

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

Original Application No. 267/2025

IN THE MATTER OF:

TARC Project Ltd.

... Applicant

VERSUS

Ministry of Environment

Forest and Climate Change & Ors.

.... Respondents

NDOH:- 01.08.2025

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25.08.2025

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Filed by:

New Delhi:

Dated: 31.07.2025

Delhi Pollution Control Committee

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①

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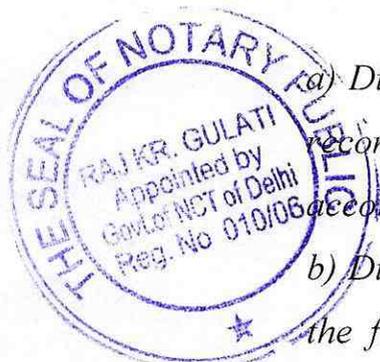
.... Respondents

**RESPONSE ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE (RESPONDENT NUMBER-2) IN COMPLIANCE TO
THE ORDER DATED 29.05.2025.**

IT IS MOST RESPECTFULLY SHOWETH:

I, DrAnwar Ali Khan, Sr. Environmental Engineer, Delhi Pollution Control Committee, 3th Floor, Block-B, IT Park, Shastri Park, Delhi- 110053, do hereby solemnly affirm and state as under:

1. That, I am working as Sr. Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. That this Hon'ble Tribunal took up the above referred matter on 29.05.2025 on the basis of the OA filed by Project Proponent. In the OA following prayer were made:



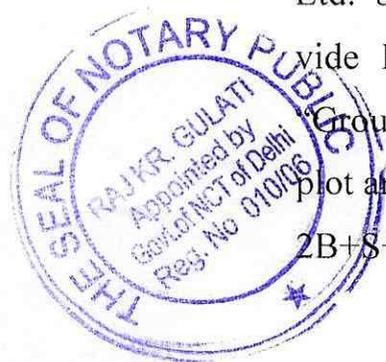
a) Direct the Ministry of Environment, Forest and Climate Change to reconstitute the State Environment Impact Assessment Authority in accordance with the Law.

b) Direct the State Environment Impact Assessment Authority to grant the final letter conveying the grant of Environmental Clearance in view of the 78th minutes of the meeting dated 30.08.2024.

(Handwritten Signature)

c) Direct the Ministry of Environment, Forest and Climate Change to clarify the grant of Deemed Environmental Clearance with reference to clause (vi) of the Office Memorandum dated 02.08.2023, dealing with the procedure for transfer of cases/application of Environmental Clearance.

3. That, Hon'ble National Green Tribunal was pleased to issue to the respondents for filing their response/reply.
4. That the State Environmental Impact Assessment Authority, (SEIAA) under the EIA notification dated 14.09.2006, was constituted as per notification dated 06/09/2021 issued by Ministry of Environment, Forests and Climate Change under Section 3(3) of Environment Protection Act 1986. It is submitted that the decision with regard to grant or refusal of Environment Clearance is taken by SEIAA on the recommendations of State-level Expert Appraisal Committee (SEAC) constituted for National Capital Territory of Delhi. That in terms of para 9 of the aforesaid Notification, The Government of NCT has notified (Delhi Pollution Control Committee) as Secretariat for SEIAA and SEAC for providing all financial and logistic support and facilities in respect of all the statutory functions of the above-mentioned authorities. The above tenure came to an end on 05/09/2024. No further notification has yet been issued till date by Govt of India (Respondent No. 1) That after 05.09.2024, the matters relating to consideration of applications for grant of Environmental Clearance, which ordinarily would fall within the jurisdiction of above-mentioned authorities in relation to National Capital Territory of Delhi are being dealt with by Ministry of Environment, Forests and Climate Change, GOI.
5. That the prior Environmental Clearance was granted to M/s TARC Projects Ltd. by State Environment Impact Assessment Authority (SEIAA, Delhi) vide EC identification no. EC23B03038DL192254 dated 03.08.2023 for "Group Housing Project at Plot No. 67, Kirti Nagar, New Delhi" measuring a plot area of 24,793.58 sqm and a built-up area of 2,21,677.63 sqm comprising 2B+S+27 floors.



[Handwritten Signature]

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6. That, M/s TARC Projects Ltd. vide proposal no. SIA/DL/MIS/306885/2023 on 02.12.2023 applied for "Amendment in Environment Clearance for Group Housing at Plot 67, Kirti Nagar" for a proposed expansion i.e Built-Up Area from 2,21,677.63 sqm to 2,42,609.99 sqm.
7. That the proposal was considered in 138th and 140th meeting of SEAC held on 06.12.2023 and 26.02.2024, The SEAC recommended the case to SEIAA for grant of amendment of Environmental Clearance issued by SEIAA Delhi vide File no. DPCC/SEIAA-IV/C-428/DL/2022/917-930 and EC Identification No. EC23B038DL192254 on 03.08.2023.
8. The project was listed in 76th meeting of SEIAA held on 09.08.2024 however the case was deferred for the meeting as Member; SEIAA-Delhi didn't attend the meeting. The project was listed in 77th meeting of SEIAA held on 28.08.2024 however, the case was deferred for next SEIAA Meeting as Member-SEIAA, Delhi did not attend the meeting. The SEIAA in its 78th meeting held on 30.08.2024, approved the recommendations of SEAC for the grant of the amendment to the Environment Clearance for expanded built up area from 2,21,677.63m2 to 2,42,609.99 m2 of TARC Projects Ltd. subject to certain additional conditions. Subsequently, SEIAA in its 79th Meeting held on 04.09.2024 decided that decision of SEIAA meeting held on 30.08.2024 be withdrawn and all the cases may be forwarded to MoEF&CC, GoI for consideration of SEAC recommendation. Copy of the 79th SEIAA meeting dated 04.09.2024 is enclosed herewith as ANNEXURE-1.
9. That SEIAA tenure expired on 05.09.2024 and all cases of were transferred from SEIAA Delhi to MOEF&CC, GoI on 05.09.2024. Copy of email dated 05.09.2024 is enclosed herewith as ANNEXURE-2.
10. That issue of grant of EC to this project is presently pending with MoEF&CC, Govt of India.

That, in view of the above, the present response may kindly be taken on record.



DEPONENT

VERIFICATION

4

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

Verified at New Delhi on this 11 day of July 2025.

[Signature]
DEPONENT

11 AUG 20

ATTESTED
[Signature]
NOTARY PUBLIC
GOVT. OF NCT OF DELHI

11 AUG

11 AUG 2025



Annexure-1

Minutes of Meeting of 79th SEIAA Meeting held on 04.09.2024

**STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)-
DELHI**
OFFICE OF DELHI POLLUTION CONTROL COMMITTEE
3rd FLOOR BLOCK-1, DMRC IT PARK BUILDING, SHASTRI PARK, DELHI-110053

Minutes of the 79th meeting of State Level Environmental Impact Assessment Authority (SEIAA) held on 04.09.2024.

The 79th meeting of State Level Environmental Impact Assessment Authority (SEIAA) was held on 04.09.2024 at 5 PM under the Chairmanship of Sh. Sarvagya Kumar Srivastava through virtual online mode. The following members of SEIAA were present in the meeting:

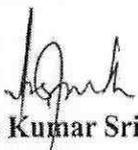
Sh. Sarvagya Kumar Srivastava - In Chair
Sh. K.S. Jayachandran - Member Secretary

Ms. Reena Gupta, Member SEIAA was not present in the meeting.

DPCC Officials namely Sh. Amit Chaudhary (EE) and Sh. Manish Kumar Awasthi (JEE) assisted the SEIAA:

The SEIAA during 79th meeting held on 04.09.2024 deliberated as follows:

1. *Ms. Reena Gupta, Member SEIAA did not attend the meeting despite serving her meeting notice and agenda of the meeting.*
2. At the outset SEIAA Secretariat officers informed the SEIAA members that EIA Cell officers visited IA division of the Ministry of Environment, Forests & Climate Change, and Govt. of India (MoEF&CC) on 3.9.2024 and met the senior officers there. A letter addressed to the Jt Secretary, MoEF&CC was handed over. Through the said letter the MoEF&CC was apprised of the peculiar situation that minutes of SEIAA could not be generated on PARIVESH 2 portal as an expert member of SEIAA Delhi was not cooperating and attending the meetings of SEIAA.
3. Considering the fact that tenure of SEIAA Delhi is expiring on 05.09.2024 and Certificates could not be generated on PARIVESH portal 2 prior to this date the MoEF&CC was requested to develop a solution by making architectural changes in the PARIVESH 2 to enable SEIAA Delhi to liquidate the pendency of cases which have already been decided by the two members of SEIAA (Chairman SEIAA & Member Secretary SEIAA) due to non participation of Expert Member of SEIAA Delhi. This situation was also apprised to MOEFF & CC vide letter no DPCC/MS/SEIAA-IV-02-98/2021-22/2695 dated 14.08.2024. Advise/ Technical solution was sought. However, no reply was received. The MoEF&CC informed EIA officers on 03.09.2024 that they have forwarded the letters to Policy division of MoEF&CC. The Policy division officer was also contacted and it was opined by him that there is a mandatory requirement of completion of 3 member's quorum in SEIAA and 2 members SEIAA will not constitute the necessary Quorum and decision of SEIAA will not be valid. Further, issuance of EC based on 2 members SEIAA may lead to unnecessary legal complications. It was suggested by MoEF&CC officers that


(Sarvagya Kumar Srivastava)
Chairman, SEIAA

(Reena Gupta)
Member, SEIAA

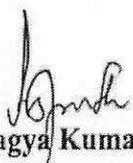

(K.S. Jayachandran)
Member Secretary, SEIAA

Minutes of Meeting of 79th SEIAA Meeting held on 04.09.2024

OM no F.No. IA3-22/10/2022-IA.III E 177258] dated 02.08.2023 may complied by the SEIAA and send all the cases decided by the two members SEIAA meeting and other pending cases in totality to the MoEF&CC, Govt. of India. It will lead to zero pendency at SEIAA Delhi end.

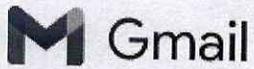
4. To avoid legal complication, all the condition and situation to be arises in future, it was decided that all cases (PARIVESH 1 and PARIVESH 2 decided in the last SEIAA meeting held 30.08.2024 may be forwarded to SEIAA at the level of Govt. of India, as per OM no F.No. IA3-22/10/2022-IA.III E 177258) dated 02.08.2023. The decision of SEIAA meeting held on dated 30.08.2024 uploaded on PARIVESH Portal 1 may be withdrawn from the PARIVESH PORTAL-1 and forwarded to the MoEF&CC for consideration of SEAC recommendation. Henceforth, No EC Certificates TOR shall be issued by present SEIAA Delhi as MoEFF&CC will take necessary action on these cases of PARIVESH-1 & PARIVESH-2 portals.

The meeting ended with the vote of thanks to the Chair.


(Sarvagya Kumar Srivastava)
Chairman, SEIAA

(Reena Gupta)
Member, SEIAA


(K.S. Jayachandran)
Member Secretary, SEIAA



EIA CELL <eiacelldpcc@gmail.com>

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Transfer of cases with SEIAA/SEAC Delhi on PARIVESH 1 and PARIVESH 2 to MoEF & CC, Gol.

2 messages

Annexure-2

EIA CELL <eiacelldpcc@gmail.com>

Thu, Sep 5, 2024 at 8:11 PM

To: mohit.saxena@gov.in, Nigam Agarwal <direnv.delhi@delhi.gov.in>

Cc: Member Secretary <msdpcc@nic.in>, MS DPCC <msdpcc2022@gmail.com>, Anwar khan <envanwar@gmail.com>

Sir,

Please find attached herewith the decision of SEIAA in its meeting dated 04.09.2024 wherein it was decided to transfer the cases with SEIAA/SEAC Delhi on PARIVESH 1 and PARIVESH 2 to MoEF & CC, Gol as the tenure of SEIAA/SEAC Delhi is expiring on 05.09.2024

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Regards

EIA Cell,
Delhi Pollution Control Committee
5th Floor, ISBT Building Kashemere gate,
Delhi - 110006

signed transfer seiaa moef letter 05.09.2024.pdf
1350K

EIA CELL <eiacelldpcc@gmail.com>

Thu, Sep 5, 2024 at 8:40 PM

To: mohit.saxena@gov.in, Nigam Agarwal <direnv.delhi@delhi.gov.in>

PFA the list of cases transferred on PARIVESH 1 and PARIVESH 2 from SEIAA Delhi to MOEF&CC, Gol
[Quoted text hidden]

3 attachments

lis of Parivesh2 cases transferred to moef.pdf
593K

list of tor cases transferred to MoEF PARIVESH 1.pdf
235K

list of cases transferred to MoEF PARIVESH 1 (1).pdf
392K