



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 64/2019**

Tanaji Balasaheb Gambhire ... Applicant

V/s

Union of India & Ors. ... Respondents

**REPLY AFFIDAVIT BY RESPONDENT NO. 4,
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY**

I, Dattatray Suryakant Bhalerao, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

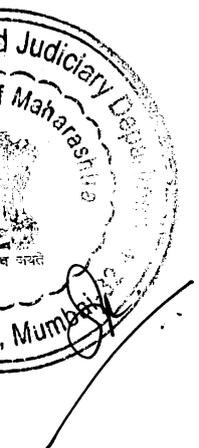
At the outset I beg the apology of the Hon'ble Tribunal for not filing the reply to the present case. There was no intention to



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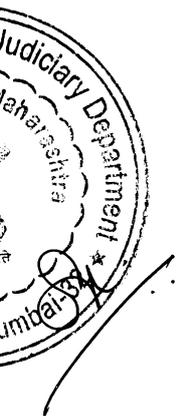
disregard the notice issued by the Hon'ble Tribunal. I regret the delay in filing the reply and once again tender unconditional apology for not filing the reply and the delay in filing the reply may kindly be condoned.

2. The present case pertains to the construction undertaken by the M/s. Ekta Housing Private Limited of their project named Ekta California & Florida situated at Survey No. 9/1(P), Taluka Haveli, Village Undri, District Pune.
3. Project proponent has applied for Environmental Clearance on 08th August, 2018. SEAC deliberated the project in its 102nd SEAC-3 Meeting held on 22-01-2020. SEAC noted that the present case is a Violation. Project proponent had submitted application for prior Environmental clearance for total plot area of 26000 m², FSI area of 24940.54 m², Non FSI area of 21628.67 m² and total BUA of 46,569.21 m². Project proponent informed that the total constructed area on site is: 44841.72 m².
4. The SEAC noted that project proponent has not applied within the within the stipulated amnesty period as per the MoEF&CC Notification dated 14/03/2017 and 8/03/2018. On 14/03/2020, the SEAC decided to *refer the proposal to SEIAA* for further needful action.



(Signature)

5. Project proponent remained absent so SEIAA decided to defer the proposal. Project proponent was supposed to submit additional information to SEIAA within 30 days which it has not done. Copy of SEIAA minutes of meeting is marked and annexed as **EXHIBIT-A.**
6. This is a clear violation case as project proponent has undertaken construction without obtaining prior EC as per the EIA Notification, 2006.
7. The project proponent has not been granted Environmental Clearance. Project proponent has not applied under the Amnesty Scheme declared by the MoEF on 14/03/2017. Amnesty Window was open for a period of 6 months till 13/09/2017 and further from 14/03/2018 till 13/04/2018 upon the orders of Hon'ble Supreme Court. It seems that the project proponent has not applied during any of this window period.
8. There was no intention to disregard the notice issued by the Hon'ble Tribunal. I regret the delay in filing the reply and once again tender unconditional apology for not filing the reply and the delay in filing the reply may kindly be condoned.
9. This respondent craves leave to file any additional reply as and when required. In light of the above submissions, it is respectfully



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prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

Place: Mumbai

Date: 28/01/2022



(Dattatray Suryakant Bhalerao)
Scientist II & Under Secretary,
Environment & CC Department,
Government of Maharashtra



VERIFICATION

I, Dattatray Suryakant Bhalerao, Age- 38, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at 15th floor, New Administrative Building, Mantralaya, Mumbai-400 032, do hereby verify and declare that the statements made in the aforesaid Para's are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.

Solemnly affirmed on this 28th day of the January, 2022 at Mumbai.

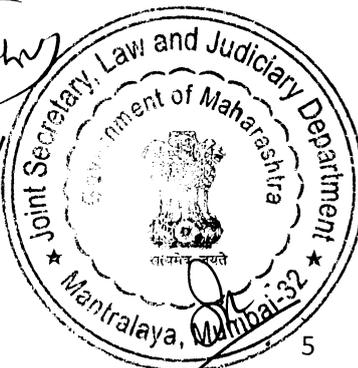


(Dattatray Suryakant Bhalerao)
Scientist II & Under Secretary,
Environment & CC Department,
Government of Maharashtra

Identified by me



(Saijay Sandpaty)
Under Secretary,
Environment &
Climate Change
Deptt.
Mantralaya
Mumbai - 400 032



SOLEMNLY AFFIRMED
BEFORE ME BY THE DEPONENT
SHRI DATTATRAY SURYAKANT BHALERAO,
TO WHOM I PERSONALLY KNOW,

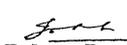
Mumbai, Joint Secretary
Law and Judiciary Department
Dated 28-01-2022
& Oath Officer Appointed
under oaths Act, 1969

195 th Meeting of SEIAA	
SEIAA Meeting number: 195 Meeting Date March 14, 2020	
Subject: Environment Clearance for Proposed residential Building "Ekta California" development at S. No. 9/1(P), Undri, Pune.	
Is a Violation Case: Yes	
1.Name of Project	Ekta California
2.Type of institution	Private
3.Name of Project Proponent	Ekta Housing Private Limited
4.Name of Consultant	K Srinivasan
5.Type of project	Housing Project
6.New project/expansion in existing project/modernization/diversification in existing project	Expansion in existing project
7.If expansion/diversification, whether environmental clearance has been obtained for existing project	No
8.Location of the project	S. No. 9/1(P), Undri
9.Taluka	Pune
10.Village	--
Correspondence Name:	Ashok Mohanani
Room Number:	Office No. 401,
Floor:	4th Floor,
Building Name:	Hallmark Business Plaza,
Road/Street Name:	Off. W.E. Highway,
Locality:	Kalanagar, Bandra -East
City:	Mumbai- 400051
11.Whether in Corporation / Municipal / other area	Pune Municipal Corporation
12.IOD/IOA/Concession/Plan Approval Number	Commencement Certificate
	IOD/IOA/Concession/Plan Approval Number: Commencement Certificate: CC/3774/16, Dated-31/03/2017
	Approved Built-up Area: 46569.21
13.Note on the initiated work (If applicable)	Construction work initiated and total constructed area: 44841.72 Sq. Mt.
14.LOI / NOC / IOD from MHADA/ Other approvals (If applicable)	Commencement Certificate: CC/3774/16, Dated-31/03/2017
15.Total Plot Area (sq. m.)	26000.00 Sq. Mt.
16.Deductions	3253.10 Sq. Mt. (Land under 60 Meter wide DP road: 1713.10 Sq. Mt. + Land under 24 Meter wide DP road: 144.00 Sq. Mt. + Area Under reservation MH-26: 998.00 Sq. Mt. & PC-31: 398 Sq. Mt.)
17.Net Plot area	22746.90 Sq. Mt.
18 (a).Proposed Built-up Area (FSI & Non-FSI)	a) FSI area (sq. m.): 24940.54
	b) Non FSI area (sq. m.): 21628.67
	c) Total BUA area (sq. m.): 46569.21
18 (b).Approved Built up area as per DCR	Approved FSI area (sq. m.): 24940.54
	Approved Non FSI area (sq. m.): 21628.67
	Date of Approval: 31-03-2017
19.Total ground coverage (m2)	7635.00
20.Ground-coverage Percentage (%) (Note: Percentage of plot not open to sky)	33.56 %
21.Estimated cost of the project	1374000000


Shri. Anil Diggikar (Member Secretary SEIAA)

SEIAA Meeting No: 195 Meeting Date: March 14, 2020 (SEIAA-STATEMENT-0000001604)
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Johnny Joseph (Chairman SEIAA)

22. Number of buildings & its configuration

Serial number	Building Name & number	Number of floors	Height of the building (Mtrs)
1	Building A	Stilt on ground floor + stilt podium + 12 upper Floors + 24 Flats	36.00
2	Building B	Stilt on ground floor + stilt podium + 12 upper Floors + 24 Flats	36.00
3	Building C	Stilt on ground floor + stilt podium + 12 upper Floors + 24 Flats	36.00
4	Building D	Stilt on ground floor + 12 Floors + 24 Flats	36.00
5	Building E	Stilt on ground floor + 12 Floors + 24 Flats	36.00
6	Building F	Stilt on ground floor + 12 Floors + 70 Flats	39.20

23. Number of tenants and shops	Residential 190 Flats
24. Number of expected residents / users	1105 Nos.
25. Tenant density per hectare	83.50
26. Height of the building(s)	
27. Right of way (Width of the road from the nearest fire station to the proposed building(s))	Proposed 60 Meter wide road and 24 Meter existing road
28. Turning radius for easy access of fire tender movement from all around the building excluding the width for the plantation	9.00 Meters
29. Existing structure (s) if any	Existing 5 Buildings (A to E)
30. Details of the demolition with disposal (if applicable)	NA

31. Production Details

Serial Number	Product	Existing (MT/M)	Proposed (MT/M)	Total (MT/M)
1	Not applicable	Not applicable	Not applicable	Not applicable

32. Total Water Requirement

 Shri. Anil Diggikar (Member Secretary SEIAA)	SEIAA Meeting No: 195 Meeting Date: March 14, 2020 (SEIAA-STATEMENT-0000001604) SEIAA-MINUTES-0000003163	Page 2 of 12	 Johnny Joseph (Chairman SEIAA)
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Dry season:	Source of water	Pune Municipal Corporation + treated sewage from STP
	Fresh water (CMD):	100.00
	Recycled water - Flushing (CMD):	50.00
	Recycled water - Gardening (CMD):	25.00
	Swimming pool make up (Cum):	5.00
	Total Water Requirement (CMD) :	180.00
	Fire fighting - Underground water tank(CMD):	200.00 (A to E building as per CFO) and 50.00 (F building as per CFO)
	Fire fighting - Overhead water tank(CMD):	20.00 (for each building)
	Excess treated water	33.00 (Treated water also used in Car washing (4.00) and STP backwash (10.00))
Wet season:	Source of water	Pune Municipal Corporation + treated sewage from STP + RWH
	Fresh water (CMD):	100.00
	Recycled water - Flushing (CMD):	50.00
	Recycled water - Gardening (CMD):	0.00
	Swimming pool make up (Cum):	5.00
	Total Water Requirement (CMD) :	155.00
	Fire fighting - Underground water tank(CMD):	200.00 (A to E building as per CFO) and 50.00 (F building as per CFO)
	Fire fighting - Overhead water tank(CMD):	20.00 (for each building)
	Excess treated water	58.00 (Treated water also used in Car washing (4.00) and STP backwash (10.00))
Details of Swimming pool (If any)	Swimming pool area: 425 Sq. Mt.	



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33.Details of Total water consumed									
Particulars	Consumption (CMD)			Loss (CMD)			Effluent (CMD)		
	Existing	Proposed	Total	Existing	Proposed	Total	Existing	Proposed	Total
Domestic	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
34.Rain Water Harvesting (RWH)	Level of the Ground water table:		3- 4 Meters						
	Size and no of RWH tank(s) and Quantity:		1 RWH Tank of 130 KLD						
	Location of the RWH tank(s):		On Ground						
	Quantity of recharge pits:		NA						
	Size of recharge pits :		NA						
	Budgetary allocation (Capital cost) :		21.00 Lacs						
	Budgetary allocation (O & M cost) :		0.84 Lacs/year						
	Details of UGT tanks if any :		Domestic UG tank: 150-KLD Flushing UG tank: 75 KLD Fire Tank: 200 KLD						
35.Storm water drainage	Natural water drainage pattern:		The storm drainage above ground will essentially cater for the seasonal rains. The major part of discharge will be from the roof. Rain water outlets will be provided at the edges from where it will be carried down by UPVC agriculture pipes to discharge water into storm water entrance chambers below ground. Run- off from the ground and terrace will be finally discharged into rain water harvesting tank below ground. The overflow from rain water harvesting tank will be discharged into storm water c						
	Quantity of storm water:		3.60 M3/ Min						
	Size of SWD:		750 mmØ pipe						
Sewage and Waste water	Sewage generation in KLD:		135 KLD						
	STP technology:		MBBR						
	Capacity of STP (CMD):		212 KLD STP						
	Location & area of the STP:		On ground and area 118.50 Sq. Mtrs.						
	Budgetary allocation (Capital cost):		45.00 Lacs						
	Budgetary allocation (O & M cost):		3.00 Lacs/year						

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36. Solid waste Management

Waste generation in the Pre Construction and Construction phase:	Waste generation:	Excavated soil will be used in land leveling purpose & construction debris will be handed over to authorized agency.
	Disposal of the construction waste debris:	Construction debris will be handed over to Authorized agency.
Waste generation in the operation Phase:	Dry waste:	306.60 Kg/day
	Wet waste:	204.40 Kg/day
	Hazardous waste:	NA
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	3.20 kg/day
	Others if any:	NA
Mode of Disposal of waste:	Dry waste:	Handed over to authorized agency.
	Wet waste:	Composting through OWC & used at site/as manure.
	Hazardous waste:	NA
	Biomedical waste (If applicable):	NA
	STP Sludge (Dry sludge):	Used as manure within the premises for plants. Excess shall be sold /handover to outside parties or gardens.
	Others if any:	NA
Area requirement:	Location(s):	On Ground
	Area for the storage of waste & other material:	30 Sq. Mt. including machinery
	Area for machinery:	--
Budgetary allocation (Capital cost and O&M cost):	Capital cost:	4.00 Lacs
	O & M cost:	0.40 Lacs/year

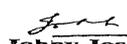
37. Effluent Characteristics

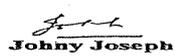
Serial Number	Parameters	Unit	Inlet Effluent Characteristics	Outlet Effluent Characteristics	Effluent discharge standards (MPCB)
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Amount of effluent generation (CMD):		Not applicable			
Capacity of the ETP:		Not applicable			
Amount of treated effluent recycled :		Not applicable			
Amount of water send to the CETP:		Not applicable			
Membership of CETP (if require):		Not applicable			
Note on ETP technology to be used		Not applicable			
Disposal of the ETP sludge		Not applicable			


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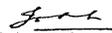
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38.Hazardous Waste Details								
Serial Number	Description	Cat	UOM	Existing	Proposed	Total	Method of Disposal	
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	
39.Stacks emission Details								
Serial Number	Section & units	Fuel Used with Quantity	Stack No.	Height from ground level (m)	Internal diameter (m)	Temp. of Exhaust Gases		
1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable		
40.Details of Fuel to be used								
Serial Number	Type of Fuel	Existing	Proposed	Total				
1	Not applicable	Not applicable	Not applicable	Not applicable				
41.Source of Fuel		Not applicable						
42.Mode of Transportation of fuel to site		Not applicable						
43.Green Belt Development	Total RG area :	Green area on Ground: 2274.70 Sq. Mt. and Green area on podium: 1240.00 Sq. Mt.						
	No of trees to be cut :	NA						
	Number of trees to be planted :	Required: 223 Nos. and Proposed on site: 320 Nos.						
	List of proposed native trees :	As mentioned below.						
	Timeline for completion of plantation :	Trees already planted on site						
44.Number and list of trees species to be planted in the ground								
Serial Number	Name of the plant	Common Name	Quantity	Characteristics & ecological importance				
1	Mimusops elengi	Bakul	75	Butterfly host plant having high Air Pollution Index Tolerance (APIT) tree, small white fragrant flowers.				
2	Couroupita guianensis	cannonball	75	medicinal uses for the plant.				
3	Swietenia mahagoni	Cuban mahogany	75	There has been some research into the acaricidal effects of its leaves and bark for control of the honey bee pest.				
4	Elaeocarpus sphaericus	Rudraki	50	Fruits have properties such as sedative, hypnotic, tranquillizing, anti-convulsive, anti-epileptic and anti-hypertensive properties, used in the treatment of epilepsy and heart problems.				
5	Alstonia scholaris	blackboard tree	25	It has proved a valuable remedy in chronic diarrhoea and the advanced stages of dysentery.				
6	Purple bauhinia	Purple Orchid Tree	20	evergreen small tree or shrub up to 4 - 10 m tall and 2 m across				
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7	--	--	--	--
8	--	--	--	--
45.Total quantity of plants on ground				
46.Number and list of shrubs and bushes species to be planted in the podium RG:				
Serial Number	Name	C/C Distance	Area m2	
1	--	--	1240.00	

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47. Energy		
Power requirement:	Source of power supply :	MSEDCL
	During Construction Phase: (Demand Load)	100 kVA
	DG set as Power back-up during construction phase	as per requirement
	During Operation phase (Connected load):	3340 KW
	During Operation phase (Demand load):	1176 KW
	Transformer:	630 KVA- 1 NO. & 1000 KVA -1 No.
	DG set as Power back-up during operation phase:	1 No. of 140 kVA DG
	Fuel used:	HSD
	Details of high tension line passing through the plot if any:	NA

48. Energy saving by non-conventional method:

Reduction in consumption by using Energy Saving Measure:

1. Use of LED lamps for common area (Landscape)
2. Stair-case, Lift lobby, Passage parking Lightings

49. Detail calculations & % of saving:

Serial Number	Energy Conservation Measures	Saving %
1	AVERAGE ANNUAL ENERGY SAVINGS	--
2	SAVINGS ON ONLY SOLAR PANELS	--
3	ADDITIONAL AVERAGE ANNUAL ENERGY SAVINGS WITH SOLAR WATER HEATING	--

50. Details of pollution control Systems

Source	Existing pollution control system	Proposed to be installed
Not applicable	Not applicable	Not applicable

Budgetary allocation (Capital cost and O&M cost):	Capital cost:	--
	O & M cost:	--

51. Environmental Management plan Budgetary Allocation

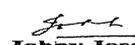
a) Construction phase (with Break-up):

Serial Number	Attributes	Parameter	Total Cost per annum (Rs. In Lacs)
1	PPE	--	5.00
2	Site Sanitation Facility	--	4.00
3	Drinking water facility	--	2.00


Shri. Anil Diggikar (Member Secretary SEIAA)

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4	Solid Waste Management	--	2.50
5	Safety railing, platform, ladder, hoist, Cranes etc.	--	6.00
6	House keeping	--	2.00
7	Health Check	--	1.00
8	Environmental Monitoring	--	1.50
9	Anti-rusting coating on foundation steel bars	--	5.00

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b) Operation Phase (with Break-up):				
Serial Number	Component	Description	Capital cost Rs. In Lacs	Operational and Maintenance cost (Rs. in Lacs/yr)
1	Rain water Harvesting	--	21.00	0.84
2	Sewage Treatment Plant	--	45.00	3.00
3	Solid Waste Management	--	4.00	0.40
4	Landscaping	--	15.00	0.50

51.Storage of chemicals (inflammable/explosive/hazardous/toxic substances)

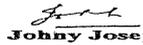
Description	Status	Location	Storage Capacity in MT	Maximum Quantity of Storage at any point of time in MT	Consumption / Month in MT	Source of Supply	Means of transportation
Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

52.Any Other Information

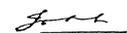
No Information Available

53.Traffic Management

	Nos. of the junction to the main road & design of confluence:	2
Parking details:	Number and area of basement:	NA
	Number and area of podia:	1 podium and area 3375 Sq. Mt.
	Total Parking area:	4139.00 Sq. Mt.
	Area per car:	12.50 Sq. Mt.
	Area per car:	12.50 Sq. Mt.
	Number of 2-Wheelers as approved by competent authority:	Scooter Required: 387 Nos. and Scooter Proposed: 387 Nos. ; Cycle Required: 350 Nos. and Cycle Proposed: 350 Nos.
	Number of 4-Wheelers as approved by competent authority:	Required: 230 Nos. and Proposed: 230 Nos.
	Public Transport:	--
Width of all Internal roads (m):	7.5 & 12 Meters	

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	CRZ/ RRZ clearance obtain, if any:	NA
	Distance from Protected Areas / Critically Polluted areas / Eco-sensitive areas/ inter-State boundaries	NA
	Category as per schedule of EIA Notification sheet	8 (a) B2
	Court cases pending if any	NA
	Other Relevant Informations	NA
	Have you previously submitted Application online on MOEF Website.	No
	Date of online submission	-
SEAC DISCUSSION ON ENVIRONMENTAL ASPECTS		
Summarised in brief information of Project as below.		
Brief information of the project by SEAC		

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PP had submitted application for prior Environmental clearance for total plot area of 26000 m², FSI area of 24940.54 m², Non FSI area of 21628.67 m² and total BUA of 46,569.21 m².

The building configuration of the proposal is as below:

1 Building A Stilt on ground floor + stilt podium + 12 upper Floors + 24 Flats m	Height 36.00
2 Building B Stilt on ground floor + stilt podium + 12 upper Floors + 24 Flats m	Height 36.00
3 Building C Stilt on ground floor + stilt podium + 12 upper Floors + 24 Flats m	Height 36.00
4 Building D Stilt on ground floor + 12 Floors + 24 Flats	Height 36.00 m
5 Building E Stilt on ground floor + 12 Floors + 24 Flats	Height 36.00 m
6 Building F Stilt on ground floor + 12 Floors + 70 Flats m	Height 39.20

PP informed that the total constructed area on site is: 44841.72 m² till date.

DECISION OF SEAC

The Committee noted that PP has NOT applied within the within the stipulated amenity period as per the MoEF&CC Notification dated 14/03/2017 and 8/03/2018.

The Committee decided to **refer the proposal to SEIAA** for further needful action.

Specific Conditions by SEAC:

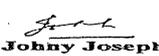
SEIAA DECISION

As PP was absent, SEIAA decided to defer the proposal.

Specific Conditions by SEIAA:

FINAL RECOMMENDATION

SEIAA have decided to defer the proposal. Kindly find SEIAA decision above.

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