

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

IN

APPEAL No. 11 of 2021 (IA No. 104 & 105 of 2021)

In the matter of:

Gauri Maulekhi

....Appellant

Versus

Ministry of Environment Forest & Climate Change & ors

....Respondent

**Status Report on behalf of Ministry of Environment, Forest &
Climate Change in compliance of order dated 19.05.2021**

1. That the appellant has preferred this appeal against the Environmental Clearance granted by the MoEF&CC on 05.01.2021 for development of Modern Poultry & Egg Market with built up area of 96,629.057 sqm. at B-1 Pocket, adjacent to NH-24, Ghazipur, New Delhi by M/s Delhi Agricultural Marketing Board (DAMB). The Principal objection of the appellant against the impugned EC is that the slaughtering of animals and processing of meat cannot be at the same place where marketing is done.



2. That the Hon'ble Tribunal vide its order dated 19.05.2021 directed to revisit the EC dated 05.01.2021 granted by the MoEF&CC. The relevant portion of the order dated 19.05.2021 is reproduced below:

" From the impugned order and the proceedings before the EAC, the above issues do not appear to have been addressed. EAC is under obligation to do so in view of judgement of the Hon'ble Supreme Court in Hanuman Luxman Vs Union of India (2019) 15 SCC 401. Thus, without further adjudication, the grant of EC needs to be revisited. We order accordingly.

Till fresh consideration in the light of the above, the impugned EC may not be given effect."

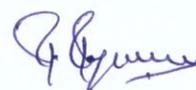
3. That the project proponent i.e. Modern Poultry & Egg Market had applied for Environment Clearance vide proposal No. IA/DL/MIS/183574/2020 dated 17.11.2020 for development of Modern Poultry & Egg Market with the built up area of 96,629.057 sqm. at B-1 Pocket, adjacent to NH-24 Ghazipur, New Delhi.

4. That the proposal for grant of EC has been examined by the Expert Appraisal Committee (Infra-2) in its 57th Meeting held during 25.11.2020. **A copy of Minutes of Meeting is annexed as Annexure-1.** The PP i.e. M/s Delhi Agricultural Marketing Board (DAMB) along with his consultant Shri Environmental Technology institute made a presentation on the key parameters and silent features of the project. That

on the basis of the Information and clarification provided by the project proponent and detailed discussions held on the issues, EAC has recommended granting Environmental Clearance to the project for development of Modern Poultry & Egg Market at Ghazipur, New Delhi by M/s Delhi Agricultural Marketing Board, under the provisions of the EIA Notifications, 2006 and amendments/circulars issued thereon, and subject to the specific and standard conditions. **A copy of Environmental Clearance dated 05.01.2021 is annexed as Annexure-2.**

5. That in compliance of an order dated 19.05.2021 regarding revisiting the EC dated 05.01.2021, In view of this the answering respondent i.e. MoEF&CC has placed the proposal before the EAC (Infra-2) in its 72nd, 75th, 76th and 78th meeting held on 16.09.2021, 27-28.10.2021, 16.11.2021 and 14-15.12.2021 respectively. The deliberation made during the above mentioned meetings are as follows:

A. 72nd EAC meeting held on 16.09.2021: During the Meeting, the EAC noted that the said project was examined by the Committee in its 57th Meeting held on 25th November, 2020 and granted EC on 05.01.2021. In the aforesaid meeting, the EAC members agreed that the project was appraised only from the view point of a construction project for a market and not a slaughter house. Further, the committee was of the opinion that the EC



granted to the project should be withdrawn and fresh application may be submitted by the PP by considering slaughtering activity as well. **A copy of Minutes of Meeting is annexed as Annexure-3.**

B. 75th EAC meeting held on 27.10.2021 and 28.10.2021: That in continuation of the earlier meeting on 16.09.2021, the EAC (Infra-2) recommended to form a sub-committee consisting of EAC members (Dr. Dipankar Saha, Dr. H.C. Sharatchandra and Dr. V. S. Naidu) along with one representative each from Central Pollution Control Board (CPCB), Delhi Pollution Control Committee (DPCC) and the Ministry of Environment, Forest & Climate Change (MoEF&CC) to carry out site visit and re-examine the EC issued to the project by considering slaughtering activity, before arriving at a decision. **A copy of Minutes of Meeting is annexed as Annexure-4.**

C. 76th EAC meeting held on 16.11.2021: During the meeting, it was proposed to conduct the site visit by the sub-committee on 25-26.11.2021 (**A copy of Minutes of Meeting is annexed as Annexure-5**) on the major issues raised in the appeal i.e.

i. Slaughtering of animals and processing of meat cannot be at the same place where marketing is done.



ii. The project has not been appraised as an integral one considering the environment impact assessment of slaughtering activity.

In view of this, as decided by the EAC the sub-committee visited the project in question at B-1 Pocket, adjacent to NH-24 Ghazipur, New Delhi on 25.11.2021. During the site visit the committee has made a certain observations :

i) The project site is located in the existing poultry and egg market. However, the construction site was barricaded and separated from the existing facility and maintained in good condition.

ii) The project consists of the following main components:

a. Livestock Market Block- trading of live poultry (under construction)

b. Processing Unit- Slaughtering (dressing) of poultry (under construction)

c. ETP unit- 650 KLD capacity (operational since 2013)

d. Waste to Energy plant-15 TPD capacity (operational since 2020)

iii) The committee observed that the slaughtering activity would be carried out only in the processing unit, which is housed in a separate block. Also, only traders licensed by FSSAI for the said activity

would be permitted to carry out the slaughtering. As on date, 88 shops are involved in trade of poultry and about 84 shops are licensed for slaughtering activity. The proposed project after completion will be able to accommodate about 100-120 vendors. Thus, the centralized facility will improve the environment conditions in the future.

iv) The proposed market would provide a modern state of the art facility with adequate provision for waste management in compliance to the directions of Hon'ble Delhi High Court Order dated 24.09.2018 in W.P. (C) No. 1214/2018, stated as follows:

“The respondents are granted liberty to work out a system to bring into place or establishing a proper market in the area after complying with all the statutory requirements, particularly the environment and pollution level, and on consideration of the same we would consider the question of permitting operation at slaughter house for poultry in the area in question”

Discussion on the site visit findings:

i) The EAC sub-committee noted that the slaughtering/processing of poultry is proposed to be carried out in processing building, which is



well separated from the building proposed for marketing/trade of live poultry.

- ii) The ETP of 625 KLD capacity and WTE plant of 15 TPD capacities were found to be operational at site and were found to be satisfactory. The committee was also of the opinion that in environmental aspects of the project have been considered by the EAC in its 57th meeting held on 25th November, 2020 and specific conditions pertaining to environment management were recommended in the EC issued on 05.01.2021.
- iii) The committee also noted that the said project was appraised for EC under item 8(a) of the EIA notification, 2006 and its subsequent amendments which pertains to building and construction projects with build-up area $\geq 20,000$ sqm and $<1,50,000$ sqm. It was noted that, there is no separate provision under EIA notification, 2006 and its amendments for slaughtering activity. As per the provisions of said notification, the project does not require an EIA report and accordingly the project was appraised on the basis of submitted Form-I, Form-IA and Conceptual Plan.

Recommendation based on the site visit:



Based on the observations made during the site visit and clarifications provided by the project proponent and consultant, the committee was of the opinion that the project is in compliance to the major issues raised in the Hon'ble NGT order dated 19.05.2021 in appeal no. 11/2021. The committee was also of the opinion that the proposed modern poultry and egg market is an integrated facility which would greatly improve the existing market in terms of environment management as well as hygiene and aesthetic condition of the area. As such, committee recommended that the EC granted to the project vide letter no. 21-91/2020-IA-II dated 05.01.2021 has taken into consideration the environmental aspects of animal waste management.

A copy of the site visit is annexed as Annexure- 6.

D. 78th EAC meeting held on 14-15.12.2021: During the meeting EAC (Infra-2) discussed the report of the site visit conducted by the duly constituted EAC sub-committee during 25-26th November, 2021 to the project location of the Modern Poultry & Egg Market at Ghazipur, Delhi. After detailed discussions held on all issues, the committee expressed concurrence with the findings in the site visit report and recommended it for submission to the Ministry. **A copy of Minutes of Meeting is annexed as Annexure-7.**



6. It is pertinent to mention that in compliance of order passed by the Hon'ble Tribunal and observations made by the sub committee, it is humbly submitted that the project in question was appraised for EC under item 8(a) of the EIA notification, 2006 and its subsequent amendments which pertains to building and construction projects with build-up area \geq 20,000 sqm and $<1,50,000$ sqm., as there is no separate provision under EIA notification, 2006 and its amendments for slaughtering activity. Hence, as per the provisions of said notification, the project does not require an EIA report and accordingly the project was appraised on the basis of submitted Form-I, Form-IA and Conceptual Plan.

Further, as per the sub committee report, it is also submitted that the proposed modern poultry and egg market is an integrated facility, which would greatly improve the existing market in terms of environmental management as well as hygiene and aesthetic condition of the proposed location.

In addition, it is submitted that the environmental aspects of animal waste management was also considered by the committee while granting EC to the PP on 05.01.2021.


(डा. रागवन पी.)
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