noted that the STP was functional and conforming to the norms. A copy of Inspection Report dated 27.12.2017 has been marked and Appended as **Annexure R/17 at pages 381 to -** .

53. It is submitted that even the Joint Inspection Report confirms that the Answering Respondent has been operating the STP in conformity with the norms. A copy of Inspection Report dated 01.02.2022 has been marked and Appended as **Annexure R/18 at pages 382 to 383**.
54. It is submitted that the finding of Joint Committee that the Answering Respondent was in violation for a period 01.01.2020 to 10.02.2022 is denied as wrong. It is submitted that the Answering Respondent has operated the STP consistently in conformity with the norms.
55. Further, it is humbly stated that the treated sewage from the STP of the Answering Respondent gets re-treated in Sector – 123 Terminal STP of NOIDA Authority with capacity of 35 MLD. The Answering Respondent has obtained sewer connection from NOIDA Authority in this regard and therefore even if it is assumed without admitting that the STP treated sewage was outside parameters, the same would have been treated at the CSTP operated by Noida. There has been no siphoning or diversion of treated or untreated sewage which has been found by the Committee and therefore there is no actual environmental pollution on this count. Thus, there is no discharge on inland surface. Further, there is no finding of the Joint Committee that there is any discharge on open land.
56. Further, the imposition of Rs.10,000/- fine per day is arbitrary and unfounded. It is submitted that it is an undeniable fact that the Answering Respondent has operated the STP continuously during of 01.01.2020 to 10.02.2022 in conformity with the norms. Further the Answering Respondent has borne all the expense for such operation. The imposition of an arbitrary figure of Rs.10,000/- per day without taking into consideration of the fact the Answering Respondent was operating the STP and not simply

discharging the sewage waste directly into the sewers is bad in law.

57. It is not the case of the Applicant or of the Joint Committee that the Answering Respondent has been found to be indulging in diversion/siphoning off the untreated sewage effluent. Despite the above, the Joint Committee has imposed environment compensation at Rs 10,000 per day which is excessive and arbitrary and puts the answering Respondent in the same category of defaulters who discharge untreated effluents or operate without an STP.

I. Adequate rainwater harvesting facility installed by the Answering Respondent

58. It is submitted that as per general condition at Sr. No. 14 of the EC dated 19.09.2011, the Answering Respondent was directed to construct five rain water harvesting pits for six towers.

59. In this regard it is submitted that the Answering Respondent has constructed four rainwater harvesting pits and the one remaining pit will be constructed along with Tower A, as per the original plan construction of which is not going on. It is submitted that the Answering Respondent has maintained and kept the four pits in functional state, and even the samples collected from the pits have been analysed and are in conformity with the standards. This fact has been corroborated by the Joint Inspection Committee in its Report.

J. Green belt planted and maintained by the Answering Respondent

60. It is submitted that the Answering Respondent has planted trees all along the boundary walls as well as within the project area, in conformity with the EC condition at Sr. No.

67. The planting and maintenance of the green plant has been verified by the Joint Committee Report dated 19.02.2022.

K. Width of internal road is 6 meters as per sanctioned plan by NOIDA

61. It is submitted that the issue of whether the roads/setbacks are six meters or nine meters, has no correlation with environmental pollution. The mandatory requirements of the sanction plan have been complied with which is evident from the fact that completion certificates have been issued. The submission of the Answering Respondent is that the Joint Committee has exceeded its jurisdiction in going into issues beyond the terms of reference contained in Order dated 18.10.2021.

62. Without prejudice to the above, it is submitted that the concept of internal roads applies to larger projects like integrated townships. A bare perusal of photographs annexed by the Joint Committee would reveal that ample setbacks of 9 meters and above have been left out by the answering respondent. It is submitted that the said fact can be verified from the Completion plan.

It is submitted that the setback provided for the project as per the permissions obtained by the Answering Respondent are as follows –

- 20-meters setback on the front side of the Towers
- 9-meters setback on the left and right side of the Towers
- 9 meters setback on the back side of the Towers

The said setbacks are also in consonance with the Fire NOC dated 07.07.2011, lastly renewed on 19.05.2018, the true copies of which are collectively marked and appended as **Annexure R/19 (Colly) at pages 384 to 387.**

L. Parking slots allotted strictly as per EC

63. It is submitted that the answering respondent has provided for parking slots strictly as per the EC dated 19.09.2011.
64. It is submitted that the EC dated 19.09.2011 permitted 928 Equivalent Car space for the project. It is submitted that at present the answering respondent has provided a total of 746 equivalent car space. The said fact has also been verified by the Joint Committee which provides that there are 746 equivalent car spaces which have been provided in the project. Thus, it is submitted that there is no violation of this specific condition.
65. It is submitted that the proposed increase in parking slots in the revised plan dated 15.11.2017 has not been implemented yet and the Answering respondent undertakes that it will not be implemented till EC for expansion has been granted. A copy of
66. The Answering Respondent on 07.03.2022 made a representation to the Nodal Officer of the Joint Committee briefly raising the above-mentioned issues. A true copy of the Representation dated 07.03.2022 has been marked and appended as **Annexure R/20 at pages 388 to 390.**
67. Without prejudice to the above, it is submitted that the applicant has sought to raise a completely new, novel issue which has no environmental impact what so ever. The Applicant has stated that the EC dated 19.09.2011 was not granted to the Answering Respondent as it was granted to one Express Builders Pvt. Ltd.
68. It is submitted that the letter granting EC has inadvertently mentioned "Express Builders Pvt. Ltd." instead of "Express Builders and Promoters Pvt. Ltd." The project in question is under the management of Express Builders and Promoters Pvt. Ltd. which purchased the land. All the permissions and

consents obtained by the Answering Respondent are in favour of Express Builders and Promoters Pvt. Ltd. and a bare perusal of the sanction plan, CTE, CTO and Fire NOC would reveal that all the permissions are in the favour of Express Builders and Promoters Pvt. Ltd. It is submitted that all the necessary documents submitted as part of Form I mentioned the name "Express Builders and Promoters Pvt. Ltd." It the submission of the Answering Respondent that the mere omission of writing the word "*Promoters*" on part of SEIAA with no fault of the answering Respondent, cannot be a ground to challenge the EC granted to the Answering Respondent especially when there is no legal entity in the name of "Express Builders (P). Ltd."

69. It is submitted that the Company by the name of Express Builders Pvt. Ltd. is a non-existent entity as admittedly, it was converted into a public limited company on 30.11.1993 and became Express Builders Ltd. However, the said company has not involvement what so ever in the management of the project.

70. Since the Environment clearance mentions Express Builders Pvt. Ltd. to be the name of the Company in whose favour EC has been granted, the Answering Respondent has moved an appropriate application before SEIAA for rectification of name which is pending consideration. Be that as it may it is submitted that the said name has no impact whatsoever, on environment.

71. It is submitted that a perusal of the actual facts of the case would clearly reflect that there is no violation of EC conditions on part of the Answering Respondent as wrongly alleged by the Applicant. Without prejudice to the case of the answering Respondent on merits, it is submitted that the present Original Application deserves to be rejected in view of the concealment, malafide of the Applicant and it not raising any substantial question relating to the environment.

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Further, it is submitted that a combined reading of the Joint Committee report and the contentions raised in the present Reply clearly establishes that neither has the answering Respondent committed any act which could result in environmental pollution, nor has the answering Respondent violated any building bye-laws.

72. In view of the foregoing paragraphs, the present OA deserves to be dismissed with heavy costs.

Drawn and Filed By:



VSA Legal
Counsels for Respondent No.6
32, Ground Floor, Uday Park,
South Extension II,
New Delhi 110047
Phone – 01143541022
office@vsalegal.in

Date: 28.03.2022
Place: New Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 245 OF 2021**

IN THE MATTER OF:

Vineet Sinha

...Applicant

VERSUS

Union of India & Ors.

...Respondents

AFFIDAVIT

I, Shri Pankaj Goel S/o Shri J.B. Goel Aged about 47 years, R/o B-177, Greater Kailash-I, New Delhi, presently at New Delhi, do hereby solemnly affirm and state on oath as under:-

1. That I am the Authorized Representative for Respondent No. 6, M/s Express Builder and Promoters Pvt. Ltd. in the abovementioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear and sign the present Affidavit.
2. That the accompanying Reply has been drafted as per my instructions by my counsel, and I have read the contents thereof and I understood the same.
3. That the Annexure enclosed with the Application are true and correct copies of their respective originals.

That the contents of the aforesaid Reply are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.



[Handwritten Signature]

Deponent

VERIFICATION:

28 MAR 2022

Verified at New Delhi on this the _____ day of March 2022 that the contents of the abovesaid affidavit are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.

[Handwritten signature]

DEPONENT

Pranay
D/9711/2019
I identify the Deponent who
has signed in my presence

28 MAR 2022



CERTIFIED THAT THE DEPONENT
Shri/Smt/Km. *Pranay* Age *30*
S/o *Pradeep Kumar*
R/o *23, Gurgaon*
Identified *Pradeep Kumar*
has signed the affidavit at Delhi
on *28* of *Mar* No. *2719*
that the contents of the affidavit which have
been read & explained to me are true and
correct to his knowledge.

[Signature]
Oath Commissioner Delhi

Annexure R-1

EXPRESS BUILDERS AND PROMOTERS (P) LTD 278



Regd. Office :

810, Surya Kiran Building,
19, Kasturba Gandhi Marg,
Connaught Place, New Delhi - 110001
Tel.: 2375 2430
CIN NO. U70109DL2010PTC204656

Date: 20.03.2021

To,
The Concerned Officer
Police Station,
Barakhamba Road, New Delhi

Sub: Inquiry in the matter of complaint filed by Vineet Sinha, purchaser of apartment no. FG-001 in Block F Express Zenith, Sector 77, Noida from us.

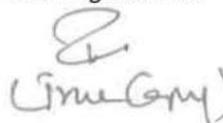
Dear Sir,

The brief facts of the above matter are enlisted below:-

1. The complainant vide application dated 15.08.2020 booked apartment no. FG-001 in Block F Express Zenith, Sector 77, Noida. The complainant approached us through the channel partner Deepak Sharma at our Noida site office to whom as per trade practice commission has been paid. The booking has been made by the complainant on 15.08.2021 at the site office, Express Zenith Plot GH-02A, Sector 77, Noida.
2. Allotment letter dated 08.09.2020 (copy enclosed) was executed by both the parties and the possession was handed over vide letter dated 28.09.2020 (copy enclosed). The complainant dealt only with our sales staff and CRM staff and has never met any of the Director during the entire transaction. Since the broker was involved, the transaction happened largely through the broker.
3. The complainant after making full payment requested for the possession of the apartment without making the payment towards registration charges and stamp duty. The complainant requested the company vide its letter dated 28.09.2020, that the complainant is facing extreme financial crises and could not proceed with the registration process. Considering the request of the complainant the company handed over the possession without registration (copy enclosed).
4. Further the complainant has given a letter and an affidavit stating that due to shortage of fund and personal reasons the possession should be given without registration (copy enclosed).
5. It is pertinent to mentioned here that the complaint has neither paid the registration charges nor have paid the stamp duty for the registration of the apartment till date. Reference is made to clause 50 of the allotment letter which clearly states that the responsibility of payment of stamp duty and registration charges lies with the Allottees. The said clause is reproduced here in below:-

"The Stamp Duty, Registration fees and other charges for execution of the deed of Conveyance/ Lease deed or any other deed or document with respect to transfer of right, title and interest in the Apartment shall be payable by the Allottee(s) within the time specified by the Company"

6. It is also relevant to mention here that the registration of the above apartment shall be a tripartite document between Noida Authority, Builder and the Buyer. **We are willing to execute the document as and when the complainant pays the stamp duty and registration**


Vineet Sinha

charges as per law and Noida Authority is willing to execute the document. The complainant has to liaison with the Noida Authority for execution of the document.

7. The complainant has already filed a complaint no. NCR144/03/71962/2021 dated 13.03.2021 to Uttar Pradesh Real Estate Regulatory Authority (UPRERA). We have communicated to UPRERA that we are willing to execute the registration of Tripartite Sub Lease Deed, provided the complainant pays the stamp duty and registration charges which he has been avoiding by giving frivolous reasons.

You are requested to kindly close the complaint and take strict action against the complainant in the interest of justice.

Regards,


Director


(Time Copy)

उ०प्र० भू-सम्पदा विनियामक प्राधिकरण, क्षेत्रीय कार्यालय, गौतमबुद्धनगर।

पीठ-2

उपस्थिति :- श्री बलविन्दर कुमार, सदस्य

क्रम सं०	शिकायत संख्या	शिकायतकर्तागण	यूनिट सं०	धनराशि रु./-
1.	NCR144/03/71962/2021	विनीत सिंहा	F-001	84,75,500/-
2.	NCR144/03/72601/2021	पंकज सिंह बजेली	D806	69,03,120/-

बनाम

एक्सप्रेस बिल्डर्स एंड प्रोमोटर्स प्रा० लि०

शिकायतकर्ता विनीत सिंहा के साथ 01 अन्य शिकायतकर्ता द्वारा विपक्षी के विरुद्ध वाद योजित किया गया है। इन दोनों शिकायतों के तथ्य समान हैं और एक समान साक्ष्य हैं। यह दोनों शिकायतें **Express Zenith (Phase 2, Tower B and C)** परियोजना से सम्बन्धित है। अतः एक ही निर्णय से इनका निस्तारण किया जा रहा है। शिकायत सं० **NCR144/03/71962/2021** विनीत सिंहा अग्रणी वाद रहेगा।

प्रस्तुत शिकायत प्रार्थना पत्र शिकायतकर्ता द्वारा विपक्षी के विरुद्ध रजिस्ट्री/सेल डीड निष्पादित कराने जाने हेतु संस्थित किया गया है।

संक्षेप में शिकायतकर्ता का कथन है कि उनके द्वारा विपक्षी की परियोजना "**Express Zenith (Phase 2, Tower B and C)**" में यूनिट सं० **F-001** बुक किया गया था। उक्त यूनिट की कुल कीमत **84,75,449/-** रुपये के सापेक्ष उनके द्वारा समय-समय पर किश्तों के आधार पर **84,75,500/-**

रुपये का भुगतान किया गया। शिकायतकर्ता का कहना है कि विपक्षी का नोएडा विकास प्राधिकरण के साथ बकाया धनराशि को लेकर विवाद चल रहा है। अतः शिकायतकर्ता द्वारा रजिस्ट्री/सेल डीड निष्पादित कराने हेतु अनुरोध किया गया है।

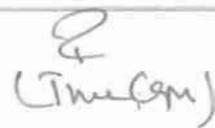
शिकायतकर्ता की ओर से अपने कथन के समर्थन में ऑफर ऑफ पोजेशन दिनांक 09.09.2020, पोजेशन लैटर दिनांक 28.09.2020, ऋण स्वीकृति पत्र, आवंटन पत्र आदि की छायाप्रतियां दाखिल की गयी हैं।

विपक्षी द्वारा जवाब दाखिल करते हुए कहा गया है कि नोएडा विकास प्राधिकरण से वर्ष 2015 में सी.सी प्राप्त किया जा चुका है एवं परियोजना रेरा लागू होने से पूर्व ही पूर्ण की जा चुकी थी, जिस कारण से रेरा को सम्बन्धित वाद की सुनवाई का क्षेत्राधिकार नहीं है। विपक्षी द्वारा जवाब में यह भी अंकित किया गया है कि शिकायतकर्ता द्वारा अभी तक स्टाम्प ड्यूटी का भुगतान नहीं किया गया है।

उभयपक्ष को सुना व पत्रावली का अवलोकन किया।

पत्रावली के अवलोकन से यह विदित है कि शिकायतकर्ता द्वारा विपक्षी की परियोजना में यूनिट बुक की गयी थी, जिसके लिए विपक्षी द्वारा शिकायतकर्ता को कब्जा दिया जा चुका है, परन्तु शिकायतकर्ता के यूनिट की रजिस्ट्री निष्पादित नहीं करायी गयी है। विपक्षी द्वारा दाखिल किये गये साक्ष्यों से यह भी विदित होता है कि दिनांक 03.11.2015 को विपक्षी द्वारा परियोजना का अधिभोग प्रमाण पत्र प्राप्त किया जा चुका है। विपक्षी द्वारा यह भी अवगत कराया गया है कि शिकायतकर्ता द्वारा स्टाम्प ड्यूटी का भुगतान नहीं किया जा रहा है। ऐसी स्थिति में विपक्षी को आदेशित किया जाता है कि नोएडा विकास प्राधिकरण से रजिस्ट्री कराये जाने के सम्बन्ध में स्वीकृति प्राप्त करने के उपरांत




(Time/Am)

3 माह के अन्दर शिकायतकर्तागण की रजिस्ट्री निष्पादित कराना सुनिश्चित करें। तद्दानुसार शिकायतकर्ता की शिकायत का निस्तारण किया जाता है।

1. इस आदेश की एक-एक प्रति सम्बंधित पत्रावलियों पर रखी जाये।
आदेश पोर्टल पर अपलोड किया जाये।

दिनांक :- 27/08/2021


(बलविन्दर कुमार)
(सबस्य)

उ०प्र० भू-सम्पदा विनियामक प्राधिकरण


(True Copy)

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Annexure R-3 (copy)

\$~4

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 1019/2021
VINEET SINHA, ADVOCATE Petitioner

Through : In person.

versus

UNION OF INDIA & ORS. Respondent

Through : Mr.Ripudaman Bhardwaj, Advocate
for R1/UOI.

SI Lokesh Kumar, PS Barakhmaba
Road.

Mr.Mridul Jain, SPP for R4/CBI

Mr.Amit Mahajan, CGSC and
Ms.Mallika Hiremath, Advocate for
R5/ED.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

%

08.07.2021

1. The hearing has been conducted through Video Conferencing.

CRL.M.A. 8010/2021

2. Exemption allowed, subject to all just exceptions.

3. The application stands disposed of.

CRL.M.A. 8011/2021

4. Exemption allowed, subject to the condition that petitioner will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.

5. The application stands disposed of.

W.P.(CRL) 1019/2021 & CRL.M.A.Nos.8009/2021, 10059/2021

6. None appears on behalf of respondent no.2 and 3.

7. Let a Court notice be issued to respondents no.2 and 3 returnable on 11.08.2021.

YOGESH KHANNA, J.

JULY 08, 2021/dv



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\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5660/2021, CM APPL. 17642/2021 (interim direction) &
CM APPL. 22300/2021 (additional document)

VINEET SINHA ADVOCATE Petitioner

Through Petitioner in person.

versus

UNION OF INDIA & ORS. Respondents

Through Mr.Abhay Prakash Sahay, CGSC
with Mr.Mannu Singh, Mr.Kunal Dhawan &
Mr.Swayamprabha, Advs.
Mr.Rahul Malhotra, Adv. for R-5

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

23.09.2021

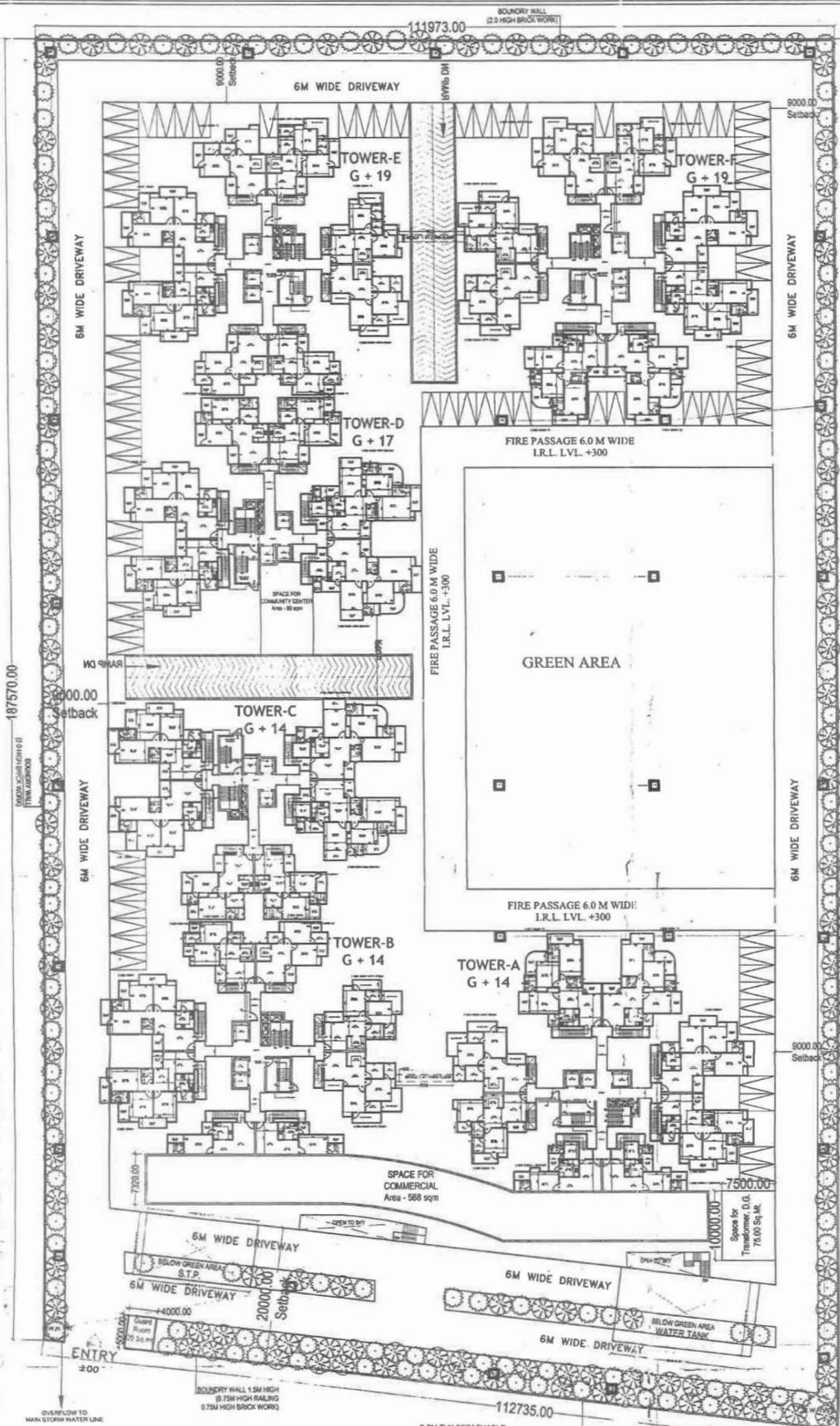
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1. The petitioner, who appears in person, submits that instead of pressing the present petition he will initiate appropriate proceedings in accordance with law. He, therefore, seeks leave to withdraw the present petition.
2. The petition alongwith pending applications is, accordingly, dismissed as withdrawn with liberty as prayed for.
3. It is, however, made clear that this Court has not expressed any opinion on the merits of the petitioner's claim.

REKHA PALLI, J

SEPTEMBER 23, 2021/kk

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Anvirene R-4



SITE PLAN / AREA CALCULATION

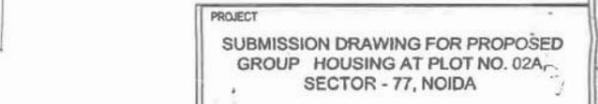
FAR AREA CALCULATIONS		DESCRIPTION	AREA (SQ. MT.)
1	Plot area		21,700.00
2	Permissible FAR (275)		59,675.00
3	275% of 21,700.00		59,675.00
4	Permissible Ground Coverage 35%		6,680.00
5	35% of 21,700.00		6,680.00
6	Total Proposed Ground Coverage (23.207%)		5,035.922
7	Proposed FAR Achieved	2.749	59,656.081
8	Area of COMMERCIAL		588.00
9	Permissible 15% Additional FAR		8,951.25
10	Proposed 15% Additional FAR		5,516.908
11	Density Calculations		825 to 1732.8 PPH/A
12	Permissible Density 1650 (-50% or + 5%) per / hect		
13	Total Population		1790.25 to 3759.525
14	Standard size of Family 4.5 Persons		
15	Total dwelling units		398 - 835
16	Permissible Dwelling Units (308 to 835)		3416
17	Proposed Dwelling Units (714 to 835)		1574
18	Proposed Density		18,447.594 PPH/A
19	Area of Basements-1		10,255.088 Sq. Mt.
20	Area of Basements-2		50 CARs
21	No. of C.G. required for residential		550 CARs
22	car parking provided in open		200 CARs
23	car parking provided in basement-1		800 CARs
24	car parking provided in basement-2		251
25	Total car parking provided		305
26	Types of Trees Proposed		

S.No.	Floor	Tower-A	Tower-B	Tower-C	Tower-D	Tower-E	Tower-F	Commercial	Community	ESS	Guard	Bridge-1	Bridge-2	Total
1	Ground Floor	8	8	8	8	8	8	8	8	8	8	8	8	80
2	First Floor	8	8	8	8	8	8	8	8	8	8	8	8	80
3	Second	8	8	8	8	8	8	8	8	8	8	8	8	80
4	Third	8	8	8	8	8	8	8	8	8	8	8	8	80
5	Fourth	8	8	8	8	8	8	8	8	8	8	8	8	80
6	Fifth	8	8	8	8	8	8	8	8	8	8	8	8	80
7	Sixth	8	8	8	8	8	8	8	8	8	8	8	8	80
8	Seventh	8	8	8	8	8	8	8	8	8	8	8	8	80
9	Eighth	8	8	8	8	8	8	8	8	8	8	8	8	80
10	Ninth	8	8	8	8	8	8	8	8	8	8	8	8	80
11	Tenth	8	8	8	8	8	8	8	8	8	8	8	8	80
12	Eleventh	8	8	8	8	8	8	8	8	8	8	8	8	80
13	Twelfth	8	8	8	8	8	8	8	8	8	8	8	8	80
14	Thirteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
15	Fourteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
16	Fifteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
17	Sixteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
18	Seventeenth	8	8	8	8	8	8	8	8	8	8	8	8	80
19	Eighteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
20	Nineteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
21	Total	112	112	112	112	112	112	112	112	112	112	112	112	1120

S.No.	Floor	Tower-A	Tower-B	Tower-C	Tower-D	Tower-E	Tower-F	Commercial	Community	ESS	Guard	Bridge-1	Bridge-2	Total
1	Ground Floor	8	8	8	8	8	8	8	8	8	8	8	8	80
2	First Floor	8	8	8	8	8	8	8	8	8	8	8	8	80
3	Second	8	8	8	8	8	8	8	8	8	8	8	8	80
4	Third	8	8	8	8	8	8	8	8	8	8	8	8	80
5	Fourth	8	8	8	8	8	8	8	8	8	8	8	8	80
6	Fifth	8	8	8	8	8	8	8	8	8	8	8	8	80
7	Sixth	8	8	8	8	8	8	8	8	8	8	8	8	80
8	Seventh	8	8	8	8	8	8	8	8	8	8	8	8	80
9	Eighth	8	8	8	8	8	8	8	8	8	8	8	8	80
10	Ninth	8	8	8	8	8	8	8	8	8	8	8	8	80
11	Tenth	8	8	8	8	8	8	8	8	8	8	8	8	80
12	Eleventh	8	8	8	8	8	8	8	8	8	8	8	8	80
13	Twelfth	8	8	8	8	8	8	8	8	8	8	8	8	80
14	Thirteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
15	Fourteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
16	Fifteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
17	Sixteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
18	Seventeenth	8	8	8	8	8	8	8	8	8	8	8	8	80
19	Eighteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
20	Nineteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
21	Total	112	112	112	112	112	112	112	112	112	112	112	112	1120

S.No.	Floor	Tower-A	Tower-B	Tower-C	Tower-D	Tower-E	Tower-F	Commercial	Community	ESS	Guard	Bridge-1	Bridge-2	Total
1	Ground Floor	8	8	8	8	8	8	8	8	8	8	8	8	80
2	First Floor	8	8	8	8	8	8	8	8	8	8	8	8	80
3	Second	8	8	8	8	8	8	8	8	8	8	8	8	80
4	Third	8	8	8	8	8	8	8	8	8	8	8	8	80
5	Fourth	8	8	8	8	8	8	8	8	8	8	8	8	80
6	Fifth	8	8	8	8	8	8	8	8	8	8	8	8	80
7	Sixth	8	8	8	8	8	8	8	8	8	8	8	8	80
8	Seventh	8	8	8	8	8	8	8	8	8	8	8	8	80
9	Eighth	8	8	8	8	8	8	8	8	8	8	8	8	80
10	Ninth	8	8	8	8	8	8	8	8	8	8	8	8	80
11	Tenth	8	8	8	8	8	8	8	8	8	8	8	8	80
12	Eleventh	8	8	8	8	8	8	8	8	8	8	8	8	80
13	Twelfth	8	8	8	8	8	8	8	8	8	8	8	8	80
14	Thirteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
15	Fourteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
16	Fifteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
17	Sixteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
18	Seventeenth	8	8	8	8	8	8	8	8	8	8	8	8	80
19	Eighteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
20	Nineteenth	8	8	8	8	8	8	8	8	8	8	8	8	80
21	Total	112	112	112	112	112	112	112	112	112	112	112	112	1120

S.No.	Floor	Area
1	Tower-A & B	1488.179
2	Tower-C	542.192
3	Tower-D	542.192
4	Tower-E	710.675
5	Tower-F	752.262
6	Community	80.00
7	Commercial	588.00
8	ESS	75
9	Guard Room	20
10	Bridge-1	9.325
11	Bridge-2	6.076
12	Total	5035.922



PROJECT
SUBMISSION DRAWING FOR PROPOSED GROUP HOUSING AT PLOT NO. 02A, SECTOR - 77, NOIDA

OWNER
EXPRESS BUILDERS & PROMOTERS PVT. LTD.

ARCHITECT
VAIBHAV JAIN & ASSOCIATES PVT. LTD
195, RAM VIHAR DELHI-82, PHONE OFF. 011-42518322

DRAWING TITLE
SITE PLAN / AREA CALCULATION

DRAWING NO.
01

SCALE
1:300

ARCH. SEAL & SIG.
OWNERS SIG.

Annexure R-5
44/1/2011 226

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Dr. Bhim Rao Ambedkar Paryavaran Parisar
Vineet Khand-1, Gomti Nagar, Lucknow - 226 010
Phone : 91-522-2300 541, Fax : 91-522-2300 543
E-mail : doeuplko@yahoo.com
Website : www.sciaaup.com

Ref. 2065 /Parya./SEAC/439/AAS /10
To,

Mr. Pankaj Goel,
Director, M/s Express Builders(p) Ltd.,
810, Surya Kiran Building, 19,
Kasturba Gandhi Marg, Connaught Place,
New Delhi.-110001

Dated 19 Sept, 2011

Subject- Regarding the Environmental Clearance of proposed Group Housing Project Express Zenith at Plot no.2A, Sec-77 Noida, UP.

Dear Sir,

Please refer to your undated letter received on 14/6/2010 and letter dated 9/7/2011, addressed to the Secretary, SEAC Dr. Bhimrao Ambedkar Paryavaran Parisar, Vineet Khand-1, Gomti Nagar, Lucknow on the subject as above. The State Level Expert Appraisal Committee has considered the case in its 74th SEAC meeting held on 14/07/2011 and has been given to understand that:

1. Environmental Clearance is sought for Group Housing "Express Zenith" at Plot no.2A, Sec-77 Noida, U.P.
2. The total Plot area is 21,700 sq.mt. Proposed Built up area is 94477.578 sq. mt.
3. The proposal is covered under category 8a of the EIA notification dated 14/9/2006 and the amendments thereof.
4. Maximum height of proposed building is 60 mt., Number of tower-6, No. of floors - Two Basement +G +18 floors, No. of DU-804, Total population 3984.
5. Landscape area for the proposed project is 8500 sqm. and green belt is 7650 sq.mt. which is approx 35% of the total plot area.
6. Total water demand- 320 KLD, Domestic Water demand- 295 KLD., Fresh water requirement -207 KLD., recycled water consumption- appx.115 KLD, Fresh water is supplied by Noida water supply system.
7. 254 KLD waste water will be generated & 128 KLD will be treated in STP of 154 KLD capacity. 126 KLD waste water will be discharge for treatment in CSTP. Treated water will be reused in flushing, cooling and horticulture.
8. For RWI, 5 nos. of pits are proposed for 423.74 m³ run off potential.
9. Apprx. 1767.15 kg/d of solid waste will be generated during operation phase. It will be collected and segregated into biodegradable, recyclable and others fractions and disposed off as per MSW Rules, 2000.
10. Power requirement-2440 KW supplied from UPPCL. For 6 hrs. power back- up, 4X750 KVA will be DG sets provided .
11. The total proposed parking for the project is 928 ECS.

The SEAC recommended grant of Environmental Clearance with General and certain Specific conditions to the project. Based on the recommendations of the State Level Expert Appraisal Committee, the State Level Environment Impact Assessment Authority (40th meeting held on 12/08/2011)-has decided to grant the Environmental Clearance to the project subject to the effective implementation of the following conditions:

General Conditions :

1. It shall be ensured that all standards related to ambient environmental quality and the emission/effluent standards as prescribed by the MoEF are strictly complied with.



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Environmental Clearance for proposed Group Housing Project Express Zenith at Plot no.2A, Sec-77 Noida, UP.

2. It shall be ensured to obtain the no objection certificate from the U.P Pollution Control Board before start of construction.
3. It shall be ensured that no construction work or preparation of land by the project management except for securing the land is started on the project or the activity without the prior E.C.
4. The proposed land use shall be in accordance to the prescribed land use. A land use certificate issued by the competent authority shall be obtained in this regards.
5. All tree- felling in the project area shall be as permitted by the Forest Department under the prescribed rules. Suitable clearance in this regard shall be obtained from the competent authority.
6. Impact of drainage pattern on environment should be provided.
7. Surface hydrology and water regime of the project area within 10 km should be provided.
8. A suitable plan for providing shelter, light and fuel, water and waste disposal for construction labour during the construction phase shall be provided along with the number of proposed workers.
9. Measures shall be undertaken to recycle and reuse treated effluents for horticulture and plantation. A suitable plan for waste water recycling shall be submitted.
10. It shall be ensured to obtain proper permission from competent authorities regarding enhanced traffic during and due to construction and operation of project.
11. It shall be ensured to obtain necessary clearances from the competent authority on the abstraction and use of ground water during the construction and operation phases.
12. Hazardous/inflammable/Explosive materials likely to be stored during the construction and operation phases shall be as per standard procedure as prescribed under law, Necessary clearances in this regards shall be obtained.
13. Solid wastes shall be suitably segregated and disposed. A separate and isolated municipal waste collection center should be provided. Necessary plans should be submitted in this regard.
14. Suitable rainwater harvesting system as per designs of Ground Water Department shall be installed. Complete proposals in this regard should be submitted.
15. The emissions and effluents etc. from machines, Instruments and transport during construction and operation phases should be according to the prescribed standards. Necessary plans in this regard shall be submitted.
16. Water sprinklers and other dust control measures should be undertaken to take care of dust generated during the construction and operation phases. Necessary plans in this regard shall be submitted.
17. Suitable noise abatement measures shall be adopted during the construction and operation phases in order to ensure that the noise emissions do not violate the prescribed ambient noise standards. Necessary plans in this regard shall be submitted.
18. Separate stock piles shall be maintained for excavated top soil and the top soil should be utilized for preparation of green belt.
19. Sewage effluents shall be kept separate from rain water collection and storage system and separately disposed. Other effluents should not be allowed to mix with domestic effluents.
20. Hazardous/Solid wastes generated during construction and operation phases should be disposed off as prescribed under law. Necessary clearances in this regard shall be obtained.
21. Alternate technologies for solid waste disposals (like vermin-culture etc.) should be used in consultation with expert organizations.
22. No wetland should be infringed during construction and operation phases. Any wetland coming in the project area should be suitably rejuvenated and conserved.
23. Pavements shall be so constructed as to allow infiltration of surface run-off of rain water. Fully impermeable pavements shall not be constructed. Construction of pavements around trees shall be as per scientifically accepted principles in order to provide suitable watering, aeration and nutrition to the trees.
24. The Green building Concept suggested by Indian Green Building Council, which is a part of CII-Godrej GBC, shall be studied and followed as far as possible.


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Environmental Clearance for proposed Group Housing Project Express Zenith at Plot no.2A, Sec-77 Noida, UP.

25. Compliance with the safety procedures, norms and guidelines as outlined in National Building Code 2005 shall be compulsorily ensured.
26. It is to ensure usage of dual flush systems for flush cisterns and explore options to use sensor based fixtures, waterless urinals and other water saving techniques.
27. It is to ensure exploration of options for use of dual pipe plumbing for use of water with different qualities such as municipal supply, recycled water and ground water etc.
28. It is to ensure usage of measures for reducing water demand for landscaping and using xeriscaping, efficient irrigation equipments & controlled watering systems.
29. Present a detailed report showing how much percentage of backup power for institution can be provided through solar energy so that use and polluting effects of DG sets can be minimized.
30. Make separate provision for segregation, collection, transport and disposal of e-waste.
31. Educate citizens and other stake-holders by putting up hoardings at different places to create environmental awareness.
32. Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
33. It shall be ensured to prepare and present disaster management plan.
34. A report on the energy conservation measures confirming to energy conservation norms finalize by Bureau of Energy efficiency should be prepared incorporating details about building material and technology, R & U Factors etc.
35. Fly ash should be used as building material in the construction as per the provision of fly ash notification of September, 1999 and amended as on August, 2003 (The above condition is applicable only if the project lies within 100 km of Thermal Power Station).
36. The DG sets to be used during construction phase should use low sulphur diesel type and should conform to E.P. rules prescribed for air and noise emission standards.
37. Alternate technologies to Chlorination (for disinfection of waste water) including methods like Ultra Violet radiation, Ozonation etc. shall be examined and a report submitted with justification for selected technology.
38. The green belt design along the periphery of the plot shall achieve attenuation factor conforming to the day and night noise standards prescribed for residential land use. The open spaces inside the plot should be suitably landscaped and covered with vegetation of indigenous variety.
39. The construction of the building and the consequent increased traffic load should be such that the micro climate of the area is not adversely affected.
40. The building should be designed so as to take sufficient safeguards regarding seismic zone sensitivity
41. High rise buildings should obtain clearance from aviation department or concerned authority of
42. Suitable measures shall be taken to restrain the development of small commercial activities or slums in the vicinity of the complex. All commercial activities should be restricted to special areas earmarked for the purpose.
43. It is suggested that literacy program for weaker sections of society/women/adults (including domestic help) and under privileged children could be provided in a formal way.
44. The use of Compact Fluorescent lamps should be encouraged. A management plan for the safe disposal of used/damaged CFLs should be submitted.
45. It shall be ensured that all Street and park lighting is solar powered. 50% of the same may be provided with dual (solar/electrical) alternatives.
46. Solar water heater shall be installed to the maximum possible capacity. Plans may be drawn up accordingly and submitted with justification.

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Environmental Clearance for proposed Group Housing Project Express Zenith at Plot no.2A, Sec-77 Noida, UP.

47. Treated effluents shall be maximally reused to aim for zero discharge. Where ever not possible, a detailed management plan for disposal should be provided with quantities and quality of waste water.
48. The treated effluents should normally not be discharged into public sewers with terminal treatment facilities as they adversely affect the hydraulic capacity of STP. If unable, necessary permission from authorities should be taken.
49. Construction activities including movements of vehicles should be so managed so that no disturbance is caused to nearby residents.
50. All necessary statutory clearances should be obtained and submitted before start of any construction activity and if this condition is violated the clearance, if and when given, shall be automatically deemed to have been cancelled.
51. Parking areas should be in accordance with the norms of MOEF, Government of India. Plans may be drawn up accordingly and submitted.
52. The location of the STP should be such that it is away from human habitation and does not cause problem of odor. Odorless technology options should be examined and a report submitted.
53. The Environment Management plan should also include the break up costs on various activities and the management issues also so that the residents also participate in the implementation of the environment management plan.
54. Detailed plans for safe disposal of STP sludge shall be provided along with ultimate disposal location, quantitative estimates and measures proposed.
55. Status of the project as on date shall be submitted along with photographs from North, South, West and East side facing camera and adjoining areas should be provided.
56. Specific location along with dimensions with reference to STP, Parking, Open areas and Green belt etc. should be provided on the layout plan.
57. The DG sets shall be so installed so as to conform to prescribed stack heights and regulations and also to the noise standards as prescribed. Details should be submitted.
58. E-Waste Management should be done as per MoEF guidelines.
59. Electrical waste should be segregated and disposed suitably as not to impose Environmental Risk.
60. The use of suitably processed plastic waste in the construction of roads should be considered.
61. Displaced persons shall be suitably rehabilitated as per prescribed norms.
62. Dispensary for first aid shall be provided.
63. Health impacts, Socio-economic impacts, soil degradation factors and biodiversity indices should also be included in E.I.A. reports. (The above condition is applicable only if the project covered under category 8b of the EIA notification dated 14/9/2006 and the amendments thereof).
64. Safe disposal arrangement of used toiletries items in Hotels should be ensured. Toiletries items could be given complementary to guests, adopting suitable measures.
65. Diesel generating set stacks should be monitored for CO and HC.
66. Ground Water downstream of Rain Water Harvesting pit nearest to STP should be monitored for bacterial contamination. Necessary Hand Pumps should be provided for sampling. The monitoring is to be done both in pre and post monsoon, seasons.
67. The green belt shall consist of 50% trees, 25% shrubs and 25% grass as per MoEF norms.
68. A Separate electric meter shall be provided to monitor consumption of energy for the operation of sewage/effluent treatment in tanks.
69. An energy audit should be annually carried out during the operational phase and submitted to the authority.
70. Rapid EIA status should be undertaken for three months during the non monsoon period and the monitoring should be as per the latest norms of MoEF. (The above condition is applicable only if the project covered under category 8b of the EIA notification dated 14/9/2006 and the amendments thereof).

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Environmental Clearance for proposed Group Housing Project Express Zenith at Plot no.2A, Sec-77 Noida, UP.

71. Project proponent shall endeavor to obtain ISO:14001 certification. All general and specific conditions mentioned under this environmental manual to be prepared for the certification purpose and compliance.

b. Specific Conditions:

1. Stack height of D.G. sets should be calculated on bases of combined DG sets capacity. (11 mt. above the highest roof top).
2. Internal roads should not be less than 9 mt wide.
3. Bell- mouth entry should be provided.
4. 100% waste water should be treated to the extent meeting discharge criteria of receiving body. Permission from the competent authority to discharge surplus treated waste water (after in house use) to public drainage system be taken and submitted.
5. Rain water harvesting for green area will be done only after getting permission from CGWA.
6. CO & HC Monitoring should be done during operation / construction phase.
7. 2% of the capital cost will be used for Corporate Social and Environmental Responsibility. Detailed proposals should be submitted in a month.

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issue of the clearance. Failing this the environmental Clearance shall be deemed to be cancelled.

Necessary statutory clearances should be obtained and submitted before start of any construction activity. In the event of the violation of the condition the environmental clearance shall be automatically deemed to have been cancelled.

These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act,1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006 including the amendments and rules made thereafter.

This is to request you to take further necessary action in matter as per provision of Gazette Notification No. S.O. 1533(E) dated 14.9.2006 and send regular compliance reports to the authority as prescribed in the aforesaid notification.

C.S. Bhatt
(Dr. C.S. Bhatt)
Member Secretary, SEIAA

Copy for necessary action to:

1. The Secretary, Environment, U.P. Govt., Lucknow.
2. Dr. Nalini Bhatt, Advisor, Ministry of Environment & Forests, Govt. of India, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi.
3. Chief conservator, Regional Office, Ministry of Environment & Forests, (Central Region) Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
4. The Member Secretary, U.P. Pollution Control Board, PICUP Bhawan, Gomti Nagar, Lucknow

(Signature)

(Dr. C.S. Bhatt)
Member Secretary, SEIAA



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
पिकप भवन तृतीय तल, बी-ब्लॉक, विभूति खण्ड,
गोमती नगर लखनऊ

संदर्भ संख्या..... **F24644** सी-1/एन/एन0ओ0सी0-896/2013 दिनांक..... **22-5-13**

सेवा में,

ग्रुप हाउसिंग प्रोजेक्ट "एक्सप्रेस जेनिथ"

मै0 एक्सप्रेस बिल्डर्स एण्ड प्रमोटर्स प्रा0 लि0,

प्लॉट नं0-2ए, सेक्टर-77, नोएडा, गौतमबुद्धनगर।

विषय: पर्यावरणीय प्रदूषण की दृष्टि से/नई इकाई की स्थापना हेतु/कार्यरत इकाई की उत्पादन क्षमता में विस्तार/संयंत्रों के नवीनीकरण हेतु अनापत्ति प्रमाण पत्र निर्गमन।

महोदय,

कृपया उपरोक्त विषयक अपने आवेदन पत्र दिनांक..... का संदर्भ लें। आपके आवेदन पर विचार किया गया है तथा कृपया अवगत हो कि उद्योग को पर्यावरणीय प्रदूषण के दृष्टिकोण से निम्नलिखित विशिष्ट शर्तों एवं सामान्य शर्तों (संलग्नक) के समुचित अनुपालन के साथ सशर्त स्वीकृत की जाती है।

1. अनापत्ति प्रमाण पत्र निम्नलिखित विशिष्ट विवरणों के लिये ही निर्गत किया जा रहा है:-

(क) स्थल.....प्लॉट नं0-02ए, सेक्टर-77, नोएडा, गौतमबुद्धनगर।.....

(ख) उत्पादनप्रस्तावित 21700 वर्गमीटर भूमि क्षेत्रफल, बिल्टअप एरिया-94477.568 वर्गमीटर पर आवासीय कालोनी का निर्माण।.....

(Signature)

ग) मुख्य कच्चे माल.....बिल्डिंग मैटेरियल.....

.....

(घ) औद्योगिक उत्प्रेषण की मात्रा.....शून्य.....

.....

(ङ) प्रयुक्त ईंधन.....500 केवीए के 04 डी0जी0सेट

.....

उपर्युक्त विषय वस्तु में किसी भी प्रकार से परिवर्तन करने पर पुनः अनापत्ति प्रमाण पत्र प्राप्त करना आवश्यक होगा।

2. उद्योग में सभी आवश्यक यंत्र, संयंत्र, हरित पट्टिका, उत्प्रेषण शुद्धिकरण संयंत्र तथा वायु प्रदूषण नियंत्रण व्यवस्था में की गयी प्रगति रिपोर्ट इस कार्यालय में प्रत्येक माह की दसवीं तारीख तक निरंतर प्रेषित करें।
3. उद्योग इकाई में परीक्षण उत्पादन तब तक प्रारम्भ नहीं करें जब तक कि वह बोर्ड से जल एवं वायु अधिनियमों के अन्तर्गत सहमति प्राप्त न कर लें। जल एवं वायु सहमति प्राप्त करने हेतु इकाई ने उत्पादन प्रारम्भ करने की तिथि से कम से कम 2 माह पहले निर्धारित सहमति आवेदन पत्रों को उत्पादन पूर्व प्रथम आवेदन का उल्लेख करते हुये इस कार्यालय में अवश्य ही जमा कर दिया जाये। यदि उद्योग उपरोक्त का अनुपालन नहीं करता है तो उक्त अधिनियमों के वैधानिक प्राविधानों के अन्तर्गत उद्योग के विरुद्ध बिना किसी पूर्व सूचना के विधिक कार्यवाही की जा सकती है।
4. उद्योग में परीक्षण उत्पादन के पूर्व हमारे क्षेत्रीय कार्यालय द्वारा इकाई का निरीक्षण सुनियोजित किया जाये।
5. घरेलू उत्प्रेषण, जिसकी मात्रा.....से अधिक नहीं होगी। सेप्टिक टैंक एवं सोक पिट के माध्यम से बोर्ड द्वारा निर्धारित मानकों के अनुरूप शुद्धिकृत कर निस्तारित किया जाये।
6. प्रदूषण नियंत्रण हेतु प्रस्तावित शुद्धिकरण संयंत्र तथा निर्माण कार्य अपूर्ति के लिये दिये गये आदेश की प्रति इस कार्यालय में दिनांक.....तक अवश्य प्रस्तुत की जाये।

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(True Copy)

- ७- ग्रुप हाउसिंग प्रोजेक्ट "एक्सप्रेस जेनिथ मै0 एक्सप्रेस बिल्डर्स एण्ड प्रोमोटर्स प्रा0 लि0, नोएडा प्लॉट नं0-2ए, सेक्टर-77, नोएडा, गौतमबुद्धनगर द्वारा प्रस्तावित २१७०० वर्गमीटर भूमि क्षेत्रफल, बिल्टअप क्षेत्रफल ६४४७७.५६८ वर्गमीटर पर आवासीय कालोनी का निर्माण किया जायें।
- ८- संस्था द्वारा प्रस्तावानुसार २५४ के०एल०डी० उत्प्रवाह में से १२८ के०एल०डी० उत्प्रवाह के शुद्धिकरण हेतु १५४ के०एल०डी० क्षमता का एस०टी०पी० का निर्माण करें एवं शुद्धिकृत उत्प्रवाह को सिंचाई, डी०जी० कूलिंग में तथा फ्लसिंग हेतु प्रयोग किया जायें। शेष उत्प्रवाह १२६ के०एल०डी का निस्तारण सीवर लाइन में प्राधिकरण द्वारा एसटीपी के माध्यम से किये जाने हेतु किया जायेगा। प्राधिकरण द्वारा उत्प्रवाह शोषित नहीं किये जाने की स्थिति में आवासीय इकाईयों का आवंटन से पूर्व पूर्ण क्षमता का एसटीपी स्थापित किया जाना होगा।
- ९- संस्था द्वारा शुद्धिकरण व्यवस्थाओं हेतु अलग से डी०जी०सेट स्थापित करें तथा उक्त हेतु अलग से विद्युत मीटर स्थापित करें।
- १०- सालिड वेस्ट मैनेजमेंट एम०एस०डब्ल्यू० रूल्स-२००० के प्राविधानों के अनुसार किया जायें।
- ११- समस्त प्रस्तावित डी०जी०सेट पर ध्वनि रोधक व्यवस्थाओं के साथ साथ प्रस्तावानुसार चिमनी भी स्थापित की जायें।
- १२- संस्था प्रस्तावानुसार रेन वाटर हार्वेस्टिंग व्यवस्था स्थापित करें।
- १३- संस्था नियमानुसार कम से कम ३३ प्रतिशत कुल प्रस्तावित क्षेत्रफल का हरित पट्टिका के रूप में विकसित करें।
- १४- संस्था द्वारा पर्यावरण एवं वन मंत्रालय, भारत सरकार/स्टेट इन्वायरमेंट इम्पेक्ट असेसमेंट अथॉरिटी से पर्यावरणीय क्लीयरेंस प्राप्त किया जायें।
- १५- यह अनापत्ति प्रमाण पत्र की वैधता पाँच वर्ष या बैंक गारण्टी की वैधता तिथि से एक वर्ष कम जो पूर्व हो मान्य होगी।
- १६- यह अनापत्ति प्रमाण पत्र अन्य विभागों तथा मा० न्यायालयों/नेशनल ग्रीन ट्रिब्यूनल के द्वारा समय-समय पर पारित आदेशों/स्वीकृतियों के अधीन होगी।
- १७- उद्योग द्वारा किसी भी परिस्थिति में उत्प्रवाह परिसर के बाहर भूमि पर तथा परिसर के अन्दर रिवोरिंग द्वारा जमीन के अन्दर नहीं डाला जायेगा।
- १८- संस्था को निर्गत बैंक गारण्टी पत्रांक- एफ-२०१७१/एन०ओ०सी०-८६६/२०१३, दिनांक १४.३.१३ का अक्षरशः अनुपालन करना सुनिश्चित करें, अनुपालन न करने की दशा में संस्था द्वारा प्रेषित बैंक गारण्टी बोर्ड के पक्ष में अवमुक्त की जा सकती है, जिसकी पूर्ण जिम्मेदारी स्वयं संस्था के जिम्मेदार पदाधिकारियों की होगी।

(Tuncay)

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कृपया ध्यान दें कि उपर्युक्त लिखित विशिष्ट शर्तों एवं सामान्य शर्तों का प्रभावी एवं संतोषजनक अनुपालन न करने पर बोर्ड द्वारा निर्गत अनापत्ति प्रमाण पत्र निरस्त कर दिया जायेगा। बोर्ड का अधिकार सुरक्षित है कि अनापत्ति की शर्तों में संशोधन किया जाये अथवा निरस्त कर दिया जाये। उपर्युक्त विशिष्ट एवं सामान्य शर्तों के सम्बन्ध में उद्योग द्वारा इस कार्यालय में दिनांक..... तक प्रथम अनुपालन आख्या अवश्य प्रेषित की जाये। अनुपालन आख्या नियमित प्रेषित की जाये अन्यथा अनापत्ति निरस्त कर दी जायेगी।

भवदीय

सदस्य सचिव

पृष्ठांकन सं०

एन०ओ०सी०

तद दिनांक

प्रतिलिपि :

1. महाप्रबन्धक, जिला उद्योग केन्द्र :.....गौतमबुद्धनगर.....
2. उपकर अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ ।
3. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड :.....नोएडा.....

मुख्य पर्यावरण अधिकारी

वृत्त-1

(True Copy)

Annexure R-7

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U.P. Pollution Control Board

CONSENT ORDER

Ref No. -
4672/UPPCB/Noida(UPPCBRO)/CTO/water/NOI
DA/2017

Dated : 01/03/2018

To ,

M/S Mr Pankaj Goel
Express Builders & Promoters Pvt. Ltd.
Group Housing Project "Express Zenith" at Plot No. 02A, Sector-77, Noida, U.P.
NOIDA

Sub : Consent under Section 25/26 of The Water (Prevention and control of Pollution) Act, 1974
(as amended) for discharge of effluent to M/s. Express Builders & Promoters Pvt. Ltd.

Reference Application No :216234

Dated :01/03/2018

1. For disposal of effluent into water body or drain or land under The Water (Prevention and control of Pollution) Act,1974 as amended (here in after referred as the act) M/s. Express Builders & Promoters Pvt. Ltd. is hereby authorized by the board for discharge of their industrial effluent generated through ETP for irrigation/river through drain and disposal of domestic effluent through septic tank/soak pit subject to general and special conditions mentioned in the annexure ,in refrence to their foresaid application .
2. This consent is valid for the period from 16/02/2018 to 31/12/2019 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 27(2) of the Water (Prevention and Control of Pollution) Act, 1974 as amended .

This consent is being issued with the permission of competent authority .

RAJEEV UPADHYAY
UPADHYAY
Digitally signed by
RAJEEV UPADHYAY
Date: 2018.03.01
15:23:47 +05'30'

For and on behalf of U.P. Pollution Control Board

CEO

Enclosed : As above
(condition of consent):

Copy to: RO UPPCB NOIDA

RAJEEV UPADHYAY
UPADHYAY
Digitally signed by
RAJEEV UPADHYAY
Date: 2018.03.01
15:24:01 +05'30'

CEO

(Mr GM)

29/6

U.P. POLLUTION CONTROL BOARD, LUCKNOW

Annexure to Consent issued to M/s. Express Builders & Promoters Pvt. Ltd. vide

Consent Order No. 216234/ Water

Dated : 01/03/2018

CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of GROUP HOUSING PROJECT.
2. The quantity of maximum daily effluent discharge should not be more than the following :

Effluent Discharge Details			
S.No	Kind of Effluent	Maximum daily discharge, KL/day	Treatment facility and discharge point
1	Domestic	320KLD	STP

3. Arrangement should be made for collection of water used in process and domestic effluent separately in closed water supply system. The treated domestic and industrial effluent if discharged outside the premises, if meets at the end of final discharge point, arrangement should be made for measurement of effluent and for collecting its sample. Except the effluent informed in the application for consent no other effluent should enter in the said arrangements for collection of effluent. It should also be ensured that domestic effluent should not be discharged in storm water drain .
- 4 a. The domestic effluent should be treated in treatment plant so that the should be in conformity with the following norms dated treated effluent .

Domestic Effluent		
S.No	Parameter	Standard

- 4 b. The industrial effluent should be treated in treatment plant so that the treated effluent should be in conformity with the following norms. .

Industrial Effluent		
S.No	Parameter	Standard
1	Total Suspended Solids	20
2	BOD	10
3	COD	50
4	Oil & Grease	10
5	Quantity of Discharge	320KLD

5. Effluent generated in all the processes, bleed water, cooling effluent and the effluent generated from washing of floor and equipments etc should be treated before its disposal with treated industrial effluent so that it should be according to the norms prescribed under The Environment (Protection) Act, 1986 or otherwise mandatory .
6. The other pollutant for which norms have not been prescribed, the same should not be more than the norms prescribed for the water used in manufacturing process of the industry .
7. The method for collecting industrial and domestic effluent and its analysis should be as per legal Indian standards and its subsequent amendments/standards prescribed under The Environment (Protection) Act, 1986.
8. The treated domestic and industrial effluent be mixed (as per the provisions of Condition No. 2) and disposed of on one disposal point. This common effluent disposal point should have arrangement for flow meter/V Notch for measuring effluent and its log book be maintained .

Specific Conditions:

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(Inu Gmy)

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1. Project shall provide the NOC from Central Ground Water Authority for extracting ground water within 03 month.
2. Project shall comply the provisions of EP Act, 1986, Water (Prevention and Control of Pollution) Act, 1974 as amended, Air (Prevention and Control of Pollution) Act, 1981 as amended.
3. Project shall dispose the hazardous waste through authorized recyclers/TSDF and comply the provisions of Hazardous and Other Wastes (Management and Trans-boundary Movement) Amendment Rules, 2016
4. Treated sewage shall be used for irrigation/gardening purposes as much as possible.
5. Project shall comply the provisions of notification dt. 07-10-2016 of Ministry of Water Resources, River Development and Ganga Conservation, GOI.
6. Project shall comply the order passed by Hon'ble NGT time to time.
7. This consent is valid for the present constructed area of project.
8. Project shall comply the conditions imposed in the previous NOC/Consent.
9. Project shall send the records of energy meter reading installed on STP and Flow meter reading regularly on quarterly basis.

Issued with the permission of competent authority .

RAJEEV UPADHYAY
Digitally signed by RAJEEV UPADHYAY
Date: 2016.08.09 15:02:25 +05'30'

For and on behalf of U.P. Pollution Control Board .

CEO

(In Copy)

पंजीकृत डाक द्वारा

नवीन ओखला औद्योगिक विकास प्राधिकरण

मुख्य प्रशासनिक भवन सेक्टर-6 नौएडा(उ०प्र०)

संख्या:-नौएडा/मु०वा०नि०/2015/ III-231/839

दिनांक : 3/11/15

मुख्य कार्यपालक अधिकारी
नवीन ओखला औद्योगिक विकास प्राधिकरण
उत्तर प्रदेश

सेवा में,

मैसर्स एक्सप्रेस बिल्डर्स एण्ड प्रमोटर्स (प्रा०) लि०
भूखण्ड सं० जीएच - 02ए, सेक्टर - 77,
नौएडा

प्रिय महोदय,

मैं एतद् द्वारा प्रमाणित करता हूँ कि वास्तुविद श्री वैभव जैन काउन्सिल ऑफ आर्किटेक्चर पंजीकरण संख्या सीए/2006/38172 समूह/फर्म के पर्यवेक्षण में ग्रुप हाऊसिंग भूखण्ड संख्या जीएच - 02ए, सेक्टर - 77, नौएडा पर पूरे किये गये भवन का निर्माण /पुनर्निर्माण/परिवर्तन /गिराये जाने के काम का संलग्न मानचित्र के अनुसार प्राधिकरण के अधिकारियों द्वारा परीक्षण किया गया है तथा मैं घोषणा करता हूँ कि सम्बन्धित पंजीकृत वास्तुविद के समूह / फर्म द्वारा प्रस्तुत किये गये संरचना मजबूती प्रमाण पत्र तथा समापन प्रमाण पत्र के आधार पर अधिभोग संरचना मजबूती, अग्निसुरक्षा, अन्दर तथा आस-पास की स्वच्छता और सफाई सम्बन्धी स्थितियों के सम्बन्ध में यह रहने तथा अधिभोग के योग्य है।

यह अधिभोग पत्र दिनांक 07.09.2015 को प्राधिकरण द्वारा किये गये परीक्षण के आधार पर जारी किया जा रहा है। यदि आवंटी द्वारा भूखण्ड / भवन में निरीक्षण की तिथि के बाद कुछ परिवर्तन किया/किये जाते हैं अथवा नौएडा बिल्डिंग रेगुलेशन तथा डायरेक्शन /भवन विनियमावली के विरुद्ध कोई निर्माण किया जाता है तो ऐसे निर्माण के विरुद्ध उ०प्र० औद्योगिक क्षेत्र विकास अधिनियम 1976 की धारा -10 के अन्तर्गत हटाने की कार्यवाही आपेक्षित होगी। भविष्य में भूखण्ड / भवन में नौएडा बिल्डिंग रेगुलेशन तथा डायरेक्शन / भवन नियमावली के अनुसार विस्तार का अलग से मानचित्र स्वीकृत कराने तथा उस भाग का अधिभोग पत्र नियमानुसार प्राप्त करना अनिवार्य होगा तथा उसका पूर्ण दायित्व सम्बन्धित आवंटी /भू-स्वामी का होगा।

भूखण्ड का क्षेत्रफल = 21,700.00 वर्ग मी०

भू-आच्छादन का विवरण

सम्पूर्ण योजना में अनुमन्य भू-आच्छादित क्षेत्रफल = 7,595.000 वर्ग मी० (35%)
सम्पूर्ण योजना में स्वीकृत भू-आच्छादित क्षेत्रफल = 5,035.922 वर्ग मी०(23.20%)
वर्तमान में निर्मित भू-आच्छादन क्षेत्रफल (03 टॉवर्स) = 2,647.807 वर्ग मी० (12.20%)

एफ०ए०आर० का विवरण (टॉवर सं० डी, ई, एफ)

सम्पूर्ण योजना में अनुमन्य एफ०ए०आर० = 59,675.000 वर्ग मी०
सम्पूर्ण योजना में स्वीकृत एफ०ए०आर० = 59,656.081 वर्ग मी०
वर्तमान में निर्मित एफ०ए०आर०(03टॉवर्स) = 36,739.489 वर्ग मी०

(True Copy)

ड्यूलिंग यूनिट का विवरण

सम्पूर्ण योजना में स्वीकृत ड्यूलिंग यूनिट	=	714 यूनिट्स
कुल निर्मित ड्यूलिंग यूनिट	=	438 यूनिट्स

प्रतिबन्ध -

1. यह जारी किये जाने वाला अधिभोग प्रमाण पत्र ओखला पक्षी विहार के ईको सेन्सिटिव जोन निर्धारण के सम्बन्ध में माननीय राष्ट्रीय हरित अधिकरण के समक्ष विचाराधीन मूल प्रार्थना पत्र संख्या 375, वर्ष 2015, परमवीर सिंह बनाम यूनियन ऑफ इण्डिया व अन्य में पारित अन्तिम निर्णय के अनुपालन हेतु पट्टाधारक/ उप पट्टाधारक बाध्य होंगे।
2. नौएडा भवन विनियमावली - 2010, उ0प्र0 अपार्टमेंट एक्ट - 2010, पर्यावरण विभाग / माननीय राष्ट्रीय हरित अधिकरण तथा अन्य सम्बन्धित राज्य व केन्द्र सरकार के लागू होने वाले सभी अधिनियमों एवं उसके अन्तर्गत नियमों / विनियमों/निर्देशों आदि (अध्यावधिक यथा संशोधित एवं प्रभावी) का अनुपालन आबंटी संस्था पर बाध्यकारी होगा।
3. अधिभोग प्रमाण पत्र एवं मानचित्रों में दर्शायी गयी स्वीकृति के सापेक्ष प्राधिकरण की स्वीकृति प्राप्त किये बिना किसी प्रकार का परिवर्तन/ परिवर्धन/संशोधन आदि किया जाना अनाधिकृत माना जायेगा तथा उसको ध्वस्त कर / हटाये जाने की विधिक कार्यवाही की जायेगी।
4. अग्निशमन, लिफ्ट संचालन, वर्षा जल संचालन प्रणाली, जल संरक्षण व रिसाइकिलिंग, लैण्डस्केप/ हरित क्षेत्र/ खुला क्षेत्र/ वृक्षारोपण, सीवरेज सिस्टम, कूड़ा एवं ठोस अपशिष्ट प्रबन्धन, पर्यावरणीय एवं प्रदूषण सम्बन्धी व्यवस्था व प्रणालियों आदि का रखरखाव व संचालन गुणवत्तापूर्वक करने के साथ हमेशा कार्यशील स्थिति में रखा जाना अनिवार्य होगा अन्यथा समापन मानचित्र निरस्त किये जाने की कार्यवाही की जायेगी।
5. सम्पूर्ण योजना के अधिभोग हेतु आवेदन के समय नियमानुसार पूर्ण देय लेबर सेस जमा कराना सुनिश्चित करेंगे।

संलग्नक - भवन के समापन मानचित्र।

भवदीय,

Completion Drawing is as per Bye Laws
submitted for approval Please

Asst. Arch. Architect

05/11/15
नाम
पद
श्री० के० सक्सेना
ग्रुप हाउसिंग विद नियोजक
नौएडा

प्रतिलिपि:- महाप्रबन्धक (ग्रुप हाउसिंग), नौएडा को सूचनार्थ।

(True Copy)

300

Translated copy

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Main Administrative Building, Sector-6, NOIDA U.P.

By Registered post

File no. III-231

No. NOIDA/MVN/2015/III-231/839

Dated: 03.11.2015

Chief Executive Officer,
New Okhla Industrial Development Authority,
Uttar Pradesh

To,

M/s Express Builders and Promoters (Pvt.) Ltd.,
Plot No. GH- 02A, Sector-77,
Noida

Dear Sir,

I hereby certify that the erection/ re erection/ alteration/ demolition on the group housing plot no. GH-02A, Sector 77, Noida completed under the supervision of Association/ Firm of Architect Shri Vaibhav Jain, registered with the Council of Architecture bearing registration No. CA/2006/38172, as per the attached plan, has been inspected by the Officers of the Authority and declare that the structural strength of the building, fire-fighting, cleanliness of indoor and nearby areas and in respect of hygiene, based on the structural stability certificate and the completion certificate submitted by the concerned registered Architect of Association/ Firm, is fit for occupation.

This occupancy certificate is being issued based on inspected conducted by the Authority on 07.09.2015. If the Allottee has made or seeks to make any changes after the date of inspection or any changes that are made in violation of the Noida Building Regulations and Directions/ Building Rules, then proceedings under Section 10 of the UP Industrial Area Development Act, 1976 will be initiated against the Allottee for demolition. In future, if the Allottee is desirous of extending the building/plot, the said extension shall be done after getting approval of a separate building plan in accordance with the Noida Building R and Direction/ Building Rules and the Allottee/ land owner shall be responsible for the same.

Total area of the land

21,700 square meters


True Copy

301

Detail of covered area of land: -

Total permissible covered area	7595 Sq. Mtr. (35%)
Total approved covered area	5,035.922 Sq. Mtr. (23.20%)
Present covered area (03 towers)	2,647.807 Sq. Mtr. (12.20%)

Detail of F.A.R. (Tower NO. D, E, F): -

Total permissible F.A.R. in housing scheme	59,675.000 Sq. Mtr.
Total permissible F.A.R. in housing scheme	59,656.081 Sq. Mtr.
Present constructed F.A.R.	36,739.489 Sq. Mtr.

Description of dwelling units: -

Total approved dwelling units in scheme	714 units
Total constructed dwelling unit	438 units

Restriction/Provided: -

1. This Occupancy Certificate is being issued on the condition that the Lessee/ Sub-Lessee shall be bound to or subject to the directions passed by the Hon'ble National Green Tribunal in the case bearing Original Application No 375 of 2015 titled as Paramvir Singh v. Union of India and Ors. regarding habitation in the area surrounding Okhla Bird Sanctuary Eco Sensitive Zone.
2. The Allottee shall be govern and has to comply with the NOIDA Building Regulation, 2010, U.P. Apartment Act, 2010, Department of Environment/ Hon'ble National Green Tribunal and all the laws, rules, regulations and order etc. (existing, amended and effective) passed by the concerned State Government and Central Government.
3. Any alteration/ addition/ correction etc. contrary to the Occupancy Certificate and sanctioned building plan will be considered to be unauthorized and proceedings shall be initiated for dismantling/ demolition of said alteration/ addition/ correction.
4. It is compulsory to that the fire extinguishers, lift operation, rain-water harvesting, water reservation and recycling, landscape/ green area/ open area/ tree plantation, sewerage system, garbage collection, solid waste management, environment and pollution control arrangement and system and its maintenance and operation shall always be in a good working condition. Otherwise proceedings shall be initiated for cancellation of completion certificate.

Vg

True Copy

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5. The Allottee shall ensure that the entire payable labour cess is deposited at the time of application for occupancy of entire housing scheme.

Enclosure: - Completed building plant.

Completion drawings is as per Bye Laws submitted for approval please.

Sd/-

Pl Asst.

Sd/-

Asst. Arch.

Architect

Your faithfully

Sd/-

03.11.2015

Name: - V. K. Saxena

Designation: Chief Architect Planner

Noida

Copy to: -

General Manager (Group Housing), Noida for information.



True Copy

पंजीकृत डाक द्वारा

नवीन ओखला औद्योगिक विकास प्राधिकरण
मुख्य प्रशासनिक भवन सेक्टर-6 नौएडा(उ0प्र0)

303

संख्या:-नौएडा/मु0वा0नि0/2017/ III-231/004
दिनांक : 15/12/17

मुख्य कार्यपालक अधिकारी
नवीन ओखला औद्योगिक विकास प्राधिकरण
उत्तर प्रदेश

सेवा में,

मैसर्स एक्सप्रेस बिल्डर्स एण्ड प्रमोटर्स प्रा० लि०,
जीएच - 02ए, सेक्टर - 77,
नौएडा

प्रिय महोदय,

मैं एतद् द्वारा प्रमाणित करता हूँ कि वास्तुविद श्री वैभव जैन काउन्सिल ऑफ आर्किटेक्चर पंजीकरण संख्या सीए/2006/38172 समूह/फर्म के पर्यवेक्षण में ग्रुप हाऊसिंग भूखण्ड संख्या जीएच - 02ए, सेक्टर - 77, नौएडा पर पूरे किये गये भवन का निर्माण /पुनर्निर्माण/परिवर्तन /गिराये जाने के काम का संलग्न मानचित्र के अनुसार प्राधिकरण के अधिकारियों द्वारा परीक्षण किया गया है तथा मैं घोषणा करता हूँ कि सम्बन्धित पंजीकृत वास्तुविद के समूह / फर्म द्वारा प्रस्तुत किये गये संरचना मजबूती प्रमाण पत्र तथा समापन प्रमाण पत्र के आधार पर अधिभोग संरचना मजबूती, अग्निसुरक्षा, अन्दर तथा आस-पास की स्वच्छता और सफाई सम्बन्धी स्थितियों के सम्बन्ध में यह रहने तथा अधिभोग के योग्य है।

यह आंशिक अधिभोग पत्र दिनांक 23.11.2017 को प्राधिकरण द्वारा किये गये निरीक्षण के आधार पर जारी किया जा रहा है। यदि आवंटी द्वारा भूखण्ड / भवन में निरीक्षण की तिथि के बाद कुछ परिवर्तन किया/किये जाते हैं अथवा नौएडा बिल्डिंग रेगुलेशन तथा डायरेक्शन /भवन विनियमावली के विरुद्ध कोई निर्माण किया जाता है तो ऐसे निर्माण के विरुद्ध उ०प्र० औद्योगिक क्षेत्र विकास अधिनियम 1976 की धारा -10 के अन्तर्गत हटाने की कार्यवाही आपेक्षित होगी। भविष्य में भूखण्ड / भवन में नौएडा बिल्डिंग रेगुलेशन तथा डायरेक्शन / भवन नियमावली के अनुसार विस्तार का अलग से मानचित्र स्वीकृत कराने तथा उस भाग का अधिभोग पत्र नियमानुसार प्राप्त करना अनिवार्य होगा तथा उसका पूर्ण दायित्व सम्बन्धित आवंटी /भू-स्वामी का होगा।

भूखण्ड का क्षेत्रफल

= 21,700.00 वर्ग मी0

भू-आच्छादन का विवरण

सम्पूर्ण योजना में अनुमन्य भू-आच्छादित क्षेत्रफल	= 7,595.000 वर्ग मी0 (35%)
सम्पूर्ण योजना में स्वीकृत भू-आच्छादित क्षेत्रफल	= 5,505.612 वर्ग मी0 (25.37%)
पूर्व में निर्मित भू-आच्छादन क्षेत्रफल (03 टॉवर्स, डी, ई, एफ)	= 2,647.807 वर्ग मी0 (12.70%)
वर्तमान में निर्मित भू-आच्छादन क्षेत्रफल (02 टॉवर्स, बी, सी)	= 1,119.647 वर्ग मी0 (5.16 %)
कुल निर्मित भू-आच्छादन क्षेत्रफल (अधिभोग जारी + वर्तमान में निर्मित)	= 3767.454 वर्ग मी0 (5.16%)

एफ0ए0आर0 का विवरण

सम्पूर्ण योजना में अनुमन्य एफ0ए0आर0 @ 2.75	= 59,675.000 वर्ग मी0
सम्पूर्ण योजना में अनुमन्य एफ.ए.आर.(क्रय योग्य FAR सहित) @ 3.50	= 75,950.00 वर्ग मी0
सम्पूर्ण योजना में स्वीकृत एफ0ए0आर0	= 75,938.102 वर्ग मी0
पूर्व में निर्मित एफ0ए0आर0 अधिभोग जारी (03 टॉवर्स, डी, ई, एफ)	= 36,739.489 वर्ग मी0
वर्तमान में निर्मित एफ0ए0आर0(02 टॉवर्स, बी, सी)	= 22,923.613 वर्ग मी0
कुल निर्मित एफ0ए0आर0(अधिभोग जारी + वर्तमान में निर्मित)	= 59,663.102 वर्ग मी0

(Signature)

ड्यूलिंग यूनिट का विवरण

304

• कुल स्वीकृत ड्यूलिंग यूनिट्स	=	835 यूनिट्स
• पूर्व में निर्मित ड्यूलिंग यूनिट्स अधिभोग जारी (03टॉवर्स)	=	438 यूनिट्स
• वर्तमान में निर्मित ड्यूलिंग यूनिट्स(02टॉवर्स)	=	277 यूनिट्स
• कुल निर्मित ड्यूलिंग यूनिट्स (05 टॉवर)	=	715 यूनिट्स

प्रतिबन्ध -

1. माननीय राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में योजित मूल प्रार्थना पत्र 375 एवं 454 वर्ष, 2015 परमवीर सिंह बनाम यूनियन ऑफ इण्डिया एवं आनन्द आर्या बनाम यूनियन ऑफ इण्डिया व अन्य में ओखला पक्षी विहार के ईको सेन्सिटिव जोन के निर्धारण के सम्बन्ध में माननीय राष्ट्रीय हरित न्यायाधिकरण के अनुपालन हेतु आबंटी संस्था बाध्य है। यह अधिभोग प्रमाण पत्र माननीय राष्ट्रीय हरित न्यायाधिकरण के अन्तिम पारित किये जाने वाले आदेश के अन्तर्गत निर्गत किये जा रहे हैं।
2. नौएडा भवन विनियमावली - 2010, उ0प्र0 अपार्टमेंट एक्ट - 2010, रेसा(Real Estate Regulation and Development Act) 2016, पर्यावरण विभाग / माननीय राष्ट्रीय हरित अधिकरण तथा अन्य सम्बन्धित राज्य व केन्द्र सरकार के लागू होने वाले सभी अधिनियमों एवं उसके अन्तर्गत नियमों / विनियमों/निर्देशों आदि (अध्यावधिक यथा संशोधित एवं प्रभावी) का अनुपालन आबंटी संस्था पर बाध्यकारी होगा।
3. अधिभोग प्रमाण पत्र एवं मानचित्रों में दर्शायी गयी स्वीकृति के सापेक्ष प्राधिकरण की स्वीकृति प्राप्त किये बिना किसी प्रकार का परिवर्तन/ परिवर्धन/संशोधन आदि किया जाना अनाधिकृत माना जायेगा तथा उसको ध्वस्त कर / हटाये जाने की विधिक कार्यवाही की जायेगी।
4. अग्निशमन, लिफ्ट संचालन, वर्षा जल संचालन प्रणाली, जल संरक्षण व रिसाइकिलिंग, लैण्डस्केप/ हरित क्षेत्र/ खुला क्षेत्र/ वृक्षारोपण, सीवरेज सिस्टम, कूड़ा एवं ठोस अपशिष्ट प्रबन्धन, पर्यावरणीय एवं प्रदूषण सम्बन्धी व्यवस्था व प्रणालियों आदि का रखरखाव व संचालन गुणवत्तापूर्वक करने के साथ हमेशा कार्यशील स्थिति में रखा जाना अनिवार्य होगा तथा इसके निमित्त प्राप्त किये गये अनापत्ति प्रमाण पत्रों में अंकित निर्देशों /शर्तों एवं प्रतिबन्धों आदि का पूर्णतया अनुपालन सुनिश्चित करना पूर्णतया बाध्यकारी होगा।
5. यह अधिभोग प्रमाण पत्र इस शर्त के साथ जारी किया जा रहा है कि भविष्य में यदि फ्लैट क्रेता द्वारा मानचित्र में बदलाव या किन्ही अन्य कारणों से असहमति व्यक्त की जाती है तो आपके विरुद्ध नियमानुसार कार्यवाही की जायेगी।
6. फ्लैट स्वामियों व अन्य के विजिटर्स हेतु कार पार्किंग की व्यवस्था परिसर के भीतर ही कराना सुनिश्चित करें। सड़क पर किसी भी प्रकार की पार्किंग न करें।
7. आबंटी संस्था को क्रय योग्य एफ0ए0आर0 हेतु शेष 75% धनराशि(ब्याज सहित) मानचित्र स्वीकृति पत्र के अनुसार स्वीकृति दिनांक 15.11.2017 से 6 माह के अन्दर जमा कराना अनिवार्य होगा तथा आबंटी संस्था को एच0डी0एफ0सी0 बैंक से लोन disbursement होने के 07 दिन के अन्दर शेष लेबर सेस जमा कराना अनिवार्य होगा।

संलग्नक - भवन के समापन मानचित्र।

Completion Drawing is as per Bye Laws
submitted for approval Please

Asst. Archt. Asstt. Archt. Architect

भवदीय,

नाम
पत्र
नौएडा मुख्य वास्तुविद नियोजक
नाम

प्रतिलिपि:- विशेष कार्याधिकारी (ग्रुप हाऊसिंग), नौएडा को सूचनार्थ।

(In Reply)

305

Translated copy

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Main Administrative Building, Sector-6, NOIDA U.P.

By Registered post

File no. III-231

No. NOIDA/MVN/2017/III-231/004

Dated: 15.12.2017

Chief Executive Officer,
New Okhla Industrial Development Authority,
Uttar Pradesh

To,

M/s Express Builders and Promoters (Pvt.) Ltd.,
Plot No. GH- 02A, Sector-77,
Noida

Dear Sir,

I hereby certify that the erection/ re erection/ alteration/ demolition on the group housing plot no. GH-02A, Sector 77, Noida completed under the supervision of Association/ Firm of Architect Shri Vaibhav Jain, registered with the Council of Architecture bearing registration No. CA/2006/38172, as per the attached plan, has been inspected by the Officers of the Authority and declare that the structural strength of the building, fire-fighting, cleanliness of indoor and nearby areas and in respect of hygiene, based on the structural stability certificate and the completion certificate submitted by the concerned registered Architect of Association/ Firm, is fit for occupation.

This part occupancy certificate is being issued based on inspection conducted by the Authority on 23.11.2017. If the Allottee has made or seeks to make any changes after the date of inspection or any changes that are made in violation of the Noida Building Regulations and Directions/ Building Rules, then proceedings under Section 10 of the UP Industrial Area Development Act, 1976 will be initiated against the Allottee for demolition. In future, if the Allottee is desirous of extending the building/plot, the said extension shall be done after getting approval of a separate building plan in accordance with the Noida Building R and Direction/ Building Rules and the Allottee/ land owner shall be responsible for the same.

Total area of the land

21,700 square meters



True Copy

Detail of covered area of land: -

Total permissible covered area in housing scheme	7595 Sq. Mtr. (35%)
Total approved covered area in housing scheme	5,505.612 Sq. Mtr. (25.37%)
Already constructed covered area (03 towers, D, E, & F)	2,647.807 Sq. Mtr. (12.70%)
Present constructed covered area (02 towers, B and C)	1,119.647 Sq. Mtr. (5.16%)
Total constructed covered area (Occupancy issued + constructed at present)	3,767.454 Sq. Mtr. (5.16%)

Detail of F.A.R.: -

Total permissible F.A.R. in housing scheme @ 2.75	59,675.000 Sq. Mtr.
Total permissible F.A.R. in housing scheme (with purchasable F.A.R.) @ 3.50	75,950.00 Sq. Mtr.
Total approved F.A.R. in housing scheme	75,938.102 Sq. Mtr.
Already constructed F.A.R. Occupancy issued (03 towers, D, E and F)	36,739.489 Sq. Mtr.
Present constructed F.A.R. (02 towers, B and C)	22,923.613 Sq. Mtr.
Total constructed F.A.R. (Occupancy issued + constructed at present)	59,663.102 Sq. Mtr.

Description of dwelling units: -

Total approved dwelling units	835 units
Already constructed dwelling units (Occupancy issued (03 towers)	438 units
Presently constructed dwelling units (02 towers)	277 units
Total constructed dwelling unit	715 units

Restriction/Provided: -

1. This Occupancy Certificate is being issued on the condition that the Lessee/ Sub-Lessee shall be bound to or subject to the directions passed by the Hon'ble National Green Tribunal in the case bearing Original Application No 375 of 2015 titled as Paramvir Singh v. Union of India and Others. and Original Application NO. 454 of 2015 Anand Arya Vs Union of India & Others regarding habitation in the area surrounding Okhla Bird Sanctuary Eco Sensitive Zone. This Occupancy certificate is being issued subject to the final orders passed by the Hon'ble National Green Tribunal.
2. The Allottee shall be govern and has to comply with the NOIDA Building Regulation, 2010, U.P. Apartment Act, 2010, RERA (Real Estate Regulation and Development Act, 2016), Department of Environment/ Hon'ble National Green Tribunal and all the laws, rules, regulations and order etc.

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(existing, amended and effective) passed by the concerned State Government and Central Government.

3. Any alteration/ addition/ correction etc. contrary to the Occupancy Certificate and sanctioned building plan will be considered to be unauthorized and proceedings shall be initiated for dismantling/ demolition of said alteration/ addition/ correction.
4. It is compulsory that the fire extinguishers, lift operation, rain-water harvesting, water preservation and recycling, landscape/ green area/ open area/ tree plantation, sewerage system, garbage collection and solid waste management, environment and pollution control arrangement and system etc. shall always be in operational condition and maintained and operated in good working condition. The Allottee is bound to ensure compliance of the terms and conditions and the restrictions as stated on the certificates issued for the aforesaid purposes.
5. This Occupancy Certificate is being issued with the conditions that in future if the flat purchaser alter the building plan or express his dissatisfaction for any reason, then proceedings shall be initiated against you.
6. Allottee to ensure the car parking facility within the housing premises for flat owns and other visitors. Do not park on road.
7. Allottee is to compulsorily deposit balance amount of 75% (with interest) of the purchasable F.A.R. within 6 months from acceptance dated 15.11.2017 i.e. date of sanction of building plan. The Allottee is to compulsorily deposit balance labour cess within 7 days from the date of disbursement of loan from HDFC Bank.

Enclosure: - Completed building plant.

Completion drawings is as per Bye Laws submitted for approval please.

Sd/-
Pl Asst.

Sd/-
Asst. Arch.

Architect

Your faithfully

Sd/-
Name: - Ashok Kumar Mishra
Designation: Chief Architect Planner
Noida

Copy to: -

General Manager (Group Housing), Noida for information.

V P

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Annexure A/10

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THE HIGH COURT OF JUDICATURE AT ALLAHABAD

COMPLIANCE AFFIDAVIT

(On behalf of Respondent No.2)

IN

CIVIL MISC. WRIT PETITION NO. 19614 of 2018

(Under Article 226 of the Constitution of India)

(DISTRICT: GAUTAM BUDH NAGAR)

Brahm Singh S/o Late Sis Ram Singh,
R/O I:Z-B-1/47, Raghu Nagar, Pankha Road,
New Delhi - 110 045.
(owner of Flat No.403, Tower-D, Group Housing
Project Express Zenith situated at GH-02/A, Sector 77,
Noida, being constructed by Respondent No.3.

Petitioner.

Versus

1. State of U.P. through Principal Secretary,
Industrial Development, Govt. of U.P.
Lucknow.
2. New Okhla Industrial Development Authority,
through its Chief Executive Officer,
Competent Authority for Noida City, under
U.P. Apartment Act, 2010, Gautambudh Nagar.
3. M/s.Express Builders & Promoters Private
Limited through its Directors, Office at 810,




(Tina Gmy)

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Surya Kiran Building, 19, Kasturba Gandhi Marg,
Connaught Place, New Delhi - 110 061.

4 Chief Fire Officer, Gautam Budh Nagar.

AFFIDAVIT OF Tribhuvan nath patel S/o late
Bhola Nath, aged about 59 years, posted
as Associate Town Planner, New Okhla
Industrial Development Authority, Noida
City, Distt. Gautambudh Nagar.

(DEPONENT)

I, the deponent aforesaid, do hereby solemnly affirm and state on
oath as under :-

1. That, the deponent is presently posted as Associate Town Planner
in New Okhla Industrial Development Authority. The Deponent is
authorized and competent to affirm and file the present compliance
affidavit on behalf of answering Respondent .
2. That, vide Order dt. 30.05.2018, this Hon'ble Court has been
pleased to direct Respondent No.3 to stop construction of the Tower in
dispute i.e. the Tower identified as Tower No. 'A' and the answering
Respondent is to ensure that further construction by Respondent No.3
is not carried out. I categorically state that in compliance to the orders



(Tribhuvan Nath Patel)

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passed by this Hon'ble court, the all constructions of Tower 'A' at the site has been stopped.

3. That also in compliance of the direction passed by this Hon'ble Court on 30.05.2018, a copy of the Notification dt. 30.11.2010 notifying the NOIDA Building Regulations, 2010 published in U.P. Gazette dt. 4.12.2010 is annexed hereto and marked as ANNEXURE 1. The same may kindly be taken on record.

4. That this affidavit being filed in compliance of the Order dt. 30.5.2018 passed by this Hon'ble Court may be taken on record.

That the contents of paragraph no. 1 of this affidavit are true to my personal knowledge and those of paragraph nos. 2 and 3 are based on records and those of paragraph no.4 is prayer to this Hon'ble Court, nothing material has been concealed and no part of it is false.
SO HELP ME GOD.

DEPONENT

1. Akhiklesh Ranjan Pandey . clerk to Kaushalendra Nath Singh Advocate High Court, Allahabad declare that the person making this affidavit and alleging himself to be Shri _____ is the



B
(In Charge)

same person who is known to me from the perusal of the record of this case produced before me.

CLERK

Solemnly affirmed before me on the ____ day of July, 2018 at _____ am/pm who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit.

Oath Commissioner:



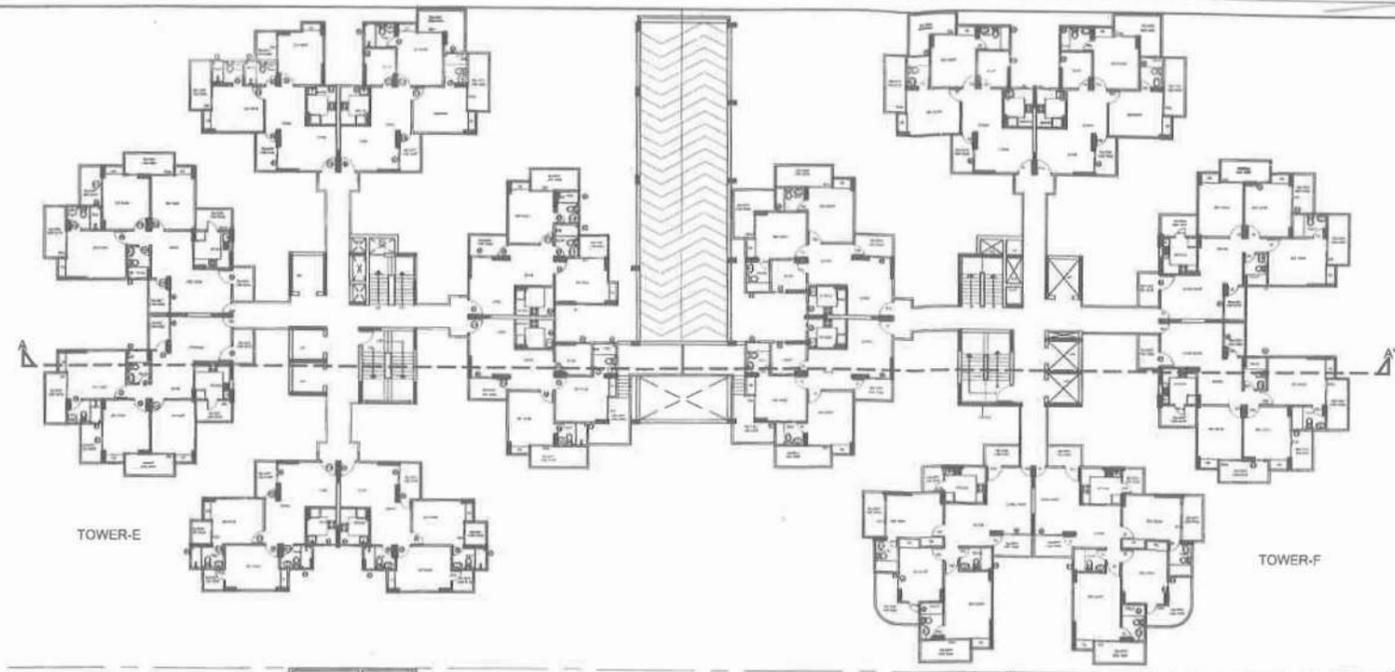
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Annexure R-11

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TOWER - E & F
DRAWING NO. 19
SECTION

Project No.	231/329
Date	03-11-11
Scale	1:100
Author	
Checker	
Architect	



TOWER-E

TOWER-F



SECTION-A-A

SECTION-A

PART COMPLETION DRAWINGS FOR
GROUP HOUSING ON PLOT NO GH-02A,
SECTOR -77 AT NOIDA DISTT.
GAUTAMBUDH NAGAR (U.P.)

OWNER
EXPRESS BUILDERS & PROMOTERS
PVT. LTD.

ARCHITECT
ARCHITECT VAIBHAV JAIN & ASSOCIATES
115, RAM VIHAR, DELHI - 110062
PHONE: +91-11-42515322, 495-11-42740000

DRAWING TITLE: SECTION E & F
BUILDING TYPE: DRAWING NO. 19
SCALE: 1:100

ARCHITECT'S SEAL & SIGN: VAIBHAV JAIN
B. Arch, IIT (Roorkee)
L.No. CA200638172
Vaibhav Jain & Associates
101, RAM VIHAR, DELHI

OWNER'S SIGN: For Copies Refer to Director

True Copy

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ANNEXURE-R12

Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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FORM 1**(I) Basic Information**

S. No.	Item	Details																																								
1.	Name of the project/s	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot NO. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.																																								
2.	S. No. in the Schedule	S. No. 8 (a): Building & Construction Projects																																								
3.	Proposed capacity/ area/ length/ tonnage to be handled/ command area/ lease area/ number of wells to be drilled:	<table border="1"> <tr> <td>Type of project</td> <td>Group Housing</td> </tr> <tr> <td>Plot area</td> <td>21700 m²</td> </tr> <tr> <td>Built-up area</td> <td>94,477.578 m²</td> </tr> <tr> <td>Number of floors</td> <td>2B+ G+19</td> </tr> <tr> <td>Project Cost</td> <td>Rs. 189 Crore</td> </tr> </table>	Type of project	Group Housing	Plot area	21700 m ²	Built-up area	94,477.578 m ²	Number of floors	2B+ G+19	Project Cost	Rs. 189 Crore																														
Type of project	Group Housing																																									
Plot area	21700 m ²																																									
Built-up area	94,477.578 m ²																																									
Number of floors	2B+ G+19																																									
Project Cost	Rs. 189 Crore																																									
4.	New/ Expansion/ Modernization	<p>Amendment, Earlier EC was obtained vide letter no. 2065/Parya/SEAC/439/AAS/10 Dated 19.09.2011.</p> <table border="1"> <thead> <tr> <th>S. No.</th> <th>Particulars</th> <th>As per Obtained EC</th> <th>As per Approved Plan</th> <th>Changes</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Plot Area</td> <td>21700 Sqm</td> <td>21700 Sqm</td> <td>No Change</td> </tr> <tr> <td>2</td> <td>Built-up Area</td> <td>94,477.578 Sqm</td> <td>94,477.578 Sqm</td> <td>No Change</td> </tr> <tr> <td>3</td> <td>No. of Floors</td> <td>2B+G+18 (Maximum)</td> <td>2B+G+19 (Tower D,E,F) 1B+G+19 (Tower B,C)</td> <td>Addition of 1 floor</td> </tr> <tr> <td>4</td> <td>No. of DU's</td> <td>804</td> <td>804</td> <td>No Change</td> </tr> <tr> <td>5</td> <td>Maximum Height of Building</td> <td>60 m</td> <td>60 m</td> <td>No Change</td> </tr> <tr> <td>6</td> <td>Proposed Green Area</td> <td>8500 Sqm</td> <td>8500 Sqm</td> <td>No Change</td> </tr> <tr> <td>7</td> <td>Internal Road</td> <td>9m</td> <td>6m</td> <td>9 m setback including 6 m Internal road</td> </tr> </tbody> </table> <p>Other parameters water, Solid waste, Power and DG backup will remain same.</p>	S. No.	Particulars	As per Obtained EC	As per Approved Plan	Changes	1	Plot Area	21700 Sqm	21700 Sqm	No Change	2	Built-up Area	94,477.578 Sqm	94,477.578 Sqm	No Change	3	No. of Floors	2B+G+18 (Maximum)	2B+G+19 (Tower D,E,F) 1B+G+19 (Tower B,C)	Addition of 1 floor	4	No. of DU's	804	804	No Change	5	Maximum Height of Building	60 m	60 m	No Change	6	Proposed Green Area	8500 Sqm	8500 Sqm	No Change	7	Internal Road	9m	6m	9 m setback including 6 m Internal road
S. No.	Particulars	As per Obtained EC	As per Approved Plan	Changes																																						
1	Plot Area	21700 Sqm	21700 Sqm	No Change																																						
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4	No. of DU's	804	804	No Change																																						
5	Maximum Height of Building	60 m	60 m	No Change																																						
6	Proposed Green Area	8500 Sqm	8500 Sqm	No Change																																						
7	Internal Road	9m	6m	9 m setback including 6 m Internal road																																						
5.	Existing capacity/ area etc.	<p>Approx. 94,000 m²</p> <p>Tower Wise Construction Status as Below:</p> <table border="1"> <thead> <tr> <th>S. No.</th> <th>Name of Tower</th> <th>Construction status</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tower A</td> <td>Under construction</td> </tr> </tbody> </table>	S. No.	Name of Tower	Construction status	1	Tower A	Under construction																																		
S. No.	Name of Tower	Construction status																																								
1	Tower A	Under construction																																								

1
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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Item	Details
		but no construction is Going on at present.
		2 Tower B 1B+G+19
		3 Tower C 1B+G+19
		4 Tower D 2B+G+19
		5 Tower E 2B+G+19
		6 Tower F 2B+G+19
		Total dwelling units constructed are 715
6.	Category of project i.e. 'A' or 'B'	Category 'B'
7.	Does it attract the general condition? If yes, please specify.	No
8.	Does it attract the specific condition? If yes, please specify.	No
9.	Location	Plot No. 2A, Sector 77, Noida, G.B. Nagar, U.P.
	Plot/ survey/ khasra no.	Plot No. 2A
	Village	-
	Tehsil	Gautam Buddha Nagar
	District	Gautam Buddha Nagar
	State	Uttar Pradesh
10.	Nearest railway station/ airport along with distance in kms	Ghaziabad railway station: 9.39 Km/NE IGI airport: 27.65 km/West
11.	Nearest town, city, district headquarters along with distance in kms	The project is located within the Noida city limit.
12.	Village panchayats, zilla parisad, municipal corporation, local body (complete postal addresses with telephone nos. to be given)	New Okhla Industrial Development Area (NOIDA)
13.	Name of the applicant	Express Builders & Promoters Pvt. Ltd.
14.	Registered address	810, Surya Kiran Building, 19, Kasturba Gandhi Marg, New Delhi 110 001
15.	Address for correspondence:	H-139, Sector 63, Noida
	Name	Pankaj Goel
	Designation (Owner/ partner/ CEO)	Director
	Address	H-139, Sector 63, Noida
	Pin Code	201301
	E-mail	Pankaj@expressbuildersltd.com
	Telephone no.	0120-4370047-48
	Fax no.	
16.	Details of alternative sites examined, if any. Location of these sites should be shown on a topo sheet.	Not Applicable
17.	Interlinked projects	Not Applicable
18.	Whether separate application of interlinked project has been submitted?	Not Applicable

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S. No.	Item	Details
19.	If yes, date of submission	Not Applicable
20.	If no, reason	Not Applicable
21.	Whether the proposal involves approval/ clearance under: if yes, details of the same and their status to be given. (a) The Forest (Conservation) Act, 1980? (b) The Wildlife (Protection) Act, 1972? (c) The C.R.Z. Notification, 1991?	No No No
22.	Whether there is any government order/ policy relevant/ relating to the site?	No
23.	Forest land involved (hectares)	Nil
24.	Whether there is any litigation pending against the project and/ or land in which the project is propose to be set up?	No
	(a) Name of the Court	Not Applicable
	(b) Case No.	Not Applicable
	(c) Orders/directions of the court, if any and its relevance with the proposed project.	Not Applicable

(II) Activity

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in landuse, land cover or topography including increase in intensity of land use (with respect to local landuse plan)	No	No change of Land use as this is an Amendment of the Group Housing project.
1.2	Clearance of existing land; vegetation and buildings?	No	Proposed application is for amendment in EC so Clearance of existing land or vegetation is not required.
1.3	Creation of new land uses?	No	The project site is earmarked for residential development as per the local development plan and will be developed as per the local building bye laws. Hence, no new land use will be created.
1.4	Pre-construction investigations e.g. bore houses, soil testing?	No	Not Applicable as Proposed application is for amendment in EC.

(Signature)

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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.5	Construction works?	Yes	All construction activities will be confined within the project premises; there will be no physical changes outside the project boundary.
1.6	Demolition works?	No	No demolition work is required.
1.7	Temporary sites used for construction works or housing of construction workers?	No	When project start, the construction activities including storing of raw materials will be confined within the project site only. Temporary labour camp will be constructed at site.
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations	Yes	When project start , Excavation will be carried out for foundation and construction of basement. The excavated soil will be used in backfilling and area development activity and balance will be disposed by the contractor to the site designated by local authority as per C&D Waste Rules.
1.9	Underground works including mining or tunneling?	No	No underground works including mining/ tunneling is required except excavation of earth for the construction of basements.
1.10	Reclamation works?	No	No reclamation work required.
1.11	Dredging?	No	No dredging required.
1.12	Offshore structures?	No	No offshore structures required.
1.13	Production and manufacturing processes?	No	It is a group housing project. Hence, no production and manufacturing process is involved.
1.14	Facilities for storage of goods or materials?	Yes	When project start , Construction materials will be stored at the nearby batching plant site. Cement will be stored in covered space. Sand will be stacked under tarpaulin cover.


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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantiles /rates, wherever possible) with source of Information data
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	<p>Solid Waste: When project start During Construction Phase, the solid wastes generated from the labour camp.</p> <p>During operation phase, the solid waste generated from project will be 1.93 TPD. Solid wastes generated will be segregated into biodegradable and non-biodegradable components and collected in separate bins. The biodegradable wastes will be composted in an on-site composting unit and the manure will be used for landscaping. The non-biodegradable/ recyclable wastes will be disposed at NOIDA designated site through authorized vendors.</p> <p>Liquid Effluent: When project start During Construction Phase, Waste water generated from the labour camp will be treated in onsite STP.</p> <p>In operation phase, total 281 kld sewage will be generated out of which 129 KLD will be treated up to tertiary level in an on-site STP of 250kld capacity and 32 kld treated water will be used for DG cooling, and Gardening. 152 kld of waste water will be discharged into public sewer with prior permission.</p>
1.16	Facilities for long term housing of operational workers?	No	There will be no facilities for long-term housing of operational workers.
1.17	New road, rail or sea traffic during construction or operation?	No	<p>In construction stage some vehicles will be operated at the site for construction work and transport of construction materials.</p> <p>During operation traffic will increase to some extent for office staff. But there will be no rail or sea traffic.</p>
1.18	New road, rail, air water born or other transport infrastructure including new or altered routes and stations, ports, airports etc.?	No	The project site is well connected to network of roads leading to various parts of NCR. So no new road will be laid during construction or operation of the project except for internal roads & pavements.
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	Not applicable.
1.20	New or diverted transmission lines or pipelines?	No	There will be no shifting of electrical transmission lines.
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers	No	No Impoundment, damming, culverting, realignment or other changes to the hydrology of surface water-courses is proposed.
1.22	Stream crossings?	No	Not applicable

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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.23	Abstraction or transfers of water form ground or surface waters?	No	In operation stage, total water requirement will be 362 kld , out of which 246 kld will be fresh water met from the NOIDA water supply department, and the balance 116 kld will be met from recycle of treated wastewater from the on-site STP. No groundwater will be used.
1.24	Changes in water bodies or the land surface affecting drainage or run-off?	No	Surface drainage will not be affected.
1.25	Transport of personnel or materials for construction, operation or decommissioning?	Yes	Transport of personnel/ material during construction and operation phase are envisaged. Adequate parking space will be provided for operational phase.
1.26	Long-term dismantling or decommissioning or restoration works	No	Not applicable
1.27	Ongoing activity during decommissioning which could have an impact on the environment?	No	Not applicable.
1.28	Influx of people to an area in either temporarily or permanently?	No	--.
1.29	Introduction of alien species?	No	Not applicable.
1.30	Loss of native species or genetic diversity?	No	Not applicable.
1.31	Any other actions?	No	Not anticipated.

2. Use of Natural resources for construction or operation of the project (such as land, water, materials or energy, especially any resources, which are non-renewable or in short supply):

S. No.	Information/ Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data																								
2.1	Land especially undeveloped or agricultural land (ha)	No	Earlier Project site was vacant land, earmarked for residential development by the local development authority.																								
2.2	Water (expected source & competing users) unit: kld	Yes	In operation stage, total water requirement will be 362 kld , out of which 246 kld will be fresh water met from the NOIDA water supply department, and the balance 116 kld will be met from recycle of treated wastewater from the on-site STP. No groundwater will be used.																								
2.3	Minerals (MT)	No	Not applicable.																								
2.4	Construction material-stone, aggregates, sand/ soil (expected source-MT)	Yes	<p>Construction materials required:</p> <table border="1"> <thead> <tr> <th>S. No.</th> <th>Material</th> <th>Source</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Steel (MT)</td> <td>Supplier</td> </tr> <tr> <td>2.</td> <td>Cement (Bags)</td> <td>Supplier</td> </tr> <tr> <td>3.</td> <td>Stone Aggregate (m³)</td> <td>Supplier</td> </tr> <tr> <td>4.</td> <td>Sand (m³)</td> <td>Supplier</td> </tr> <tr> <td>5.</td> <td>Bricks (m³)</td> <td>Supplier</td> </tr> <tr> <td>6.</td> <td>Glass (m²)</td> <td>Supplier</td> </tr> <tr> <td>7.</td> <td>Flyash based products (m³)</td> <td>Supplier</td> </tr> </tbody> </table> <p>Source: Steel and cement will be procured by the</p>	S. No.	Material	Source	1.	Steel (MT)	Supplier	2.	Cement (Bags)	Supplier	3.	Stone Aggregate (m ³)	Supplier	4.	Sand (m ³)	Supplier	5.	Bricks (m ³)	Supplier	6.	Glass (m ²)	Supplier	7.	Flyash based products (m ³)	Supplier
S. No.	Material	Source																									
1.	Steel (MT)	Supplier																									
2.	Cement (Bags)	Supplier																									
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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
--	---	--------

S. No.	Information/ Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data
			contractor from authorized vendors. Sand & aggregate will be procured by the contractor from local material suppliers.
2.5	Forests and timber (source - MT)	No	None
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)	Yes	Power requirement is 2738 kW that will be met from Grid supply of Uttar Pradesh power Corporation Ltd. (UPPCL). DG sets of total capacity 1250 kVA will be provided as backup power supply during power failure. Ultra low sulphur diesel (ULSD) will be used as fuel for DG sets.
2.7	Any other natural resources (use appropriate standard units)	No	None

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S. No.	Information/ Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data
3.1	Use of substances or materials which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)	No	The proposed project is a group housing project. Hence, no storage of hazardous chemicals (as per MSIHC rules) will be done, except HSD required to run backup DG sets, for which the quantity stored will be below the threshold limit specified in the MSIHC rules. Necessary permission will be obtained from the Explosives Dept.
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)	No	Suitable drainage and waste management measures will be adopted in both construction and operational phase, which will restrict stagnation of water or accumulation of waste. This will effectively restrict the reproduction and growth of disease vectors.
3.3	Affect the welfare of people e.g. by changing living conditions?	No	No use, storage, transport, handling or production of any harmful product is envisaged from the proposed project. Thus, no major adverse impacts on the human health/ environment are envisaged. Moreover, this project will provide employment to local labours in the construction phase and workers during the operation phase. Thus, the project will have beneficial impacts.
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,	No	Not applicable.
3.5	Any other causes	No	Not anticipated.

4. Production of solid wastes during construction or operation or decommissioning (MT/ month)

S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data

(True Copy)

Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantiles /rates, wherever possible) with source of information data				
4.1	Spoil, overburden or mine wastes	No	No such spoil, overburden or mine wastes will be generated.				
4.2	Municipal waste (domestic and or commercial wastes)	Yes	Solid wastes to be generated in project will be of domestic municipal in nature. Composition of solid wastes during operation phase will be: <table border="1" style="margin-left: 20px;"> <tr> <td>Biodegradable</td> <td>(Waste vegetables and foods etc.)</td> </tr> <tr> <td>Non-biodegradable</td> <td>(Papers, cartons, thermocol, plastics etc.)</td> </tr> </table>	Biodegradable	(Waste vegetables and foods etc.)	Non-biodegradable	(Papers, cartons, thermocol, plastics etc.)
Biodegradable	(Waste vegetables and foods etc.)						
Non-biodegradable	(Papers, cartons, thermocol, plastics etc.)						
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)	Yes	The only hazardous wastes in the project will be used /spent oil from backup DG sets, which is classified as Hazardous Waste Category 5.1 as per Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. Spent Oil from backup DG sets will be carefully stored in HDPE drums in isolated covered facility. This spent oil will be sold to authorized recyclers and also be used as shuttering oil in the construction. Suitable care will be taken so that spills/ leaks of spent oil from storage could be avoided				
4.4	Other industrial process wastes	No	Not applicable				
4.5	Surplus product	No	Not applicable				
4.6	Sewage sludge or other sludge from effluent treatment	Yes	The sludge generated from STP will be dewatered/ dried and used as manure.				
4.7	Construction or demolition wastes	Yes	The construction waste will consist of excess earth and construction debris including cement bags, waste concrete and mortar, broken bricks, steel, wood, plastics, insulating and packaging materials etc. Recyclable waste construction materials will be sold to recyclers. Unusable and excess construction debris will be disposed at designated places in tune with the local norms.				
4.8	Redundant machinery or equipment	No	Not applicable				
4.9	Contaminated soils or other materials	No	Not applicable				
4.10	Agricultural wastes	No	Not applicable				
4.11	Other solid wastes	No	-				

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/ hr)

S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantiles/ rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	Yes	The proposed project does not envisage any major air pollution sources except operation of back-up DG sets during power failure and vehicular traffic.
5.2	Emissions from production processes	No	Not applicable
5.3	Emissions from materials handling including storage or transport	Yes	Dust may arise due to the materials handling during the construction phase which will be restricted to the construction phase and construction site only.

(Signature)

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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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5.4	Emissions from construction activities including plant and equipment	Yes	This will be restricted to the construction phase and to the construction site only.
5.5	Dust or odors from handling of materials including construction materials, sewage and waste	Yes	Dust, which will be generated during construction, will be water sprinkled. Tarpaulin cover will be provided on stored raw material to reduce the dust emission.
5.6	Emissions from incineration of waste	No	Not applicable
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	Open burning of biomass/ other material will be avoided.
5.8	Emissions from any other sources	No	Not applicable

6. Generation of Noise and Vibration, and Emissions of Light and Heat

S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers	Yes	Source of noise in the operational phase will be from backup DG sets (which will be in operation only during power failure) and pumps & motors. All the machinery will be of highest standard of reputed make and will comply with national/ international standards that take care of air and noise pollution control/ vibration control. Therefore, no significant impact due to operation of machinery is anticipated.
6.2	From industrial or similar processes	No	Not applicable
6.3	From construction or demolition	Yes	Due to various construction activities, there will be short-term noise impacts in the immediate vicinity of the project site. The construction activities will include the following noise generating activities: • Concreting, mixing & operation of DG sets • Movement of heavy machines & vehicles
6.4	From blasting or piling	No	No blasting or mechanized piling will be used in the construction phase.
6.5	From construction or operational traffic	Yes	Some noise will be generated from vehicular movement in the construction and operational phase.
6.6	From lighting or cooling systems	No	Not applicable.
6.7	From any other sources	No	Not applicable.

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S. No.	Information/ Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials	No	The only hazardous wastes in the project will be used / spent oil from backup DG sets. The spent oil will be carefully stored in HDPE drums under isolated storage, and periodically sold to authorized recyclers and also be used as shuttering oil in the construction. All precautions will be taken to avoid spillage from storage.

(Signature)

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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Information/ Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	No	There will be a discharge of 152 kld treated water in public sewer with prior permission from the competent authority. There will be no adverse impact for the discharge.
7.3	By deposition of pollutants emitted to air into the land or into water	No	There will be no deposition of pollutants in to air and water
7.4	From any other sources	No	Not applicable.
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	No	Not applicable.

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc. from storage, handling, use or production of hazardous substances	No	This is a construction project and does not involve major hazardous construction activity. No industrial or process activity is involved in this project. Hence, chances of explosions, spillages, fires are minimal. During construction, all construction workers will be provided with personal protective equipment (PPE) by the contractors as required under the health & safety norms. Training and awareness about the safety norms will be provided to all involved in construction activities. Suitable fire-fighting measures will be provided.
8.2	From any other causes	No	Not applicable.
8.3	Could the project be affected by natural disasters causing environmental damage (e.g floods, earth quakes landslides, cloudburst etc)?	Yes	The study area falls in Zone-IV, as per the Indian Standard Seismic Zoning Map. Suitable seismic consideration will be adopted while designing the structures to mitigate the seismic impacts as per NBC/ IS Code. There are no chances of floods and landslide.

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data
9.1	Lead to development of supporting, facilities, ancillary development stimulated by the project which could have impact on the environment e.g.:	Yes	The proposed project will lead to development of the area by providing employment of the local people during construction and operation phase.
	• Supporting infrastructure (roads,		The project will have positive impact on the ancillary

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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Information / Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/ rates, wherever possible) with source of information data
	power supply, waste or waste water treatment etc.)		infrastructure like roads, markets, public health, amenities, and communication facilities in the area.
	• Housing development	No	Not applicable
	• Extractive industries	No	Not applicable
	• Supply industries	No	Not applicable
	• Other	No	Not applicable
9.2	Lead to after-use of the site, which could have an impact on the environment	No	Not applicable
9.3	Set a precedent for later developments	No	Not applicable
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	No	Not applicable

(III) Environmental Sensitivity

S. No.	Areas	Name/ Identity	Aerial distance (within 15 km) from proposed project location boundary
1.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	Yes	There is no Area protected under international conventions, national or local legislation for landscape, cultural or other related value within 15 KM radius
2	Areas which are important or sensitive for ecological reasons- Wetlands, water courses or other water bodies, coastal zone, biospheres, mountains, forests.	Yes	<p>Watercourses or other water bodies,</p> <ul style="list-style-type: none"> • NOIDA Drain is situated at an aerial distance of 1.7 KM, W Direction. • Yamuna River is situated at an aerial distance of 8.11 KM, SW Direction. • Hindon River is situated at an aerial distance of 2.88 KM, NE Direction. • Agra Canal is situated at an aerial distance of 9.7 KM, N Direction. <p>Reserve Forest</p> <ul style="list-style-type: none"> • KHODNAKHURD R.F. is situated at an aerial distance of 11.30 KM, SE Direction. • GULISTANPUR R.F. is situated at an aerial distance of 10.39 KM, SE Direction.
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, overwintering, migration	No	There is no defined areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, overwintering, migration falls within 15 KM radius
4	Inland, coastal, marine or underground waters	Yes	Yamuna River is situated at an aerial distance of 8.11 KM, SW Direction.

(Signature)

Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Areas	Name/ Identity	Aerial distance (withIn 15 km) from proposed project location boundary
			Hindon River is situated at an aerial distance of 2.8 KM, NE Direction. No coastal, marine in 15 KM radius. The area is under "Safe Zone" according to GGWB guideline, there is no shortage of under ground water in 15 Km radius.
5	State, National boundaries	Yes	<ol style="list-style-type: none"> 1. DELHI - HARYANA Border 7.9 KM, SW 2. U.P - HARYANA Border 8.9 KM, SW 3. U.P - DELHI Border 6.9 KM, NW 4. U.P - GHAZIABAD Border 4.9 KM, NW
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	Yes	<ul style="list-style-type: none"> • <u>Roads</u> <ol style="list-style-type: none"> a) NH-2 is situated at an aerial distance of 12.26 KM, SW Direction. b) c) NH-24 is situated at an aerial distance of 7.2 KM, N Direction. d) NH-58 is situated at an aerial distance of 11.6 KM, NE Direction. e) G. NOIDA EXP WAY is situated at an aerial distance of 2.3 KM, SE Direction. f) G. T. ROAD is situated at an aerial distance of 12.22 KM, NE Direction. g) NOIDA EXP WAY is situated at an aerial distance of 7.0 KM, SW Direction. h) DELHI-NOIDA EXP WAY is situated at an aerial distance of 5.8 KM, SW Direction. • <u>Railway</u> <ol style="list-style-type: none"> a) Tughlakabad railway station is situated at an aerial distance of 11.23 KM, SW b) Maripat Railway Station is situated at an aerial distance of 10.23 KM Towards NE c) Ghazlabad Rail way station is situated at an aerial distance of 9.73 Km Towards NE • <u>Airport</u> <ol style="list-style-type: none"> a) Indira Gandhi Airport is situated at an aerial distance of 26.62 KM, W direction. b) Safdarjung Airport is situated at an aerial distance of 17.64 KM Towards W Direction. c) Hindon Air force Station is situated at an aerial distance of 14.42 KM Towards NW Direction.

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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Areas	Name/ Identity	Aerial distance (withIn 15 km) from proposed project location boundary
7	Defence installations	No	Not within 15 Km radius
8	Densely populated or built-up area	Yes	The project site is at plot no. 2A, Sector 77, Noida, Uttar Pradesh, which is surrounded by moderately populated built-up area.
9	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	Yes	<p>There are several hospitals, schools, places of worship and community facilities within 15 Km radius of the project site.</p> <ul style="list-style-type: none"> • Hospitals <ol style="list-style-type: none"> a) Neo Hospital is situated at an aerial distance of 2.01 Km in W direction from Project Site. b) Prayag Hospital & Research Centre is situated at an aerial distance of 3.00 Km in SW direction from Project Site. c) Shri Ram Hospital is situated at an aerial distance of 2.23 Km in SW direction from Project Site. d) Tripathi Hospital is situated at an aerial distance of 1.98 Km in NE direction from Project Site. • Schools <ol style="list-style-type: none"> a) Yadu Public School is situated at an aerial distance of 1.88 KM in N direction from Project Site. • Community Facilities <ol style="list-style-type: none"> a) Unitech Group Golf Course is situated at an aerial distance of 4.32 km in SW direction from Project Site. b) Jaypee Golf Course is situated at an aerial distance of 5.62 Km in SW direction from Project Site. c) Noida Golf Course is situated at an aerial distance of 4.17 in W direction from Project Site. d) PVR Logix Noida is situated at an aerial distance of 3.66 Km in W direction from Project Site. • Places of worship <ol style="list-style-type: none"> a) Hindu Temple is situated at an aerial distance of 650 meter in SW direction from Project Site. b) Hanuman Temple is situated at an aerial distance of 340 METER in NE direction from Project Site.

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Express Builders & Promoters Pvt. Ltd.	Amendment in Environment Clearance of Group Housing Project "Express Zenith" at Plot No. 2A, SECTOR 77, NOIDA, G.B. NAGAR, U.P.	FORM 1
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S. No.	Areas	Name/ Identity	Aerial distance (within 15 km) from proposed project location boundary
10	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	No	There are no areas containing important, high quality or scarce resources (groundwater resources, surface resources, forestry, agriculture, fisheries, tourism, minerals) in 15 Km radius.
11	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	No	Not within 15 KM radius.
12	Areas susceptible to natural hazard which could cause the project to present environmental problems earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	No	Not within 15 KM radius.

I hereby given undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance given, if any to the project will be revoked at our risk and cost.



Authorized Signatory

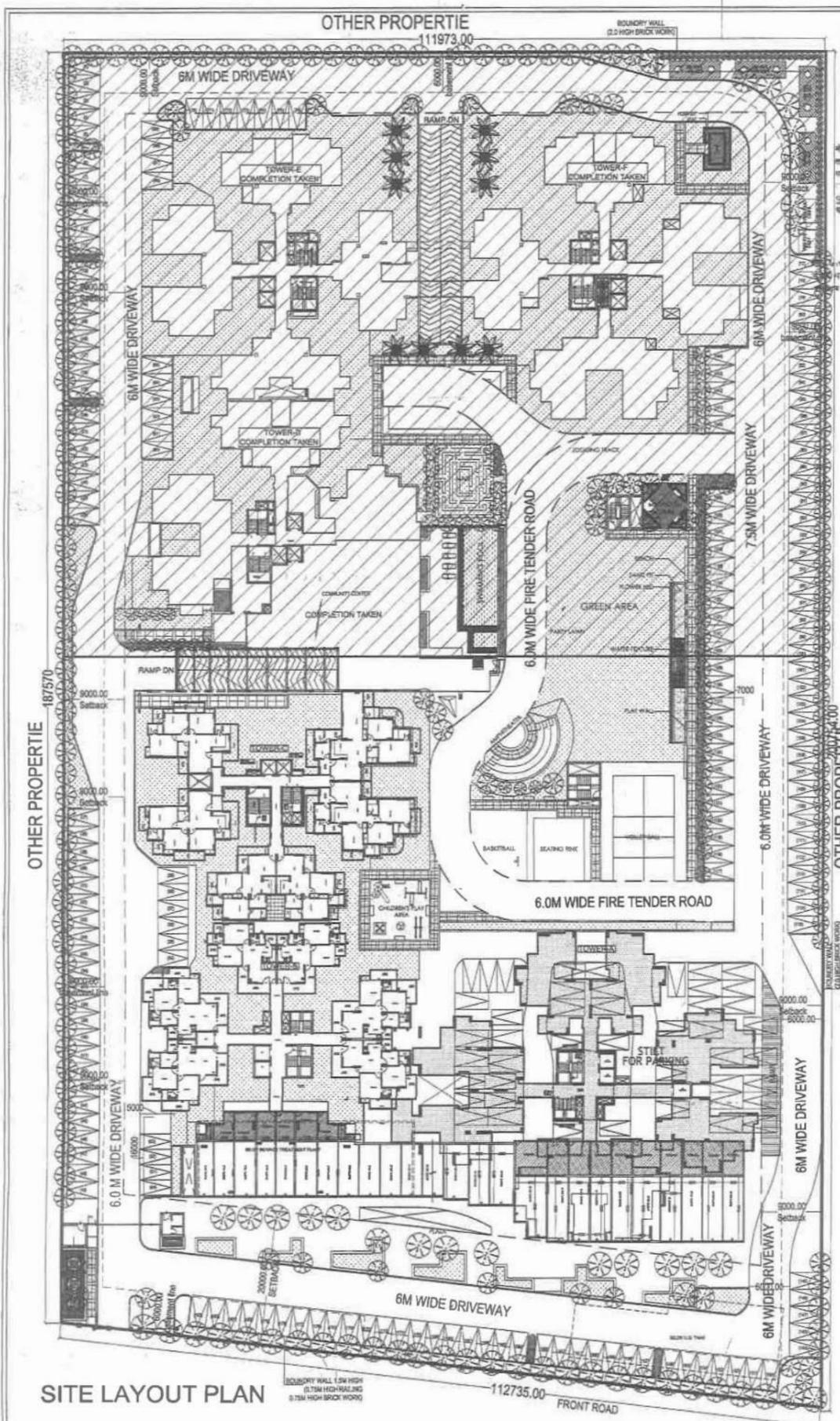
M/s Express Builders & Promoters Pvt. Ltd.



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Annexure R-13

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11-23/196/15/10/17



SITE LAYOUT PLAN

SITE PLAN / AREA CALCULATION		DRAWING NO.
FAR AREA CALCULATIONS		01
Description	Area (Sq.Mt.)	
1 Plot area	21,700.00	
2 Permissible FAR (275)	59,675.00	
3 Purchasable FAR (0.75)	16,275.00	
4 Total FAR (350) = Total Permissible + Purchasable FAR	75,950.00	
5 Permissible Ground Coverage 35% 35% of 21,700.00	7,595.00	
6 Existing Ground Coverage in Completion taken (Tower-D,E,F) 12.20%	2,648.10	
7 Proposed Ground Coverage Tower-A,B,C (9.54%)	2,096.90	
8 TOTAL Existing Ground Coverage achieved (Completion taken+ TOWER-A,B,C + COMMERCIAL) = (2647.807+ 2096.425+ 759.380)	4,865.612 (25.59%)	
9 Existing Area of Residential FAR in Completion taken (Tower-D,E,F)	36,739.489	
10 PROPOSED Area of Residential FAR TOWER - A,B,C + Commercial	38198.613	
11 Total Area of Residential FAR (36,739.489 + 38,198.613) (COMPLETION TAKEN+ TOWER-A,B,C + Commercial)	74938.102	
12 Permissible Commercial FAR @ 1% of 75,950.00	759.50	
13 PROPOSED Area of Commercial	759.38	
14 Total Area of Residential + Commercial	75938.102	
15 Permissible 15% Additional FAR	11392.5	
16 Existing 15% Additional FAR in Completion taken	4,816.901	
17 Proposed 15% additional far	3,487.576	
18 Total 15% Additional FAR 4,816.901 + 3,487.576	8304.477	
19 Density Calculations		
Permissible Density 1650 (-50% or + 5%) per / hect	608 to 1320.00 PPH	
Total Population		
2.17 X 1650 (-50% or + 5%) = 1790.25 to 3759.525		
Total dwelling units		
Standard size of Family 4.5 Persons		
total population/4.5 = Total dwelling units		
20 Permissible Dwelling Units (368 to 635)	398 - 635	
21 Existing Dwelling Units in Completion taken	456	
22 PROPOSED Dwelling Units	397	
23 Total Existing Dwelling Units 456 + 397 = 853	853	
24 Existing Population in Completion taken (438X4.5)=1971	1971	
25 PROPOSED Population Applied in Part. Completion (397X4.5) = 1786.5	1786.5	
26 TOTAL Population 1971 + 1786.5 = 3757.5	3757.5	
27 Existing Area of Upper Basement-1 in Completion taken	8935.084 Sq.Mt.	
28 Proposed Area of Upper Basement-1	9403.753 Sq.Mt.	
29 TOTAL Area of Upper Basement-1 8935.084 + 9403.753 = 18428.837	18428.837 Sq.Mt.	
30 Existing Area of Lower Basement-2 in Completion taken	8935.084 Sq.Mt.	
31 Proposed Area of Lower Basement-2	1038.801 Sq.Mt.	
32 TOTAL Area of Lower Basement-2 8935.084 + 1038.801 = 10073.885	10073.885 Sq.Mt.	
33 Existing No. of E.C.S. 1 E.C.S. for 80 sq.mt. area (COMPLETION TAKEN)	SAY 459	
34 Proposed No. of E.C.S. required 1 E.C.S. for 80 sq.mt. area	SAY 490	
35 Total No. of E.C.S. required 459 + 490 = 949	SAY 949	
36 Existing Car Parking Area of Upper Basement-1 in Completion taken	8525.223 Sq.Mt.	
37 Proposed Car Parking Area of Upper Basement-1	8521.667 Sq.Mt.	
38 Total Car Parking Area of Upper Basements-1 8525.223 + 8521.667 = 17046.89	17046.89 Sq.Mt.	
39 Existing Car Parking Area of Lower Basement-2 in Completion taken	8782.118 Sq.Mt.	
40 Proposed Car Parking Area of Lower Basement-2	1812.406 Sq.Mt.	
41 Total Car Parking Area of Lower Basements-2 8782.118 + 1812.406 = 10594.524	10594.524 Sq.Mt.	
42 Existing car parking provided in Upper basement-1 in Completion taken	181 CARS	
43 Proposed car parking provided in Upper basement-1	291 CARS	
44 Total car parking provided in Upper basement-1 = 181+ 291 = 472	472 CARS	
45 Existing car parking provided in Lower basement-2 in Completion taken	220 CARS	
46 Proposed car parking provided in Lower basement-2	54 CARS	
47 Total car parking provided in Lower basement-2 = 220 + 54 = 274	274 CARS	
48 Existing Area of Open Car Parking Area in Completion taken	1302.50 Sq.Mt.	
49 Existing Open Car Parking 1302.50 / 20 = 65.12	SAY 65	
50 Proposed Open Car Parking 2380 / 20 = 119	SAY 119	
51 TOTAL Open Car Parking 65 + 119 = 184	SAY 184	
52 Proposed SBT Area	677.109 Sq.Mt.	
53 Proposed SBT Car Parking Area = 692.801	SAY 23	
54 Total no. of E.C.S. Existing = 472 + 274 + 184 + 23 = 953	SAY 953	

LEGEND :- COMPLETION TAKEN (TOWER-D,E,F)

PROJECT
REVISED SUBMISSION DRAWINGS FOR GROUP HOUSING ON PLOT NO GH-02A, SECTOR -77 AT NOIDA DIST. GAUTAMBUDH NAGAR (U.P.)

OWNER
EXPRESS BUILDERS & PROMOTERS PVT. LTD.

ARCHITECT
VAIBHAV JAIN & ASSOCIATES PVT. LTD
195, RAM VIHAR DELHI-92. PHONE OFF.- 011- 42518322

DRAWING TITLE
SITE PLAN / AREA CALCULATION

DRAWING NO.
01

NORTH

SCALE
1:300

ARCH. SEAL & SIG.

OWNERS SIG.

For Express Builders And Promoters (P) Ltd.
Director

FAR Calculations										
S.No.	Floor	Tower-A	Tower-B	Tower-C	Commercial Part (Tower-D)	Commercial Part (Tower-E)	Commercial Part (Tower-F)	Commercial Part (Tower-G)	Commercial Part (Tower-H)	Total FAR
1	Plot Area	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00
2	Permissible FAR (275)	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00
3	Purchasable FAR (0.75)	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00
4	Total FAR (350)	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00

Ground Coverage					
S.No.	Floor	STILT area	FAR area	15% additional far	Area
1	Tower-A	677.120	191.684	28.505	904.299
2	Tower-B	842.916	47.209	387.875	1,277.900
3	Tower-C	561.235	84.217	606.252	1,252.704
4	Commercial			759.380	759.380
TOTAL(A)					2,997.803
Ground Coverage Complete					
1	Tower-C			678.247	678.247
2	Tower-B			678.193	678.193
3	Tower-A			748.860	748.860
4	SBT			677.109	677.109
5	Open Car Parking			184	184
Total (A)					2,972.803
TOTAL Ground Coverage (A+B)					5,970.606

Dwelling Units Calculations										
S.No.	Floor	Tower-A	Tower-B	Tower-C	Commercial Part (Tower-D)	Commercial Part (Tower-E)	Commercial Part (Tower-F)	Commercial Part (Tower-G)	Commercial Part (Tower-H)	Total
1	Plot Area	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00
2	Permissible FAR (275)	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00
3	Purchasable FAR (0.75)	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00
4	Total FAR (350)	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00

15% Additional FAR Calculations										
S.No.	Floor	Tower-A	Tower-B	Tower-C	Commercial Part (Tower-D)	Commercial Part (Tower-E)	Commercial Part (Tower-F)	Commercial Part (Tower-G)	Commercial Part (Tower-H)	Total
1	Plot Area	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00	21,700.00
2	Permissible FAR (275)	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00	59,675.00
3	Purchasable FAR (0.75)	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00	16,275.00
4	Total FAR (350)	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00	75,950.00

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भाग II—खण्ड 3—उप-खण्ड (ii)
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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 2 मार्च, 2021

का.आ. 980(अ).—केंद्रीय सरकार ने, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) तथा धारा 3 की उपधारा (2) के खंड (v) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 के अधीन जारी भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना का.आ. सं. 1533(अ), तारीख 14 सितंबर, 2006 (जिसे इसमें इसके पश्चात् ईआईए अधिसूचना कहा गया है) द्वारा यह निदेश दिया है कि इसके प्रकाशन से ही, या प्रौद्योगिकी और/या उत्पाद मिश्रण में पर्यावरण सहित क्षमता अभिवर्धन को अंतर्वलित करने वाली ईआईए की अधिसूचना की अनुसूची में सूचीबद्ध नई परियोजनाओं या क्रियाकलापों या विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार, यथास्थिति, केंद्रीय सरकार से या केंद्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन, उसमें विनिर्दिष्ट प्रक्रिया के अनुसार, सम्यक्तः गठित राज्य स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण से, पूर्व पर्यावरणीय अनापत्ति प्राप्त करने के उपरांत ही आरंभ किया जाएगा ;

और, 'प्रदूषण भार में कोई वृद्धि नहीं' के मूल सिद्धांत के साथ ही, केंद्रीय सरकार ने ईआईए अधिसूचना को, अधिसूचना सं. 3519(अ), तारीख 23 नवम्बर, 2016 और सं. का.आ. 236(अ), तारीख 16 जनवरी, 2020 द्वारा संशोधित किया, जिसके द्वारा, उत्पाद मिश्रण के परिवर्तन में नम्यता, उत्पादों के भीतर मात्राओं या ऐसी 50 प्रतिशत की सीमा सहित उत्पादन में पारिणामिक वृद्धि सहित उसी प्रवर्ग में, जिनके लिए पर्यावरणीय अनापत्ति प्रदान की गई हैं, में परिवर्तन ; परियोजना के कार्यान्वयन के दौरान पर्यावरणीय अनापत्ति शर्तों से संयंत्र के संरूपण में परिवर्तन का उपबंध किया गया है ;

और, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को, जब तक प्रदूषण भार में कोई वृद्धि नहीं होती है, तब तक पुनः संपूर्ण पर्यावरण में अनापत्ति प्रक्रिया से गुजरे बिना उत्पादन क्षमता में वृद्धि को अनुज्ञात करने के लिए, प्रसंस्करण, उत्पादन और विनिर्माण सेक्टर से अनुरोध प्राप्त हुए हैं ;

और, पूर्वोक्त अधिसूचना सं. का.आ. 3518(अ), तारीख 23 नवम्बर, 2016 द्वारा यथासंशोधित ईआईए अधिसूचना के कार्यान्वयन में अनुभव के आधार पर, केंद्रीय सरकार, कच्ची सामग्री मिश्रण या उत्पाद मिश्रण में किसी परिवर्तन या उत्पादों के भीतर मात्राओं या उत्पादों की संख्या में परिवर्तन या ऐसे विद्यमान क्षेत्रों से समस्त क्षेत्रों में, जिनके लिए पूर्व पर्यावरणीय आपत्ति की अपेक्षा के

(Signature)

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बिना पूर्व पर्यावरणीय अनापत्ति प्रदान की गई है, संयंत्र या संक्रियाओं के संरूपण के किसी परिवर्तन के साथ या उसके बिना प्रसंस्करण, उत्पादों और विनिर्माण सेक्टर के संबंध में उत्पादन क्षमता में वृद्धि को अनुज्ञात करना आवश्यक समझती है, यह तब जबकि प्रदूषण भार में कोई वृद्धि न हो ;

और, पेट्रोल वाले एथेनॉल सम्मिश्रण के कार्यक्रम के प्रयोजन के लिए, अधिसूचना सं. का.आ. 345(अ), तारीख 17 जनवरी, 2019 और अधिसूचना सं. का.आ. 750(अ), तारीख 17 फरवरी, 2020 द्वारा एथेनॉल के उत्पादन के लिए आशयित चीनी विनिर्माण या मद्य निर्माणशाला यूनितों के विस्तार के लिए विशेष व्यवस्था का उपबंध किया गया था। वर्ष 2025 तक पेट्रोल में एथेनॉल के 20 प्रतिशत सम्मिश्रण प्राप्त करने के लिए सरकार की प्रतिबद्धता को ध्यान में रखते हुए, इस व्यवस्था को और आगे बनाए रखने का विनिश्चय किया गया है ;

अतः, अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में का.आ. सं. 1533(अ), तारीख 14 सितम्बर, 2006 द्वारा प्रकाशित, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना में, निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में,—

1. पैरा 2 में, खंड (ii) और खंड (iii) के स्थान पर, निम्नलिखित खंड रखा जाएगा, अर्थात् :-

“(ii) इस अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों में उत्पाद मिश्रण या कच्ची सामग्री मिश्रण में विस्तार, आधुनिकीकरण या कोई परिवर्तन, जिसका परिणाम पैरा 7 के उपपैरा (ii) में उपबंधित शर्तों और प्रक्रियाओं के अधीन रहते हुए, उक्त अधिसूचना में संबद्ध सेक्टर के लिए विनिर्दिष्ट अवसीमाओं से परे क्षमता है।”;

2. पैरा 7 में,—

क. शीर्षक में “नई परियोजनाओं के लिए” शब्दों का लोप किया जाएगा ;

ख. उपपैरा (i) में, “इस अधिसूचना की अनुसूची में सूचीबद्ध नई परियोजना या क्रियाकलापों के लिए” शब्द उपपैरा के शीर्षक के रूप में अंतःस्थापित किए जाएंगे ;

ग. उपपैरा (ii) में,—

(I) खंड (क) में, “तदनुसार पर्यावरणीय अनापत्ति की मंजूरी के लिए आवेदन का मूल्यांकन किया जाएगा” शब्दों के पश्चात्, निम्नलिखित शब्द अंतःस्थापित किए जाएंगे, अर्थात् :-

“खंड (ख) और खंड (ग) के अंतर्गत आने वाले परियोजनाओं या क्रियाकलापों से भिन्न परियोजनाओं या क्रियाकलापों की बाबत”;

(II) खंड (ख) और खंड (ग) के स्थान पर, निम्नलिखित खंड रखा जाएगा, अर्थात् :-

“(ख) ऐसी विद्यमान परियोजनाएं (जिनके पास पूर्व पर्यावरणीय अनापत्ति है), जो प्रदूषण भार में वृद्धि नहीं करती हैं : (i) कच्ची सामग्री मिश्रण या (ii) उत्पाद मिश्रण या (iii) उत्पादों के भीतर मात्राएं या (iv) उसी प्रवर्ग के अंतर्गत आने वाले नए उत्पादों सहित उत्पादों की संख्या या (iv) विद्यमान क्षेत्र या विद्यमान क्षेत्र से संसक्त क्षेत्रों (जिनके लिए पूर्व पर्यावरणीय अनापत्ति प्रदान की गई है) में संयंत्र या प्रक्रिया या संक्रियाओं का संरूपण, किसी परिवर्तन सहित या रहित प्रसंस्करण या उत्पादन या विनिर्माण सेक्टरों (इस अधिसूचना की अनुसूची में मद सं. 2, 3, 4 और 5 के सामने सूचीबद्ध) की बाबत उत्पादन क्षमता में कोई वृद्धि पूर्व पर्यावरणीय अनापत्ति की अपेक्षा से छूट प्राप्त होगी, यह तब जबकि प्रदूषण भार (ऐसी पूर्व पर्यावरणीय अनापत्ति के आधार पर व्युत्पन्न) में कोई वृद्धि न हो :

परंतु ऐसी छूट केवल निम्नलिखित के परिणामस्वरूप,—

(क) राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति या केंद्रीय प्रदूषण नियंत्रण बोर्ड या पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा, परिशिष्ट 13 में अधिकृत प्रक्रिया के अनुसार, परिवेश पोर्टल पर, वैनलीकृत पर्यावरणीय संपरीक्षक या प्रतिष्ठित संस्थाओं से प्रदूषण भार में कोई वृद्धि नहीं प्रमाणपत्र के साथ ऐसे परिवर्तनों के बारे में जानकारी देने वाले परियोजना प्रस्तावक को और साथ ही संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति को लागू होगी ;

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(Signature)

टिप्पण : यदि सत्यापन किए जाने पर, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति, परियोजना प्रस्तावक को सुनवाई का अवसर प्रदान करने के पश्चात्, यह अभिनिर्धारित करती है कि ऐसे परिवर्तन या विस्तार या आधुनिकीकरण का परिणाम प्रदूषण भार में वृद्धि है, तो इस खंड के अधीन दावा की गई छूट विधिमान्य नहीं होगी और यह समझा जाएगा कि परियोजना प्रस्तावक सदैव खंड (क) के अनुसार, ऐसे परिवर्तन या विस्तार या आधुनिकीकरण के संबंध में, पूर्व पर्यावरणीय अनापत्ति अभिप्राप्त करने के लिए दायी था और तदनुसार, पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंध लागू नहीं होंगे।

(ख) उत्सर्जन और निस्सारण की मात्रा और गुणवत्ता के बारे में रिपोर्ट करने के लिए, केंद्रीय प्रदूषण नियंत्रण बोर्ड या राज्य प्रदूषण नियंत्रण बोर्ड या संबंधित संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के सर्वरों से संबद्ध कम से कम 95 प्रतिशत अपटाइम के साथ ऑनलाइन सतत् निगरानी प्रणाली (ओसीएमएस) का संस्थापन और कार्यान्वयन को लागू होगा :

परंतु यह और कि इस खंड के उपबंध लागू नहीं होंगे, यदि ऐसे परिवर्तन या वृद्धि का परिणाम, परियोजना या क्रियाकलाप के प्रवर्ग में प्रवर्ग-'बी2' से या तो प्रवर्ग-'ए' या प्रवर्ग-'बी1' तक में परिवर्तन के रूप में होता है।

(ग) ऐसी परियोजनाओं या क्रियाकलापों, जो इस अधिसूचना की अनुसूची की किसी मद के अंतर्गत आते हैं, के संबंध में विस्तृत इंजीनियरी के पश्चात् परियोजना के निष्पादन के दौरान पर्यावरणीय अनापत्ति शर्तों से संयंत्र या क्रियाकलाप के संरूपण में किसी परिवर्तन के लिए पूर्व पर्यावरणीय अनापत्ति अपेक्षित नहीं होगी, यदि उत्पादन क्षमता में कोई परिवर्तन नहीं है और ऐसे परिवर्तनों, जिनके परिणामस्वरूप प्रणाली सृजित अभिस्वीकृति, संबंधित विनियामक प्राधिकरण द्वारा जारी की जाएगी, को कार्यान्वित करने से पूर्व समय-समय पर, केंद्रीय सरकार द्वारा उपबंधित रूपविधान में परिवेश (PARIVESH) पोर्टल पर ऐसे परिवर्तनों की विशिष्टियां प्रस्तुत करने के अधीन रहते हुए, प्रदूषण भार में कोई वृद्धि नहीं है, को लागू होगी।

स्पष्टीकरण—इस उपपैरा के प्रयोजन के लिए, उत्सर्जनों, बहिःस्रावों या निस्सरणों, ठोस, औद्योगिक परिसंकटमय अपशिष्ट के संबंध में, "प्रदूषण भार" का अवधारण, भिन्न-भिन्न संघटकों की मात्रा और संकेन्द्रण के गुणन तथा पैरामीटरों (जैसा पूर्व पर्यावरणीय अनापत्ति या पर्यावरण संघात निर्धारण रिपोर्ट (ईआईए) और पर्यावरण प्रबंध योजना, जिसके आधार पर ऐसी पूर्व पर्यावरणीय अनापत्ति प्रदान की गई है, में उपबंधित या निर्दिष्ट है) और समय-समय पर यथासंशोधित पर्यावरण (संरक्षण) नियम, 1986 के अधीन अधिसूचित ऐसे अन्य पैरामीटरों के आधार पर किया जाएगा।

3. अनुसूची में, मद 5(ख) के सामने, स्तंभ (5) में प्रविष्टि के पश्चात्, निम्नलिखित प्रविष्टि अंतःस्थापित की जाएगी, अर्थात् :-

"टिप्पण : ऐसी चीनी विर्माण यूनिटों या मद्य निर्माणशालाओं का, जिनके पास पूर्व पर्यावरण अनापत्ति है, तथा ऐसे एथनाल, जिसका केवल सक्षम प्राधिकारी द्वारा यथा प्रमाणित मिश्रण के लिए ईंधन के रूप में प्रयोग किया जाना है, के उत्पादन के लिए विस्तार का प्रवर्ग 'बी 2' परियोजनाओं के रूप में मूल्यांकन किया जाएगा।"

4. परिशिष्ट 13 के स्थान पर, निम्नलिखित परिशिष्ट रखा जाएगा, अर्थात् :-

"परिशिष्ट 13

प्रदूषण भार में वृद्धि न होने का सत्यापन

ईआईए अधिसूचना में तुरंत संशोधन (i) कच्ची सामग्री मिश्रण या (ii) उत्पाद-मिश्रण या (ii) उत्पादों के भीतर मात्राएं या (iii) उसी प्रवर्ग के अंतर्गत आने वाले नए उत्पादों सहित उत्पादों की संख्या या (iv) विद्यमान क्षेत्र या परियोजना की पर्यावरण अनापत्ति में विनिर्दिष्ट विद्यमान क्षेत्र से संलग्न क्षेत्रों में संयंत्र या प्रक्रिया या संक्रियाओं के संरूपण में किसी परिवर्तन सहित या रहित प्रसंस्करण ; या उत्पादन ; या विनिर्माण सेक्टरों (इस अधिसूचना की अनुसूची में मद सं. 2, 3, 4 और 5 के सामने सूचीबद्ध) के संबंध में उत्पादन क्षमता में किसी वृद्धि के लिए पूर्व पर्यावरणीय अनापत्ति की अपेक्षा से छूट प्राप्त है। यह सुविधा उन यूनिटों को उपलब्ध है, जिन्होंने ईआईए अधिसूचना, 1994 तथा ईआईए अधिसूचना, 2006 के अधीन पूर्व पर्यावरणीय अनापत्ति अभिप्राप्त कर ली है। ऐसे मामलों के संबंध में पूर्व पर्यावरणीय अनापत्ति अभिप्राप्त करने से छूट का दावा करने के लिए, परियोजना प्रस्तावक, निम्नलिखित प्रक्रिया का अनुसरण करेगा :-

(Signature)

1. परियोजना प्रस्तावक से अपेक्षा की जाती है कि वह ऐसे पर्यावरण संपरीक्षकों या प्रतिष्ठित संस्थाओं, जो राज्य प्रदूषण नियंत्रण बोर्ड या केंद्रीय प्रदूषण नियंत्रण बोर्ड या पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (जिसे इसमें इसके पश्चात् मंत्रालय कहा गया है) द्वारा पैनलीकृत की जाएं, से 'प्रदूषण भार में कोई वृद्धि नहीं' का प्रमाणपत्र अभिप्राप्त करें।

2. मंत्रालय द्वारा परिवेश पोर्टल पर, समय-समय पर उपलब्ध कराए गए अनुसार, 'प्रदूषण भार में कोई वृद्धि नहीं' प्रमाणपत्र और सूचना की एक प्रति उस यूनिट द्वारा अपलोड की जाएगी, जिसके लिए प्रणाली सृजित अभिस्वीकृति आनलाइन जारी की जाएगी।

3. यूनिट, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति को विनिर्दिष्ट रूपविधान में निम्नलिखित के साथ सूचित करेगी,—

i. राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति या केंद्रीय प्रदूषण नियंत्रण बोर्ड या मंत्रालय द्वारा पैनलीकृत पर्यावरण संपरीक्षक या प्रतिष्ठित संस्था से 'प्रदूषण भार में कोई वृद्धि नहीं' का प्रमाणपत्र ;

ii. परियोजना या क्रियाकलाप के लिए प्रचालन के लिए अंतिम सहमति प्रमाणपत्र ; और

iii. परिवेश पोर्टल पर सूचना और 'प्रदूषण भार में कोई वृद्धि नहीं' प्रमाणपत्र अपलोड करने की आनलाइन सृजित प्रणाली अभिस्वीकृति।

4. इस प्रकार अभिप्राप्त सूचना की, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा परीक्षा की जाएगी, जो, परियोजना प्रस्तावक से अभिप्राप्त, ऐसी सूचना पर विनिश्चय करेगा/करेगी।

5. यदि, यथास्थिति, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति, सत्यापन किए जाने पर पर यह पाते हैं कि परिवर्तन या विस्तार या आधुनिकीकरण का परिणाम प्रदूषण भार में वृद्धि के रूप में होगा या हुआ है, तो इस खंड के अधीन दावा की गई छूट विधिमान्य नहीं होगी और यह माना जाएगा कि परियोजना प्रस्तावक, ऐसे परिवर्तन या वृद्धि करने से पहले, इस अधिसूचना के पैरा 7 के उपपैरा (ii) खंड (क) के अनुसार, पूर्व पर्यावरणीय अनापत्ति अभिप्राप्त करने का दायी होगा और पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंध तदनुसार लागू होंगे।

टिप्पण : शंकाओं को दूर करने के लिए, यह स्पष्ट किया जाता है कि परियोजना प्रस्तावक का यह उत्तरदायित्व होगा कि वह, ऐसा परिवर्तन या वृद्धि करने से पूर्व, यथास्थिति, परिवर्तन, विस्तार या आधुनिकीकरण के परिणामस्वरूप 'प्रदूषण भार में कोई वृद्धि नहीं' के संबंध में स्वयं का समाधान करे और परियोजना प्रस्तावक, पर्यावरण (संरक्षण) अधिनियम, 1986 के उपबंधों के अधीन कार्रवाई के लिए दायी होगा, यदि तथ्यों या दावे के सत्यापन किए जाने पर यह पाया जाता है कि ऐसे परिवर्तन, विस्तार या आधुनिकीकरण से प्रदूषण भार में वृद्धि अंतर्वलित है।।"

[फा. सं. 22-33/2019-आई.ए. III]

गीता मेनन, संयुक्त सचिव

टिप्पण : मूल अधिसूचना, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में, अधिसूचना संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और अधिसूचना संख्या का.आ. 221(अ), तारीख 18 जनवरी, 2021 द्वारा उसमें अंतिम बार संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 2nd March, 2021

S.O. 980(E).—WHEREAS, by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as the EIA Notification), the Central Government directed that on and from the date of its publication, the new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the EIA notification entailing capacity addition with change in process or technology and/or product mix shall be undertaken in any part of India only after obtaining prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;


(True Copy)

AND WHEREAS, with core principle of 'no increase in pollution load', the Central Government has amended the EIA notification by notifications number S.O. 3518(E), dated the 23rd November, 2016 and number S.O. 236 (E), dated the 16th January, 2020 providing flexibility in change in product-mix; change in quantities within products or number of products in the same category including resultant increase in the production with a cap of 50 per cent for which environmental clearance has been granted; change in configuration of the plant from the environmental clearance conditions during execution of the project;

AND WHEREAS, the Ministry of Environment, Forest and Climate Change is in receipt of requests from processing, production and manufacturing sector for permitting increase in production capacity without having to go through entire environmental clearance process again as long as there is no increase in pollution load;

AND WHEREAS, based on the experience in implementation of the EIA notification as amended by aforesaid notification number S.O. 3518(E), dated the 23rd November, 2016, the Central Government deems it necessary to permit increase in production capacity in respect of processing, production and manufacturing sector with or without any change in raw material-mix or product-mix or change in quantities within products or number of products or any change in configuration of the plant or operations in areas contiguous to the existing area, for which prior environmental clearance has been granted, without the requirement of Prior Environmental Clearance provided that there is no increase in pollution load;

AND WHEREAS, for the purpose of Ethanol Blending Programme with Petrol, a special dispensation was provided for expansion of sugar manufacturing or distillery units, intended for production of Ethanol vide notification number S.O. 345(E), dated the 17th January, 2019 and notification number S.O. 750(E), dated the 17th February, 2020. In view of the Government's commitment to achieve 20% blending of ethanol in petrol by the year 2025, it has been decided to continue further with this dispensation;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, hereby makes following further amendments in the notification of the Government of India, in the erstwhile Ministry of Environment and Forests, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006, namely:-

In the said notification, -

1. in paragraph 2, for clauses (ii) and (iii), the following clause shall be substituted, namely:-

"(ii) Expansion, modernisation or any change in the product mix or raw material mix in existing projects or activities, listed in the Schedule to this notification, resulting in capacity beyond the threshold limits specified for the concerned sector in the said Schedule, subject to conditions and procedure provided in the sub-paragraph (ii) of paragraph 7";

2. in paragraph 7,-

A. in the heading, the words "for New Projects" shall be omitted;

B. in the sub-paragraph (i), the words "**For new projects or activities listed in the Schedule to this notification:**" shall be inserted as heading to the sub-paragraph;

C. in the sub-paragraph (ii),-

(I) in the clause (a), after the words "application shall be appraised accordingly for grant of environmental clearance", the following words shall be inserted, namely:-

"in respect of projects or activities other than falling in clause (b) and (c)";

(II) for clauses (b) and (c), the following clauses shall be substituted, namely:-

'(b) Existing projects (having Prior Environmental Clearance) with no increase in pollution load: Any increase in production capacity in respect of processing or production or manufacturing sectors (listed against item numbers 2,3, 4 and 5 in the Schedule to this notification) with or without any change in (i) raw material-mix or (ii) product-mix or (ii) quantities within products or (ii) number of products including new products falling in the same category or (iv) configuration of the plant or process or operations in existing area or in areas contiguous to the existing area (for which prior environmental clearance has been granted) shall be exempt from the requirement of Prior Environmental Clearance provided that there is no increase in pollution load (derived on the basis of such Prior Environmental Clearance):

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Provided that such exemption shall be applicable only consequent to -

- A. the project proponent furnishing information regarding such changes along with no increase in pollution load certificate, from the environmental auditor or reputed institutions empanelled by the State Pollution Control Board or Union Territory Pollution Control Committee or Central Pollution Control Board or Ministry of Environment, Forest and Climate Change, as per the procedure laid down in Appendix-XIII, on PARIVESH portal as well as to the concerned State Pollution Control Board or Union Territory Pollution Control Committee.

Note: If on verification, the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, after giving the project proponent the opportunity of being heard, holds that such change or expansion or modernisation results in increase in pollution load, the exemption claimed under this clause shall not be valid and it shall be deemed that the project proponent was always liable to obtain prior environmental clearance, in respect of such change or expansion or modernisation, as per the clause (a) and the provisions of Environment (Protection) Act, 1986 shall apply accordingly;

- B. installation and implementation of Online Continuous Monitoring System (OCMS) with at least 95% uptime, connected to the servers of the Central Pollution Control Board and State Pollution Control Board or Union Territory Pollution Control Committee concerned to report the quantity and quality, of emission and discharges:

Provided further that the provisions of this clause shall not be applicable if such change or increase results in change in category of project or activity from Category-'B2' to either Category-'A' or Category 'B1'.

(c) Any change in configuration of the plant or activity from the environmental clearance conditions during execution of the project after detailed engineering, in respect of projects or activities, falling in any item of the Schedule to this notification, shall not require prior environmental clearance, if there is no change in production capacity and there is no increase in pollution load subject to furnishing particulars of such changes on PARIVESH portal in the format as may be provided by the Government from time to time, before implementing such changes whereupon a system generated acknowledgement will be issued by the concerned Regulatory Authority.

Explanation:- For the purpose of this sub-paragraph, "Pollution load" shall be determined on the basis of multiplication of quantity and concentration of different components and parameters (as provided or referred in the Prior Environment Clearance or the Environment Impact Assessment Report (EIA) and Environment Management Plan based on which such Prior Environment Clearance has been granted), in respect of emissions, effluents or discharge, solid, industrial hazardous waste and such other parameters notified under the Environment (Protection) Rules, 1986 as amended from time to time.'

3. in the Schedule, against item 5(g), after the entry in column (5), the following entry shall be inserted, namely:-

Note: Expansion of sugar manufacturing units or distilleries, having Prior Environment Clearance and for production of ethanol, to be used as fuel for blending only as certified by the competent authority, shall be appraised as Category 'B2' projects.";

4. for Appendix-XIII, the following Appendix shall be substituted, namely:-

"Appendix-XIII

Verification of No Increase in Pollution Load

The instant amendment in EIA Notification exempts the requirement of Prior Environmental Clearance for any increase in production capacity in respect of processing or production or manufacturing sectors (listed against item numbers 2,3, 4 and 5 in the Schedule to this notification) with or without any change in (i) raw material-mix or (ii) product-mix or (ii) quantities within products or (ii) number of products including new products falling in the same category or (iv) configuration of the plant or process or operations in existing area or in areas contiguous to the existing area specified in the environmental clearance of the project. This facility is available to those units which have obtained prior environmental clearance under EIA Notification, 1994 and EIA Notification, 2006. To claim exemption from obtaining Prior Environment Clearance in respect of such cases, the project proponent shall follow the following process:-

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1. The project proponent is required to obtain a certificate of 'no increase in the pollution load' from the environmental auditors or reputed institutions, to be empanelled by the State Pollution Control Board or Central Pollution Control Board or Ministry of Environment, Forest and Climate Change (hereinafter referred to as the Ministry).
2. A copy of 'no increase in pollution load' certificate and intimation, as provided by the Ministry from time to time on PARIVESH portal, shall be uploaded by the unit for which system generated acknowledgement shall be issued online;
3. The unit shall inform the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, in specified format along with-
 - i. 'no increase in pollution load' certificate from the Environmental Auditor or reputed institutions empanelled by the State Pollution Control Board or Pollution Control Committee or Central Pollution Control Board or Ministry;
 - ii. last Consent to Operate certificate for the project or activity; and
 - iii. online system generated acknowledgement of uploading of intimation and 'no increase in pollution load' certificate on PARIVESH Portal;
4. The information so received shall be examined by the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, who shall take decision on such information, received from the project proponent.
5. If on verification the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, holds that the change or expansion or modernisation will result or has resulted in increase in pollution load, the exemption claimed under this clause shall not be valid and it shall be deemed that the project proponent was liable to obtain Prior Environmental Clearance before under taking such changes or increase, as per the clause (a) of sub-paragraph (ii) of paragraph 7 of this notification and the provisions of Environment (Protection) Act, 1986 shall apply accordingly.

Note: For removal of doubts, it is clarified that it shall be the responsibility of the project proponent to satisfy itself about 'no increase in pollution load' as a result of changes, expansion or modernisation, as the case may be, before under taking such changes or increase, and the project proponent shall be liable for action under the provisions of the Environment (Protection) Act, 1986 if on verification of facts or claim it is found that such change or expansion or modernisation involves increase in pollution load."

[F. No. 22-33/2019-IA.III]

GEETA MENON, Jt. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and was last amended vide the notification number S.O.221(E), dated the 18th January, 2021.



Annexure R-15

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F. No. 22-21/2020-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi - 110003
sujit.baju@gov.in

Date: 7th July, 2021

Office Memorandum

Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) **for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process**".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "**...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

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pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, **the Hon'ble courts have, *inter-alia*, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014). The salient extracts of the judgements are as under:**

Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:

i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014

Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."

*"(...) the proposal of the petitioner company for **environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.**"*

ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

pollution laws or the pollution, if any, can conveniently and effectively be checked. **The answer necessarily has to be in the negative.**"

"29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms."

Issue 2: Environmental Clearance – Prospective & not ex-post facto:

Hon'ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017

*Held: "(...) an EC will come into force **not earlier than the date of its grant.**"*

Issue 3: 'Principles of Proportionality' – to be applied:

Hon'ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

*Held: "(...) **this Court must take a balanced approach** which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord **with the principle of proportionality**"*

Issue 4: 'Polluter pays' principle &

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Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

Hon'ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)

Held:

a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will **include giving directions ...** and also the power to **impose the cost of remedial measures** on the offending industry and utilize the amount so recovered for carrying out remedial measures.....

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b) **Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5** which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the "**Polluter Pays**" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

9. Definition of Violation and Non-compliance:

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:

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- i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.
- ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure – Guiding Principles:

- i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**
- ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**
- iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**
- iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.
- v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2.	If prior EC is available for existing/old unit	Order to revert the activity/production to permissible limits.
3.	If prior EC was not required for earlier production level but is now required	Restrict the activity/production to the extent to which prior EC was not required.

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

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Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished.***

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present**

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form/configuration/features then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA).** The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.**

Note - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, **shall be effective only from the date of issuance of such clearance** and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

12. Penalty provisions for Violation cases and applications:

a. For new projects:

- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
- ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report **PLUS** 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

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b. For expansion projects:

- i. **Where operation/production with expanded capacity has not commenced:**
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

13. Identification of Violation cases:

With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior

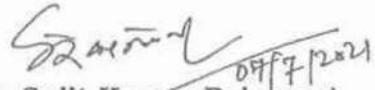
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Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.

- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
- iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.

14. This is issued with the approval of the Competent Authority.


(Dr. Sujit Kumar Bajpayee)
Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors.(order dated 24.05.2021).



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Annexure R-16 ↑

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS. 7576-7577 OF 2021
[Arising out of SLP (C.) Nos. 11226-11227 of 2020]

Electrosteel Steels Limited

.....Petitioner (s)

Versus

Union of India and Ors. Etc.

....Respondent (s)

J U D G M E N T

Indira Banerjee, J.

Leave granted.

2. These Appeals are against an order dated 16th September 2020 passed by a Single Bench of the High Court of Jharkhand in W.P. (C) No.1873 of 2018 and W.P. (C) No. 4850 of 2018, discontinuing the interim orders earlier passed by the High Court, allowing the Appellant to operate its unit under the supervisory regulatory control of the Respondent - Jharkhand State Pollution Control Board, hereinafter referred to as "JSPCB", which had been in force for over two years.

3. The Appellant owns and runs a 1.5 MTPA integrated steel plant in Bokaro District in Jharkhand. The said steel plant in Bokaro, which

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employs 3,000 regular employees and 7000 contractual employees, produced steel worth Rs.4,200 crores in the financial year 2019-20.

4. The Appellant claims that about 30,000 persons other than those actually employed by the steel plant as regular or contractual employees depend on the steel plant for their livelihood.

5. Corporate Insolvency Resolution Process (CIRP) had commenced against the Appellant under the Insolvency and Bankruptcy Code 2016. As successful Resolution Applicant, Vedanta Ltd. took over the Appellant on or about 4th June 2018 upon payment of Rs.5,320 crores for discharge of its debts.

6. Pollution and consequential deterioration of environment has been assuming alarming proportions, and has become a cause of universal concern. Fumes, smoke, emission of green house gases by use of motors and machines and operation of mills, factories and plants cause environmental degradation.

7. Under the aegis of the United Nations discussions and deliberations have been held to protect and improve environment and prevent pollution.

8. In 1972, the United Nations Conference on the Human Environment was convened in Stockholm to work out ways and means to protect and improve the environment. In course of deliberations, it was felt that there was need to enact law to tackle environmental pollution. India

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participated in the conference and strongly voiced environmental concerns.

9. The Environment (Protection) Act, 1986, hereinafter referred to as "the 1986 Act", has been enacted as a consequence of decisions taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972.

10. The statement of objects and reasons for enactment of the 1986 Act declares that the Act has been prompted by concern over environment, that has grown the world over, since the sixties.

11. Sub-Section (1) of Section 3 of the 1986 Act empowers the Central Government to take all such measures as it might deem necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.

12. Sub-section (2) of Section 3 of the 1986 Act enables the Central Government to take, *inter alia*, the following measures:

"(i) co-ordination of actions by the State Governments, officers and other authorities—

(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of

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environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act."

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13. Sub-section (3) of Section 3 of the 1986 Act provides as follows:

"The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures."

14. Subject to the provisions of the 1986 Act, the Central Government has power under sub-section (1) of section 3 to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.

15. Section 5 of the 1986 Act provides that notwithstanding anything contained in any other law, but subject to the provisions of the 1986 Act, the Central Government may, in exercise of its powers and performance of its functions under the 1986 Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

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16. In exercise of powers conferred by Sub-Section (1) and clause (v) of sub-section (2) of Section 3 of the 1986 Act read with Rule 5(3)(d) of the Environment (Protection) Rules, 1986 the Central Government issued the Environmental Impact Assessment Notification dated 27th January 1994 directing that on and from the date of publication of the said notification in the Official Gazette, expansion or modernisation of any activity or a new project listed in Schedule I of the Notification shall not be undertaken in any part of India, unless it has been accorded Environmental Clearance (EC) by the Central Government in accordance with the procedure specified in the Notification.

17. Under Clause (2)(I) of the said Notification, any person who desires to undertake any new project listed in Schedule I is required to submit an application to the Secretary, Ministry of Environment and Forests (MoEF), New Delhi in the pro forma specified in Schedule II, accompanied by a project report which is to include the EIA (Environmental Impact Assessment) Report /Environment Management Plan (EMP) prepared in accordance with the guidelines issued by MoEF. Another Environmental Impact Notification was issued in 2006, for grant of Terms and Environmental Clearance *inter alia* for projects which had started work on site.

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18. The EIA Report submitted with the application of the project proponent is to be evaluated and assessed by the Impact Assessment Agency (IAA), that is MoEF, and if deemed necessary, it may consult a Committee of Experts constituted in the manner prescribed in Schedule III. The Committee of Experts shall have full right of entry and inspection of the site. The Impact Assessment Agency is to prepare a set of recommendations based on technical assessment of documents and data, furnished by the project proponent, supplemented by data collected during visits to sites, interaction with the affected population and environmental groups, if necessary. The summary of the reports, the recommendations and the conditions, subject to which EC is given shall, subject to public interest, be made available to the parties concerned or environmental groups on request. The IAA may solicit comments of the public within the specified period by arranging public hearings for that purpose. The public shall, subject to public interest, be provided access, to the summary of the EIA Report/Environment Management Plan (EMP). The clearance granted for commencement of the construction or operation of the plant, is to be valid for five years. Clause IV of the Environmental Impact Assessment Notification provides for the monitoring of the implementation of the conditions of EC and/or the recommendations and conditions laid down by IAA.

19. A minor amendment was made to the said Environmental Impact Assessment Notification dated 27th January 1994, by a Notification dated 10th April 1997, which prescribes a detailed procedure for public hearing.

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20. By a notification being S.O. 327(E), dated 10th April 2001, published in the Gazette of India, Extra., Pt.II, Sec.3(ii), dated 12th April 2001, the Central Government has delegated the powers vested in it under Section 5 of the 1986 Act, to the Chairpersons of the respective State Pollution Control Boards/Committees to issue directions to any industry or any local or other authority for the violations of the standards and rules relating to biomedical waste, hazardous chemicals, industrial solid waste and municipal solid waste including plastic waste notified under the Environment (Protection) Act, 1986 subject to the condition that the Central Government may revoke such delegation of powers or may itself invoke the provisions of Section 5 of the said Act, if in the opinion of the Central Government such a course of action is necessary in the public interest.

21. On or about 8th January 2007, the Appellant applied to the Ministry of Environment, Forest and Climate Change, Government of India, hereinafter referred to as "MoEF&CC" for grant of EC to establish 3 MTPA integrated steel plant at Mauza South Parbatpur of Chandankiyari Block of Bokaro District.

22. In its application, the Appellant stated that 1350 acres of land were required for establishing the said plant at the Mauza South Parbatpur of Chandankiyari Block of Bokaro District and that no forest land was involved in the project.

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23. By a letter No. F.No.J-11011/137/2006-1A-II (i) dated 21st February 2008, the Appellant was granted EC. After obtaining EC, the Appellant applied to the JSPCB, for grant of 'Consent to Establish' (CTE) under the Air (Prevention and Control of Pollution) Act, 1981, hereinafter referred to as the Air Pollution Act, and Water (Prevention and Control of Pollution) Act 1974, hereinafter referred to as the Water Pollution Act.

24. On 5th May 2008, the JSPCB granted CTE to the Appellant to establish the 3 MTPA integrated steel plant at Mauza South Parbatpur of Chandankiyari Block of Bokaro District. The CTE was granted on the basis of the EC granted by the MoEF&CC.

25. The CTE was extended from time to time till 4th May 2011. Even though CTE was granted to the Appellant to establish a steel plant at Mauza South Parbatpur of Chandankiyari Block of Bokaro District, the Appellant established steel plant in Mauza Bhagabandh in the Chas Block in Bokaro District, 5.3 Kms away from the site for which EC and CTE had been granted.

26. A Circular No.J-11013/41/2006-1A.2(i) dated 22nd January, 2010 was issued by the Ministry of Environment and Forest (MoEF) of the Government of India which provided as follows:

"Instances have come to the notice of this Ministry wherein the project proponents have changed the project site after the said project has been granted environmental clearance or after the public hearing has been held. The project proponents have approached this Ministry to revalidate the environmental clearance so granted without undergoing afresh the procedure prescribed for obtaining environmental clearance. The matter has been considered in the ministry. The change in project site would lead to change in project affected people as well as the

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change in study area and the impact zone. As such the Environment Impact Assessment Report and Public Hearing conducted for a particular location cannot be taken valid for the changed location.

Accordingly, it has been decided that any shift in project site location after holding of public hearing will be deemed to be a new proposal and will be appraised afresh as per the procedure prescribed under EIA Notification 2006 provided the respective Expert Appraisal Committee is satisfied that the shift is so minor as to have no change in EIA/EMP, duly recorded in the minutes and prior approval of advisor (In-charge)/SEIAA for Category 'A'/Category 'B' projects respectively is obtained for not holding the public hearing for the changed location afresh.

This issues with the approval of the Competent Authority."

27. By a communication being Reference No.1142 dated 4th May 2010, the District DFO (District Forest Officer) Bokaro requested JSPCB to take action against the Appellant for setting up its integrated steel plant on forest land in Mauza Bhagabandh of Chas Block of Bokaro District, in violation of the Forest Conservation Act 1980 and Indian Forest Act 1927. The DFO, Bokaro reported encroachment of 220.88 acres of notified forest land by the Appellant to JSPCB.

28. It appears that cases had been initiated against the officials of the Appellant under the Indian Forest Act, 1927, Forest Conservation Act, 1980 and the Bihar Public Land Encroachment Act, 1955 which have been quashed by the Jharkhand High Court, by an order dated 25th January 2011.

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29. On or about 23rd September 2010 the Appellant applied for Consent to Operate (CTO) under the Air Pollution Act and the Water Pollution Act for its 350 m³ blast furnace. Later on 9th September 2011, the Appellant applied for CTO in respect of its entire plant.

30. By a letter dated 2nd December 2011, addressed to the Appellant, the MoEF confirmed that the lay out of the Appellant's 3 MTPA Integrated Steel Plant was well within the Environment Impact Area and that the affected people had the opportunity to participate in a public hearing.

31. By letter dated 18th May 2012, the JSPCB reported encroachment by the Appellant upon forest land and alleged violation by the Appellant of the Forest Conservation Act, 1980 to the MoEF&CC, New Delhi. The MoEF&CC was also informed of the unauthorized shifting of the integrated steel plant from Mauza South Parbatpur of Chandankiyari Block of Bokaro District to Mauza Bhagabandh of Chas Block of Bokaro District in violation of the conditions of Environment Clearance granted by the MoEC&CC.

32. Pursuant to the report of JSPCB, MoEF&CC issued a Show Cause Notice dated 6th June 2012 to the Appellant under Section 5 of the 1986 Act. The Appellant submitted its reply to the Show Cause Notice on 20th June 2012.

33. On 10th September 2012, the Appellant once again applied to JSPCB for CTO for one year under the Water Pollution Act and Air Pollution Act. According to the Appellant, several reminders were sent to MoEF&CC requesting MoEF&CC to intimate JSPCB of the outcome of the Show Cause

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Notice issued to the Appellant. However, JSPCB has not been informed of the decision of MoEF&CC.

34. The Appellant filed a Writ Petition being W.P. No.2247/2012 in the Jharkhand High Court for orders on JSPCB to grant the Appellant CTO. The said writ petition was disposed of by an order dated 5th November 2012, the operative part whereof is set out hereinbelow:-

"Respondent 1& 2 to consider the petitioner's application and as assured by them, if so required, give an opportunity of hearing to the petitioners and after taking into consideration the facts and provisions of law and the related decisions, shall dispose of the petitioner's application within five weeks from the date of receipt/production of a copy of this order."

35. On or about 27th November 2013, the application of the Appellant for CTO was rejected on the ground that the Appellant had shifted the site of its steel Plant and had encroached upon forest land in violation of the Forest Conservation Act, 1980. The operative part of the order dated 27th November 2013 reads:-

"at this stage subject to final outcome of the decision of MoEF&CC, New Delhi with respect to show cause notice dated 6.6.2012, we dispose the application for CTO in exercise of power conferred u/s 21(4) of Air (Prevention and Control of Pollution) Act, 1981 & u/s 25(4) of Water (Prevention and Control of Pollution) Act, 1974 by "refusing" the CTO to the unit for the reason aforesaid."

36. The Appellant filed an application for contempt being Contempt Case (C) No.939 of 2013 in W.P.(C) No.2247 of 2012 in the Jharkhand High Court. Pursuant to an order dated 29th November 2013 in the Contempt Petition, the JSPCB disposed of the applications for grant of CTO to the Appellant.

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37. By a letter dated 17th April 2013, the MoEF&CC had called for a status report from the State of Jharkhand in respect of forest land encroached by the Appellant. The Forest Department submitted a report to the MoEF&CC on 13th May, 2014.

38. Thereafter, by a letter dated 20th October 2014, the MoEF&CC, New Delhi directed the Department of Forest, Environment and Climate Change, Government of Jharkhand to take action against the Appellant for violating the provisions of Indian Forest Act, 1927 and Forest Conservation Act, 1980. In compliance with the aforesaid order, JSPCB directed the Appellant to close down its plant under Section 31(A) of the Air Pollution Act and Section 33(A) of Water Pollution Act.

39. By a Memo No.521 dated 6th February 2015, the Department of Forest, Environment and Climate Change, Government of Jharkhand directed the DGP, Jharkhand, Ranchi and the Deputy Commissioner, Bokaro to take action against the Appellant in the light of the letter dated 20th October, 2014 of the MoEF&CC, Government of India and to submit an action taken report.

40. The aforesaid order of JSPCB was challenged by the Appellant by filing a Writ Petition being WP(C) No.2033 of 2015 in the Jharkhand High Court. By an order dated 5th February 2016 the High Court set aside the order of the JSPCB holding that the same had been passed in violation of principles of natural justice. The High Court however, held that JSPCB



would be at liberty to pass an order in accordance with law after giving the Appellant an opportunity of hearing.

41. Thereafter, a show cause notice dated 25th April 2016, was issued to the Appellant. The Appellant replied to the show cause notice on 28th September 2016, contending that the Appellant had not set up its plant on any forest land and that all pollution control measures had been taken. However, the Principal Chief Conservator of Forests (PCCF), Jharkhand had by a communication No.2966 dated 8th August 2016 informed JSPCB that the Appellant had encroached forest land. Thereafter JSPCB once again called upon the Appellant to show cause in the light of information provided by the PCCF, Jharkhand. The Appellant by a letter dated 28th September 2016 reiterated that there was no forest land in the plant premises.

42. JSPCB passed an order No.B-319 dated 13th February 2017 disposing of the show cause notice in the light of the direction dated 5th February 2016 of the Jharkhand High Court and the applications for CTO. JSPCB granted CTO to the Appellant which was valid till 31st December, 2017.

43. The MoEF&CC and the State Environment Impact Assessment Authorities had, in the meanwhile been receiving proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of Reference and Environmental Clearance for projects which had started the work on site, expanded the production beyond the limit of

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environmental clearance or changed the product mix without obtaining prior environmental clearance.

44. The MoEF&CC deemed it necessary that all entities not complying with the environmental regulation under Environment Impact Assessment Notification, 2006, be brought to comply with the environmental laws in expedient manner, for the purpose of protecting and improving the quality of the environment and reducing environmental pollution.

45. The MoEF&CC deemed it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which would be more damaging to the environment.

46. In furtherance of this objective, the Government of India deemed it essential to establish a process for appraisal of cases of violation of norms, and prescribing such adequate environmental safeguards that would deter violation of the provisions of Environment Impact Assessment Notification, 2006 and ensure that damage to environment was adequately compensated for.

47. In ***Indian Council for Enviro-Legal Action and Ors. v. Union of India and Ors.***¹, the Supreme Court analyzed relevant provisions of environmental laws and concluded that damages might be recovered under the provisions of the 1986 Act, inter alia, to implement measures that were necessary or expedient for protecting and promoting the

1. (1996) 3 SCC 212

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environment. This Court affirmed that the power of the Central Government under Section 3 of the 1986 Act was wide and included the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures could also be looked into from the principle "polluter pays."

48. In exercise of power under Section 3(1) and Section 3(2)(v) of the 1986 Act read with Rule 5(3)(d) of the Environment (Protection) Rules, 1986, the Central Government has issued a Notification being S.O. 804(E) dated 14th March 2017 which provides for grant of ex post facto EC for project proponents who have commenced, continued or completed a project without obtaining EC under the 1986 Act or the EIA notification issued under it.

49. Paragraphs 3, 4 and 5 of the said notification, read as follows :

"(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

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(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para(4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment."

50. On or about 24th August 2017, the Appellant applied for CTO for five years. On 13th November 2017, JSPCB issued a Show Cause Notice to the Appellant pointing out alleged contraventions of the conditions of Consent to Operate (CTO) earlier granted to the Appellant. The Appellant was called upon to show cause whether conditions of the CTO had been contravened while the application of the Appellant for CTO for five year was pending.

51. On 23rd November 2017, the Appellant submitted its online reply to the Show Cause Notice showing compliance of the conditions of the CTO.

52. By a communication No.2105 dated 18th December 2017 JSPCB requested MoEF&CC to inform JSPCB of the decision on the show cause notice issued to the Appellant under Section 5 of the 1986 Act for

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revocation of the EC for non compliance of the conditions for grant of EC for the integrated plant at Parbatpur, Jharkhand.

53. Aggrieved by the failure of JSPCB to issue/renew the CTO to the Appellant, pursuant to its application made on 24th August 2017, the Appellant filed a writ petition being W.P.(C) No. 1873 of 2018 in the Jharkhand High Court on or about 12th April 2018 seeking directions on the JSPCB to issue CTO to the Appellant.

54. By an order dated 16th July 2018, the High Court directed the JSPCB to take a final decision on the application of renewal/grant of CTO filed by the Appellant on 24th August 2017 within the time stipulated in the said order.

55. The High Court further passed an interim order directing that the Appellant be allowed to operate its unit under the supervisory and regulatory control of the JSPCB, who might carry out periodical check as to adherence by the Appellant of pollution control laws.

56. JSPCB passed an order dated 21st August, 2018, rejecting at that stage the request of the Appellant for CTO, subject to the decision of MoEF&CC on the show cause notice issued to the appellant. The operative part of the said order is set out hereinbelow:

"at this stage subject to final outcome of the decision of MoEF&CC, New Delhi with respect to show cause notice dated 6.6.2012, we dispose the application for CTO in exercise of power conferred u/s 21(4) of Air (Prevention and Control of Pollution) Act, 1981 & u/s 25(4) of Water (Prevention and Control of pollution) Act, 1974 by "refusing" the CTO to the unit for the reason aforesaid."



57. The Appellant, thereafter approached the High Court with a prayer for amendment of Writ Petition No.1873 of 2018. By an order dated 25th August 2018, the High Court allowed the application for amendment of the Writ Petition and directed the respondent to file their response to the amended writ petition. The High Court further directed:-

"10. So far as interim relief is concerned, this court finds that the order passed by the respondent-Jharkhand State Pollution Control Board dated 23.08.2018 appears to be directly dependent on the final decision which is yet to be taken by the Ministry of Environment, Forest & Climate Change on the show cause issued to the petitioner as back as in the year 2012. As per the submission made by the counsel appearing on behalf of Union of India, they are shortly going to take a final decision in the matter after hearing the petitioner. Accordingly the operation, implementation and execution of the order dated 23.08.2018 passed by Jharkhand State Pollution Control Board is hereby stayed till 27.09.2018 and the interim order dated 16.07.2018 is hereby extended till 27.09.2018.

11. So far as decision of the Ministry of Environment, Forest & Climate Change are concerned, considering the fact that the unit of the petitioner is running unit and large number of employees are working in this unit of the petitioner, this court consider it appropriate that the issue regarding the environmental clearance of the petitioner should be decided at the earliest.

12. It is further observed that it is open to the petitioner to approach the Union of India with their proposal/ application for regularization of the alleged violation, without prejudice to their rights (including right, title, interest, possession and nature of property of the petitioner) and advance submissions before the respondent authority of Union of India pursuant to the show cause notice issued to them dated 6.6.2012 and the appropriate authority may, if possible, simultaneously consider the aforesaid application of the petitioner for regularization along with the show cause reply of the petitioner such that entire dispute is decided and the petitioner may also have a clarity about the fate of its unit. The decision which is to be taken by the Union of India be brought on record by either of the parties by filing supplementary affidavit latest by 25.09.2018.

13. I.A. No. 7610 of 2018 and I.A No. 7613 OF 2018 are hereby disposed of.

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14. It is made clear that this court has not gone into the merits of the claim of the petitioner and it will be open to the respondent no 3 to take decision as per law."

58. By the aforesaid order dated 25th August 2018, the High Court directed MoEF to take a decision on the application of the Appellant for EC as also a decision regarding violation by the Appellant of the provisions of EC by encroachment upon forest land by shifting the location of the plant.

59. On 31st August 2018, MoEF&CC issued a show cause notice No. F.No. J-11011/137/2006-1A Pt.II (i) dated 31st August 2018 to the Appellant for violating the provisions of the EC by shifting the location of its plant and encroaching upon forest land.

60. The Respondent No.1 was also accorded personal hearing on 10th September 2018. On 12th September 2018 Mr. Gyanesh Bharti who presided over the personal hearing was transferred from MoEF&CC.

61. On 20th September 2018 the Respondent No.1 issued an order bearing No.F.No.J-11011/137/2006-IA.II(I) revoking the EC of the Appellant on the ground that the Appellant had encroached upon 220 acres of forest land and had shifted the location of its plant from Parbatpur to Bhagabandh, violating the conditions stipulated in the EC.

62. The Appellant filed Writ petition being W.P. (C) No.4850 of 2018 in the Jharkhand High Court challenging the revocation of the EC granted to the Appellant.

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63. On 27th September 2018 the High Court passed an interim order staying the operation, implementation and execution of the impugned order dated 20th September 2018. The Court prima facie found that the impugned order, passed in violation of principles of natural justice, had serious repercussions on the unit of the Appellant which was a running unit, and had caused prejudice to the Appellant.

64. On 4th October 2018, the Appellant applied for ex post facto Forest Clearance (FC) without prejudice to its rights and contentions. On 27th November 2019 the Appellant applied for a "revised" EC without prejudice to its rights and contentions. In the meanwhile, the Interim order passed by the High Court on 27th September 2018 was extended from time to time. Such extensions were granted on 10.10.2018, 5.11.2018, 11.12.2018, 8.1.2019, 23.1.2019, 16.5.2019, 25.7.2019 and 17.10.2019.

65. On 17th December 2019, MoEF&CC passed an order according ex post facto in principle approval for the forest diversion/clearance proposal of the Appellant. The operative part of the said order reads:-

"After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords ex-post facto 'in-principle' approval under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 184.23 ha of forest land (174.39 ha encroached (ex-post facto) and 9.84 ha virgin land) in favour of M/s Electrosteel Steels Limited in the State of Jharkhand subject to fulfilment of following conditions:-

(i) Legal status of the diverted forest land shall remain unchanged;..."

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66. By an order dated 26th February 2020, the Jharkhand High Court directed that the pendency of W.P. (C) No. 4850 of 2018 and W.P. (C) No.1873 of 2018 would not come in the way of consideration by the MoEF&CC of grant or refusal of restoration of EC and it would be open to the Ministry to take appropriate decision in accordance with law. The interim orders in force were extended.

67. Thereafter by a letter dated 2nd March 2020, the Appellant requested MoEF&CC to consider the application of the Appellant for revised EC. In the meanwhile, the interim orders passed by the High Court were further extended. The interim orders were extended by orders passed on 26.2.2020, 7.4.2020 and 29.5.2020.

68. The Writ Petition was called for hearing on 19th June 2020 whereupon it was submitted on behalf of the Respondent No.1 that the revised EC application of the Appellant would be placed before the Expert Appraisal Committee (EAC) for consideration on merit and Violation Committee would decide on the action to be taken against the Appellant for violation of Environment (Protection) Act, 1986.

69. On 6th August 2020 and 7th August 2020, the case of the Appellant was placed before the EAC at its 35th meeting. The Appellant was invited to present its proposal online before the Committee.

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70. After detailed deliberation, the EAC appraised the proposal on merits and recommended issuance of Standard Terms of Reference along with Specific Terms of Reference for undertaking Environmental Impact Assessment (EIA) and preparation of Environment Management Plan (EMP). The EAC noted that the plant was a running unit and the EC was subject to the conditions imposed in the Terms of Reference.

71. On 4th September 2020, the Jharkhand High Court extended the interim orders till 8th September 2020 while awaiting response from the Respondents. On 8th September 2020, the High Court reserved orders on the extension of interim orders dated 16th July 2018 and 27th September 2018 while listing the writ petitions for final hearing on 16th September 2020.

72. On 15th September 2020, the Respondent No.1 filed an affidavit stating that it had no objection to extension of the interim orders considering that the steel plant employed a large workforce. At the hearing on 16th September 2020 JSPCB also consented to extension of the interim order. However, the High Court passed the impugned order dated 16th September 2021 dis-continuing the earlier interim orders on, *inter alia*, the following grounds:

- (i) The Expert Appraisal Committee of the MoEF&CC had, after detailed deliberations, found that the Appellant had been in violation of the EIA Notification 2006 and general condition no. (ii) of the EC dated 21.02.2008.
- (ii) The MoEF&CC had while issuing ToR for grant of EC recommended action against the Appellant under Section 19 of

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the 1986 Act for past violations. Extension of the interim orders would amount to staying action.

- (iii) In ***Alembic Pharmaceuticals Ltd. v. Rohit Prajapati and Others***², this Court had deprecated ex post facto Ecs but passed certain directions in exercise of powers under Article 142 of the Constitution.

73. By an Office Memorandum, being F.No. 22-21/2020-1A III, dated 7th July 2021, the MoEF&CC issued Standard Operating Procedure (SOP) for Identification and Handling of violation cases under EIA Notification 2006.

74. The said Office Memorandum, *inter alia*, reads:

"The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/ or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) for past violations, the concerned authorities are

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free to take appropriate action in accordance with polluter pays principle, following due process".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that " ... **a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the list of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations/decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined."

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75. The Standard Operating Procedure formulated by the said Office Memorandum dated 7th July 2021 refers to and gives effect to various judicial pronouncements including the judgment of this Court in ***Alembic Pharmaceuticals*** (supra).

76. In terms of the Standard Operating Procedure, the proposal for grant of EC in cases of violation are to be considered on merits, with prospective effect, applying principles of proportionality and the principle that the polluter pays and is liable for costs of remedial measures.

77. By an interim order passed on 15th July 2021 in WP(MD) 11757 of 2021 in ***Fatima vs. Union of India***, the Madurai Bench of Madras High Court has stayed the operation of the Standard Operating Procedure.

78. By an order dated 25th August 2021, MoEF&CC rejected the application of the Appellant for the time being. The application has, in effect, been kept in abeyance.

79. The MoEF apparently did not take any decision on the application of the Appellant for EC, since the Standard Operating Procedure issued by it has been stayed by the Madurai Bench of Madras High Court, by the said order dated 15th July 2021, citing the judgment of this Court in ***Alembic Pharmaceuticals*** (supra).

80. The Appellant has filed an application being I.A No.125221 of 2021 in this appeal seeking directions on the Respondent No.1 to process the Appellant's application dated 5th August 2020 for revised EC.

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81. There can be no doubt that the need to comply with the requirement to obtain Environment Clearance is non-negotiable. A project can be set up or allowed to expand subject to compliance of the requisite norms. Environmental clearance is granted on condition of the suitability of the site to set up the project from the environmental angle, and existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations, it is imperative that pollution laws be strictly enforced. Under no circumstances, can industries which pollute be allowed to operate unchecked and degrade the environment.

82. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down for the technical irregularity of shifting its site without prior environmental clearance, without opportunity to the establishment to regularize its operation by obtaining the requisite clearances and permissions, even though the establishment may not otherwise be violating pollution laws, or the pollution, if any, can conveniently and effectively be checked. The answer has to be in the negative.

83. The Central Government is well within the scope of its powers under Section 3 of the 1986 Act to issue directions to control and/or prevent pollution including directions for prior Environmental Clearance before a project is commenced. Such prior Environmental Clearance is necessarily granted upon examining the impact of the project on the

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environment. Ex-Post facto Environmental Clearance should not ordinarily be granted, and certainly not for the asking. At the same time ex post facto clearances and/or approvals and/or removal of technical irregularities in terms of Notifications under the 1986 Act cannot be declined with pedantic rigidity, oblivious of the consequences of stopping the operation of a running steel plant.

84. The 1986 Act does not prohibit ex post facto Environmental Clearance. Some relaxations and even grant of ex post facto EC in accordance with law, in strict compliance with Rules, Regulations Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with, or can be made to comply with environment norms, is in over view not impermissible. The Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the project and others dependent on the project, if such projects comply with environmental norms.

85. As held by a three Judge Bench of this Court in *Lafarge Umiam Mining Private Limited v. Union of India*³ ("Lafarge") reported in (2011) 7 SCC 338:

"119. The time has come for us to apply the constitutional "doctrine of proportionality" to the matters concerning environment as a part of the process of judicial review in contradistinction to merit review. It cannot be gainsaid that utilization of the environment and its natural resources has to be in a way that is consistent with principles of sustainable development and intergenerational equity, but balancing of these equities may entail policy choices. In the circumstances, barring

3. (2011) 7 SCC 338

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exceptions, decisions relating to utilization of natural resources have to be tested on the anvil of the well-recognized principles of judicial review. Have all the relevant factors been taken into account? Have any extraneous factors influenced the decision? Is the decision strictly in accordance with the legislative policy underlying the law (if any) that governs the field? Is the decision consistent with the principles of sustainable development in the sense that has the decision-maker taken into account the said principle and, on the basis of relevant considerations, arrived at a balanced decision? Thus, the Court should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint. Once this is ensured, then the doctrine of "margin of appreciation" in favour of the decision-maker would come into play."

86. In **Alembic Pharmaceuticals** (supra) this Court observed:-

"27. The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA notification dated 27 January 1994. It is, as the judgment in Common Cause holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision-making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development.

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87. In **Alembic Pharmaceuticals** (supra), this Court deprecated ex-post facto clearances, but this Court did not pass orders for closure of the three industries concerned, on consideration of the consequences of their closure. This court proceeded to observe and held:-

44. The issue which must now concern the Court is the consequence which will emanate from the failure of the three industries to obtain their ECs until 14 May 2003 in the case of Alembic Pharmaceuticals Limited, 17 July 2003 in the case of United Phosphorous Limited, and 23 December 2002 in the case of Unique Chemicals Limited. The functioning of the factories of all three industries without a valid EC would have had an adverse impact on the environment, ecology and biodiversity in the area where they are located. The Comprehensive Environmental Pollution Index⁴ report issued by the Central Pollution Control Board for 2009-2010 describes the environmental quality at 88 locations across the country. Ankleshwar in the State of Gujarat, where the three industries are located showed critical levels of pollution⁵. In the Interim Assessment of CEPI for 2011, the report indicates similar critical figures⁶ of pollution in the Ankleshwar area. The CEPI scores for 2013⁷ and 2018⁸ were also significantly high. This is an indication that industrial units have been operating in an unregulated manner and in defiance of the law. Some of the environmental damage caused by the operation of the industrial units would be irreversible. However, to the extent possible some of the damage can be corrected by undertaking measures to protect and conserve the environment.

45. Even though it is not possible to individually determine the exact extent of the damage caused to the environment by the three industries, several circumstances must weigh with the Court in determining the appropriate measure of restitution. First, it is not in dispute that all the three industries did obtain ECs, though this was several years after the EIA notification of 1994 and the commencement of production. Second, subsequent to the grant of the ECs, the manufacturing units of all the three

4. "CEPI"

5. CEPI score - 88.50

6. CEPI score - 85.75

7. CEPI score - 80.93

8. CEPI score - 80.21

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industries have also obtained ECs for an expansion of capacity from time to time. Third, the MoEF had issued a circular on 5 November 1998 permitting applications for ECs to be filed by 31 March 1999, which was extended subsequently to 30 June 2001. On 14 May 2002, the deadline was extended until 31 March 2003 subject to a deposit commensurate to the investment made. The circulars issued by the MoEF extending time for obtaining ECs came to the notice of this Court in *Goa Foundation (I) v. Union of India*⁹. Fourth, though in the context of the facts of the case, this Court in *Lafarge Umiyam Mining Private Limited v. Union of India*¹⁰ ("Lafarge") has upheld the decision to grant *ex post facto* clearances with respect to limestone mining projects in the State of Meghalaya. In **Lafarge**, the Court dealt with the question of whether *ex post facto* clearances stood vitiated by alleged suppression of the nature of the land by the project proponent and whether there was non-application of mind by the MoEF while granting the clearances. While upholding the *ex post facto* clearances, the Court held that the native tribals were involved in the decision-making process and that the MoEF had adopted a due diligence approach in reassuring itself through reports regarding the environmental impact of the project. "

(Emphasis supplied)

46. After advertent to the decision in **Lafarge**, another Bench of three learned judges of this Court in *Electrotherm (India) Limited v. Patel Vipulkumar Ramjibhai*¹¹, dealt with the issue of whether an EC granted for expansion to the appellant without holding a public hearing was valid in law. Justice Uday Umesh Lalit speaking for the Bench held thus:

"19...the decision-making process in doing away with or in granting exemption from public consultation/public hearing, was not based on correct principles and as such the decision was invalid and improper."

47. The Court while deciding the consequence of granting an EC without public hearing did not direct closure of the appellant's unit and instead held thus:

"20. At the same time, we cannot lose sight of the fact that in pursuance of environmental clearance dated 27-1-2010, the expansion of the project has been undertaken

9. (2005) 11 SCC 559

10. (2011) 7 SCC 338

11. (2016) 9 SCC 300

(True Copy)

and as reported by CPCB in its affidavit filed on 7-7-2014, most of the recommendations made by CPCB are complied with. In our considered view, the interest of justice would be subserved if that part of the decision exempting public consultation/public hearing is set aside and the matter is relegated back to the authorities concerned to effectuate public consultation/public hearing. **However, since the expansion has been undertaken and the industry has been functioning, we do not deem it appropriate to order closure of the entire plant as directed by the High Court.** If the public consultation/public hearing results in a negative mandate against the expansion of the project, the authorities would do well to direct and ensure scaling down of the activities to the level that was permitted by environmental clearance dated 20-2-2008. If public consultation/public hearing reflects in favour of the expansion of the project, environmental clearance dated 27-1-2010 would hold good and be fully operative. **In other words, at this length of time when the expansion has already been undertaken, in the peculiar facts of this case and in order to meet ends of justice, we deem it appropriate to change the nature of requirement of public consultation/public hearing from pre-decisional to post-decisional. The public consultation/public hearing shall be organised by the authorities concerned in three months from today."**

(Emphasis supplied)

48. Guided by the precepts that emerge from the above decisions, this Court has taken note of the fact that though the three industries operated without an EC for several years after the EIA notification of 1994, each of them had subsequently received ECs including amended ECs for expansion of existing capacities. These ECs have been operational since 14 May 2003 (in the case of Alembic Pharmaceuticals Limited), 17 July 2003 (in the case of United Phosphorous Limited), and 23 December 2002 (in the case of Unique Chemicals Limited). In addition, all the three units have made infrastructural investments and employed significant numbers of workers in their industrial units.

(Signature)

49. In this backdrop, this Court must take a balanced approach which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord with the principle of proportionality. At the same time, the Court cannot be oblivious to the environmental degradation caused by all three industries units that operated without valid ECs. The three industries have evaded the legally binding regime of obtaining ECs. They cannot escape the liability incurred on account of such noncompliance. Penalties must be imposed for the disobedience with a binding legal regime. The breach by the industries cannot be left unattended by legal consequences. The amount should be used for the purpose of restitution and restoration of the environment. Instead and in place of the directions issued by the NGT, we are of the view that it would be in the interests of justice to direct the three industries to deposit compensation quantified at Rs. 10 crores each. The amount shall be deposited with GPCB and it shall be duly utilised for restoration and remedial measures to improve the quality of the environment in the industrial area in which the industries operate. Though we have come to the conclusion, for the reasons indicated, that the direction for the revocation of the ECs and the closure of the industries was not warranted, we have issued the order for payment of compensation as a facet of preserving the environment in accordance with the precautionary principle. These directions are issued under Article 142 of the Constitution. Alembic Pharmaceuticals Limited, United Phosphorous Limited and Unique Chemicals Limited shall deposit the amount of compensation with GPCB within a period of four months from the date of receipt of the certified copy of this judgment. This deposit shall be in addition to the amount directed by the NGT. Subject to the deposit of the aforesaid amount and for the reasons indicated, we allow the appeals and set aside the impugned judgment of the NGT dated 8 January 2016 in so far as it directed the revocation of the ECs and closure of the industries as well as the order in review dated 17 May 2016."

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(Inu/6/16)

87. The Notification being SO 804(E) dated 14th March, 2017 was not an issue in *Alembic Pharmaceuticals (supra)*. This Court was examining the propriety and/or legality of a 2002 circular which was inconsistent with the EIA Notification dated 27th January, 1994, which was statutory. Ex post facto environmental clearance should not however be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors. Where the adverse consequences of ex post facto approval outweigh the consequences of regularization of operation of an industry by grant of ex post facto approval and the industry or establishment concerned otherwise conforms to the requisite pollution norms, ex post facto approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. Ex post facto approval should not be withheld only as a penal measure. The deviant industry may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it.

88. We are of the view that the High Court erred in passing the impugned order, vacating interim orders which had been in force for two years. The impugned order is not in conformity with the principle of proportionality. This is not a case where the steel plant was started without environmental clearance or consent of JSPCB. The Appellant had applied for and obtained environmental clearance to set up an integrated steel plant (3MTPA) on 1350 acres of land at Mauza South Parbatpur, as observed above. Environmental Clearance had been granted on 21st

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February 2008 and Consent to Operate had been granted by JSPCB on 5th May 2008.

89. The Appellant established its steel plant in Mauza Bhagaband, 5.3 kms away from the site for which EC and CTE had been granted. It is the contention of the Appellant that the shift is minor and makes no change in the EIA/EMP on the basis of which EC has been granted. The shift did not require fresh public hearing in terms of the Circular dated 22nd January 2010 of the MoEF.

90. As aforesaid, by a letter dated 2.12.2011 addressed to the Appellant, the MoEF confirmed that the steel plant of the Appellant was within the Environment Impact Area and the affected people had the opportunity to air their views in a public hearing. The question is whether the Petitioner was required to obtain fresh prior clearance for shifting or was covered by the exemption under the said Notification dated 22nd January 2010.

91. The Appellant has all along asserted that no part of the premises of the integrated steel plant is in any forest. As such there was no violation of the Indian Forest Act, 1927 or the Forest Conservation Act, 1980. The MoEF had also confirmed that the steel plant in question was well within the Environment Impact Area and the affected people had the opportunity in a public hearing. Be that as it may, whether the shifting of the site has really made any difference from the environmental impact angle requires consideration by the appropriate authority/forum.

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92. In any case, the Appellant has duly applied for ex post facto forest clearance approval without prejudice to its rights and contentions that its steel plant is not on forest land and also applied for revised EC. On 17th December 2019, MoEF&CC accorded ex post facto in principle approval to the forest clearance proposal on the recommendations of the Forest Advisory Committee. The application for revised clearance is pending consideration. No final decision has however been taken, ostensibly in view of the interim order passed by the Madras High Court staying the operation of the Standard Operation Procedures issued vide Memorandum dated 7th July 2021.

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

94. In passing the impugned order the High Court overlooked the consequences of closure of an integrated steel plant with a work force of 300 regular and 700 contractual workers. The High Court also failed to appreciate that the judgment of this Court in ***Alembic Pharmaceuticals*** (supra) was distinguishable on facts. Furthermore, continuance of the interim orders allowing operation of an industrial establishment or even the grant of revised EC to the industrial establishment cannot stand in

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the way of action against that establishment for contraventions, including the imposition of penalty, on the principle 'polluter pays'. The scope and effect of Section 32A of the IBC is a different issue. This Court need not examine into the question of whether penal action can be initiated against the Appellant or, whether compensation can be recovered from the Appellant, at this stage. The issue may be decided by the appropriate authority at the appropriate stage when it adjudicates an action for penalization of the Appellant or recovery of compensation from the Appellant. The application of the Appellant for revised EC, CTO etc. shall be considered strictly in accordance with environmental norms.

95. The appeals are allowed. The impugned order is set aside. The Respondent No.1 shall take a decision on the application of the Appellant for revised EC in accordance with law, within three months from date. Pending such decision, the operation of the steel plant shall not be interfered with on the ground of want of EC, FC, CTE or CTO.

.....J.
[Indira Banerjee]

.....J.
[J.K. Maheshwari]

New Delhi;
December 9, 2021

(Handwritten signature)



REGIONAL OFFICE LABORATORY
UTTAR PRADESH POLLUTION CONTROL BOARD
E-12/1, SECTOR-1, NOIDA, DISTT. GAUTAM BUDH NAGAR (U.P.) 201 301

Report No. :

INDUSTRIAL WASTE WATER SAMPLE TEST REPORT

- Sample Code No. 282/N-Dec/17
- Name of the Industry M/s. Express Builders & Promoters Pvt. Ltd
Plot No- 02A, Sec-77, Noida
- Sample Collected by Shri P.P. Singh
J.E
- Date and Time of Sample Collection 27/12/17
- Date and Time of Sample Received in Laboratory 27/12/17
- Sampling Point final outlet of S.T.P

S.N.	Parameters	Values in mg/l except pH	Standards prescribed by U.P.P.C.B.
1.	Colour	<u>Turbid</u>	.....
2.	Odour	<u>Faint</u>	.....
3.	pH	<u>7.4</u>	5.5 to 9.0
4.	Total suspended Solids	<u>82.0</u>	100.0 mg/L
5.	Total dissolved Solids	<u>1172.0</u>	.....
6.	Total Solids	<u>1254.0</u>	.....
7.	Biochemical Oxygen Demand (3 days incubation at 27 C)	<u>24.0</u>	30.0 mg/L
8.	Chemical Oxygen Demand (Dichromate reflux method)	<u>232.0</u>	250.0 mg/L
9.	Oil and Grease	<u>3.2</u>	10.0 mg/L

Specific Parameters

10.	Chromium (Hexavalent) (Cr ⁺⁶)	.....	0.1 mg/L
11.	Total Chromium (Cr)	.....	2.0 mg/L
12.	Zinc (as Zn)	.....	5.0 mg/L
13.	Nickel (as Ni)	.....	3.0 mg/L
14.	Iron (as Fe)	.....	3.0 mg/L
15.	Copper (as Cu)	.....	3.0 mg/L
16.	Cobalt (as Co)	.....	3.0 mg/L
17.	Cadmium (as Cd)	.....	2.0 mg/L
18.	Phosphate	.....	5.0 mg/L
19.	.....	.....	.....
20.	.....	.....	.....

Remarks :

Ok
Analysed By 27/10/18
Scientific Officer
SCIENTIFIC ASSISTANT

Deepa
Checked By : 27.1.18
Asstt. Scientific Officer
(In Charge)

27/01
Counter Signed By :
Regional Officer

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Annexure R-18



REGIONAL LABORATORY GHAZIABAD, U.P. POLLUTION CONTROL BOARD
INS-2, SECTOR-16, VASUNDHARA, GHAZIABAD-201012; Phone: 0120-4160108



Certificate
No. TC-9573

TEST REPORT: WATER LABORATORY(WASTE WATER)

Customer/Unit Name & Address	M/s Express Zenith/Express Builders & Promoters Pvt Ltd GH-02/A Sec-77 Noida	Report No. UPPCB/GZB/WW/02/22/78B	
		Report Date (dd/mm/yyyy) 08/02/2022	
		Customer Ref. No:	
		Any other information	
Quantity:	2 litre	Sample Received Date:	01/02/2022
Batch No.	UPPCB/GZB/WW/02	Date of Analysis Started:	01/02/2022
Laboratory Code:	UPPCB/GZB/WW	Date of Completion of Analysis:	08/02/22
Sample Type:	Grab	Date of Sampling:	01/02/2022
Sampling Location:	Final outlet of S.T.P	Sample collected by:	P.P. Singh, A.E.E Praveen Kumar J.E

Method of Analysis- , APHA, AWWA, WEF, 23 Edition, IS 3025 (Part-44) for BOD

S.No.	Name of test Parameters	Standards prescribed by C.P.C.B	Unit	Result	Test Method
1.	pH	5.5-9.0	-	7.28	4500 H+ B Electrometric Method
2.	Colour			Colourless	2120 B Visual Comparison Method
3.	Total Suspended Solids	100.0	mg/l	60.8	2540 D Total Suspended Solids dried at 103-105°C
4.	Total Dissolved Solids	-	mg/l	973.0	2540 C Total Dissolved Solids dried at 180°C
5.	Total Solids	-	mg/l	1033.0	2540 B Total Solids dried at 103-105°C
6.	B.O.D	30.0	mg/l	17.0	3 day 27°C IS 3025 (Part 44):1993 Bio chemical Oxygen Demand
7.	C.O.D	250.0	mg/l	90.0	5220 B Open Reflux Method

Analysed By -
(S.A.)

Reviewed By

[Signature]
(Scientific Officer/ Quality Manager)

Authorized Signatory

[Signature]
(Regional Officer/ Technical Manager)

Note: 1. The result in the Test Report relate only to the items tested. 2. The report shall not be reproduced -except in full, without the written permission of laboratory. 3. The test report pertains to the sample as received in Lab.

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REGIONAL LABORATORY, U.P. POLLUTION CONTROL BOARD
INS-2, SECTOR-16, VASUNDHARA, GHAZIABAD-201012
Phone: 0120-4160108, E-Mail-roghaziabad@uppcb.in
TEST REPORT: WATER LABORATORY (WASTE WATER)

Customer/Unit Name & Address	M/S - Express Zenith (Express Builders & Promoters), PVT. LTD GH-02/A, Sec-27, Noida	Report Date (dd/mm/yyyy)	08/02/22
Laboratory Code:	UPPCB/WR/W/01/22	Sample Receiving Date:	01-02-22
		Date of Analysis Started:	01-02-22
Sampling Location:	Final out let of STP	Date of Completion of Analysis:	08/02/22
		Date of Sampling:	01-02-22
Sample collected by:	Sri Praveen Kumar, AEE Sri P.P. Singh, AEE		

Method of Analysis- , APHA, AWWA, WEF, 23 Edition

S.No.	Name of test Parameters	Standards prescribed by C.P.C.B	Unit	Result
1.	Odour	Odourless	-	
2.	Oil & Grease	10	mg/l	
3	METALS			
i.	Chromium (Hexavalent) (Cr+6)	0.1	mg/l	|
ii.	Total Chromium (Cr)	2.0	mg/l	
iii.	Zinc (as Zn)	5.0	mg/l	
iv.	Nickel (as Ni)	3.0	mg/l	
v.	Iron (as Fe)	3.0	mg/l	
vi.	Copper (as Cu)	3.0	mg/l	
vii.	Cobalt (as Co)	3.0	mg/l	
viii.	Cadmium (as Cd)	2.0	mg/l	
ix.	Phosphate (PO ₄ -)	5.0	mg/l	
4.	Specific Parameters	Total Coliform Fecal coliform	MPN/100ml MPN/100ml	1400 370
5.	Remark	< 1000		

Analysed By - [Signature] 08/02/22
(S.A)

Reviewed By: [Signature] Authorized Signatory:

(Scientific Officer/Quality Manager)

[Signature]
(Regional Officer/Technical Manager)

Note:

- The result in the Test Report relate only to the items tested.
- The report shall not be reproduced-except in full, without the written permission of laboratory.
- The test report pertains to the sample as received in Lab.

Annexure R-19 (copy) fire NOC

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कार्यालय

मुख्य

अग्निशमन

अधिकारी

गौतमबुद्धनगर

पत्र संख्या: भ-557/सीएफओ/जीबीएन/2011/820

दिनांक: जुलाई- 4 2011

सेवा में

प्रभारी भवन प्रकोष्ठ

सैक्टर-6 नोएडा

गौतमबुद्धनगर

विषय: प्लॉट न0-02ए/सैक्टर-77 नोएडा में मैसर्स एक्सप्रेस बिल्डर्स द्वारा प्रस्तावित आवासीय अपार्टमेन्ट के निर्माण एवं अग्नि सुरक्षा व्यवस्था के सम्बन्ध में ।

महोदय,

कृपया उपरोक्त विषयक प्रस्तावित भवन से सम्बन्धित मानचित्र प्राप्त हुआ की निरीक्षण अग्नि शमन अधिकारी फेज प्रथम नोएडा द्वारा कराया गया जिनकी आख्या निम्न प्रकार है ।

- 1- भवन के सामने 30 मीटर चौड़ी सड़क है जिस पर अग्नि शमन विभाग के सभी प्रकार के वाहन किसी भी आकस्मिक स्थिति में स्थल तक आसानी से पहुँच सकते हैं ।
- 2- भवन के निर्माण हेतु 21700 वर्ग मीटर का प्लॉट उपलब्ध है जिसमें से 5035.922 वर्ग मीटर भूमि पर भवन बनाया जाना प्रस्तावित है । भवन का निर्माण दो बेसमेन्ट के अतिरिक्त भूतल से उन्नत तल तक कराया जाना प्रस्तावित है । जिसका प्रति तल कवर्ड एरिया क्रमशः प्रथम बेसमेन्ट-18447.521 वर्ग मीटर, द्वितीय बेसमेन्ट-10588.068 वर्ग मीटर, भूतल 5035.922 वर्ग मीटर, प्रथम तल से आठवें तल तक प्रत्येक तल का कवर्ड एरिया 3771.797 वर्ग मीटर, नौवें तल का कवर्ड एरिया-3560.513 वर्ग मीटर, दसवें तल से तेरहवें तल तक प्रत्येक तल का कवर्ड एरिया-3082.666 वर्ग मीटर, चौदहवें तल का कवर्ड एरिया-2359.883 वर्ग मीटर, पन्द्रहवें तल का कवर्ड एरिया-1823.451 वर्ग मीटर, सोलहवें तल का कवर्ड एरिया-1618.204 वर्ग मीटर, सत्रहवें तल का कवर्ड एरिया-1423.871 वर्ग मीटर, अठारहवें तल का कवर्ड एरिया-890.438 वर्ग मीटर, उन्नत तल का कवर्ड एरिया-378.375 वर्ग मीटर है तथा भवन की ऊँचाई: टावर ए-45, टावर बी-45, टावर सी-45, टावर डी-50.90, टावर ई-59.75, टावर एफ-59.75 मीटर मानचित्र में अंकित है ।
- 3- भवन के अग्र भाग में-20 मीटर, दाहिनी, बाई तथा पीछे की तरफ-09-09 मीटर सैट बैंक छोड़ा जाना प्रस्तावित है जो मानचित्र में अंकित है जिसमें से चारों तरफ 06 मीटर गोटरेविल सैट बैंक का होना आवश्यक है ।
- 4- स्टेयर केस/लिफ्ट

भवन के भूतल से बेसमेन्ट में जाने आने के लिए प्रत्येक टावर में दो स्टेयर केस व दो लिफ्ट का प्राविधान किया गया जिसमें से इण्टरनल स्टेयर केस की चौड़ाई 1.5 मीटर व एक्सटरनल स्टेयर केस की चौड़ाई 1.25 मीटर मानचित्र में अंकित है ।

बेसमेन्ट

बेसमेन्ट का प्रयोग पार्किंग व स्टोरेज के लिए किया जायेगा । इसमें किसी प्रकार का डेवियेशन अमान्य होगा ।

6- भूतल/स्टिल्ट

भूतल से उपरी तलों पर जाने आने के लिए दो स्टेयर केस व दो लिफ्ट का प्राविधान किया गया है जिसमें से एक को फायर मैन लिफ्ट के रूप में चिन्हित किया जाय फायर मैन लिफ्ट का सम्बन्ध इमारत के विद्युत

(Inu/Am)



आपूर्ति से कनेक्ट किया जाय ।

7- प्रस्तावित अग्नि शमन व्यवस्था

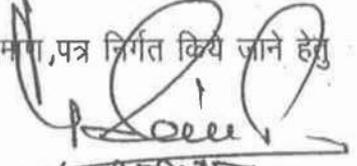
- 1- भवन के चारों तरफ छोड़े गये सैट बैंक में किसी प्रकार का स्थाई व अस्थायी निर्माण न कराया जाय ।
- 2- भवन में अग्नि शमन कार्यों के लिए 100000 लीटर पानी की क्षमता का भूमिगत टैंक व 25000 लीटर पानी की क्षमता का टेरस टैंक स्थापित कराया जाय इससे जोड़ते हुए वेट राइजर व डाउनकमर का प्राविधान किया जाय जिसका डायामिटर 150 मिली मीटर रखा जाय इसके साथ ही प्रत्येक तल पर आवश्यकतानुसार होजरील, लेन्डिंग वाल्व, होज केविनेट स्थापित किये जाय होज केविनेट में दो-दो अदद आर0आर0एल0 होज पाइप लम्बाई-15-15 मीटर व एक अदद स्प्रे ब्रान्च पाइप रखे जाय ।
- 3- अग्नि शमन कार्यों के लिए बनाये जा रहे भूमिगत टैंक को भरने के लिए एक हजार लीटर प्रति मिनट क्षमता का पम्प लगाया जाय जो आकस्मिक स्थिति में इमरजेन्सी विद्युत आपूर्ति से चालित होगा ।
- 4- वेटराइजर व डाउनकमर को सदैव पानी से प्रेशर बनाये रखने के लिए भूमिगत टैंक के पास 2280 एल.पी.एम. के दो अदद विद्युत चालित फायर पम्प, इतनी ही क्षमता का एक अदद डीजल चालित फायर पम्प, तथा 280 एल0पी0एम0 का एक अदद विद्युत चालित जौकी पम्प स्थापित किये जाय ।
- 5- भवन के चारों तरफ रिंगमेन डालकर उस पर यार्ड हाइट्रेण्टस का प्राविधान किया जाय ।
- 6- बेसमेन्ट सहित अन्य सभी तलों पर आटोमेटिक स्पिंकलर सिस्टम का प्राविधान किया जाय ।
- 7- सम्पूर्ण भवन में आटोमेटिक डिटेक्शन सिस्टम का प्राविधान किया जाय साथ ही मैनुवली आपरेटिड फायर एलार्म सिस्टम भी स्थापित किये जाय यह व्यवस्था 02 घन्टे बैट्री बैंक अप सिस्टम से युक्त हो ।
- 11- भवन में प्रदिप्त संकेत चिन्ह के लिए नेशनल बिल्डिंग कोड आफ इण्डिया-2005 पार्ट-4 के क्लॉज 4.16 से 4.17 में दिये गये निर्देशों का पालन किया जाय ।
- 12- भवन में विद्युत की सुरक्षा व्यवस्था के लिए नेशनल बिल्डिंग कोड आफ इण्डिया 2005 पार्ट -4 के क्लॉज 4:16 से 4.17 में दिये गये निर्देशों का पालन किया जाय
- 13- भवन में एयर कण्डीशन के लिए नेशनल बिल्डिंग कोड आफ इण्डिया-पार्ट-4 के क्लॉज 4.16 से 4.17 में दिये गये निर्देशों का पालन किया जाय ।
- 14- भवन में ट्रान्सफार्मर की अग्नि सुरक्षा व्यवस्था के लिए नेशनल बिल्डिंग कोड आफ इण्डिया पार्ट-4 के क्लॉज 4.16 से 4.17 में दिये गये निर्देशों का पालन किया जाय ।
- 15- भवन के बेसमेन्ट व अन्य सभी तलों पर स्मोक एक्सट्रैक्शन सिस्टम का प्राविधान किया जाय जो भवन की किसी भी अग्नि दुर्घटना के दौरान 30 एयर चेन्ज व साधारण स्थिति में 12 एयर चेन्ज होना आवश्यक है ।
- 16- भवन में जो भी फायर/स्मोक चैक डोर स्थापित किये जाय उनमें कम से कम दो घन्टे की अग्नि निरोधक क्षमता होनी चाहिये ।
- 17- भवन के प्रत्येक तल पर पी0ए0 सिस्टम का प्राविधान किया जाय ताकि किसी भी आपात स्थिति में भवन के अन्दर लोगों को अवगत कराकर सुरक्षित बाहर निकाला जा सके ।
- 18- भवन में फायर कन्ट्रोल रूम की स्थापना के लिए नेशनल बिल्डिंग कोड आफ इण्डिया 2005 पार्ट-4 के क्लॉज सी-5 का पालन किया जाय ।
- 19- भवन में स्थापित की जाने वाली अग्नि शमन व्यवस्थाओं के संचालन के लिए व्यवसायिक रूप से दक्ष अग्नि शमन अधिकारी व स्टाफ के लिए नेशनल बिल्डिंग कोड आफ इण्डिया 2005 पार्ट-4 के क्लॉज सी-6 में दिये गये निर्देशों का पालन किया जाय ।

(Signature)



उपरोक्त के अतिरिक्त भवन निर्माण / अग्नि सुरक्षा व्यवस्था / डिटेक्शन प्रणाली की स्थापना के लिए नेशनल बिल्डिंग कोड आफ इण्डिया-पार्ट-3,पार्ट-4, व भवन निर्माण उपविधि-2010,का पूर्ण पालन सुनिश्चित किया जाय ।

अतः उपरोक्त प्रतिबन्धों के आधार पर भवन निर्माण हेतु अस्थाई अनापत्ति प्रमाणपत्र निर्गत किये जाने हेतु आख्या प्रेषित है ।


 (महानगर प्रशासन, नगरपालिका, काठमाडौं) ।
 मुख्य अग्नि शमन अधिकारी
 गोदावरी नगरपालिका

- प्रतिलिपि: 1- अग्नि शमन अधिकारी फेज प्रथम नोएडा को सूचनार्थ एवं आवश्यक कार्यवाही हेतु ।
 2- प्रस्तावित भवन प्रबन्धक मैसर्स एक्सप्रेस बिल्डर्स द्वारा प्रस्तावित आवासीय अपार्टमेन्ट प्लान न0-02ए सैक्टर-77 नोएडा को अनुपालनार्थ ।



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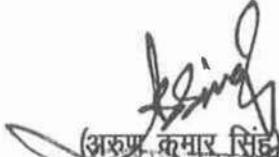
**अग्नि एवं जीवन सुरक्षा प्रमाण-पत्र का नवीनीकरण
(Renewal of Fire & Life Safety Certificate)**

यू0आई0डी0 संख्या-2018/44726/जीबीएन/गौतमबुद्धनगर/366/जे0डी0
दिनांक:10.05.2018

प्रमाणित किया जाता है कि मैसर्स एक्सप्रेस बिल्डर्स एण्ड प्रमोटर्स प्रा0लि0, प्लाट नं0-02ए, सैक्टर-77, नोएडा, गौतमबुद्धनगर में निर्मित टावर "बी, सी,डी,ई एवं एफ" जिनमें तलों की संख्या:भूतल+19तल एवं बेसमेण्ट की संख्या-02 है, जिनकी ऊँचाई-(टावर बी एवं सी)-59.30मीटर, (टावर डी,ई एवं एफ)-59.75मीटर, तथा प्लाट एरिया-21700.00वर्गमीटर है। भवन का अधिभोग मैसर्स एक्सप्रेस बिल्डर्स एण्ड प्रमोटर्स प्रा0लि0 द्वारा किया जा रहा है। इनके द्वारा भवन में अग्नि निवारण एवं अग्नि सुरक्षा व्यवस्थायें एन0बी0सी0 एवं ततसम्बन्धी भारतीय मानक ब्यूरो के आई0एस0 के अनुसार भवन में स्थापित व्यवस्थाओं का अनुरक्षण किया जा रहा है। जिसका निरीक्षण अग्निशमन अधिकारी फेज-प्रथम, नोएडा, गौतमबुद्धनगर द्वारा दिनांक:15.05.2018 को भवन स्वामी के प्रतिनिधि श्री पंकज गोयल के साथ किया गया, तथा भवन में अधिष्ठापित अग्नि सुरक्षा व्यवस्थाओं को मानकों के अनुसार यथास्थिति में पाया गया। अतः प्रश्नगत भवन को अग्नि एवं जीवन सुरक्षा प्रमाण-पत्र का नवीनीकरण **(Renewal of Fire & Life Safety Certificate)** एन0बी0सी0 की अधिभोग श्रेणी-ए-4, आवासीय भवन के अन्तर्गत वैधता तिथि...19.05.2018 से 18.05.2023 तक 05 वर्ष के लिये इस शर्त के साथ दिया जा रहा है कि भवन में सभी मानकों का अनुपालन किया जायेगा तथा भवन के इस प्रमाण-पत्र का नवीनीकरण निर्धारित समयावधि के अन्तर्गत पुनः कराया जायेगा तथा नवीनीकरण से पूर्व भवन में स्थापित अग्निशमन व्यवस्थाओं को क्रियाशील रखने की जिम्मेदारी आपकी होगी।

पत्रांक: 18/सीएफओ/जीबीएन-18/650
निर्गत किये जाने का दिनांक: 19.05.2018

स्थान-कार्यालय मुख्य अग्निशमन अधिकारी, जनपद गौतमबुद्धनगर।


(अरुण कुमार सिंह)
मुख्य अग्निशमन अधिकारी
गौतमबुद्धनगर।
18.05.18

प्रतिलिपि:निम्नांकित को शासनादेश संख्या: 1765/छ:-पु0-8-2017-905(34)/2016 गृह(पुलिस)
अनुभाग-8, दिनांक:16.02.2018 के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1-मैसर्स एक्सप्रेस बिल्डर्स एण्ड प्रमोटर्स प्रा0लि0, प्लाट नं0-02ए, सैक्टर-77, नोएडा, गौतमबुद्धनगर को उपरोक्तानुसार अनुपालनार्थ प्रेषित।
- 2-अग्निशमन अधिकारी फेज-प्रथम, नोएडा, गौतमबुद्धनगर को उपरोक्तानुसार अनुपालनार्थ एवं अभिलेखीकरण हेतु।



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Annexure R-20



EXPRESS BUILDERS AND PROMOTERS (P) LTD

Regd. Office :

810, Surya Kiran Building,
19, Kasturba Gandhi Marg,
Connaught Place, New Delhi - 110001
Tel.: 2375 2430
CIN NO. U70109DL2010PTC204656

Dated :04.03.2022

To,
Regional Officer, UPPCB, Noida
UP State Pollution Control Board
And
The Nodal officer
Joint Committee, as the orders of Hon'ble National Green Tribunal dated 18.10.2021
Noida

Sub : Compliance report dated 19.02.2022 in compliance to order passed by Hon'ble NGT, New Delhi on dated 18.10.2021 in matter of OA No. 245/2021 Vineet Sinha (Applicant) Versus Union of India & Ors Respondents(s) -Group Housing Project "Express Zenith" at Plot no. GH02A, Sector 77, Noida.

Dear Sir,

This has reference to the Joint Committee formed by the orders of Hon'ble National Green Tribunal dated 18.10.2021 and subsequent report filed by the Committee vide its report dated 19.02.2022.

Sir, we would like to place on record some of the important documents and our explanation which has not been incorporated in the report with a request that the same may be filed before the Hon'ble National Green Tribunal as a supplementary report.

Issue 1. The committee has observed that the Environment Clearance was for 2B+G+18 floor whereas we have constructed 2B+G+19 floors and is a violation of the Environment Clearance.

We would like to state that the Environment Clearance stipulates maximum building height of 60 meters with 804 dwelling units. It is important to mention here that the plans were sanctioned by Noida Authority vide letter dated 26.07.2011 (copy enclosed as Annexure -I) with building of 2B + G+19 floors with maximum height of 60 meters was sanctioned. The actual building constructed which is certified by NOIDA Authority as per completion granted vide letter dated 03.11.2015 is also with 2B+G+19 floors with a height of 60 meters. (Copy of completion plan dated 03.11.2015 is enclosed as Annexure-II) The same can be represented in table format as below:

Sl. No.	Particulars	As per sanction plan dated 2011	As per Environment Clearance dated 19.09.2011	As per completion dated 03.11.2015
01	Height	60 mts	60 mtrs	60 mtrs

[Handwritten signature and date 07-03-2022]
07-03-2022
Regional Officer, UPPCB, Noida

[Handwritten signature]

02	Number of floors	2B+G+19	2B+G+18	2B+G+19
03	Number of Units	804	804	715
04	Number of Building	6	6	6

1. It is evident that the height of building is not increased and the number of units have not been violated.
2. Our initial plan was sanction is as 2B+G+19 floors in the year 2011 and the same has been built. The population density has not been exceeded and neither has been units added. This ensures that there is no adverse environmental impact as there will be no additional water requirement and additional sewer discharge.
3. We have already filed for the amendment for Environment Clearance granted on 19.09.2011 vide our request dated 22.02.2022 (copy enclosed as Annexure-III).

Issue 2. Violation penalty to be imposed as per orders passed in the case of Goel Ganga Developers India Pvt. Ltd vs Union of India (2018) 18 SCC 257.

Sir, Without admitting to any violation of Environment Clearance, we would like to state that if at all it is found by the SEIAA while considering the EC expansion application, that we are operating in violation of the Environment Clearance, the penalty shall be imposed as per the Standard Operating Procedure dated 07.07.2021 issued by Ministry of Environment, Forest and Climate Change in compliance of the orders of Hon'ble National Green Tribunal in appeal no. 34/2020 (WZ) titled Tanaji B. Gambhire Vs Chief Secretary, Government of Maharashtra. The Standard Operating Procedure also provides a mechanism for calculation of penalty for violation cases.

Further the Standard Operating Procedure are also in compliance of the orders of the Hon'ble Supreme Court in the case of Electrosteel Steels Limited Vs Union and Others. In the instant case the Hon'ble Supreme Court of India has upheld the application of OM dated 07.07.2021 for handling violation cases. The Ministry of Environment, Forest and Climate Change in compliance of the said orders of the Hon'ble Supreme Court has issued as Office Memorandum vide F. No. 22-21/2020-1A-III(E-138949) dated 28.01.2022 (copy enclosed as Annexure-IV)

It is submitted that if at all we are found to be in violation of EC dated 19.09.2011 the environmental compensation shall be imposed in accordance with the OM dated 07.07.2021.

Issue no. 3 Width of Internal roads.

The sanction plan granted by Noida Authority as per Building bye-laws provides for 9 meter setback including a minimum 6 mtrs carriage-way for fire tender movement. The EC has specified that the internal road should not be less than 9 meter wide. We would like to state that we have left a setback of 9 mtr including a clear carriage way of 6 mtr for fire tender movement as per building byelaws. There are no internal roads in the project as internal roads are made for project of large size like integrated townships.




(True Copy)

Issue no. 4 Proposed Penalty for expiry of CTO

The CTO was granted to us by U.P. Pollution Control Board vide no. 4667/UPCCB/Noida(UPCCBRO)/CTO/air/NOIDA/2017 dated 01.03.2018, valid from 01.08.2018 to 31.12.2019. We have again applied for CTO (Air/Water) on 10.02.2022. You have imposed an Environment Compensation of Rs. 10,000-00 per day from 01.01.2020 to 10.02.2022 for not taking the Consent and non-achieving of effluent discharge parameters.

We would like to state that the STP Plant was functional during the time of non compliance. Further the treated waste water is discharged in the sewer line of the Authority for which a valid sewer connection has been taken and the entire discharged waste water is treated in Sector 123 terminal STP of Noida Authority which has a valid CTO.

Sir, it is clear from the above there has been no environmental impact for non revalidation of CTO. The delay/non compliance for re-validity of CTO can be attributed to a very difficult covid time which not only our nation but the entire world was suffering and has been declared as pandemic both by the Government of India and WHO. Despite these difficult time and multiple lock-down (full and partially) announced by the State Government and the Central Government we have been dutyfully operating the STP admittedly with minor output variations but with zero environmental impact. We would most humbly request you to waive off this penalty and if at all it is to be levied a zero period of one year should be given, in the same spirit as per notification dated 18.01.2021 issued by MOEF & CC, Government of India due to COVID outbreak. As per the EIA Notification, 2006 (as amended) also read along with Notification No. S.O. 221 (E) dated 18.01.2021 which mentions that:-

"Notwithstanding anything contained in this notification, the period from the 1st April, 2020 to the 31st March 2021 shall not be considered for the purpose of calculation of the period of validity of Prior Environmental Clearance granted under the provisions of this notification in view of outbreak of Corona Virus (COVID-19) and subsequent lockdown (total or partial) declared for its control, however, all activities undertaken during this period in respect of the Environmental Clearance granted shall be treated as valid"

The penalty should be a nominal penalty as we have not caused any negative environment impact.

Regards,



Director

- Encl : a) Copy of Sanction Plan dated 26.07.2011)
b) Copy of Completion Plan dated 03.11.2015
c) copy of request letter for amendment in EC dated 22.02.2022 and acknowledgement
d) Copy of Office Memorandum vide F. No. 22-21/2020-1A-III(E-138949) dt 28.01.2022





PROOF OF SERVICE

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Office Vsalegal <office@vsalegal.in>

**Reply and Objections to Joint Committee Report in O.A./245/2021
"Vineet Sinha vs. Union of India & Ors."**

Office Vsalegal <office@vsalegal.in>

Mon, Mar 28, 2022 at 5:27 PM

To: vineetadvocate@gmail.com, secy-moef@nic.in, deouplko@yahoo.com, ccb.cpcb@nic.in, chairman@uppcb.in, ceo@noidaauthorityonline.com, pankaj@expressbuildersltd.com

Respected Sir/Ma'am,

Please see attached herewith the scanned copy of the Reply and Objections to Joint Committee Report dated 19.02.2022 on behalf of Respondent No.6

Kindly treat this email as due service of the same.

VSA Legal

Counsels for the Respondent No. 6

Address - 32, Ground Floor,

Uday Park, South Ex-II,

New Delhi-110049

Phn : +91-11-43541022, +91-11-43514961

Website: www.vsalegal.in

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 **VINEET SINHA VS UOI_compressed.pdf**
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