



सत्यमेव जयते

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY PUNJAB

Ministry of Environment, Forest & Climate Change, Government of India

O/o Directorate of Environment & Climate Change

MGSIPA Complex, Sector 26,

Chandigarh-160019

Email id: seiaapb2017@gmail.com

No. SEIAA/MS/ 2099

Through Email

Date: 28/09/2020

To

The Registrar,
Hon'ble National Green Tribunal,
New Delhi- 110001.

Subject: Appeal no. 19 of 2020 titled Janta Land Promoter Ltd V/s Punjab Pollution Control Board

Respectfully, it is submitted that in compliance to the orders passed by the Hon'ble NGT on 14.08.2020 , please find enclosed herewith written statement on behalf of SEIAA, Punjab in the subject cited matter for taking the same on record and kind perusal please.

DA/ As Above

Member Secretary

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

APPEAL No. 19 of 2020

Janta Land Promoters Ltd.

.....APPELLANT

Versus

Punjab Pollution Control Board & Anr.

.....RESPONDENTS

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Chandigarh

Dated: 28-09-2020


DEPONENT

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

APPEAL No. 19 of 2020

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.....RESPONDENTS

Written Statement by way of an affidavit of S. Charandeep Singh, Member Secretary, SEIAA, on behalf of State Environment Impact Assessment Authority, Punjab (SEIAA)

I, the above-named deponent, do hereby solemnly affirm and state as under:-

Respectfully Showeth,

1. That deponent being the Member Secretary of SEIAA is authorized to file the present written statement. That present appeal was filed with a prayer that impugned order dated 20.07.2020 passed by the Respondent No 1 i.e. Punjab Pollution Control Board (hereinafter referred to as PPCB) may be set aside (Annexure-A1) and stayed, in the interest of justice.
2. That one of the directions issued u/s 33 A of the Water Act, 1974, as amended from time to time, in the order dated 20.07.2020 passed by the Respondent No 1 PPCB, relates to SEIAA that Janta Land Promoters Ltd (hereinafter referred to as JLPL) shall stop all construction activities related to the project Falcon View with immediate effect till it obtains environmental clearance under EIA



Notification dated 14.09.2006 and also till it has valid Consent to Establish(NOC) from the Board under Water Act, 1974 & the Air Act, 1981 with immediate effect.

3. That the Ministry of Environment, Forests & Climate Change (MoEF&CC), New Delhi has issued Environment Impact Assessment Notification S.O. 1533 (E) (hereinafter referred as EIA Notification) on 14.09.2006. A copy of the Notification is already attached as Annexure A-3 with the appeal. As per EIA Notification, the projects or activities listed in the Schedule appended to the said notification require prior Environmental Clearance (EC) from the MoEF&CC or the State Level Environment Impact Assessment Authority (hereinafter referred to as SEIAA) duly constituted by the Central Govt. under sub-section (3) of section 3 of the Environment (Protection) Act, 1986, as the case may be.
4. That all the Building /Construction projects/Area Development projects and Townships have been categorized into two categories i.e. category 8(a) and Category 8(b) as listed at Sr. No.8 of Schedule-1 of EIA Notification, 2006.
5. That the appellant i.e. M/s Janta Land Promoters Ltd. had applied to the SEIAA for obtaining the Environmental Clearance under EIA notification dated 14.09.2006 for a Township & Area Development Project namely "Super Mega Mixed Use Integrated Industrial Park" at Sector 82, 83 & 66A, SAS Nagar, Mohali in July, 2013. The project is covered under category 8 (b) of the Schedule appended to the said notification. The appellant has mentioned in its application form that the total land area of the project is 1065861.044 sqm out of which the net planned area is 811030.49 sqm, the residential area is 255518.5 sqm, EWS area is 22540.954 sqm, the commercial area is 58072.38



sqm, Institutional area is 113999.76 sqm, Industrial area is 131927.31 sqm and green area is 62281.12 sqm. The proposal of the project included 273 industrial plots, 7 residential pockets (group housings), 7 institutional pockets and 4 commercial pockets.

6. That the application of the appellant was considered by the State Expert Appraisal Committee (hereinafter referred to as SEAC) in its 83rd meeting held on 23.11.2013 wherein the Appellant was allowed to present the salient features of its project before the SEAC members. The SEAC observed that the project proponent had already started construction work of the project without obtaining prior environmental clearance which is in clear violation of the EIA notification dated 14.09.2006.
7. That after filing a complaint u/s 15 & 16 of Environment (Protection) Act, 1986 against the project promoter and persons responsible for violation of the provisions of EIA notification dated 14.09.2006 in the Court of Sub Divisional Judicial Magistrate, District SAS Nagar on 15.07.2014 by Punjab Pollution Control Board, the said application was again considered by SEAC in its 101st meeting held on 18.09.2014 and the Terms of Reference (TOR's) were issued to the appellant vide letter no. 3091 dated 10.10.2014 subject to certain conditions mentioned therein by the SEAC
8. The appellant had resubmitted the application of area development & Township project namely "Super Mega Mixed Use Integrated Industrial Park" for obtaining environmental clearance with the Environment Impact Assessment Report (EIA report) based on the conditions of TOR issued vide letter no 3091 dated 10.10.2014. The application of the Appellant forwarded by SEAC in its 134th meeting was considered by SEIAA in its 98th meeting held on 28.11.2015



wherein the SEIAA looked into the details of the case. After detailed deliberations, SEIAA decided to accept the recommendation of SEAC and granted environmental clearance to the project proponent for "Super Mega Mixed Use Integrated Industrial Park" in total land area of 1065861.044 sqm having net planned area of 811030.49 sqm, residential area of 255518.5 sqm, EWS area of 22540.954 sqm, commercial area of 58072.38 sqm, Institutional area of 113999.76 sqm and Industrial area of 131927.31 sqm at Sector 82,83 & 66A, SAS Nagar, Mohali, subject to the conditions as mentioned therein vide letter no. 8257 dated 16.12.2015. A copy of the letter granting environmental clearance is already attached as Annexure-A5 with the Appeal.

9. That the said environmental clearance (Annexure-A5) was granted based upon the inputs given by the appellant at the time of submission of application for obtaining environmental Clearance of 'Super Mega Mixed Use Integrated Industrial Park' project to the SEAC & SEIAA. It is worth to mention here that the Appellant did not included all the activities to be carried out in the construction & operation of Group Housing Project of Falcon View, while applying for the grant of EC for Township and Area Development Project of Super Mega Mixed Use Integrated Industrial Park.
10. That during the pendency of the application for obtaining the environmental clearance for Townships & Area Development Project, the appellant also applied to SEIAA for obtaining the Environmental Clearance under EIA notification dated 14.09.2006 for the Building Construction Project i.e. group housing project namely "Falcon View" in an area of 1,38, 280 sqm and having built-up area as 4,93,407.3 sqm in its Townships & Area Development Project namely "Super



Mega Mixed Use Integrated Industrial Park" at Sector 82, 83 & 66A, SAS Nagar, Mohali in November 2013. The project is covered under Clause 8 (b) of the Schedule appended to the said notification. The appellant has mentioned in its application form of "Falcon View" that construction of 1602 flats will be done and that the construction activity has already been started at the site.

11. That the application of group housing project namely "Falcon View" was considered by the SEAC in its 85th meeting held on 26.12.2013, wherein, Sh. Hardeep Singh, Deputy Chief Engineer of the Appellant informed the Committee that the construction work has just been started at the site. The SEAC observed that since JLPL had started the construction activities of the project without obtaining environmental clearance under the said notification, it had violated the provisions of EIA notification dated 14.09.2006.
12. That after filing a complaint u/s 15 & 16 of Environment (Protection) Act, 1986 against the project promoter and persons responsible for violation of the provisions of EIA notification dated 14.09.2006 in the Court of JMIC, SAS Nagar District SAS Nagar on 17.12.2015 by Punjab Pollution Control Board, the application of environmental clearance was again considered by SEAC in its 139th meeting held on 05.01.2016 and the Terms of Reference (TOR's) were issued to the appellant vide letter no. 411 dated 08.01.2016 subject to certain conditions.
13. Thereafter, the appellant submitted the EIA report based on the TOR issued vide letter no 411 dated 08.01.2016 and requested to grant the environmental clearance for its group housing project namely "Falcon View". The said EIA report for the grant of Environmental clearance of the appellant was considered by the SEAC in its 142nd meeting



held on 11.03.2016 wherein SEAC queried as to whether construction work has been stopped at the project site or not. In reply to this query, the appellant stated that they had stopped the construction work on the project site after the issuance of the directions by the SEIAA. The SEAC observed that the above statement of the project proponent viz-a-viz the material facts on record indicate that the construction activity continued even after submission of the resolution by the appellant to the effect that the violations of the Environment (Protection) Act, 1986 will not be repeated. The SEAC was of the view that the construction should have been stopped after filing the application/presentation before SEAC wherein project proponent was informed about the violations and action being recommended against him to SEIAA. Any construction activity done at the site after that should be viewed as an intentional violation.

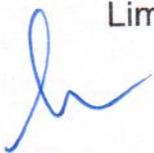
After detailed deliberations, SEAC decided to ask the Regional office, Punjab Pollution Control Board, Mohali to send the report of the latest construction status of the project along with photographs and to defer the case till the verification report from the Regional office, Punjab Pollution Control Board, Mohali is received. Accordingly, the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali was requested through e-mails to visit the project site and submit report regarding latest construction status. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali vide his return email dated 18.08.2016 intimated that out of the total 25 towers, which are under proposal, substantial construction / structural work of 13 towers up to G+16 levels have been completed. Further, the structure work of 3 towers has been completed up to G+15 levels, 2 towers up to G+13 levels and 1 tower



up to G+5 level. The Deputy Chief Engineer informed during the visit that the structural activities of approximately 700 flats have been completed.

14. That in the meanwhile, the appellant made a written request dated 12.03.2016 to SEAC regarding withdrawal of application for environmental clearance mentioning that environmental clearance has been granted by SEIAA vide letter no 8257 dated 16.12.2015 to Super Mega Mixed Use Integral Industrial Park project as a whole including the "Falcon View" and as such, no separate environmental clearance for "Falcon View" project is required
15. That the application of Environmental Clearance was again considered by the SEAC in its 149th meeting held on 29.08.2016 and SEAC observed that from the report dated 18.08.2016 sent by Environmental Engineer, Regional Office, Mohali and the statement given as well as the admission made by the project proponent during the presentation, it is found that construction had not been stopped even after the prosecution, as such, it is a case of continued violation.

Regarding the request of the appellant that they do not require separate environmental clearance for this project as it is part of the area development project of Janta Land Promoters Ltd. namely "Super Mega Mixed Use Integrated Industrial Park" Project for which they had already obtained the Environmental Clearance, the SEAC did not agree to this contention of the project proponent and observed that complete details of environmental impacts due to construction activities of this group housing project were not covered under the environmental clearance obtained by M/s Janta Land Promoters Limited for its Townships & Area Development Project. The SEAC



forwarded the case to SEIAA for initiating another penal action due to continued violation.

16. The said application was considered by the SEIAA in its 115th meeting held on 23.09.2016, wherein SEIAA queried that whether the construction has been carried out by the Appellant after the issuance of directions under section 5 of the Environment (Protection) Act, 1986 vide SEIAA letter no. 1390 dated 05.03.2015 which restrain him from carrying out any further construction or operation activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained. In reply to this query, the appellant replied that the construction has been carried out even after the directions were issued to the Appellant due to the requirement of the fulfilment of his obligations towards allottees of flats in the project. Consequently, the SEIAA decided to accept the recommendations of SEAC and also decided to issue directions u/s 5 of the Environment (Protection) Act, 1986 to restrain the Appellant not to create any third party interest in the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.
17. That the appellant has challenged the decision of SEAC dated 29.08.2016 and the decision of SEIAA dated 23.09.2016 vide CWP No 21351 of 2016, inter alia, on the ground that once environmental clearance has been given to the entire project, then no separate environmental clearance is required to be obtained for any part of the said project including the Falcon View Project. The CWP no 21351 of 2016 is pending before the Hon'ble High Court, Chandigarh and is listed on 12.11.2020



18. That SEIAA has submitted various written statements by way of affidavits from time to time in said CWP and some of the important facts submitted before the Hon'ble court are submitted as under: -

i) A comparison of some of the activities of the applications submitted by the project proponent for area development project namely "Super Mega Mixed Use Integrated Industrial Park" and group housing project namely "Falcon View" is as under:

Sr. No.	Activity	Area development project namely "Super Mega Mixed Use Integrated Industrial Park" at Sector 82, 83 & 66A, SAS Nagar, Mohali	Group Housing project namely Falcon view " at Sector 82, 83 & 66A , SAS Nagar, Mohali	Remarks
1.7	Temporary sites used for construction works or housing of construction workers?	Number of workers will be 250 out of which 75 workers will reside at the site during peak construction activity.	Number of workers will be 200 out of which 80 workers will reside at the site during peak construction activity.	This clearly reflects that if 250 workers are for area development project then 200 workers cannot be only for group housing project. This means that the area development project does not include any details of individual group housing project. Also, 80 worker have been shown to the residing at site for a part of the township, i.e Falcon View, whereas for the whole township only 75 workers have been shown to be residing at site.
1.17	New road, rail or sea	During construction	During construction	This clearly reflects that if 30

	traffic during construction or operation?	phase, movement of 30 vehicles at the maximum be there for supervising the work or ferrying the construction material.	phase, movement of 30-40 vehicles at the maximum be there for supervising the work or ferrying the construction material.	vehicles are for area development project then how 30-40 vehicles can be there for group housing project only. This means that the area development project does not include any details of vehicles in case of individual group housing project.
2.4	Construction material - aggregates, sand/soil (expected source - MT)	The construction material shall be procured from authorized outlets in and around Chandigarh and the quantities are as under: Aggregates @ 2,20,000 cum, Cement bags @ 60,000 and sand @ 1,10,000 cum	The construction material shall be procured from authorized outlets in and around Chandigarh and the quantities are as under: Aggregates @ 2,40,000 cum, Cement bags @ 2,40,000 and sand @ 1,80,000 cum	This clearly reflects that if the volume of 2,40,000 cum as aggregate is for one group housing project then the volume of 2,20,000 cum as aggregate cannot be for an entire area development project which is claimed to include other group housing projects as well by the appellant. Same is the position in case of cement bags and quantity of sand. This means that the area development project does not include any details of aggregates, cement bags and sand required in the case of individual group housing project.

5.1	Emissions from the combustion of fossil fuels from stationary or mobile sources	The appellant has proposed to install 4 no. of DG sets of capacity 50 KVA, 1 no. of DG set of capacity 125 KVA and 18 no. of DG sets of capacity 500 KVA in its project.	The appellant has proposed to install 25 no. DG sets of capacity 320 KVA, in its project.	There is no reference of the DG set of capacity 320 KVA in application form of area development project. It may also be observed that the total number and capacity of DG sets in the one group housing project is much more than the number & capacity of DG sets in the entire area development. This means that the area development project does not include any details of DG sets to be installed in individual group housing project.
Form IA 2.7	Give details of the water requirements met from water harvesting? Furnish details of the facilities created.	The appellant has proposed to install 5 no. of harvesting pits in its project.	The appellant has proposed to install 17 no. of harvesting pits in its project.	This clearly reflects that if 5 nos. of rainwater harvesting pits are for area development project and 17 nos of rainwater harvesting pits are for group housing project then area development project does not include any details of rainwater harvesting pits of individual group housing project.

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From the above, it could be well established that various activities & consumption of resources such as the type of building materials to be used, water conservation, storm water management within the Group Housing Project, traffic management, etc. that can have an impact on the environment due to construction of individual group housing /building construction project, quantification thereof and Environment Management Plan suggesting mitigation measures, etc. were not included in the environmental clearance application of "Super Mega Mixed Use Integrated Industrial Park".

As such, environmental impacts of all the activities of building construction projects have not been included by the appellant while assessing the impact of area development project i.e. Super Mega Mixed Use Integrated Industrial Park.

- ii) It is also important to look into the cost aspects of various activities to be taken for the component of main projects, which were submitted by the appellant at the time of submission of the environmental clearance applications of the sub-projects. The cost of the various projects is summarised as under: -

Table 1.0

Sr No.	Name of the project	Type	Project Cost in Crores	Remarks
Area Development Project				
1.	Super Mega Mixed Use Integrated Industrial Park	Area Development project for which EC obtained by the Appellant	1059.39	As per the application form

Table 2.0

Sr No.	Name of the project	Type	Project Cost in Crores	Remarks
Components of Area Development Project				
1.	Galaxy Heights	Group Housing project for which	98.77	As per the application form

		separate EC was obtained		
2.	IT Twin Tower	Group Housing project for which separate EC was obtained	112.1	As per the application form
3.	Sky Gardens	Group Housing project for which separate EC was obtained	103.92	As per the application form
4.	Falcon View	Group Housing project for which petition filed before the Hon'ble High Court by the Appellant with a prayer that separate EC is not required	759.50	As per the application form
Total Cost of the sub-components of the Area Development Project			1074.29	

The proposal of area development project namely 'Super Mega Mixed Use Integrated Industrial Parks' included 273 industrial plots, 7 residential pockets (group housings), 7 institutional pockets, and 4 commercial pockets and the project cost is Rs 1059.39 Crores and whereas the cost of mere four groups Housing Projects namely Galaxy Heights, IT Twin Tower, Sky Gardens and "Falcon View", which constitute a small part of the main area development project namely 'Super Mega Mixed Use Integrated Industrial Park" project, is Rs 1074.29 Crores, which is more than 1059.39 Crores. The cost of the four sub-projects cannot be more than the main development project. Besides this, the cost of the development of the area and other components such as industrial plots, institutional pockets, commercial pockets, and remaining group housings projects, is yet to be considered.

- iii) Not only the "Falcon View" group housing project, rather all the other building construction/group housing projects whose all the activities were not included in the main project and having a built-up area of



20,000 sqm or more, were required to obtain prior environmental clearance. As of now, four group housing projects namely Galaxy Heights, IT Twin Tower & Sky Gardens & Falcon View having built-up area more than 20,000 sqm had applied separately for obtaining environmental clearance in area development project 'Super Mega Mixed Use Integrated Industrial Park', out of which three group housing projects namely Galaxy Heights, IT Twin Tower & Sky Gardens have already been granted Environmental Clearance, but the case of Falcon View is still pending due to the reason that appellant has not submitted the revised EIA report in compliance to the Terms of Reference (TOR) issued vide letter no 609 dated 11.05.2018 by SEIAA in consonance with the MoEF&CC Notification dated 14.03.2017 and its amendment dated 08.03.2018.

- iv) That the Hon'ble High Court passed an order dated 25.07.2017 and the para no.3 of the said order is reproduced as under: -

"During the course of hearing it is conceded by Mr. Nitin Kaushal, advocate that Environment Impact Assessment (EIA- for short) notification dated 14.09.2006 (Annexure P-2) does not provide that one has to obtain separate permission within an already sanctioned project. ***This, however, is subject to the condition that the applicant has taken into account the total environmental impact of all the activities undertaken within the project.***"

It is worth to mention here that the impact on the environment due to construction of the various projects including Falcon View project, quantification thereof and Environment Management Plan suggesting mitigation measures, etc. (Rainwater Harvesting, energy-saving details, Parking requirements, etc.) were not



included in the application for obtaining environmental clearance of "Super Mega Mixed Use Integrated Industrial Park" due to which separate environmental clearances were obtained by the Appellant for some of its projects as mentioned in the Table 2.0 above.

- v) That as per the affidavit submitted by the Joint Director/Scientist in Regional Office, (Northern Zone), Chandigarh of the Ministry of Environment, Forest & Climate Change, it has been categorically stated that 'Super Mega Mixed Use Integrated Industrial Park' comes under the ambit of the EIA Notification, 2006 and Environmental Clearance for the project was granted by SEIAA, Punjab based on the recommendations of the SEAC in the State. The project envisages the development of 273 industrial plots, 7 residential pockets, 7 institutional pockets, and 4 pockets commercial pockets in a total area of 1065861 sqm at Sector 82-83 and 66A SAS Nagar in Mohali, Punjab. This should not be considered contrary to the stand of SEAC & SEIAA due to the following reasons:
- (a) The project 'Super Mega Mixed Use Integrated Industrial Park' is allowed for the development of the area in terms of earmarking various plots and pockets in the total area of the project by providing various facilities such as roads, sewer lines, water lines, electricity lines, and other common facilities.
 - (b) The appellant has not taken into account the total environmental impact of all the activities of the various projects including Falcon View in the main application of "Super Mega Mixed Use Integrated Industrial Park"
- vi) That SEIAA has rightly decided that Appellant was required to obtain separate Environmental Clearance for its project Falcon View, which

relied upon clarification sought from the MoEF&CC in a similar application of Environmental Clearance of "Savitry Towers" having a built-up area more than 20,000 sqm, which was a part of a separate area development project namely Janta Township Project (sector 90-91), Mohali and it has been clarified by the MoEF&CC that the building construction Project "Savitry Towers" will require separate environmental clearance from SEIAA, Punjab under the EIA Notification, 2006. A copy of the letter seeking clarification and the reply thereto by the office of Ministry of Environment and Forest, Chandigarh dated 31.03.2011 is annexed as **Annexure-R1 and Annexure-R-1A**, respectively

- vii) That in compliance with the orders dated 14.03.2018 of this Hon'ble Court, the MoEF&CC transferred the record file of the project to SEIAA, Punjab vide letter No. 19-184/2017-IA.III (Pt.) dated 26.03.2018. The pending case of the Falcon View transferred by the MoEF&CC, New Delhi, was considered by the SEAC in its 164th meeting held on 10.04.2018 and the SEAC recommended the case to SEIAA with the recommendation to issue additional specific TOR in consonance with the notification dated 14.03.2017 as amended on 08.03.2018.
- viii) The case was considered by the SEIAA in its 131st meeting held on 04.05.2018, wherein the Appellant submitted a new representation to SEIAA. The SEIAA observed that the representation needed a thorough examination before taking any decision on the same and decided to defer the case and to take up the same in its next meeting. The case was again considered by the SEIAA in its 132nd meeting held on 10.05.2018, wherein it was observed that the contention of the Appellant that the Group Housing Project namely "Falcon View"

being a component of the main area development project namely 'Super Mega Mixed Use Integrated Industrial Park project', did not require Environmental Clearance, had already been deliberated in depth by the SEAC & SEIAA in its various meetings i.e. 149th meeting of SEAC held on 29.08.2016 & 115th meeting of SEIAA held on 23.09.2016 respectively. The request for withdrawal of application for environmental clearance of 'Falcon View' on the plea that no separate environmental clearance was required to this project, being part of the area development project namely Super Mega Mixed Use Integrated Industrial Park project, had already been rejected by SEIAA in the 115th meeting held on 23.09.2016. After detailed deliberations upon the matter, SEIAA decided as under:

- a) To accept the recommendations of SEAC and to issue the specific Terms of Reference (TOR) as recommended by the SEAC.
 - b) The pending application of 'Falcon View' for obtaining environmental clearance will be appraised and decided after the receipt of the revised EIA report incorporating the compliance of specific TOR under the provisions of EIA notifications dated 14.03.2017 and its amendment dated 08.03.2018 issued by the MoEF&CC, New Delhi.
- ix) That SEIAA vide letter no. 610 dated 11.05.2018 issued the additional specific TOR as recommended by SEAC as under: -
- "The project proponent shall make an assessment of ecological damage done and economic benefit derived due to violation and prepare a remediation plan and natural & community resource augmentation plan and it shall be prepared as an independent chapter in the environmental 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 an 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. A revised EIA/EMP report incorporating the compliance of aforesaid specific ToRs should be prepared and submitted to SEIAA, Punjab. The pending application of 'Falcon View' for obtaining environmental clearance will be appraised and decided after the receipt of the revised EIA report in accordance with the provisions of EIA notifications dated 14.03.2017 and amendment dated 08.03.2018 issued by the MoEF&CC, New Delhi."

However, the Appellant has not submitted the revised EIA report in consonance with the aforesaid TORs till date.

- x) That the Appellant submitted another online application vide proposal no SIA/PB/NCP/30759/2019 on 17.01.2019 for issuance of Terms of References (TORs) for obtaining environmental clearance for the expansion of Super Mega Mixed Use Integrated Industrial Park, Sector-66A, 82 & 83, District SAS Nagar (Mohali), Punjab. The new application of the appellant for expansion of Super Mega Mixed Land Use Integrated Industrial Park (submitted on 17.01.19), was considered by SEIAA in its 162nd meeting held on 19.03.2020 and decided that application for issuance of Terms of References (TORs) for obtaining environmental clearance for the expansion of Super Mega Mixed Use Integrated Industrial Park, Sector- 66A, 82 & 83, District SAS Nagar (Mohali), Punjab submitted by M/s Janta Land Promoters Limited. (Proposal No SIA/PB/NCP/30759/2019) be rejected due to the following reasons:



- a) Application of expansion of "Super Mega Mixed Land Use Integrated Industrial Park" submitted on 17.01.2019 includes the group housing project namely "Falcon view" as one of the components. "Falcon view" project (a component of Super Mega Mixed-Use Industrial Park) is a violation case and thus, the expansion of Super Mega Mixed Land Use Integrated Industrial Park project for which fresh application submitted will also be considered as a violation case.
- b) MoEF&CC vide OM dated 09.09.2019 has clarified that only those violation proposals may be taken up for consideration under the provisions of Ministry's Notification, dated 14.03.2017 and 08.03.2018, which had been submitted to SEAC during the window (14.03.2017 to 13.09.2017 & 14.03.2018 to 13.04.2018) or prior to it. The Appellant has failed to submit the case in the prescribed window as the application was filed on 17.01.2019.
- c) M/s Janta Land Promoters Ltd. has not stopped the construction of group housing project "Falcon View" in spite of directions issued u/s 5 of the Environment (Protection) Act, 1986 by the SEIAA vide letter no. 1388 dated 05.03.2015 to the effect that:
- i) The project proponent shall not carry out any further construction activity at its project site namely "Falcon View" at Sector-66 A, Distt. Mohali, till it obtains environmental clearance under EIA notification dated 14/9/2006.
 - ii) The project proponent shall not create any third-party interest in the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.
- d) The Appellant vide letter no. JLPL/82/2019/3875 dated 16.12.2019 (**Annexure-R3**) informed that no further action

was solicited on the SEIAA letter no.609-611 dated 11.05.2018 instead of submitting the EIA report in compliance to the specific Terms of Reference issued vide SEIAA letter no 609-611 dated 11.05.2018.

- e) Submission of Fresh application for expansion of Super Mega Mixed Use Integrated Industrial Park, is an action through which the Appellant wants to regularize the group housing project "Falcon view" through back door entry, which cannot be considered as the case is sub-judice in the Hon'ble High Court.

Accordingly, SEIAA vide letter no 1594 dated 20.05.2020 rejected the fresh application submitted vide Proposal No SIA/PB/NCP/30759 /2019 on 17.01.2019 for issuance of Terms of References (TORs) for obtaining environmental clearance for the expansion of Super Mega Mixed Use Integrated Industrial Park, Sector-66A, 82 & 83, District SAS Nagar (Mohali), Punjab.

- xi) The appellant has not approached the Appellate Authority (Hon'ble NGT) as specified in section 5A of the Environment (Protection) Act, 1986.

- x) That Hon'ble High Court, Chandigarh was prayed by SEIAA as under:-

- i) the Civil Writ Petition may kindly be dismissed as the appellant is required to obtain separate environmental clearance for its Falcon View project.
- ii) Present Petition may be dismissed as an appeal against the directions issued of u/s 5 of the Environment (Protection) Act, 1986 lies with the Hon'ble National Green Tribunal.
- iii) Appellant may be directed to stop the construction work of the group housing project Falcon View & not create any third-party

interest in the project till he obtains the Environmental Clearance under the EIA Notification, 14.09.2006.

19. That from the above, it is evident that the construction activities in both the projects i.e. area development project namely "Super Mega Mixed Use Integrated Industrial Park" and group housing project namely "Falcon View" was started without obtaining environmental clearance and were in violation of provisions of EIA notification dated 14.09.2006. However, the appellant obtained the environmental clearance in one case "Super Mega Mixed Use Integrated Industrial Park" after a complaint case was filed by PPCB in the court of CJM as per prevailing law and whereas fails to obtain the environmental clearance for the Falcon View project as appellant is continuously violating the provisions of EIA Notification dated 14.09.2006 by carrying out construction activities even after the issuance of directions u/s 5 of Environment (Protection) Act, 1986 which restrain him to carry out further construction activities till it obtains the environmental clearance due to the reason that appellant has not submitted the revised EIA report in compliance to the specific Terms of Reference issued vide SEIAA letter no 609-611 dated 11.05.2018.

Reply on Merits

1. That the contents of para no. 1 need no comments from SEIAA being a matter of record.
2. That the contents of para no. 2 need no comments from SEIAA being a matter of record.
3. That the contents of para no. 3 need no comments from SEIAA being a matter of record.



4. That the contents of Para No. 4 are mere reproduction of relevant provisions of EIA Notification dated 14.09.2006 issued by MoEF & CC and need no comments from the SEIAA
5. That the contents of para no 5 are admitted to the extent that Appellant had submitted an application dated 17.10.2013 for obtaining environmental clearance for under EIA notification dated 14.09.2006 for a Township & Area Development Project namely "Super Mega Mixed Use Integrated Industrial Park" at Sector 82, 83 & 66A, SAS Nagar, Mohali. The Appellant has not taken into account the environmental impact of all the activities of various group housing projects, which are to be constructed in the pockets of this Area development project.
6. That the contents of para no 6 are admitted to the extent that environmental clearance dated 16.12.2015 was granted to the Township & Area Development Project namely "Super Mega Mixed Use Integrated Industrial Park" at Sector 82, 83 & 66A, SAS Nagar, Mohali with certain conditions. It is worth to mention here that the Appellant did not apply for obtaining Environmental Clearance for all the activities, which were to be carried out during the construction & operation phase of the group housing project Falcon View & other group housing projects coming up in this Township.
7. That the Appellant has himself admitted in this para that the group housing project namely "Falcon View" is being constructed as per the layout plan in an area measuring 33.74 acres. Whereas SEIAA has already issued directions u/s 5 of the Environment (Protection) Act, 1986 vide letter no. 1388 dated 05.03.2015 and again vide letter no. SEIAA/2016/3425 dated 27.09.2016 restraining the Appellant from

carrying out any further construction activity of the project Falcon view and create any third-party interest in the project till the environmental clearance under the EIA Notification, 14.09.2006 is obtained for this project also as all the activities of this project are not covered in the EC granted to the Township project.

8. That the contents of para no 8 are admitted to the extent that Appellant has submitted an application dated 22.11.2013 for obtaining environmental clearance under EIA notification dated 14.09.2006 for the Building Construction Project i.e. group housing project namely "Falcon View" in an area of 1,38, 280 sqm and having built-up area as 4,93,407.3 sqm. in its Townships & Area Development Project namely Super Mega Mixed Use Integrated Industrial Park" at Sector 82, 83 & 66A, SAS Nagar, Mohali. Further, SEAC in its 85th meeting held on 26.12.2013 observed that JLPL had started the construction activities of the project without obtaining environmental clearance under the EIA notification dated 14.09.2006. Thus, it had violated the provisions of EIA notification dated 14.09.2006. The appellant is misreporting the facts as EC granted on 16.12.2015 (Annexure 5) was for the Township and not for the Group Housing Project "Falcon View".
9. That within the Township/Area Development Project, there are inter-alia 7 Group Housing Projects. The Appellant, JLPL is the Promoter/Developer of the Group Housing Projects and has applied separately for 4 Group Housing Projects that are covered under the EIA Notification, 2006. The detail of projects along with the date of receipt of application and status of the same is as under: -



Sr. No.	Name of Project	Type of Project	Date of Receipt of Application for obtaining Environmental Clearance	Status of the application for obtaining Environmental clearance.	Application submitted by /name of promoter
1.	Super Mega Mixed Use Integrated Industrial Park,	Township Area Development project	17.10.2013	Granted on 16.12.2015,	Janta Land Promoters Ltd.
2.	Sky Gardens ,	Group Housing Project	28.04.2014	Granted on 04.02.2016,	Janta Land Promoters Ltd.
3.	Galaxy Heights	Group Housing Project,	20.04.2015	Granted on 16.12.2015,	Janta Land Promoters Ltd.
4.	IT Twin Tower ,	Group Housing Project	24.01.2014	Granted on 04.02.2016,	Janta Land Promoters Ltd.
5.	Falcon View,	Group Housing Project	22.11.2013	Pending due to the reason that appellant has not submitted the revised EIA report in reference to the TORs issued vide letter no 609 dated 11.05.2018 by SEIAA in consonance with the MoEF&CC Notification dated 14.03.2017 and its amendment dated 08.03.2018. Request for withdrawal of application for EC in this case was rejected by SEIAA vide letter no 1594 dated 20.05.2020	Janta Land Promoters Ltd.



From the above, it is evident that environmental clearance was granted to the components of Super Mega Mixed Use Integrated Industrial Park namely Galaxy Heights on 16.12.2015 on the same day on which environmental clearance was granted to Super Mega Mixed Use Integrated Industrial Park and to Sky Gardens and IT twin towers on **04.02.2016** i.e. very much after the environmental clearance granted to Super Mega Mixed Use Integrated Industrial Park. Thus, the Appellant is misleading the court by stating that he could not withdraw the applications for environmental clearance to the above-said components as EC was already granted for these projects also by the time the environmental clearance was granted to the Township project.

10. That the contents of para no 10 are admitted to the extent that Appellant had submitted a request dated 12.03.2016 to the effect that JLPL does not require separate environmental clearance for the Falcon View project as it is part of an area development project namely Super Mega Mixed-use Integrated Industrial Park Project for which JLPL has already obtained the Environmental Clearance, However, the request of JLPL was considered by SEAC in its 149th meeting held on 29.08.2016 and it was rejected due to the reason that complete details of environmental impacts due to construction activities of Falcon view project were not covered under the environmental clearance obtained by M/s Janta Land Promoters Limited for the area development project and the recommendations of SEAC was accepted by SEIAA in its 115th meeting held on 23.09.2016.
11. That in reply to the contents of para no 11, it is submitted that Appellant had submitted a withdrawal request dated 12.03.2016 only

after it came to the notice of SEAC in its 142nd meeting held on 11.03.2016 that construction activities of Falcon View Group were being continued even after submission of resolution to the effect that violations in respect of the start of construction activities without obtaining environmental clearance under EIA notification dated 14.09.2006, are un-intentional and will not be repeated in the future and directions were issued under Section 5 of the Environment (Protection) Act, 1986 vide letter No.1388 dated 05.03.2015 to the Appellant to restrain him from carrying out any further construction activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained for its group housing project namely "Falcon View".

12. That the annexure A-8 is not the proceedings of the meeting of SEIAA dated 23.09.2016 as mentioned in para no 12 of the appeal but is an agenda of the meeting. A copy of the proceedings of the meeting of SEIAA dated 23.09.2016 is attached as **Annexure-R2**. Further, it is worth to mention here that before taking the decision during the meeting held on 23.09.2016, SEIAA queried to the authorised representative of the appellant that whether the construction has been carried out by the Appellant after the issuance of directions under section 5 of the Environment (Protection) Act, 1986 vide SEIAA letter no. 1390 dated 05.03.2015 which restrain him from carrying out any further construction or operation activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained. In reply to this query, the appellant replied that the construction has been carried out even after the directions were issued to the Appellant due to the requirement of the fulfilment of his obligations towards allottees of flats in the project.



Consequently, the SEIAA decided to accept the recommendations of the SEAC meeting dated 29.08.2016 and also decided to issue directions u/s 5 of the Environment (Protection) Act, 1986 to further restrain the Appellant not to create any third party interest in the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.

13. That the contents of para no 13 are admitted to the extent that decision of the SEAC meeting dated 29.08.2016 and SEIAA meeting dated 23.09.2016 were challenged by the Appellant vide CWP 21351 of 2016 in the Hon'ble High Court Chandigarh. However, the said petition is pending and is listed on 12.11.2020. The contents of para no 27 of the preliminary submission may please be read as a reply to this para.
14. That in reply to the contents of para no 14, it is submitted that SEIAA had never issued notice for an appearance on 11.05.2018 in the case of EC for expansion of "Super Mega Mixed Use Integrated Industrial Park". Rather, SEIAA had asked the project proponent vide letter no. SEIAA/2018/609-611 dated 11.05.2018 to submit revised EIA/EMP report based on additional Terms of References meant for "Falcon View" project having proposal No SIA/PB/NCP/10626/2013.
15. That in reply to the contents of para no 15, it is submitted that instead of submitting the EIA report in compliance to the fresh Terms of Reference issued vide SEIAA letter no 609-611 dated 11.05.2018, the Appellant vide letter no. JLPL/82/2019/3875 dated 16.12.2019 (**Annexure-R3**) informed that no further action was solicited on the SEIAA letter no.609-611 dated 11.05.2018.
16. That in reply to the contents of para no 16, it is submitted that the latest construction status report of Falcon view sent by the



Environmental Engineer, PPCB, Regional office Mohali vide letter no. 3307 dated 25/06/2019 in reference to the SEIAA letter no 418 dated 22.05.2019 was considered by SEIAA in its 148th meeting held on 26.06.2019 and wherein it was informed that the group housing project namely Falcon View developed by M/s Janta Land Promoters Limited was visited by AEE of his office on 21.06.2019 and it was observed that:

- i) The Appellant has the group housing society namely Falcon View in an area of 34.17 acres.
- ii) The Appellant has a proposal to construct 31 towers at this site.
- iii) The Appellant has presently constructed and finished the work of 9 towers namely X,Y,A,B,G,H and 2 no. blocks i.e. Block C and Block A.
- iv) The Appellant has given possession of approximately 330 flats and approximately 150 families are residing in the complex.
- v) The structure work of I,J,K,L,M & N (six) towers is almost complete and finishing work is in progress.
- vi) For the towers V & W the structure work has been completed up to G+4 level.

SEIAA perused the aforesaid report and observed that the project proponent of Falcon View has not stopped the construction in spite of the directions issued u/s 5 of the Environment (Protection) Act, 1986 by the SEIAA vide letter no. 1390 dated 05.03.2015 restraining the project proponent not to carry out any further construction without obtaining environmental clearance. Accordingly, Member Secretary, PPCB was asked vide letter no 862 dated 22.08.2019 to initiate credible action against project proponents / responsible persons / Appellant under the



Environment (Protection) Act, 1986 due to continued violation by way of continuously carrying out the construction activities of the project in spite of the directions issued by the SEIAA and even after filing of earlier complaint in the court of Competent Law & without obtaining Environmental Clearance under EIA notification dated 14.09.2006.

17. That the contents of para no 17 prime facie do not relate to the SEIAA. However, it is admitted to the extent that Falcon View Project has not so far obtained environmental clearance as required under the provision of EIA Notification dated 14.09.2006
18. That the contents of para no 18 do not relate to the SEIAA and hence need no comments.
19. That the contents of para no 19 are denied as Annexure A-17, a copy of the application dated 08.06.2020 was never submitted to the Member, SEIAA as it was addressed to the Chairman, PPCB, Patiala. Further, the request for withdrawal of application for environmental clearance of 'Falcon View' on the plea that no separate environmental clearance is required to this project being part of the area development project namely Super Mega Mixed Use Integrated Industrial Park project, stands already rejected in the 115th meeting of SEIAA held on 23.09.2016.
20. That reply to contents of para no 20, is given as under:

Point 1: The request for withdrawal of application for environmental clearance of 'Falcon View' on the plea that no separate environmental clearance is required to this project being part of the area development project namely Super Mega Mixed Use Integrated Industrial Park project, stands already rejected in the 115th meeting of SEIAA held on 23.09.2016, as all the



components of Falcon View project were not covered in the application for EC of Main Township project. Further, SEIAA has also relied upon the clarification sought from the MoEF&CC in a similar application of Environmental Clearance of "Savitry Towers" having a built-up area more than 20,000 sqm, which was a part of a separate area development project namely Janta Township Project (sector 90-91), Mohali and it has been clarified by the MoEF&CC that the building construction Project "Savitry Towers" will require separate environmental clearance from SEIAA, Punjab under the EIA Notification, 2006.

Point 2 to 4: That the contents of sub-para no 2 to 4 do not relate to the SEIAA and hence need no comments.

Point no 5: The contents of sub para no 5 admitted to the extent that application for issuance of Terms of References (TORs) for obtaining environmental clearance for the expansion of Super Mega Mixed Use Integrated Industrial Park, Sector-66A, 82 & 83, District SAS Nagar (Mohali), Punjab (Proposal No. SIA/PB/NCP/30759/2019 dated 17.01.2019) to be developed by M/s. Janta Land Promoters Limited was rejected vide letter no 1594 dated 20.05.2020 due to the reason mentioned therein and a copy of the same was forwarded to PPCB vide email dated 09.06.2020.

21. That the contents of para no 21 need no reply from the SEIAA.

22. That the contents of para no 21 need no reply from the SEIAA



Prayer

In view of the submissions made above, it is most respectfully submitted that the present appeal may kindly be dismissed with costs.

Place: Chandigarh

Dated: 28.09.2020

Verification

I, deponent, do hereby solemnly affirm and declare that the contents of the above affidavit are true and correct to my knowledge as derived from the official records and nothing material has been kept concealed therein.

Place: Chandigarh

Dated: 28.09.2020


DEPONENT
Member Secretary
State Environment Impact
Assessment Authority, Punjab
MGSIPA Complex, Sector 28
Chandigarh


DEPONENT
Member Secretary
State Environment Impact
Assessment Authority, Punjab
MGSIPA Complex, Sector 28
Chandigarh


STATE EXPERT APPRAISAL COMMITTEE, PUNJAB

Ministry of Environment and Forests, Government of India

O/O Punjab Pollution Control Board,

Vatavaran Bhawan, Nabha Road,

Patiala - 147 001

Telefax:- 0175-2216980

 No. SEAC/CEE(HQ)/ 12539
 To

 Dated 14/3/11

Dr. Bharat Bhushan Director,
 Ministry of Environment & Forests,
 Lodhi Road, CGO Complex, Paryavaran Bhawan,
 New Delhi.

Subject: Application for obtaining Environmental Clearance for developing a residential-cum-commercial project Group Housing Project namely 'Savitry Towers' at Sector-91, Mohali by M/s Whistler Heights Townships Pvt. Ltd. (A unit of N.K. Sharma Group of Companies).

It is intimated that the case of the subject cited Group Housing Project has been received back from the Govt. of India, Ministry of Environment & Forests, New Delhi on 21/2/2011, since, the State Environment Impact Assessment Authority (SEIAA) and State Expert Appraisal Committee (SEAC) of the State of Punjab has been constituted vide order dated 7/2/2011. The said case was placed in the 42nd meeting of the SEAC held on 5/3/2011 and the promoter was given prior information regarding the said meeting. The consultant namely M/s Eco Laboratories & Consultants Pvt. Ltd., Mohali presented the case before the committee as under:-

- (a) M/s Janta Land Promoters Ltd., Mohali has applied for Environment Clearance for the project namely 'Janta Township' in the area measuring 138 acres, which was cleared by the EAC of MoEF in its 93rd meeting held on 9-10 October, 2010.
- M/s Whistler Heights Townships Pvt. Ltd. has purchased 2.62 acres of land area from M/s Janta Land Promoters Ltd., out of the total land area of 138 acres meant for 'Janta Township'.
- (c) The plot area of 2.62 acres has been meant for the purpose of Group Housing in the conceptual plan of 'Janta Township.'

- (d) The Punjab Pollution Control Board has issued had NOC, from pollution angle subject tot the condition that 'Savitry Towers ' will obtain Environmental Clearance as required as under the EIA notification dated 14/9/2006 since the built up area is 21211.45 sqm. which is more than 20,000 sqm as mentioned in category 8 (a) projects in the Schedule appended to the said notification.

The Committee observed that the application of the project proponent is incomplete as number of requisite documents have not been submitted as detailed out in the agenda.

The Committee further observed that the promoter namely M/s Janta Land Promoters Pvt. Ltd., is in the process of getting Environmental Clearance for 'Janta Township' to be developed in 138 acres & the promoter namely M/s Whistler Heights Townships Pvt. Ltd. has purchased a plot measuring 2.62 acres to develop the same as 'Group Housing'. Therefore, there is a need to get clarification from MoEF, New Delhi as to whether the project proponent namely M/s Whistler Heights Townships Pvt. Ltd. is required to obtain the Environmental Clearance under the EIA notification dated 14/9/2006 separately in light of the fact that M/s Janta Land Promoters Ltd. Mohali is already in the process of getting Environmental Clearance under the said notification for the same land and for the same construction.

After detailed deliberation, it was decided by the Committee that :-

- (a) Matter be taken up with MoEF as to whether the project proponent namely M/s Whistler Heights Townships Pvt. Ltd. is required to obtain the Environmental Clearance for developing Group Housing in an area of 2.62 acres purchased by it out of 138 acres for which M/s Janta Land Promoters Pvt. Ltd. is already in the process for getting Environmental Clearance from the competent Authority. A copy of the communication to be done with MoEF, be sent to project proponent for information.
- (b) Further action on the application of the promoter will be taken after receipt of clarification from the MoEF

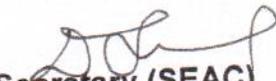
It is, therefore, requested that it may be clarified as to whether the project proponent namely M/s Whistler Heights Townships Pvt. Ltd. is required to obtain the Environmental Clearance for developing Group Housing in an area of 2.62 acres purchased by it out of 138 acres for which M/s Janta Land Promoters Pvt. Ltd. is already in the process for getting Environmental Clearance from the competent Authority..

Endst.No...12541

A copy of the above is forwarded to M/s Whistler Heights Townships Pvt. Ltd. (A unit of N.K. Sharma Group of Companies), SCO 1 & 2, Ambala - Chandigarh Highway, Zirakpur, Distt. Mohali for information please.


Secretary (SEAC)

Dated: 14/3/20


Secretary (SEAC)





भारत सरकार
पर्यावरण एवं वन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FOREST

जहाँ है हरियाली।
वहाँ है खुशहाली।।

दूरभाष :
Telephone No.:(0172) 2638061
FAX No.: (0172) 2638135

उत्तर क्षेत्रीय कार्यालय
बेज नं. 24-25, सेक्टर 31-ए
दक्षिण मार्ग, चण्डीगढ़-160030

NORTHERN REGIONAL OFFICE
BAYS NO. 24-25, SECTOR 31-A
DAKSHIN MARG, CHANDIGARH-160030

Dated: 31/03/2011

F.No. 3-168/06-RO(NZ) Vol.X.IV / 1307

The Managing Director
M/s Whistler Heights Townships Pvt.Ltd.
(A Unit of N.K.Sharma Group of Companies)
Charanji Enclave, Lohgarh, Ambala Chandigarh Highway
Zirarkpur, Distt. Mohali (Punjab)-140603

Sub:- Applicability of new EIA Notification vide S.O.No.1533(E) dated 14th September, 2006 in respect of proposed residential project named as "Savitory Twoers" in Janta Township, Sector-90-91, Mohali--clarification regarding.

Ref. Your letter dated 18th March, 2011.

Sir,
On the basis of your letter dated 18th March, 2011 and the proceedings of the 42nd Meeting of Punjab State Expert Appraisal Committee(SEAC) held on 05.03.2011 at 10.00 AM at Patiala, following details have been noted:-

- | | |
|----|--|
| 1) | M/s Whistler Heights Township Pvt. Ltd. has proposed to construct a residential project named as "Savitory Towers" over a plot of 2.62 acres with a built up area of 21,211.45 sq. meters. |
| 2) | The project is to be developed in Janta Township (Sector 90-91), Mohali, Punjab which will be developed by M/s Janta Land Promoters Pvt. Ltd. |
| 3) | M/s Janta Land Promoters Pvt. Ltd., is in the process of getting Environmental Clearance for 'Janta Township' to be developed in 138 acres & the promoter namely M/s Whistler Heights Townships Pvt. Ltd. has purchased a plot measuring 2.62 acres from M/s Janta Land Promoters Pvt. Ltd. to develop the same as 'Group Housing' project. |
| 4) | The Punjab Pollution Control Board has issued NOC/Consent to Establish' to the project from pollution angle subject to the condition that 'Savitory Towers' Project will obtain Environmental Clearance as required under the EIA Notification dated 14/9/2006 since the built up area is 21,211.45 sq. m. which is more than 20,000 sq.m as mentioned in category 8 (a) projects in the Schedule appended to the said Notification. |

You have sought the clarification whether the construction of above cited Residential Project in total plot area of 2.62 acres having built up area of 21211.45 sq. meters with other details mentioned at point (1) to (4) above is covered under new EIA Notification vide S.O No. 1533(E) dated 14th September, 2006 as amended on 1.12.2009 or not.

Your case has been examined in this office in the light of provisions under new EIA Notification, 2006 as amended on 1.12.2009 and it is clarified that construction of residential building namely "Savitory Tower" involving total built up area to the tune of 21211.45 square meters with other details mentioned at point (1) to (4) above does attract the provisions of new EIA Notification vide S.O No. 1533(E) dated 14th September, 2006 as amended on 1.12.2009 and therefore, this Project will require environmental clearance from the Punjab State Environment Impact Assessment Authority (SEIAA) under new EIA Notification, 2006 as amended on 1.12.2009.

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In addition to above, approval from following departments/local authorities will also be required wherever applicable:-

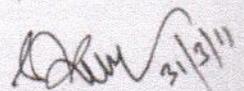
(a)	'Consent to Establish' [NOC] and subsequently 'Consent to Operate' from the Punjab State Pollution Control Board will be obtained and all the conditions laid down by the HSPCB in the NOC/ "Consent to Operate" shall be complied with by the Project Proponent.
(b)	Local Municipal Corporation.
(c)	Approval from Fire Safety Department.
(d)	Approval from Civil Aviation Department, if applicable.
(e)	Approval from Union Ministry of Environment & Forests, Govt. of India for the approach road to Construction Project in question under the Forest (Conservation) Act, 1980, if any forest land is involved in the approach road to the Project in question.
(f)	Approval from the National Highway Authority of India if the approach to the Construction Project in question is directly linked from the National Highway.
(g)	Approval from Chief Controller of Explosive for keeping the diesel in storage during construction stage and operational phase, if applicable.
(h)	NOC/approval from any other local or State Authorities as applicable in this case.

It is, however, emphasized that this clarification is based on the information and documents submitted by M/s Whisler Heights Townships Pvt.Ltd. (A Unit of N.K.Sharma Group of Companies), Charanji Enclave, Lohgarh, Ambala Chandigarh Highway, Zirarkpur, Distt. Mohali (Punjab)-140603 to this office and it is the responsibility of the project proponent to prove the authenticity and truthfulness of the information in case of any clarification in future.

Yours faithfully,

(Surendra Kumar)
Director(S)
Tel. No.(0172)-2638994
E Mail: sk581@yahoo.com

- Copy to:-
1. ✓ The Member Secretary, Punjab State Pollution Control Board, Nabha Road, Patiala, Punjab for information.
 2. The Member Secretary, State Level Expert Appraisal Committee (SEAC), C/O Punjab State Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala, Punjab for information.
 3. Shri Bharat Bhushan, Director, Union Ministry of Environment & Forests, Paryanvaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110001 for kind information.


(Surendra Kumar)
Director(S)

Excerpt pertaining to Item No. 115.08 from the proceedings of 115th meeting of SEIAA held on 23.09.2016 in Conference Room, PBTI, Phase-V, Mohali.

Item No 115.08: Application for obtaining Environmental Clearance under EIA notification dated 14.09.2006 for development of a residential project namely 'Falcon View' at Sector-66 A, Distt. Mohali by M/s Janta Land Promoters Limited. (Proposal No. SIA/PB/NCP/10626/2013)

The SEIAA observed that:

1. M/s Janta Land Promoters Limited, vide letter dated 20.11.2013 (received on 22.11.2013) has applied for obtaining the Environmental Clearance under EIA notification dated 14.09.2006 for development of residential project namely 'Falcon View' at Sector-66 A, Distt. Mohali. The project is covered under category B-2 Clause 8 (a) of the Schedule appended to the said notification. The details of the project as given in Form 1 and 1A and other documents are as under:
 - The total land area of the project is 1, 38,280 sqm in which 1602 flats having the total built up area of 4, 93,407.3 sqm, will be constructed.
 - The total cost of the project is Rs.759 crore.
 - The total estimated designed population of the project will be 8010 persons.
 - The total water requirement for the project will be 1202 KLD, out of which 882 KLD will be met through groundwater by installing tubewell and the remaining will be met through recycling of treated wastewater.
 - The total wastewater generation from the project will be 962 KLD, which will be treated in a common STP of JLPL, of capacity 2800 KLD. The water balance submitted by the project proponent is not in order.
 - Green belt will be developed in an area of 36,254.12 sqm
 - The total quantity of solid waste generation will be 3204 kg/day shall be collected separately as biodegradable and non-biodegradable waste as per Municipal Solid Waste (Management & Handling) Rules, 2000. The biodegradable waste will be used for compost. The non-biodegradable and recyclable waste would be sold to recyclers.
 - The total load of electricity required for the project will be 15000 KW, which is to be provided by the PSPCL. The promoter company has provision to provide DG sets as standby arrangement of electricity.
 - The project proponent has proposed to provide rain water harvesting wells for ground water recharge.

- The e-waste generated will be stored in an isolated room and will be sold to the manufacturers.
- Used oil to be generated from the DG sets will be managed & handled as per the provisions of the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules, 2008.

The other details of the project have been given in the Form 1 & 1-A submitted by the promoter and the details of the proposed project are as under:

1.	Properly filled Form 1 & 1A	Yes
2.	Proof of ownership of land	Submitted.
3.	CLU status	Permission for CLU for land area measuring 263.38 acres has been issued vide letter no. 4232 dated 17.08.2012 by the CTP, Punjab, which is in the name of M/s Janta Land Promoters Pvt. Ltd.
4.	Layout plan duly approved by the Competent Authority.	Submitted
5.	Topographical map of the area showing Contour Plan.	Submitted.
6.	Status of construction, if any, alongwith photographs from all the four sides.	Submitted, and it has been observed from the photographs that construction has been started at the project site. Further, the project proponent has submitted an undertaking to the effect that the construction activities of the project was started prior to the environmental clearance as the promoter company has the view that the project being an Industrial park does not require environmental clearance. This was not intentional violation of environment law and the violation of the Environment (Protection) Act will not be repeated.
7.	500 meter radius map of the area from periphery of project site clearly indicating the various industries (specifically red category industries) and structures lying in the area.	Submitted.
8.	Site plan of the project showing the following i) Location of STP ; ii) Solid waste storage area. iii) Green belt iv) Parking space	i) Common with Super mega project ii) Common with Super mega project iii) Marked iv) Marked

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<p>v) RWH and water recharge pits vi) Fire fighting equipment layout vii) First aid room viii) Location of Tubewells</p>	<p>v) Marked vi) Marked vii) Common with Super mega project viii) Common with Super mega project</p>
<p>9. Permission of Competent Authority for; a) Water and Sewerage connection b) Collection of Solid waste c) Use of Ground Water</p>	<p>➤ The GMADA, S.A.S. Nagar, vide no. 1685 dated 16.04.2012 has issued certificate to the promoter company, wherein, it has been mentioned that the GMADA will account for sewage load to be generated from the Sector 66-A, 82 and 83, Mohali, while designing the trunk services, to be laid by the GMADA. The connection with these trunk services will be allowed after these services are laid and commissioned as per the approved services plan.</p> <p>➤ The MC, S.A.S. Nagar, vide no. 1797 dated 11.05.2013 has issued certificate to the promoter company, wherein, it has been mentioned that the solid waste to be generated from the Sector 66-A, 82 and 83 can be disposed off by the firm at the dumping site deposition of requisite charges.</p> <p>➤ The project proponent has submitted a copy of NOC issued by CGWA vide no. 637 dated 18.04.2013 for abstraction of groundwater to the tune of 2322 KLD.</p>
<p>10. Water balance chart for summer, rainy and winter seasons indicating critical requirements.</p>	<p>Submitted, but the same is not in order.</p>
<p>11. Availability of adequate land for use of treated sewage and plantation.</p>	<p>Submitted</p>
<p>12. Analysis reports of ambient air, ground water and noise levels from NABL/MoEF Accredited laboratories.</p>	<p>The ambient air monitoring has been got done from Eco Laboratories & Consultants Pvt. Ltd, and the analysis results indicate that the concentration of various pollutants such as PM_{2.5}, PM₁₀, SO₂, NO₂, NH₃,</p>

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O₃, Pb, BaP, As, Ni, C₆H₆ and CO have been measured. Also, ambient noise monitoring has been got done from the said firm and the analysis results indicate that the noise levels during day and night times, have been measured as 54.6 dB(A) leq and 42.5 dB(A) leq, respectively, against the prescribed standards of 55 and 45 dB(A) leq. The analysis report of groundwater has also been submitted.

13. Quantification of energy saved and renewable energy devices used.	Submitted.
14. Drawing showing plumbing systems for use of fresh, treated and hot water	Submitted
15. Construction schedule (PERT/CPM Chart)	Submitted.
16. Affidavits for ; a) Constitution of Environment Monitoring Cell b) Use of ready mix concrete or use of fly ash during construction. c) To provide Fire Fighting System d) To provide wind breaking curtains and water sprinkling system to minimize dust emissions during construction phase. e) To provide adequate safety measures for the construction workers during the construction phase.	Submitted.
17. Environmental Management Plan indicating the following: a) All mitigation measures for each item-wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. b) Compliance of various environmental regulations c) Steps to be taken in case of emergency such as accidents at the site including fire. d) For how long period the project proponent will be responsible for implementation of EMP and the name of the person(s) responsible for implementation of EMP. e) Capital & recurring cost for the EMP per year and the details of funds for	(a) Submitted (b) Submitted (c) Submitted (d) Sh. Hardeep Singh, Authorized Signatory of M/s JLPL, will be responsible for implementation of EMP. (e) Rs. 36 lacs will be incurred for implementation of EMP and Rs. 5 lacs/annum will be incurred as recurring cost. (f) The welfare association of

	the same. f) Name of the individual persons / organization, who will be responsible for implementation of EMP after the lapse of the period for which the project proponent is responsible.	residents along with the Environment Management Cell will be responsible for implementation of EMP.
18.	Corporate Social Responsibility indicating various activities to be undertaken, provisions of funds for the same, the period for which the same is to be implemented and the person(s) responsible for the implementation of the same.	Rs. 7.5 crore will be utilized for following activities under Corporate Social Responsibility: (i) Providing school upto middle class (ii) Creche for children of labour. (iii) Dispensary for welfare of villagers at the space offered by the villagers. Sh. Hardeep Singh, Authorized Signatory of M/s JLPL, will be responsible for implementation of CSR.
19.	NOC of the nearest Air Port issued by its Authority.	The NOC issued by Airports Authority of India vide the no. 17726 dated 31.05.2012 submitted and as per this NOC the height of the building shall not exceed 80m above ground level.
20.	Traffic Circulation System and connectivity with a view to ensuring adequate parking, conflict free movements, Energy efficient Public Transport.	Submitted
21.	Disaster/Risk Assessment and Management Plan	Submitted

2. The project proponent was requested by the SEAC vide letter no. 3393 dated 24.12.2013, to attend its 85th meeting on 26.12.2013 and following were present in the said meeting on behalf of the project proponent:

- (i) Sh. Hardeep Singh, Deputy Chief Engineer of the promoter company.
- (ii) Ms. Simranjit Kaur of M/s Eco Labs, Mohali, Environmental Consultant of the promoter company.

Sh. Hardeep Singh, Deputy Chief Engineer of the promoter company informed the Committee that the construction work has just been started at site.

The SEAC observed that the case is required to be dealt as per the procedure mentioned in the Office Memorandum dated 12.12.2012 of the Ministry of Environment & Forests as amended on 27.06.2013 since the promoter company has

violated the provisions of EIA notification dated 14.09.2006 by starting construction of the project without obtaining environmental clearance under the said notification.

After detailed deliberations, the SEAC decided as under:

- (i) To forward the case to SEIAA with the recommendation to ask the project proponent to submit a formal resolution passed by the Board of Directors of the Company or to the Managing Committee / CEO of the Society, Trust, partnership / individually owned concern, within 60 days, mentioning that violations will not be repeated in future and in the meantime, the project may be delisted. In the eventuality of not having any response from the project proponent within the prescribed limit of 60 days, the project file may be closed.
- (ii) To recommend to SEIAA to send the case to the Govt. of Punjab, Department of Science, Technology & Environment:
 - For initiating credible action against project proponent / responsible persons / Promoter Company under the Environment (Protection) Act, 1986 due to start of construction activities of the project without obtaining Environmental Clearance under EIA notification dated 14.09.2006.
 - For issuance of directions under Section 5 of the Environment (Protection) Act, 1986 to restrain the promoter company from carrying out any further construction activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.

Further, the project proponent would submit revised water balance chart.

The case was considered by the SEIAA in its 57th meeting held on 10.01.2014, wherein, after detailed deliberations, the SEIAA decided as under:

- a) To send the case to the Govt. of Punjab, Department of Science, Technology & Environment:
 - For initiating credible action against project proponent / responsible persons / Promoter Company under the Environment (Protection) Act, 1986 due to start of construction activities of the project without obtaining Environmental Clearance under EIA notification dated 14.09.2006.



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➤ For issuance of directions under Section 5 of the Environment (Protection) Act, 1986 to restrain the promoter company from carrying out any further construction activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.

- a) To ask the project proponent to submit a formal resolution passed by the Board of Directors of the Company or the Managing Committee / CEO of the Society, Trust, partnership / individually owned concern, within 60 days, mentioning that violations will not be repeated in future and in the meantime, the project may be delisted. In the eventuality of not having any response from the project proponent within the prescribed limit of 60 days, the project file may be closed
- b) To inform the project proponent that the application for environmental clearance under EIA Notification dated 14.09.2006 will be considered only after the action is initiated by the Govt. of Punjab, Department of Science, Technology & Environment for violating the provisions of the said notification due to start of construction work of the project without obtaining environmental clearance & resolution as at (b) above is received within the stipulated period.

The case was sent to the Govt. of Punjab, Department of Science, Technology & Environment for initiating action against the project proponent/responsible persons under the provisions of the Environment (Protection) Act, 1986 for starting the construction work of the project without obtaining environmental clearance from State Level Environment Impact Assessment Authority as required under the EIA notification no. 1533 (E) dated 14.9.2006.

The Govt. of Punjab, Department of Science, Technology & Environment, Chandigarh vide letter no. 403790/1 dated 30.01.2015 has informed that the Govt. of India, Ministry of Environment, Forests & Climate Change, New Delhi vide notification No. S.O. 638 (E) dated 28.02.2014 has empowered the SEIAA to initiate action u/s 19 (a) of the Environment (Protection) Act, 1986 at its own wherever any of the conditions have been violated by the project proponent. The Govt. has directed the SEIAA, Punjab to initiate action at its own level for which the violations have been committed by the project proponent earlier for not obtaining environmental clearance as per above mentioned notification dated 28.02.2014.

The matter was considered by the SEIAA in its 80th meeting held on 28.02.2015 and after deliberations, SEIAA decided as under:



1. To take the following actions in the above mentioned three cases:
- a) To ask the project proponent to submit, within 60 days, a formal resolution passed by the Board of Directors of the Company or to the Managing Committee / CEO of the Society, Trust, partnership / individually owned concern, mentioning that violations in respect of starting construction activities without obtaining environmental clearance under EIA notification dated 14.09.2006, are un-intentional and will not be repeated in future. In the meantime, the project be delisted. In case, the project proponent fails to submit the said resolution within a period of 60 days, it will be presumed that the project proponent is no longer interested in pursuing the project further and the project file will be closed and the project proponent will have to initiate the procedure *de novo* for obtaining environmental clearance.
 - b) To ask the project proponent to submit copy of Memorandum of Article Association / partnership deed / list of Directors and names of other persons responsible for managing the day-to-day affairs of the project.
 - c) To initiate credible action against project proponent(s), responsible person(s) & promoter company on receipt of information as at (a) above, by invoking powers u/s 19 of the Environment (Protection) Act, 1986 as delegated by Ministry of Environment & Forests vide notification No. S.O. 638 (E) dated 28.02.2014 due to start of construction activities of the project without obtaining Environmental Clearance under EIA notification dated 14.09.2006. Punjab Pollution Control Board be written in this regard for taking necessary legal action u/s 15 of the Environment (Protection) Act, 1986 for the period for which the violation has taken place.
 - d) To issue directions under section 5 of the Environment (Protection) Act, 1986 as delegated by Ministry of Environment & Forests vide Notification No. S.O. 637 (E) dated 28.02.2014 to restrain the promoter company from carrying out any further construction or operation activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.
 - e) To inform the project proponent that the application for environmental clearance under EIA Notification dated 14.09.2006 will be considered only after the compliance of decision (a) above and action is initiated for

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violating the provisions of the EIA notification dated 14.09.2006 due to start of construction work of the project without obtaining environmental clearance.

2. In future, in all the cases at the time of receiving environmental clearance / ToRs application, a copy of Memorandum of Article & Association / partnership deed / undertaking of sole proprietorship / list of Directors and names of other persons responsible for managing the day-to-day affairs of the project, shall be obtained and check lists of documents to be attached with the environmental clearance applications/ToRs of various projects be amended accordingly.

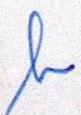
Accordingly, the decisions of SEIAA was conveyed to the project proponent vide letter No. 1388 dated 05.03.2015 and directions were issued under Section 5 of the Environment (Protection) Act, 1986 to restrain the promoter company from carrying out any further construction activity of the project till the environmental clearance under EIA notification dated 14.09.2006 vide letter No.1390 dated 05.03.2015.

Further, it is submitted that the project proponent vide letter dated 12.05.2015 has submitted:

- i. A formal resolution passed by the Board of Directors of the Company or to the Managing Committee / CEO of the Society, Trust, partnership / individually owned concern, mentioning that violations in respect of starting construction activities without obtaining environmental clearance under EIA notification dated 14.09.2006, are un-intentional and will not be repeated in future.
- ii. A copy of Memorandum of Article Association / partnership deed / list of Directors and names of other persons responsible for managing the day-to-day affairs of the project.

The case was sent to the Punjab Pollution Control Board for initiating credible action against project proponent / responsible persons / promoter company under the Environment (Protection) Act, 1986 due to start of construction activities of the project without obtaining Environmental Clearance under EIA notification dated 14.09.2006.

The Punjab Pollution Control Board, Regional Office, Mohali vide letter No. 5524 dated 18.12.2015 informed that prosecution u/s 15, 16 of the Environment



(Protection) Act, 1986 has been launched against the promoter company and its responsible persons in the Court of JMIC, SAS Nagar on 17.12.2015. The case has been fixed for next hearing on 12.02.2016.

The case was considered by the SEAC in its 139th meeting held on 05.01.2016. The Committee noted that the case pertains to category 8 (b) of the Schedule appended to the EIA Notification dated 14.9.2006 and such type of projects are to be appraised as category B-1 as per the said notification. Thus, the project proponent is required to be issued '**Terms of Reference**' for preparation of draft Rapid EIA study report.

The project proponent requested that being a part of the Super Mega Mixed Use integrated industrial park project, they may be allowed to use the baseline data from EIA studies already conducted for the said project during Oct-2014 to Dec-2014. The Project Proponent further submitted that they will however generate baseline data for one more month.

The SEAC observed that the OM dated 22.08.2014 issued by the MoEF allows use of maximum 3 year old baseline data. As such, the SEAC accepted the request of the Project Proponent and decided to allow the use of baseline data from the EIA study report of the Super Mega Mixed use integrated industrial park project, Sector-82,83 and 60A Mohali for the period of Oct-2014 to Dec-2014. However, the project proponent shall generate baseline data for one more month as proposed by him. After detailed deliberations in the matter, it was decided to finalize "**Terms of Reference**" and to convey the same to the project proponent for preparation of detailed draft Rapid EIA report.

A detailed draft EIA/EMP report should be prepared as per the above TOR's and shall be submitted to the SEAC as per the provisions of the EIA Notification dated 14.9.2006. The project proponent may use baseline data from EIA study of M/s Super Mega Mixed Use Integrated Industrial Park Project, Sector-82, 83 and 60-A Mohali, carried for the period of Oct-2014 to Dec-2014. However, one month baseline data will be generated by him for carrying out the EIA study. The aforesaid 'Terms of Reference' will be valid for a period of two years from its issuance.

Accordingly, TOR's have been conveyed vide letter no 411 dated 18.01.2016 to the project proponent. Now, the project proponent has submitted the EIA report and requested to grant environmental clearance to the project.

The case was considered by the SEAC in its 142nd meeting held on 11.03.2016, which was attended by the following on behalf of the promoter company:



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1. Sh. M.L. Mittal , Deputy Chief Engineer from the Promoter Company.
 2. Sh. Sandeep Garg, Environmental Consultant of the promoter company.

The SEAC queried as to whether construction work has been stopped at the project site or not. In reply to this query, the project proponent stated that they had stopped the construction work on the project site after issuance of the directions by the SEIAA. The SEAC observed that the project proponent submitted resolution on 08.03.2014 to the effect that violation was unintentional and will not be repeated. Direction to the project proponent for stopping the construction activity were issued u/s 5 of EPA by SEIAA on 05.03.2015. The above statement of the project proponent viz-a-viz the material facts on record indicate that the construction activity continued even after submission of the resolution. The SEAC was of the view that the construction should have been stopped after filing the application/presentation before SEAC wherein project proponent was informed about the violations and action being recommended against him to SEIAA. Any construction activity done at site after that should be viewed as an intentional violation.

After detailed deliberations, SEAC decided to ask the Regional office, Punjab Pollution Control Board, Mohali to send the report of the latest construction status of the project along with photographs and to defer the case till the verification report from the Regional office, Punjab Pollution Control Board, Mohali is received.

The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali was requested vide e-mails to visit the project site and submit report regarding latest construction status.

The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Mohali vide return email dated 18.08.2016 has intimated that out of total No 25 towers, which is under proposal, substantial construction / structural work of 13 No of towers up to G+16 levels have been completed. Further, the structure work of 3 no of towers have been completed up to G+15 levels, 2 no of towers up to G+13 levels and 1 tower up to G+5 level. The Deputy Chief Engineer informed during visit that the structural activities of approximately 700 no of flats have been completed.



The case was considered by the SEAC in its 149th meeting held on 29.08.2016, which

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was attended by the following on behalf of the promoter company:

1. Sh. M.L. Mittal , Deputy Chief Engineer from the Promoter Company.
2. Sh. Ramesh Chandra, Senior Project Manager, from the promoter company
3. Sh. Sandeep Garg, Environmental Consultant of the promoter company.

The SEAC observed that from the report dated 18.08.2016 sent by EE, RO, Mohali & statement given as well as the admission made by the project proponent during the presentation, it was found that construction has not been stopped after the prosecution, as such, it is a case of continued violation. The project proponent submitted that vide their letter dated 12.03.2016 they have submitted that they do not require separate environmental clearance for this project as it is part of an area development project of Janta Land Promoters Ltd. Namely Super Mega Mixed use Integrated Industrial Park Project for which they have already obtained the Environmental Clearance. The SEAC, did not agree to this contention of project proponent and observed that complete details of environmental impacts due to construction activities of this project were not covered under this environmental clearance obtained by M/s Janta Land Promoters Limited for the area development project.

After detailed deliberations, the SEAC decided to forward the case to SEIAA for initiating another penal action due to continued violation in light of OM dated 12.12.12 & 27.06.2013 with the following recommendations (except Sr. no. 'a' of the OM dated 12.12.12 regarding resolution to be submitted by the project proponent :-

- b) For initiating credible action against project proponent / responsible persons / Promoter Company under the Environment (Protection) Act, 1986 due to continuing violation by the project proponent construction activities of the project even after filing of earlier complaint in the court of Competent Law & without obtaining Environmental Clearance under EIA notification dated 14.09.2006. The names of all the Directors as mentioned in the Memorandum & Article of Association submitted by the project proponent along with applicant be sent to Punjab Pollution Control Board as project proponent(s)/persons responsible.
- c) Once action as per point a & b mentioned above have been taken, the concerned case will be dealt with and processed as per the prescribed procedure for dealing with cases for grant of TORs / Environment Clearance /CRZ Clearance and appropriate recommendation made by the EAC/decision taken by the Ministry as per the merit of the case.

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d) For issuance of directions under Section 5 of the Environment (Protection) Act, 1986 to restrain the promoter company from carrying out any further construction activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.

However, the above mentioned recommendations are subject to the final order of the Hon'ble Supreme Court of India in matter of civil appeal no. 7191-7192/2015 as may be applicable to this project and decision of any competent authority to the extent applicable.

The case was considered by the SEIAA in its 115th meeting held on 23.09.2016, which was attended by the following on behalf of the project proponent:

1. Sh. M.L. Mittal, Deputy Chief Engineer from the Promoter Company.
2. Sh. Ramesh Chandra, Senior Project Manager, from the promoter company

The SEIAA queried that whether the construction has been carried out by the promoter company after the issue directions under section 5 of the Environment (Protection) Act, 1986 vide SEIAA letter no. 1390 dated 05.03.2015 to restrain it from carrying out any further construction or operation activity of the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained. In reply to this query, the project proponent replied that the construction has been carried out after the directions issued to the promoter company due to the requirement of fulfillment of his obligations towards allottee of flats.

After detailed deliberations, the SEIAA decided to accept the recommendations of SEAC and take the action as recommended by SEAC. Further, the SEIAA also decided to issue directions u/s 5 of the Environment (Protection) Act, 1986 to restrain the promoter company not to create any third party interest in the project till the environmental clearance under EIA notification dated 14.09.2006 is obtained.

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Member Secretary (SEIAA)
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Working Towards A Golden Tomorrow

Infrastructure Development, Integrated Townships, Industrial Parks.
(CIN U45200PB2003PTC026229)

To

The Member Secretary,
State Environment Impact Assessment Authority (SEIAA),
MGSIPA Complex, Sector 26, Chandigarh-160019.

Memo. No: - JLPL/82/2019/ 3875

Dated:- 16/12/2019

Sub: - Application for obtaining Environmental Clearance under EIA notification dated 14.09.2006 for development of a Residential project namely 'Falcon View' at Sector 66 A, Distt. Mohali by M/s Janta Land Promoters Limited. (Proposal No. SIA/PB/NCP/10626/2013)

Ref: SEIAA letter no 611 dated 11.05.2018.

Sir,

In this regard it is respectfully submitted that:-

- i. We have already been accorded environmental clearance for our Super Mega Mixed Used Integrated Industrial Park Project at Sector 66 A, 82 & 83 Mohali which includes Falcon View Project as well. All critical components considered for Super Mega Project include parameters for Falcon View as well. The same has been reiterated by us earlier too stating that statute does not ask for separate environmental clearance for built up project (which is a sub-part of land development project) once land development project has been accorded environmental clearance.
- ii. We have subsequently submitted devised environmental clearance for Super Mega Mixed Use Integrated Industrial Park Project vide dated 17.01.2019 which is under consideration of the competent authority for approval.
- iii. Both SEAC and SEIAA have at their level found Falcon View Project fit for construction, in spite of the alleged violation and there is no irregularity and infirmity in the implementation of the project duly approved by the State Government.
- iv. Moreover, the application submitted by the company for environmental clearance in respect of Falcon View Project was withdrawn by the applicant promoter.

In view of the above submissions no further action is solicited on the above referred letter.

Thanking you.

Yours faithfully,

For M/s Janta Land Promoters Pvt Ltd.

(Authorized Signatory)

Janta Land Promoters Pvt. Ltd.

Regd. Office & Corporate Office: SCO 39-42, Sector-82, SAS Nagar (Mohali), Punjab, India. Pin-140306
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