

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,  
NEW DELHI

ORIGINAL APPLICATION NO. 139 of 2019  
(Earlier O.A. No. 06/2018)

**IN THE MATTER OF:**

Mahagunpuram Apartment Owners Association..... Applicant

Versus

Ghaziabad Development Authority &Ors. .... Respondents

**D.O. H. 15.07.2022**  
**Before Principal Bench**

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(Mahagun Real Estate Pvt Ltd)

Through

*(Sidharth Joshi)*

Advocate

27/76, Street No. 8

Vishwas Nagar Shahdara Delhi-32

Chamber- 337, Lawyers Chambers -I

Delhi High Court, New Delhi

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Dt. \_\_\_ June, 2022

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ORIGINAL APPLICATION NO. 139 of 2019  
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**IN THE MATTER OF:**

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RESPONSE ON BEHALF OF MAHAGUN REAL ESTATE PVT LTD

MOST RESPECTFULLY SHOWETH: -

1. That the aforesaid application has been registered to consider the compliance report filed by Ghaziabad Development Authority (GDA) in pursuance of order dated 20-08-2018 in O.A. No. 06/2018 as follows:

*"The primary grievance raised by the applicant is that respondents should be strictly comply with the conditions of Environment Clearance Certificate dated 22<sup>nd</sup> March, 2017, which is placed on record as Annexure A/4. A bare perusal of the same in the description chart, reveals that*

*plot area is 54630 sq. mtr. There are specific conditions laid down in the said environmental clearance, wherein condition no. 10 mentions that 15% of the total plot area shall be compulsorily made available for green belt development, including the periphery of green belt.*

- 2. That this Hon'ble Tribunal vide its order dated 25-03-2022 had directed the answering respondent to file its response, if any, in the aforesaid Original Application.
- 3. That the subject housing complex has been constructed as per environmental clearance certificate which mandates that the construction and the green area should be as per the breakup of the total plot area which is stated in clause 7 of the Environment Clearance Certificate which states as follows: -

Description	As per Environmental Clearance	Already Constructed	To be constructed	After Expansion
Total plot area	54630 sqm	54630 sqm	-	54630sq m
Space left for drive way	8183 sqm	8183 sqm	-	8183 sqm
Master Plan green	7679.78 sqm	7679.78 sqm	-	7679.78 sqm
Balance Plot area	38767.22 sqm	38767.22 sqm	-	38767.22 sqm
Deduction 15% green	5815.08 Sqm.	5815.08 Sqm.		5815.08 Sqm.
Net Plot	32952.14 Sqm	32952.14		32952.14

Area		Sqm		Sqm
Ground Coverage (Permissible)	-	-	-	13180.856 sqm.
Ground	7442.251 sqm.	7442.251 sqm.		7442.251 sqm.

4. This comparative detail as given in clause 7 of the environment clearance certificate, 15% green area is to be considered upon the balance plot area measuring 38767.22 and not on the total plot area wherein already 7679.78 sq. mtrs., constitute part of "Master Plan Green".
5. That the site plan of the project submitted by the answering respondent itself also provides area statement which gives breakup of the total plot area which is:

AREA STATEMENT		
S. NO.	PARTICULARS	SQ. MTR.
1.	TOTAL PLOT AREA	54630.00
2.	SPACE LEFT FOR driveway WIDENING AREA (45.00 METER MASTER PLAN driveway + 12.00 METER SERVICE driveway) 7448.00+735.00=8183.00 SQ.M. m	8183.00
3.	MASTER PLAN GREEN AREA	7679.78
4.	BALANCE PLOT AREA	38767.22
5.	DEDUCT 15% GREEN AREA OF (4)	5815.08

6.	NET PLOT AREA (4-5)	32952.14
7.	PERM. STILT/GROUND COVG.%=OF PLOT AREA =40% OF 32952.14=11533.24	13180.856
8.	PROPOSED GROUND COVERAGE (22.3%)	7442.251

6. The Hon'ble Tribunal had disposed off the subject O.A. with directions as per order dt.20.08.2018. In the order, the Hon'ble Tribunal has mentioned the plot area as 54630 sq. mtrs. and has held that as per environment clearance certificate dt.22.03.2017 condition 10, it is compulsorily provided that 15% of the total plot area shall be made available for Green Belt Development including the periphery of Green Belt.
7. That due to some inadvertent clerical mistake, 15% of total Plot area was mentioned in condition no. 10 of aforesaid EC dated 22.03.2017 instead of 15% of net plot areadue to which an application dated 04.03.2022 for corrigendum in environmental clearance was filed by answering respondent before State Level Environment Impact Assessment Authority, Uttar Pradesh for

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corrigendum in EC dated 22-03-2017 with the request the following corrigendum:

<b>Sr. No.</b>	<b>Description as per approved EC</b>	<b>Description as per proposal</b>
1	As per EC, Specific Condition No. 10- "15% are of the total plot area shall be compulsorily made available for the green belt development including peripheral green belt."	As per proposal, "15% are of the Net plot area shall be compulsorily made available for the green belt development including peripheral green belt."  However, the Green Area details mentioned in the Environmental Clearance is correct, i.e. 5815.08 sqmtr (17.64% of the Net Plot Area)

8. This the aforesaid application dated 04-03-2022 for corrigendum in environmental clearance has been allowed by State Level Environment Impact Assessment Authority, U.P. (SEIAA) vide its order dated 19.05.2022 passed in Minutes of the 606th Meeting of the State Level Environment Impact Assessment Authority, U.P. (SEIAA).
9. That as per the aforesaid amended order dated 19.05.2022 passed in Minutes of the 606th Meeting of the State Level Environment Impact Assessment Authority, U.P. (SEIAA), 15% of the net plot area measuring 38767.22 sqmtrs shall be compulsory made available for the green belt development which is 5815.08 sq. mtrs.
10. That Ghaziabad Development Authority in support of facts has also stated in para F, G and L of its compliance report dated 18-03-2022 which reads as:

*F: That the Master Plan Green which measures for 14.06% of the total project is also now developed and around 1680 trees are now planted and it is developed into green belt.*

*G: That the total green belt available currently in the project is 4007.55 sqm (in Pocket A, B, C,D) and*

*7679.78 sqm (Master Green Area) which brings the total to 11787.33 which is 21.39% of the total plot area i.e. 54630.00 which is in consonance with the EC specific condition 10 which requires 15% of the total plot area to be green belt.*

*L: That the total green belt available currently in the project is 4007.55 sqm (in pocket A,B,C,D) and 7679.78 sqm (Master Green Area) which brings the total to 11787.33 which is 21.39% of the total plot area i.e. 54630.00 which is in consonance with the EC specific condition 10 which requires 15% of the total plot area to be green belt.*

11. That as per compliance report dated 18.03.2022 submitted by Ghaziabad Development Authority, pursuant to pocket D the major encroachment was a temple constructed by the residents and Apartment Owner Association (AOA) the same cannot be removed because of tremendous pressure and opposition from the side of Apartment Owner Association (AOA) and residents.
12. That this Hon'ble Tribunal vide its order dated 03-02-2022 directed the Uttar Pradesh Pollution Control Board (UPPCB) to take remedial action following due process of law and in compliance of the order passed by

this Hon'ble Tribunal, Uttar Pradesh Pollution Control Board (UPPCB) passed an order dated 04/03/2022 directing the answering respondent i.e. Mahagun Real Estate Pvt Ltd to deposit an amount of Rs. 13,95,50,000/- towards Environmental Compensation.

13. That the answering respondent i.e. Mahagun Real Estate Pvt Ltd has filed a Writ Petition (C) bearing No. 2139 of 2022 Mahagun Real Estate Pvt Ltd V/s State of U.P. Department of Environment, Forest and Climate Change through Principal Secretary and Others before Hon'ble Allahabad High Court, Lucknow Bench challenging the aforesaid order dated 04-03-2022 passed by Uttar Pradesh Pollution Control Board (UPPCB) and the same is pending for adjudication.
14. It is pertinent to mention here that Hon'ble High Court of Judicature at Allahabad, Lucknow Bench in the aforesaid Writ Petition (C) bearing No. 2139 of 2022 Mahagun Real Estate Pvt Ltd Vs State of U.P. Department of Environment, Forest and Climate Change through

Principal Secretary and Others before Hon'ble Allahabad High Court, Lucknow Bench vide its order dated 13-04-2022 passed the following order/ direction:

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble SubhashVidyarthi,J.

*The Issue raised in this petition relates to the statutory or otherwise competence of U.P. Pollution Control Board to levy environment compensation. It has been argued by Shri J.N. Mathur, learned Senior Advocate assisted by Shri SiddharthNandwani, learned counsel appearing for the petitioner that neither the National Green Act nor under the Environment Protection Act wherein the Pollution Control Board has been created, confers any authority or power or jurisdiction on the Pollution Control Board to levy environment compensation. Shri Ashok Kumar Verma, learned counsel for the respondent has submitted that the impugned order has been passed in compliance of some orders passed by the National Green Tribunal. He has attempted to argue that it is not that such a levy has*

*been imposed by the Pollution Control Board without there being any statutory backing. Shri Verma remains inconclusive in his arguments. Put up this case on 19.04.2022 as fresh.*

*In the meantime, it is directed that till the next date of listing, no coercive measure shall be taken against the petitioner/firm.*

15. That without prejudice most of the construction made by residents in green area has been removed and removal of any further construction in green area of project near Generator, Temple, Electric Sub-Station and Road will adversely affect the interest of more than 6000 residents of the project. To amicably resolve the issue and keeping the larger interest of the allottees/ residents uppermost, the answering respondent has provided the total area admeasuring 1601 sqm as Green Belt in the project to the Applicant in lieu of construction made in pocket A, B, C and D.

16. That the applicant i.e. Mahagunpuram Apartment Owners Association through its president Mr. Yashpal Yadav and answering respondent i.e. Mahagun Real Estate Pvt Ltd through its Director Mr. Amit Jain without any coercion, undue influence or any other pressure have entered into a Memorandum of Settlement on 07th June 2022 to amicably resolve the issue of Green Area in respect of the said project on the following terms and conditions:

1. That the first party has provided the total area admeasuring 1601 sqm in master plan green in the project to the second party in lieu of construction made in pocket A, B, C and D.
2. That both the parties shall also file an application before competent authority requesting not to demolish Generator, Temple, Electric Sub-Station and Road in the project and the first party upon receipt the consent from the residents/ AOA as per Uttar Pradesh Apartment (Promotion of

Construction, Ownership and Maintenance) Act, 2010 (as amended up-to date) shall also file a revised layout plan before Ghaziabad Development Authority ("Authority") to regularize/ compound the construction of Generator, Temple, Electric Sub-Station and Road which has been made in green area of the project.

3. The Second Party hereby further undertakes that he shall file necessary reply / counter / applications / affidavits / statements, if required, before Hon'ble National Green Tribunal in Original Application bearing no. 139/2019 titled as "Mahagunpuram Apartment Owners Association Vs Ghaziabad Development Authority &Ors" to the effect that their grievances regarding green area of the project have been amicably redressed and they has no grievance or complaint against the First Party or its Director/s or its employee/s regarding Green Area of Mahagunpuram Project
4. That the present Settlement has been arrived at between the parties without any

coercion, undue influence or any other pressure. All the parties have signed this Settlement on their own freewill and after carefully going through all the terms and conditions as settled hereinabove.

5. The Parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement. And the same is not barred under any law.
6. That this Memorandum of Settlement has been executed by the parties hereto after mutual consent to all its provisions.

#### P R A Y E R

It is most respectfully prayed that the response on behalf of Mahagun Real Estate Pvt Ltd may kindly be taken on record and the Original Application may kindly be dismissed.

Pass such other & further order as this Hon'ble Tribunal may deem fit in the interest of justice

For MAHAGUN REAL ESTATE PVT. LTD.

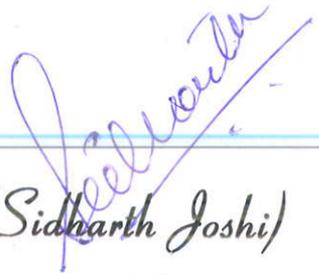


Authorised Signatory

Mahagun Real Estate Pvt Ltd  
(Respondent No. 2)

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Through

  
(Sidharth Joshi)

Advocate  
27/76, Street No. 8  
Vishwas Nagar Shahdara Delhi-32  
Chamber- 337, Lawyers Chambers -I  
Delhi High Court, New Delhi  
+919818509714, +91-11-22306536

Dt. 05 July, 2022

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,  
NEW DELHI

ORIGINAL APPLICATION NO. 139 of 2018

**IN THE MATTER OF:**

Mahagunpuram Apartment Owners Association..... Applicant

Versus

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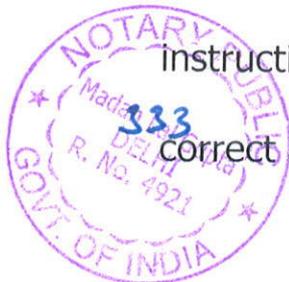
AFFIDAVIT OF MR. AMIT JAIN, DIRECTOR OF RESPONDENT  
NO.2, AGED 44 YEARS, S/O MR. P. K. JAIN, C-227, VIVEK  
VIHAR NEW DELHI

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

1. That I am the director of Mahagun Real Estate Pvt Ltd  
and as such I am well conversant with the facts of the case.

2. That accompanying response has been drafted upon my  
instructions. I state that the facts stated therein are true and

correct and derived from the records of the case MAHAGUN REAL ESTATE PVT. LTD.



*Amit Jain*  
DEPONENT  
Authorised Signatory

VERIFICATION: -

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.



Verified at New Delhi on this

05 JUL 2022

05 JUL 2022

day of June, 2022.

For MAHAGUN REAL ESTATE PVT. LTD.

*Signature*  
Authorised Signatory  
DEPONENT

**ATTESTED**  
*Signature*  
**NOTARY PUBLIC  
DELHI (INDIA)**

Date: 04.03.2022

To,  
The Member Secretary,  
State Level Environment Impact Assessment Authority (SEIAA), Uttar Pradesh  
Directorate of Environment,  
Dr. Bhimrao Ambedkar Paryavaran Parisar,  
Vineet Khand-I, Gomti Nagar,  
Lucknow (U.P.)

**Subject:** Request for Corrigendum in EC for - Group Housing Project "Mahagunpuram" at Village Mehrauli, Dasana, Ghaziabad, U.P. by M/s Mahagun Real Estate Pvt. Ltd.

**Reference:** EC Ref. No. 373/Parya/SEAC/3662/2016 dated 22.03.2017 granted by SEIAA U.P.

Dear Sir,

This is in reference to the above said project was granted EC vide ID No. 373/Parya/SEAC/3662/2016 dated 22.03.2017.

As per the EC letter granted to us, we request the following corrigendum; The specific points are as below:

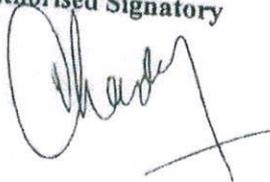
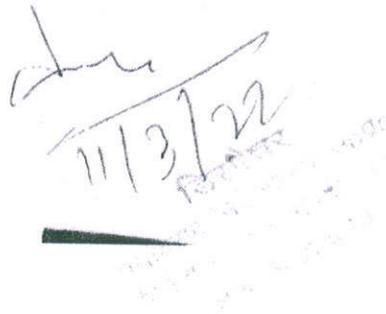
S. No.	Description as per approved EC	Description as per Proposal
1.	As per EC, Specific Condition No. 10- "15% area of the total plot area shall be compulsorily made available for the green belt development including peripheral green belt."	As per proposal, "15% area of the Net Plot area shall be compulsorily made available for the green belt development including peripheral green belt."  However the Green Area Details mentioned in the Environmental Clearance is correct, i.e 5815.08 m <sup>2</sup> (17.64 % of the Net Plot Area).

We hope that you can consider our request and issue us a corrigendum at the earliest.

Thanking you in advance

Yours Faithfully  
M/s Mahagun Real Estate Pvt. Ltd.

Authorised Signatory

11/3/22

**Form-10****APPLICATION FOR CORRIGENDUM IN ENVIRONMENTAL CLEARANCE**

(To be filled up by User Agency)

**1. Details of Project**

Proposal No. : SIA/UP/MIS/260079/2022

(a) Name of the project : Group Housing Project Mahagunpuram

(b) Name of Company / Organisation. : MAHAGUN REAL ESTATE PRIVATE LIMITED

(c) Registered Address. : A-19, Sector-63 Noida Uttar Pradesh 201301

(d) Legal Status of the Company. : Private

(e) Joint Venture (Yes/No) : No

**2. Address for the Correspondence**

(a) Name of the Applicant. : Peeyush Chaudhry

(b) Designation (Owner/Partner/CEO) : VP Architect

(c) Address :-

State : Uttar Pradesh

District : Gautam Buddha Nagar

Town / Village : No

(d) Pin Code : 201301

(e) Email : mahmeadows150@gmail.com

(f) Telephone no : No

(g) Fax no : No

(h) Mobile no : 9310638222

(i) Contact Person. : PeeyushChaudhry

(j) Website (if any) : No

**3. Category of the Project/Activity as per Schedule of EIA Notification,2006**

(a). Major Activity. : 8(b) Townships and Area Development projects.

Minor Activity : No

Major Sub Activity. : No

Minor Sub Activity : No

(b). Category : B1

Reason for applicant at central level/state level(in case of B1 and B2 ): No

(c). Reason : No

EAC Concerned (for category A Projects Only) : No

**4. Location of the Project**

(a) Plot No/Survey No/Khasra No : Plot no. 19

(b) Village : Mehrauli

- (c) Tehsil : Ghaziabad
- (d) District : Ghaziabad
- (e) State : Uttar Pradesh
- (f) Pin Code : 201301

(g) Bounded Latitudes (North) : Yes

From : Degree:28, Minutes : 39, Seconds :58  
 To : Degree:28, Minutes : 40, Seconds :2

(h) Bounded Longitudes (East) : Yes

From : Degree:77, Minutes : 28, Seconds :41  
 To : Degree:77, Minutes : 28, Seconds :43

(i) Survey of India Topo Sheet No : 53 H/06

**5 Details of Environmental Clearance**

- (a) Project Name : Group Housing Project Mahagunpuram
- (b) MoEF&CC / SEIAA File No : 373/Parya/SEAC/3662/2016
- (c) Date of issue of EC : 22/03/2017
- (d) Uploaded EC letter : 

**6 Details of Consent to Operate**

- (i) Whether Consent to operate obtained (Yes/No) ? : Yes
- (ii) Uploaded copies of all Consent to operate obtained since inception: 
- (iii) Date of issue : 10/11/2021
- (iv) Valid Upto: 05/03/2022
- (v) File No : No
- (vi) Application No : No
- (vii) Uploaded copy of Consent to operate valid as on Date: 

**7 Corrigendum Sought for**

Corrigendum in Configuration/ Corrigendums in Clearance condition/ Other (specify) : -

**8 Details of Product (as per the approved EC)**

Details of Products				
S.no	Product / Activity (Capacity/ Area).	Quantity	Unit	Mode of Transport/ Transmission of Product
1	Total Plot Area	54630 sqm	Others	Select
2	Builtup Area	171107.033 sqm	Others	Select
3	Net Plot Area	32952.14 sqm	Others	Select

**9 Details of Configuration (Multiple Entries Allowed)**

Details of Configurations					
S.no	Plant/ Equipment/	Existing	Proposed	Final	Remarks if Any

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View Report of Forms

	Facility	Configuration	Configuration	configuration after Corrigendum
1	NA	0	0	0

### 10 Reasons for Corrigendum

Reasons for Corrigendum : As per EC letter issued to us on 22.03.2017, the specific condition no. 10 to be corrected to- 15% area of Net plot area shall be compulsorily made available for the green belt development, including the peripheral green belt.

### 11 Any Other Corrigendum required

Any Other Corrigendum Required				
S.no	Reference of Approved EC	Description as per Approved EC	Description as per Proposal.	Remarks
1	Specific Condition No. 10 of EC letter	15 % area of total plot area shall be compulsorily	15 % area of the Net plot area shall be compulsori	

### 12 Details of EIA Consultant

Have you hired Consultant for preparing document (Yes/No) ? : Yes

(i) Accreditation No : NABET/EIA/1922/SA0143

(ii) Name of EIA Consultant : Perfact Enviro Solutions Pvt Ltd

(iii)Address : 5th floor NN mall Sector 3 Rohini New Delhi-110085

(iv)Mobile No: 9871591330

(v)Landline No : 01149281360

(vi)E-mail Id : info@perfactgroup.com

(vii)Category of Accreditation : A

(viii)Sector of Accreditation : Infra-II

(ix)Validity of Accreditation : 26.11.2022

(x)Uploaded certificate of Accreditation certified by QCI/NABET : 

### 13. Documents to be Attached

(a) Uploaded addendum to EIA/EMP Report: 

(b) Uploaded Copy of revised -Feasibility Report /Detailed Project Report (DPR) / Detailed Engineering Report / Detailed Conceptual Plan / Approved Mining Plan (in case of mining proposals): 

(c) Uploaded Copy of final Layout Plan: 

(d)Uploaded Cover Letter duly signed by the project proponent or authorized person: 

(e)Uploaded a copy of authorization duly signed by the project proponent in support of the person making this application on behalf of the User Agency: 

(f)Uploaded Additional File, If any : No Data

### Essential Details Sought

Essential Details Sought

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3/5/22, 8:03 PM

[View Report of Forms](#)

S.no.	EDS Sought Date	EDS Sought	Letter
NIL			

**Additional Detail Sought:** NIL

#### 14. Undertaking

(a): I hereby give undertaking that the data and information given in the application and enclosures are true to be best of my knowledge and belief and I am aware that if any part of the data and information found to be false or misleading at any stage, The project will be rejected and clearance given, If any to the project will be revoked at our risk and cost. In addition to above, I hereby give undertaking that no activity / construction / expansion has since been taken up.

(b)Name : Peeyush Chaudhry

(c)Designation: VP Architect

(d)Company: MAHAGUN REAL ESTATE PRIVATE LIMITED

(e)Address: A-19, Sector-63 Noida Uttar Pradesh 201301

# State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.  
Vineet Khand-I, Gomti Nagar, Lucknow - 226 010  
Phone : 91-522-2300 541, Fax : 91-522-2300 543  
E-mail : docuplko@yahoo.com  
Website : www.seiaaup.com

## Minutes of the 606<sup>th</sup> Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 19.05.2022

The meeting of 606<sup>th</sup> State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 19.05.2022 at the Directorate of Environment. The following were present in the meeting:-

- |                           |                              |
|---------------------------|------------------------------|
| 1. Dr. Rajiv Kumar Garg   | Chairman, SEIAA, U.P         |
| 2. Shri Paras Nath        | Member, SEIAA, U.P           |
| 3. Shri Ajay Kumar Sharma | Member Secretary, SEIAA, U.P |

### Agenda A- Replies

#### 1. Group Housing Project Mahaganpuram, A-19, Sector-63 Noida Uttar Pradesh 201301 MAHAGUN REAL ESTATE PRIVATE LIMITED File no- 3662

SEIAA gone through the letter of the project proponent regarding amendment in issued EC. SEIAA gone through file and documents and agreed with the request to amend the issued EC as follows:-

S.N.	Description as per approved EC	Description as per proposal
1.	"15% area of the total plot area shall be compulsory made available for the green belt development including peripheral green belt."	"15% area of the total Net Plot area shall be compulsory made available for the green belt development including peripheral green belt."

Rest all the condition shall remain same.

### Agenda B- Minutes of 650<sup>th</sup> SEAC-1 Meeting Dated 09/05/2022

#### 2. Stone (Sand Stone) Mining at Gata No 703 D, Village- Chandleva Kalan, Tehsil- Sadar, District- Mirzapur, Smt. Vimlesh Devi, Area- 0.8090 ha., File No. 7005/Proposal No. SIA/UP/MIN/263903/2022

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC but the SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

- Validity period of this EC is 5 year from the date of issue as the Lol has been issued for a period of 5 year or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
- A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.

Minutes of the 606<sup>th</sup> Meeting of the SEIAA, UP held on 19.05.2022

3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
5. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
6. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
7. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 1,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
8. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 5 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
9. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
10. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
11. Project Proponent / Consultant has given an affidavit that the project area doesn't fall within the boundary of Critically Polluted Area (CPA). If the affidavit given by PP / Consultant is found to be false then EC will be cancelled and legal actions will be initiated against them. Further, mining should not commence without obtaining certificate from DM, Mirzapur that area doesn't attract CPA and a copy of the same should be submitted to SEIAA.
12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

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3. Stone, Khanda, Boulder, Ballast (Gitti) Mining at Arazi No- 339 (Khand No.2) Village- Daharra, Sadar, Mahoba, Shri Shiv Shankar Tripathi., Area 1.214 ha., File No. 7009/6404/Proposal No. SIA/UP/MIN/74469/2021

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by the SEAC-1 adding following specific conditions:-

1. Validity period of this EC is 2 year from the date of Issue as the Lol has been issued for a period of 2 year or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of

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these stations along with data. Details of existing CAACMS, if any, be submitted within a period of three months.

14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

**4. Stone, Khanda & Gitti, Boulder Mining at Arazi No. 935, Khand No. 02, n Village -Makarbai, Sadar, Mahoba, Shri Rahul Singh Area 3.643 Ha., File No. 7021/6366/Proposal No. SIA/UP/MIN/74509/2021**

SEIAA agreed with the recommendations of the SEAC-1 to close/ delist the file as the project proponent did not appear and open only after submission of online request on prescribed online portal. A letter shall be send to DM, Mahoba to ensure that no mining activity is started until valid EC is obtained and in case mining has been carried out without valid EC then work should be stopped and legal action should be initiated against the PP.

**5. Stone (Sand Stone) Mining Building stone (Sand stone) Mining at Arazi No.-708 Ja Mi, Village- Chandlevakalan, Tehsil-Sadar, Mirzapur., Shri Devendra Pratap Singh., Area: 1.616 ha., File No. 7023/Proposal No. SIA/UP/MIN/266395/2022**

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC but the SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. Validity period of this EC is 5 year from the date of issue as the Lol has been issued for a period of 5 year or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
5. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
6. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
7. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest

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Department of Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.

8. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
9. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
10. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, Gol, Lucknow.
11. Project Proponent / Consultant has given an affidavit that the project area doesn't fall within the boundary of Critically Polluted Area (CPA). If the affidavit given by PP / Consultant is found to be false then EC will be cancelled and legal actions will be initiated against them. Further, mining should not commence without obtaining certificate from DM, Mirzapur that area doesn't attract CPA and a copy of the same should be submitted to SEIAA.
12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

**6. Stone (Khanda, Gilti, Boulder, Ballast) Mining at Araj No.122, Khand No. 03, Vill. Chitaiyan, Tehsil: Sadar, Mahoba Arun Kumar., Area: 1.012 Ha., File No. 6610/Proposal No. SIA/UP/MIN/67247/2021**

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by the SEAC-1 adding following specific conditions:-

1. Validity period of this EC is 5 year from the date of issue as the Lol has been issued for a period of 5 year or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.

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4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
  5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
  6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
  7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
  8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
  9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
  10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
  11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
  12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
  13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
  14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
  15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.
7. Stone, Khanda & Gitti, Boulder Mining at Arazi No.2/4, Khand No.01, Village Juihar, Sadar Mahoba, Shri Seeral Dhawal Singh., Area 4.048 Ha., File No. 6415/Proposal No. SIA/UP/MIN/61245/2021  
 In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by the SEAC-1 adding following specific conditions:-

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1. Validity period of this EC is 5 year from the date of issue as the LoI has been issued for a period of 5 year or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 5,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 25 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.

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15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

**8. Stone, Khanda & Gitti, Boulder Mining at Arazi No. 356, Khand No. - 1, Village- Dudhariya, Tehsil- Mahoba & District- Mahoba, Shri Arun Bhaskar., M/S Tiwari Construction., Area 1.214 Ha., File No. 7029/6402/Proposal No. SIA/UP/MIN/74827/2021**

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by the SEAC-1 adding following specific conditions:-

1. Validity period of this EC is 5 year from the date of issue as the Lol has been issued for a period of 5 year or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GSI, Lucknow.
12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental

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components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.

- 13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
- 14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
- 15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

9. Stone, sand Stone Mining at Gata No.-1312 mj, Village- Dadhi Ram, Tehsil- Sadar, District- Mirzapur, Shri Premji Tripathi, Area : 1.212 ha., File No. 7033/Proposal No. SIA/UP/MIN/268075/2022,

SEIAA noted that SEAC-1 has recommended to grant EC to the above project. SEIAA gone through file and documents and found that in DSR Gata no. mentioned as 1312/1 whereas in all other documents it is mentioned as 1312 ml. Hence SEIAA opined that DSR duly approved by the competent authority or issued under authorization from competent authority should be submitted.

10. Stone, Khanda & Gitti, Boulder Mining Project" located at Arazi No.- 989, Khand No. 11, Village- Makarbal, Tehsil- Sadar & District -Mahoba., Shri Shiv Baran Singh., Area 0.809 Ha., File No. 7034/6395/Proposal No. SIA/UP/MIN/74787/2021

SEIAA agreed with the recommendations of the SEAC-1 to close/delist the file as the project proponent did not appear and open only after submission of online request on prescribed online portal. A letter shall be send to DM, Mahoba to ensure that no mining activity is started until valid EC is obtained and in case mining has been carried out without valid EC then work should be stopped and legal action should be initiated against the PP.

11. Expansion of Group Housing "Green Mansion" at HRA-14, Surajpur Site-C (Extension), Housing Sector, Opposite Zeta-1, Greater Noida, Shri Vijay Prakash, File No. 6985/Proposal No. SIA/UP/MIS/261923/2022

SEIAA agreed with the recommendations of the SEAC-1 to close/ delist the file as the project proponent did not appear and open only after submission of online request on prescribed online portal. A letter shall be send to DM, Gautam Buddha Nagar; CEO, Greater Noida Development Authority; and MS, SPCB that no construction should take place without valid EC and in case construction has been carried out without valid EC then work should be stopped and legal action should be initiated against the PP.

12. "Software IT /ITES Units" at Plot No.-15, Sector-126, Noida., M/s Sunny IT Infrasoft Pvt. Ltd. Shri Ajay Singh Pundir., File No. 6990/Proposal No. SIA/UP/MIS/262159/2022

SEIAA agreed with the recommendations of the SEAC-1 to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC. In addition to the conditions imposed by SEAC the SEIAA added following additional specific conditions:-

- 1- Guidelines Issued by CAAQMS for NCR region regarding the use of DG sets during construction and operational phase should be followed.
- 2- The project proponent shall submit within the next 3 months the details of solar power plant and solar electrification details within the project.
- 3- The project proponent shall ensure to plant broad leaf trees and their maintenance. The CPCB guidelines in this regard shall be followed.

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- 4- The project proponent shall submit within the next 3 months the details on quantification of year wise CER activities along with cost and other details. CER activities must not be less 2% of the project cost. The CER activities should be related to mitigation of Environmental Pollution and awareness for the same.
- 5- The project proponent shall submit within the next 3 months the details of estimated construction waste generated during the construction period and its management plan.
- 6- The project proponent shall submit within the next 3 months the details of segregation plan of MSW.
- 7- The project proponent shall ensure that waste water is properly treated in STP and maximum amount should be reused for gardening flushing system and washing etc. For reuse of water for irrigation sprinkler and drip irrigation system shall be installed and maintained for proper function. Part of the treated sewage, if discharged to sewer line, shall meet the prescribed standards for the discharge.
- 8- Under any circumstances untreated sewage shall not be discharged to municipal sewer line.
- 9- The project proponent will ensure that proper dust control arrangements are made during construction and proper display board is installed at the site to inform the public the steps taken to control air pollution as per the Construction and Demolition Waste Management Rules.
- 10- The project proponent shall install micro solar power plants, toilets in nearby villages, public place or school from CER fund of the project for which E.C is granted in addition to and water harvesting pits and carbon sequestration parks / designed ecosystems.
- 11- A certificate from Forest Department shall be obtained that no forest land is involved and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
- 12- In compliance to Hon'ble Supreme Court order dated 13/01/2020 in IA no. 158128/2019 and 158129/2019 in Writ petition no. 13029/1985 (MC Mehta Vs GOI and others) anti-smog guns shall be installed to reduce dust during excavation.
- 13- If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
- 14- Provision for charging of electric vehicles as per the guidelines of GoI / GoUP should be submitted within the next 3 months.

**13. Group Housing Project "Grand Forte Apartments" at Plot NO.- 76, Sigma-IV, Greater Noida., Shri Vishnu Lalwani, M/s Satilla Sahkari Awas Samti, File No. 6350/6155/Proposal No. SIA/UP/MIS/215063/2021**

SEIAA noted that SEAC-1 in their MoM has communicated as follows –

"As per the direction of SEIAA the matter was listed in 650th SEAC meeting dated 09/05/2022. The SEAC has gone through file and all documents and observed as follows:-

- 1. The case was submitted on 03/07/2017 to MoEFCC, Govt. of India under violation category (vide proposal no. IA/UP/NCP/65886/2017). At that time violation window was open.
- 2. MoEFCC, GoI through its email dated 06/01/2021 at 2:37 pm informed the project proponent that his case has been transferred to SEIAA, UP in 2018.
- 3. SEAC in its meeting dated 15/01/2021 took the following decision:-  
"The SEAC gone through the E-mail dated 06/01/2021 of MoEF&CC, Govt. of India and request letter of project proponent dated 05/01/2021 and opined that the project proponent should apply again through online portal so that the case may be taken as violation case as per MoEF&CC, Govt. of India Notification no. S.O. 1030(E) dated 08/03/2018."

Minutes of the 606<sup>th</sup> Meeting of the SEIAA, UP held on 19.05.2022

4. The SEIAA take up the recommendation of SEAC in its 447th meeting dated 11/02/2022 and decided as follows:-  
"SEIAA agreed with the recommendation of the SEAC that the project proponent should apply again through online portal so that the case may be taken as violation case as per MoEF&CC, Govt. of India Notification no. S.O. 1030(E) dated 08/03/2018."
5. Project proponent applied for terms of reference (ToR) on 04/02/2021 on line Parivesh Portal, which was accepted by SEIAA, UP on 08/02/2021.
6. Terms of reference (ToR) were granted by SEIAA, UP on 06/04/2021 under violation category.

The crux of the matter is that the project proponent applied during violation window period to MoEF&CC, Govt. Project proponent again applied online application on the direction of SEIAA, UP and got Terms of reference (ToR) from SEIAA, UP.

In view of above, SEAC strongly recommend for grant of environmental clearance in this case. SEAC does not find any relevant/ legitimate point, which comes in way of grant of environmental clearance."

SEIAA opined to accept the recommendation of SEAC-1 to accord EC to the said project. EC will be issued only after complying with the provisions of MoEF&CC, Govt Notification S.O. 804(E) dated 14.03.2017, which are as follows –

- a) Para 13(3) - In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.
- b) Para 13(6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.
- c) Para 13(7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

**14. Representation seeking revocation/cancellation of (4) Four Environmental Clearances for Sand/Morrum Mining Projects located in Tehsil: Obra, District: Sonbhadra, UP within 10 Km of a Critically Polluted Areas (CAP) by SEIAA,UP which ought to have been treated as a Category 'A' Project and appraised by MOEF at the Central Level.**

SEIAA noted the comments of SEAC-1 that :-

...Hon'ble NGT has passed an order dated 02/05/2022 in the above matters. The operating part of order is as follows:

4. In view of above, by a separate order of date, 'General Condition' has been found not to be applicable and review applications have been allowed.
5. Vide order dated 02.08.2021, the Tribunal observed that since a report was sought in the Review Application No. 07/2021, the decision in the said review application will govern all the matters on the issue of distance from critically polluted area in question, including the appeals at hand.

A

**Minutes of the 606<sup>th</sup> Meeting of the SEIAA, UP held on 19.05.2022**

6. Accordingly, in view of order in the application the review Application No. 07/2021 passed separately today, the 'General Condition' is not applicable, the projects cannot be held to be category A, as contended by the appellants.

The appeals are dismissed.

All pending I.A.s will also stand disposed of.

The committee also went through the Ministry of Environment, Forests and Climate Change, Govt. of India, Notification no. S.O. 2163(E), dated 09/05/2022. The MoEFCC mentioned is as follows:

---  
*in the Schedule,- (i) against item 1(a), in column (5), for the portion beginning with the words "General Conditions shall apply except:-" and ending with the words "on account of inter-state boundary", the following shall be substituted, namely:-*

*"General Conditions shall apply except for mining of minor minerals."*

SEIAA opined that in view of SEAC-1 comments, the matter stands disposed of.

**Assistant Nodal/Nodal Officer  
SEIAA, UP**

MoM prepared by Secretariat in consultation with  
Chairman & Members on the basis of decisions  
taken by SEIAA during the meeting



**(Ajay Kumar Sharma)  
Member-Secretary  
SEIAA**

**(Paras Nath)  
Member  
SEIAA**

**(Dr. Rajiv Kumar Garg)  
Chairman  
SEIAA**

**E-Case :-** WRIT - C No. - 2139 of 2022

**Petitioner :-** Mahagun Real Estate Pvt. Ltd. Through its Authorized Signatory

**Respondent :-** State of U.P. Department Of Environment, Forest And Climate Change Thu. Prin. Secy. And 4 Others

**Counsel for Petitioner :-** Ashish Shukla

**Counsel for Respondent :-** C.S.C., Ashok Kumar Verma

**Hon'ble Devendra Kumar Upadhyaya, J.**

**Hon'ble Subhash Vidyarthi, J.**

The Issue raised in this petition relates to the statutory or otherwise competence of U.P. Pollution Control Board to levy environment compensation.

It has been argued by Shri J.N. Mathur, learned Senior Advocate assisted by Shri Siddharth Nandwani, learned counsel appearing for the petitioner that neither the National Green Act nor under the Environment Protection Act wherein the Pollution Control Board has been created, confers any authority or power or jurisdiction on the Pollution Control Board to levy environment compensation.

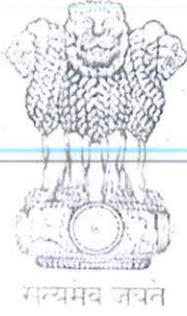
Shri Ashok Kumar Verma, learned counsel for the respondent has submitted that the impugned order has been passed in compliance of some orders passed by the National Green Tribunal. He has attempted to argue that it is not that such a levy has been imposed by the Pollution Control Board without there being any statutory backing.

Shri Verma remains inconclusive in his arguments.

Put up this case on **19.04.2022 as fresh**. In the meantime, it is directed that till the next date of listing, no coercive measure shall be taken against the petitioner/firm.

**Order Date :-** 13.4.2022

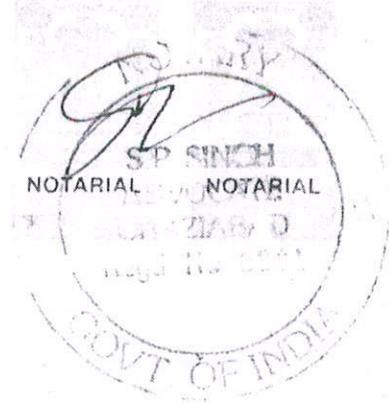
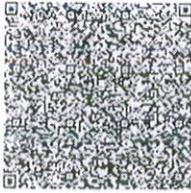
Jaswant



## INDIA NON JUDICIAL Government of Uttar Pradesh

### e-Stamp

Certificate No.	: IN-UP85437097251098T
Certificate Issued Date	: 29-Dec-2021 05:02 PM
Account Reference	: NEWIMPACC (SV)/ up14000404/ GHAZIABAD/ UP-GZB
Unique Doc. Reference	: SUBIN-UPUP1400040438778476495212T
Purchased by	: MAHAGUN REAL ESTATE PVT LTD
Description of Document	: Article 19 Certificate or other Document
Property Description	: Not Applicable
Consideration Price (Rs.)	:
First Party	: MAHAGUN REAL ESTATE PVT LTD
Second Party	: Not Applicable
Stamp Duty Paid By	: MAHAGUN REAL ESTATE PVT LTD
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



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### MEMORANDUM OF SETTLEMENT

This Memorandum of Settlement is entered at Noida on this 07<sup>TH</sup> day of June, 2022  
by and between:

For MAHAGUN REAL ESTATE PVT. LTD.

*[Signature]*

For Mahagunpuram Apartment Owners Associations

*[Signature]*  
President

**MAHAGUN REAL ESTATE PRIVATE LIMITED**, Office No.A-19, Sector 63, Noida (UP) – 201309, through its Director/ Authorized Signatory Mr. Amit Jain. (hereinafter identified as “**MREPL/ FIRST PARTY**”), which expression shall mean and include all their assigns, successors, agents, nominees etc.

AND

**MAHAGUNPURAM APARTMENT OWNERS ASSOCIATION**, OFFICE AT MAHAGUNPURAM, NH-24, Mehrauli, Ghaziabad, Uttar Pradesh- 201002 through its Authorized Signatory Mr. Yashpal Yadav (hereinafter identified as “**MMAOA/ SECOND PARTY**”), which expression shall mean and include all their assigns, successors, legal heirs, agents, nominees etc.

The Parties above are hereinafter collectively referred to as “Parties” and individually as a “Party”. Parties shall unless repugnant to the context or meaning thereof mean and include their respective successors in interest, representatives, successors, liquidators and legal heirs.

**WHEREAS:**

- A. The First Party is a developer who has inter alia developed residential project named “**Mahagunpuram**” situated at Village Mehrauli, NH-24, Ghaziabad, Uttar Pradesh 201002 (hereinafter referred to as “**Said Project**” or “**Project**”).
- B. The Second Party is a Resident Welfare Association registered under the Societies Act, 1860 which is named as “**Mahagunpuram Apartment Owners Association**”. The Authorized representative of the Association/ Second Party has been duly authorized vide resolution dated \_\_\_\_\_ to enter into present Memorandum of Settlement (“**MOS**”).
- C. Dispute and differences had arisen between the parties hereto and the Second Party through its authorized representative Mr. Brij Mohan filed an original application bearing no. 6/2018 titled as “Mahagunpuram Apartment Owners

For Mahagunpuram Apartment Owners Associations

*[Signature]*

For MAHAGUN REAL ESTATE PVT. LTD.

*[Signature]*

Association Vs Ghaziabad Development Authority & Ors” with the following prayer:

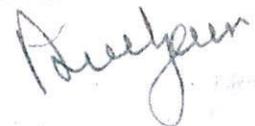
- Direct the respondent no. 1 to implement the Ghaziabad Development Master Plan, 2021 and stop the construction and demolish any structure in phase III of Mahagunpuram which is built on Green Area.
- Direct the respondents to stop and demolish the illegal the illegal construction in the Ghaziabad Master Plan park and Green Area.
- Direct the respondents to strictly comply with the conditions of the Environment clearance Certificate and the Ghaziabad Development Master Plan, 2021.
- Direct the respondents/ builder to provide for adequate Sewage Treatment Plant (STP) as per the requirement of the society.
- Direct the respondents/ builder to restore and restitute the Green Area as per the Environment Clearances Certificate and the sanctioned map at the cost of the Respondents / Builder.
- Direct the respondent/ builder to provide adequate facility to discharge the sewage water.
- Any other or further order that this Hon`ble Tribunal may deem fit in the interest of Justice.

D. The aforesaid original application bearing no. 6/2018 titled as “Mahagunpuram Apartment Owners Association Vs Ghaziabad Development Authority & Ors” has already been decided by Hon`ble National Green Tribunal vide order dated 20-08-2018.

E. In pursuance of the above order dated 20-08-2018, compliance report has been filed by GDA on 10-12-2021. Compliance report has also been filed by UP State PCB on 31-01-2021. During Inspection, status of green belts marked as pockets A, B, C and D on the map approved by Ghaziabad Development Authority were verified on ground. It was observed that encroachment in some way or other has been done on green belts of pocket A, B and D.

For Mahagunpuram Apartment Owners Association

 President





- F. That as condition for development of Group Housing Complex, GDA approved plan leaving space admeasuring 8183 sq mtr for 45 mtrs wide driveway as per Ghaziabad Master Plan 2021 and 7679.78 sq. mtrs. for Ghaziabad Master Plan 2021- Green Area, leaving balance plot area of 38767.22 sq mtrs for the construction of Group Housing Complex out of total plot area of 54630 sq. mtrs.
- G. That 15% green area is to be considered upon balance plot area measuring 38767.22 sq mtrs which is 5815.08 sq. mtrs. The total green belt available currently in the project is 4214 sq mtr (in pocket A,B,C,D).
- H. That the first party had filed an application before State Level Environment Impact Assessment Authority, Uttar Pradesh for amendment in EC -SEIAA dated 22-03-2017 with the request to amend the condition no. 10 and the same has been amended by SEIAA vide its order dated 19.05.2022 passed in Minutes of the 606<sup>th</sup> Meeting of the State Level Environment Impact Assessment Authority, U.P. (SEIAA).
- I. That as per the amendment order dated 19.05.2022, 15% of the net plot area measuring 3867.22 sq mtrs shall be compulsory made available for the green belt development which is 5815.08 sq. mtrs.
- J. That the total construction made in green belt in pocket A, B, C and D is about 1601 sqm in which Roads, Generator and nearby PCC Flooring, passage near swimming pool developed by the first party and temple construction in pocket by the residents.
- K. The Original Application bearing no. 139/2019 titled as "Mahagunpuram Apartment Owners Association Vs Ghaziabad Development Authority & Ors" has also been registered to consider the compliance report filed by Ghaziabad Development Authority (GDA) in pursuance of order of Hon'ble National Green Tribunal dated 20-08-2018 in O.A. No. 06/2018 and the same is pending for adjudication.
- L. In compliance of aforesaid order passed by Hon'ble National Green Tribunal, the master plan green area has been developed and being maintained as green belt

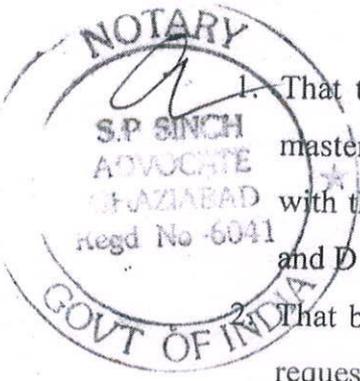
For Mahagunpuram Apartment Owners Associations

President

For MAHAGUN REAL ESTATE PVT. LTD.

- M. That most of the construction/ encroachment in green area has been removed and both the parties are aware of the fact that removal of any further construction in green area of project near Generator, Temple, Electric Sub-Station and Road will adversely affect the interest of more than 6000 residents of the project and therefore both the parties have agreed to settle the matter by mutual discussion.
- N. To amicably resolve the issue and keeping the larger interest of the allottees/ residents uppermost, the First Party is ready to provide the total area admeasuring 1601 sq.mtr in master plan green in the project to the second party in lieu of construction made in pocket A, B and D on terms & conditions as detailed hereunder.

**NOW THIS MEMORANDUM OF SETTLEMENT WITNESSES AS FOLLOWS:-**



- 1. That the first party has provided the total area admeasuring 1601 sq.mtr. in master plan green in the project to the second party as described in Annexure -1 with this settlement agreement in lieu of construction made in pocket A, B, C and D .
- 2. That both the parties shall also file an application before competent authority requesting not to demolish Generator, Temple, Electric Sub-Station and Road in the project and the first party upon receipt the consent from the residents/ AOA as per Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010 (as amended up-to date) shall also file a revised layout plan before Ghaziabad Development Authority ("Authority") to regularize/ compound the construction of Generator, Temple, Electric Sub-Station and Road which has been made in green area of the project.
- 3. The Second Party hereby further undertakes that he shall file necessary reply / counter / applications / affidavits / statements, if required, before Hon`ble National Green Tribunal in Original Application bearing no. 139/2019 titled as "Mahagunpuram Apartment Owners Association Vs Ghaziabad Development

For Mahagunpuram Apartment Owners Associations

*[Signature]*

President

*[Signature]*

PC, MAHAGUN REAL ESTATE PVT LTD

Authority & Ors” to the effect that their grievances regarding green area of the project have been amicably redressed and they has no grievance or complaint against the First Party or its Director/s or its employee/s regarding Green Area of Mahagunpuram Project

4. That the present Settlement has been arrived at between the parties without any coercion, undue influence or any other pressure. All the parties have signed this Settlement on their own freewill and after carefully going through all the terms and conditions as settled hereinabove.
5. The Parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement. And the same is not barred under any law.
6. That this Memorandum of Settlement has been executed by the parties hereto after mutual consent to all its provisions.

In Witnesseth thereof, the parties herein have signed this Settlement on the date, month and year mentioned above

**FOR FIRST PARTY**

**MAHAGUN REAL ESTATE PVT LTD**

MAHAGUN REAL ESTATE PVT. LTD.

**AUTHORIZED SIGNATORY**

**FOR SECOND PARTY**

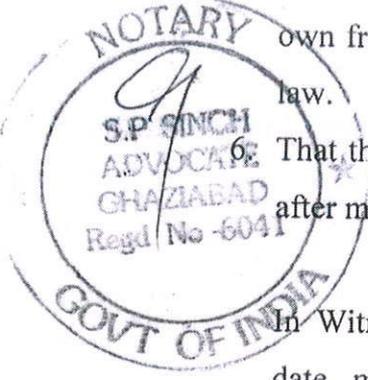
**MAHAGUNPURAM APARTMENT OWNERS ASSOCIATION**

For Mahagunpuram Apartment Owners Associations

**AUTHORIZED SIGNATORY** President

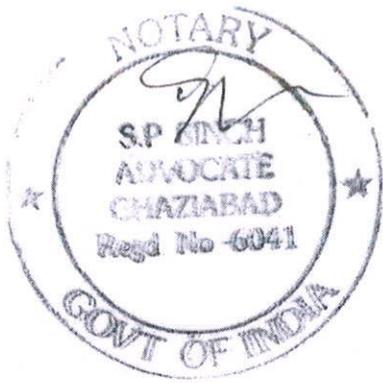
**Witnesses:**

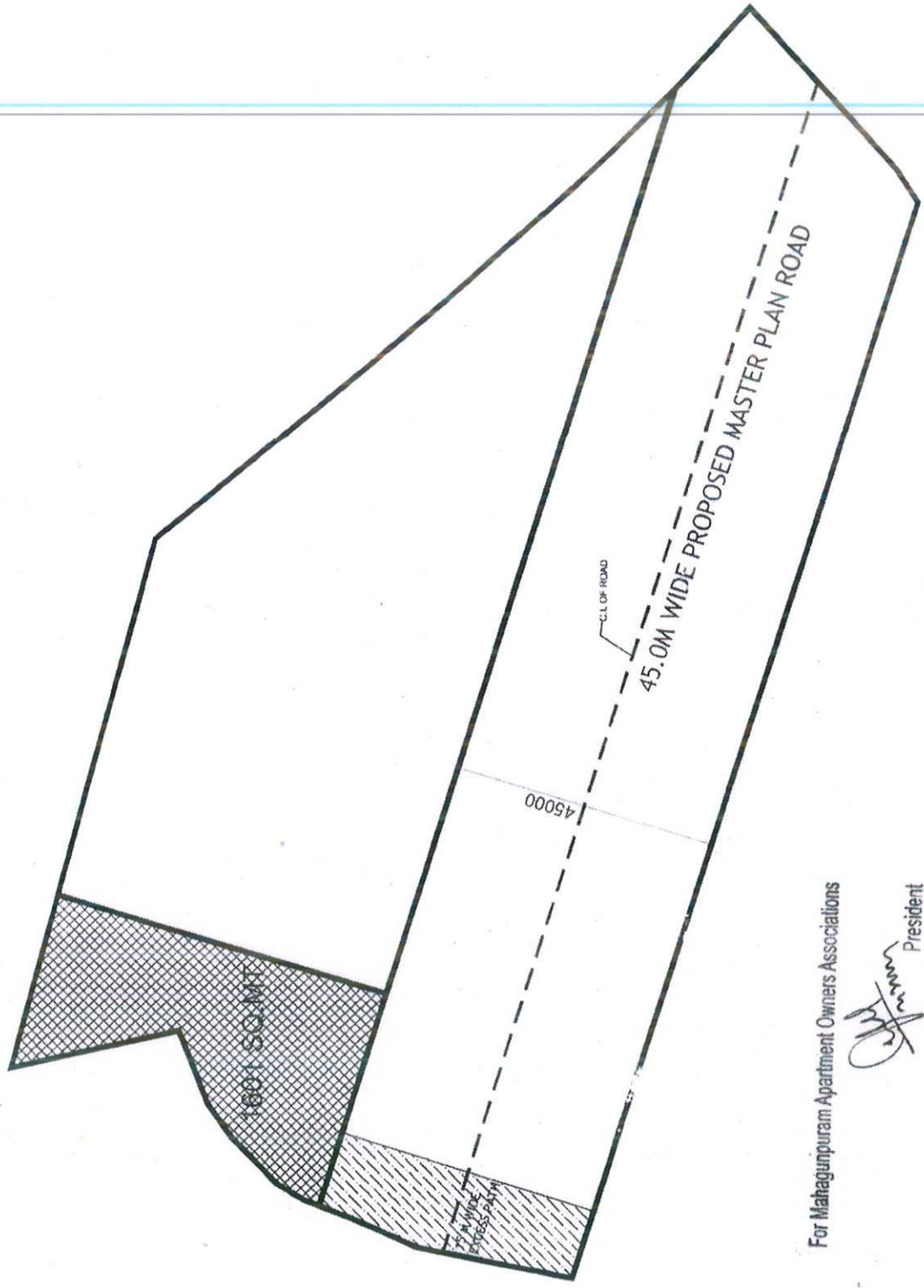
**ATTESTED**  
 29-6-2022  
 SUMAN PAL SINGH  
 NOTARY  
 Advocate, Ghaziabad



1. \_\_\_\_\_

2. \_\_\_\_\_





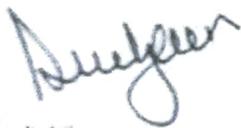
For Mahagunpuram Apartment Owners Associations

*[Signature]*  
 President

**CERTIFIED TRUE COPY OF THE RESOLUTION PASSED IN THE MEETING OF BOARD OF DIRECTORS OF MAHAGUN REAL ESTATE PRIVATE LIMITED HELD ON TUESDAY 12<sup>TH</sup> DAY OF APRIL 2022 AT 11:00 A.M. AT ITS REGISTERED OFFICE AT C-227, VIVEK VIHAR, PHASE-1, DELHI-110095**

"RESOLVED THAT Mr Amit Jain and Mrs. Shruti Jain, Director of the company be and are hereby severally authorized to make, prepare, sign, execute, submit any deeds or documents and to do all acts and deeds for and on behalf of the company."

Certified as True  
For Mahagun Real Estate Private Limited



Amit Jain  
Director  
DIN: 00916016

