

**FACTUAL AND ACTION TAKEN REPORT
OF
THE COMMITTEE OF HIGHER AUTHORITIES**



**SUBMITTED TO HON'BLE NGT
IN OA No. 44/2020
RIVERA TOWN OWNERS SOCIETY VERSUS
STATE OF MADHYA PRADESH & OTHERS**

FACTUAL AND ACTION TAKEN REPORT OF THE COMMITTEE OF HIGHER AUTHORITIES SUBMITTED TO HON'BLE NGT IN THE MATTER OF OA NO. 44/2020 (RIVERA TOWN OWNERS SOCIETY VERSUS STATE OF MADHYA PRADESH & OTHERS) ORDER DTD. 16.06.2021

The Hon'ble NGT vide order dated 16.06.2021 in the case titled as Rivera Town Owners Society V/s State of MP & others has constituted the committee of higher authorities as per para 8 of the order "8. In light of the above facts, we deem it just and proper to refer the matter to higher authorities consisting following:

- a. MP State Environment Impact Assessment Authority (MPSEIAA)
- b. One representative from the Central Pollution Control Board
- c. One representative from the Central Ground Water Authority
- d. One representative from the Chief Conservator of Forest, Madhya Pradesh
- e. Madhya Pradesh Pollution Control Board.

As per para 9 of the order the terms of reference given as "9. The Committee is directed to submit the factual and Action Taken Report. It is made clear that in case, it is found that EC is required and the construction is being continued without any Environmental Clearance, the environmental laws must be complied with and if there is any construction without the Environmental Clearance, where Environmental Clearance is required, the construction and further activities must be stopped immediately. It is further directed that in case of violation of Environmental laws the environmental compensation in light of In Goel Ganga Developers India Pvt. Ltd. vs Union of India [2018] 18 SCC 257, the Environmental Compensation must be assessed and realized according to law."

In furtherance of the order MP-SEIAA has organized a meeting on 01-07-2021 at 3:30 PM at EPCO Bhopal in presence of following members :

1. Chief Conservator of Forests through its representative Shri H.S. Mishra, DFO, Bhopal
2. CPCB through its representative Dr. Y.K. Saxena, Sc-C, Bhopal
3. MPPCB through its representative Shri H.S. Malviya, SE, Bhopal
4. CGWA through its representative Shri Naresh Kumar Jatav, Sc-B, Bhopal

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5. MP-SEIAA through its representative Shri Alok Nayak, OIC, Bhopal

As per the direction of Hon'ble Tribunal after the perusal of documents enclosed along with the report, the committee after detailed discussion it is observed that :-

The Hon'ble NGT precisely directed the committee to examine whether EC is required for the subjective construction and in case if it is found that EC is required and the construction is being continued without any Environmental Clearance, the environmental laws must be complied with and if there is any construction without the EC, where EC is required, the construction and further activities must be stopped immediately. It is further directed that in case of violation of Environmental laws the environmental compensation in light of in Goel Ganga Developers India Pvt. Ltd. vs Union of India [2018] 18 SCC 257, the Environmental Compensation must be assessed and realized according to law.

The committee carefully analyzed the earlier report dated 14.08.2020 thereafter in the changed circumstances the Bhopal Municipal Corporation/Project Proponent has obtained a revised development permission dated 22.03.2021 for the construction of residential units in Rahul Nagar Phase-1. During discussion representative of MPSEIAA informed that initially BMC had applied on-line for environmental clearance for whole project but due to incomplete documentation proposal was not accepted for consideration.

The Commissioner Municipal Corporation Bhopal Shri K.V. S. Choudary along with the officials of the corporation presented the details and status(**ANNEX-1**) of the project before the committee and furnished the various documents and explained pertaining to the details of the subjective project which is stated as under :-

Shri Choudary explained to the committee that initially development permission dated 26/12/2018 had been taken from the T&CP department for the construction of One EWS block, 4 Nos. LIG blocks and 6 Nos. MIG blocks at the new location Rahul Nagar-1. Contrary to the construction plan and development permission One EWS block, 4 Nos. LIG blocks of lesser built up area 18953.28 sq mtr. were planned and therefore RERA (Real State Regulatory Authority) permission dated 28/06/2019 was obtained and accordingly residential units are constructed on site in Phase I. The copy of online application and RERA permission dated 28/06/2019 are **ANNEXURE-2**. He also explained that no additional construction at the site has been done after previous visit of the committee constituted by Hon'ble NGT. Shri Choudary

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informed that due to non planning of phase – II and existing area of phase-I is less than 20000 sq. m. hence no further follow-up has been made by them.

Based upon the actual construction on site revised statutory permission of T&CP dated 22/03/2021 is obtained for the residential units constructed in Phase-1. The copy of revised statutory permission of T&CP dated 22/03/2021 is **ANNEXURE-3**. The Municipal Corporation Bhopal also issued revised building permission only for the construction of built-up area of 18953.28 sq.mtr. of Phase-1. The copy of revised building permission dated 07.04.2021 **ANNEXURE-4**.

In view of the above and the details provided by Municipal Corporation, the committee decided to visit site of the project on 05.07.21 .

Accordingly the committee members except Shri H.S. Mishra representative of CCF could not attend the visit due to other official assignments.



The committee observed that finishing work of the various blocks reported by the previous joint committee constituted by Hon'ble NGT. It is also observed that no additional construction at site was observed other than the Phase-I as Commissioner Municipal Corporation Bhopal has provided a certificate also pertaining to the fact that the built up area 18953.28 sq mtr. of the Phases-1 project is maintained as on 14.08.2020 when the earlier committee had visited the construction site. The copy of the certificate dated 01.07.2021 is **ANNEXURE-5**. During visit and discussion with CGWA officer project representative informed that the water tankers are being used for construction works. Hence the

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CGWA officer suggested that for use of water in construction project, necessary permission from CGWA is required.

The committee after visit and considering the detailed discussions supported by documentary evidences make the following observations / recommendations:-As per the revised development permission dated 22.03.2021 issued by T&CP for phase-1 project the total built up area is 18953.28 sq. mtr. which is less than 20000 sq.mtr.

1. The project proponent has not carried out any type of construction activities outside phase-1 project area with reference to previous report of joint committee. Only finishing of Phase -I activities were observed during the visit.
2. Initially proposed Phase-2 project is dropped by the Municipal Corporation as per the communication dtd. 09.07.21 submitted to the committee (ANNEX-6)
3. Initially BMC has obtain CTE from MPPCB for whole project for which revised CTE for the project with total built up area is 18953.28 sq. mtr. has to be obtained from MPPCB.(ANNEX-7)
4. The project proponent shall also obtain ground water NOC from Central Ground Water Authority as per Gazette Notification 24.09.2020.
5. The project proponent shall plant at least three rows of local high rising trees towards the habitation area.

Action Taken Report:

In view of the above recommendation and observation, the planning of Phase-1 was conceived since inception of the project for the total built up area of 18953.28 sq. mtr. as per the permission dated 28.06.2019 of RERA which is less than 20000 sq.mtr. but the permission obtained from T & CP and MPPCB are not clearly indicating Phase-I as in independent project or unit.

However during visit by the joint committee on 05.07.21 the construction Phase -I was found in progress and no construction beyond the above mentioned area i.e. 18953.28 sq. mtr was found.

The project proponent has submitted following permission/documents from the various departments:

- RERA permission dtd. 28.06.19 for phase-1 project.
- Permission granted by T& CP for Phase-I & Phase-II (separate approvals of layouts) vide letter dated 22.03.2021

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- Revised building permission by Municipal Corporation dated 07.04.2021 for phase-1 project the total built up area is 18953.28 sq. mtr .
- Project proponent has applied to MPPCB for revised CTE.
- Request letter of Municipal Corporation to T & CP for drop of Phase – II project dtd. 09.07.21.

In view of the above and on the basis of permission granted by various departments, applicability of EC is assessed by the committee as per EIA Notification 2006 amended up-to-date. As per the presented facts and documents provided by BMC, EC is not required hence environmental compensation is not levied.

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