

BEFORE THE NATIONAL GREEN TRIBUNAL – PRINCIPAL BENCH
AT NEW DELHI

APPEAL NO. 17 OF 2021

IN THE MATTER OF:

UNIVERSITY OF DELHI

... APPELLANT

VERSUS

MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE & ORS

... RESPONDENT

**INDEX OF WRITTEN SUBMISSIONS BY THE RESPONDENT NO.2 –
YOUNG BUILDERS PVT. LTD.**

Sr. No.	Particular	Pg. No.
I.	Environmental Clearances and Expert Committee Reports in Relation to the Subject Project	1 – 2
II.	Subject plot sold by DMRC in an open auction in June 2008 through a Competitive Bidding Process to YBPL for an amount of Rs. 218.20 crores	2 – 3
	A) The Subject Plot was acquired by DMRC under the provisions of the Land Acquisition Act, 1894.	2
	B) Since the Terminal Station of the Yellow Line was extended from Vishwavidyala to Jahangirpuri in 2006, the land for parking became vacant	2-3
	C) The land earlier earmarked for parking was sold to YBPL in a public auction	2-3
III.	The Project has been appraised with complete application of mind and in line with the Precautionary Principle	3 – 8
	A) The Project has been appraised on three separate occasions by the SEAC-Delhi, SEIAA and the EAC of the MoEF & CC as well as a 9-member expert committee appointed by this Hon'ble Tribunal	3
	B) The Minutes of Meeting of the EAC and the specific conditions imposed in the EC display thorough scrutiny and application of mind	4-5
	C) The Project has been assessed in conformity with the OM of 10.11.2015 which lists out the environmental parameters to be considered for appraising Building and Construction Projects	5-7
	D) The views of an Expert Body like the EAC cannot be substituted by the Court/Tribunal, if all relevant material was considered by the Committee. [Refer: <i>Rajeev Suri v. DDA & Ors.</i> Reported at 2021 SCC Online SC 7 – Central Vista Judgment; S.N. Mukherjee v. Union of India reported at (1990) 4 SCC 594 – detailed reasons akin to a judicial decision need not be given in administrative orders]	7-8

IV.	<p>The Project has been appraised by a 9-Member Expert Committee appointed by this Hon’ble Tribunal, on the basis of the Carrying Capacity of the Area</p> <p>A) Findings of the Report of the 9-Member Expert Committee</p> <p>i. The increase in population due to the Project will not impact the urban infrastructure/services</p> <p>ii. Incremental Air Pollution Load From The Project is statistically insignificant</p> <p>iii. The additional Water Requirement for the project, during the construction phase as well as the operational phase will lead to a mere 0.003% increase in the grid</p> <p>iv. The proposed STP capacity is adequate for Waste Water Generation</p> <p>v. A mere 1.27% increase in generation of Solid Waste is anticipated due to the project</p> <p>vi. Miniscule impact is anticipated on the existing Noise Levels</p> <p>vii. Only a marginal Impact on Traffic Congestion is anticipated by addition of 615 cars for the project</p> <p>viii. Adequate safeguards and permissions have been taken to show the Stability of Structure with respect to Earth Quake</p>	<p>8 – 12</p> <p>9</p> <p>9-10</p> <p>10-11</p> <p>11</p> <p>11</p> <p>11</p> <p>12</p> <p>12</p>
V.	<p>No Height Restrictions are applicable to the Project since it does not fall in the Lutyens Bungalow Zone, Civil Line Bungalow Zone and North Campus Area of Delhi University</p> <p>A) The DDA, in its Resolution dated 12.05.2011 has clarified that group housing norms with no height restrictions apply to the subject Project</p> <p>B) The Hon’ble High Court of Delhi has held that there are no height restrictions on the Project since the subject Land does not fall within North Campus Area or Lutyens Bungalow Zone. The said order has been upheld by the Hon’ble Apex Court.</p> <p>C) The Hon’ble NGT cannot address matters which are not environmental in nature, such as municipal norms for height [<i>Rajeev Suri v. DDA & Ors.</i> Reported at 2021 SCC Online SC 7 – Central Vista Judgment]</p>	<p>13 – 16</p> <p>13-14</p> <p>14</p> <p>15</p>
VI.	<p>Not the tallest building in Delhi</p> <p>A) There are several other buildings, even in the vicinity of the Delhi University, which are taller with more built-up area and basements</p> <p>B) The same baseline environmental indicators are applicable to all projects, hence, the project of YBPL cannot be singled out</p>	<p>16 - 17</p> <p>16</p> <p>16-17</p>
VII.	<p>The Principle of Sustainable Development must be adhered to</p> <p>A) The Supreme Court has held that developmental activities must be permitted in an environmentally sustainable manner</p> <p>B) If the EC is quashed on the basis that the baseline environmental indicators such as air pollution do not permit</p>	<p>17 – 18</p> <p>17-18</p> <p>18</p>

	additional construction, it would lead to stoppage of all developmental activities	
VIII.	List of Statutory Approvals granted for the Project	18 – 19
IX.	Response by the Respondent No.2 – M/s YBPL to each of the issues raised by the Appellant – Chart Annexed.	20 – 35
X.	Annexure 1 Office Memorandum dated 10.11.2015 issued by the MoEF & CC.	36 – 39
XI.	Annexure 2 (Colly.) Appendixes – I, II and V to the EIA Notification of 2006	40 - 54
XII.	Annexure 3 A detailed chart of high rise buildings in the vicinity of the project and in Delhi/NCR	55 - 56

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Key:

(i) Young Builders Pvt. Ltd. (Respondent No.2) – “YBPL” ; (ii) Environmental Clearance dated 21.05.2021 – “EC” ; (iii) Environmental Clearance dated 22.03.2018 – “2018 EC” ; (iv) Environmental Clearance dated 13.08.2012 – “2012 EC” (v) Counter Affidavit of Young Builders/Respondent No.2 – “CA”

Project Description – 1,3 Cavalry Lane and 4 Chhatra Marg, New Delhi – 2.0 Ha of land. 1,37,879.64 m² of Built Up Area (**EC @ Pg. 69, Appeal**)

- 2 Podiums+Stilt+2 Fire Floors+38 floors– 145.3 mtrs [**Details of Buildings in EC @ Pg, 70. Appeal**]

I. ENVIRONMENTAL CLEARANCES AND EXPERT COMMITTEE REPORTS IN RELATION TO THE SUBJECT PROJECT

Multiple statutory authorities and expert committees have examined the project threadbare and granted clearances, which are listed hereinbelow,

(i) The State Level Expert Appraisal Committee (“SEAC”), after conducting a detailed examination of the Project, recommended the grant of EC for the Project to the State Level Expert Environmental Impact Assessment Authority (“SEIAA”), which in turn granted the **first (1st) EC on 13.08.2012**. Since the Project could not be constructed due to the litigation initiated by the Appellant before the Hon’ble High Court of Delhi at New Delhi (“Hon’ble Delhi HC”) (delineated below), the EC expired with efflux of time.

(ii) The Project was re-examined by the SEAC, which after detailed presentations and examination recommended the grant of another EC for the Project to the SEIAA, Delhi, which then granted the **second (2nd) EC to YBPL on 22.03.2018**

(iii) The Expert Committee appointed by this Hon'ble Tribunal in Appeal No. 112 of 2018, comprising of 9 expert representatives from 9 different independent institutions conducted an independent carrying capacity assessment of the Project, and submitted its **Rapid Indicative Environment Assessment Report before this Hon’ble Tribunal on 10.12.2020**. After analysing the population density, ground water, ambient air and noise quality, traffic management and parking, the Committee found that the Project was environmentally viable.

(iv) Subsequently, the Project was yet again presented in detail and closely examined by the Sectoral Expert Appraisal Committee (“EAC”) of the MoEF which recommended the grant of the subject EC to YBPL on 13.04.2021. **The subject, third (3rd) EC was granted on 21.05.2021 by the MoEF**, which is challenged in the present proceedings.

II. SUBJECT PLOT SOLD BY DMRC IN AN OPEN AUCTION IN JUNE 2008 THROUGH A COMPETITIVE BIDDING PROCESS TO YBPL FOR AN AMOUNT OF RS. 218.20 CRORES

A) The Subject Plot was acquired by DMRC under the provisions of the Land Acquisition Act, 1894.

1. The plot of land on which the subject property is located was initially owned by the Ministry of Defence. However, for the purposes of constructing a Metro Station, the land was acquired by the Delhi Metro Rail Corporation (“DMRC”) following the due process under the Land Acquisition Act, 1894. The Award finalising the acquisition process was passed by the Collector on 11.09.2001.
2. It is pertinent to note that the DMRC has the mandate to undertake property development for augmenting its revenue and subsidizing the fare of its consumers. On 17.06.1996, The Union Ministry of Urban Development, Government of India authorized that the project cost for the Delhi Metro will be raised *inter-alia* by way of revenue from property development. The same is noted with approval by the Hon’ble Supreme Court as well in its Order dated 17.12.2019 in the case of University of Delhi v. Union of India wherein the same challenge had been raised *qua* height restrictions, flouting municipal norms etc. [**@ Pg. 986, CA, Vol.II.**] In addition to the present project, the DMRC has utilised 4 other land parcels in Delhi adjacent to or adjoining metro stations for a residential purpose . The other 4 parcels of land are Kyber Pass, Rithala, Subash Nagar and Dwarka Mod.

B) Since the Terminal Station of the Yellow Line was extended from Vishwavidyala to Jahangirpuri, the land allotted for parking became vacant

3. In December 2004, the Vishwavidyalaya Station became operational. As per the initial plans, the Vishwavidyala Metro Station was terminal station on the Yellow Line of the Delhi Metro and thereby certain land was used for parking space on the subject land as commuters park vehicles on the terminal station of the Metro Line. However, in 2006, it was decided that the Terminal Station on the Yellow-Line of the Metro will be extended from Vishwavidyala Station to Jahangir Puri Station. Therefore, the land which was initially used by the DMRC for large parking space, i.e. the land admeasuring 2.0 ha adjoining the Metro Station, was no longer required for parking and stood as surplus land.
4. Subsequently, on 23.09.2005, a Gazette Notification was issued by the Ministry of Housing and Urban Development, Respondent No. 1, revising land use of 3.05 Ha. Plot from “Public and Semi-Public Facility” to “Residential”.

C) The land earlier used for parking was sold to YBPL in a public auction

5. On 23.06.2008, DMRC issued a Request for Proposal for property development at Vishwavidyalaya to auction the subject 2.0 hectares of land on a 90-year lease for a Group Housing Project. A Public auction was conducted on 28.07.2008 by DMRC for the 2.0 Ha of land. Thereafter, on 13.08.2008, the DMRC issued a Letter of Acceptance to YBPL stating that its bid price of Rs.218.20 Crores has been accepted for the said project. Hence, way back on 15.12.2008, YBPL paid the amount of Rs. 218.20 Crores to DMRC and executed a lease agreement for a 90-year period.

III. THE PROJECT HAS BEEN APPRAISED WITH COMPLETE APPLICATION OF MIND AND IN LINE WITH THE PRECAUTIONARY PRINCIPLE

A) The subject Project has been appraised on three separate occasions by the SEAC-Delhi, SEIAA and the EAC of the MoEF & CC as well as a 9-member expert committee appointed by this Hon'ble Tribunal

6. It is submitted that the Project has been appraised on three separate occasions. Firstly, by the SEAC and SEIAA in 2012, culminating in the 2012 EC. It is pertinent to note that the 2012 EC provided for Ground + Stilt + 35 floors. This EC was not objected to by the Appellant. Thereafter, on 22.03.2018, the Project was again appraised by the SEAC, which after detailed presentations and examination recommended the grant of another EC for the Project to the SEIAA, Delhi, which then granted the second (2nd) EC to the answering Respondent for Ground + Stilt + 37 floors. Thereafter, the Expert Committee appointed by this Hon'ble Tribunal in Appeal No. 112 of 2018, comprising of 9 expert representatives from 9 different independent institutions conducted an independent carrying capacity assessment of the Project, and submitted its Rapid Indicative Environment Assessment Report before this Hon'ble Tribunal on 10.12.2020. ("**Expert Committee**") After analysing the population density, ground water, ambient air and noise quality, traffic management and parking, the Committee found that the Project was environmentally viable. Yet again, the Project was presented in detail and closely examined by the Sectoral Expert Appraisal Committee ("**EAC**") of the MoEF comprising of 14 expert members which recommended the grant of EC to the Project on 13.04.2021. The subject, third (3rd) EC was granted on 21.05.2021 by the MoEF, which is challenged in the present proceedings. The present EC is for buildings with 2 Podiums+Stilt+2 Fire Floors+38 floors.
7. In addition to the above, the Appellant also approached the SEAC with its objections in 2012. The SEAC further constituted a sub-committee to look into the said objections, granted an opportunity of personal hearing to the Appellants which was availed by them. On 09.02.2012, the Report of the SEAC Sub-Committee was published which inter alia reported that, the apprehensions of the Appellant University regarding the parking blockade and projected traffic are not correct as there is no traffic problem in Cavalry Lane, and neither will the movement and inflow of students be hampered as a result of the project of the answering Respondent and further that YBPL has received the requisite tree cutting permission and therefore the contentions of the Appellant University are mere apprehensions. [**@ Pg.895-903,CA, Vol.I**]

B) The Minutes of Meeting of the EAC and the specific conditions imposed in the EC display thorough scrutiny and application of mind

8. The subject EC was applied for on 08.02.2021, after which the EAC directed YBPL to send point-wise responses to each and every ground raised by the Appellant which is clear from the minutes of meeting of the 62nd EAC Meeting dt. 01.03.2021 [**Pg. 458, Appeal, Vol.III**]. It is pertinent to note that the same grounds have been taken in the present Appeal. In response to the objections raised by the Appellant before the EAC, YBPL submitted its reply on 22.03.2021 detailing the various measures being taken with respect to seismicity, air quality, ground water management, noise etc. [**Reply of YBPL @ Pg 523-529**] A bare perusal of the minutes of the 62nd Meeting of the EAC dated 01.03.2021 display the close scrutiny and application of mind by the EAC wherein it is noted that, [**@ Pg. 458-459, Appeal**]

“3. The EAC observed that the PP has earlier obtained EC twice for the same project vide letter no. DPCC/SEAC/50/SEIAA/1/2012 dated 13/08/2012 and vide letter no. SEIAA-D/C-353/EC-350/2018 dated 23/03/2018 due to increase in FAR area of the project and revision in the project planning. Now, the PP has re-applied for EC in connection with order passed by Hon’ble NGT, Principle Bench, Delhi on 20.01.2021 on Appeal no. 112/2018 in the matter of University of Delhi vs MoEF&CC.

4. The EAC noted certain discrepancies in the Conceptual plan submitted by the PP regarding the disposal of treated water. In the Conceptual plan, as per the section on Environmental Management Plan, the PP has proposed that entire treated sewage will be reused for toilet flushing and horticulture, while as per the water balance diagram and table on water requirement, it has been stated that about 96 KLD will be disposed in to municipal drain. Also, the PP has not provided any information on the dewatering required for basement construction in the Conceptual Plan.

5. The EAC also noted that a Committee was appointed in terms of order of NGT dated 27.2.2020 and the Hon’ble Supreme Court vide its order dated 10.06.2020, and has given its report dated 10.12.2020. One of the suggestions of the Committee was that, ‘considering that the project area is part of groundwater discharge zone, it is advised to restrict construction to only one underground basement and one stilt parking, instead of the proposed two. The parking plan may accordingly be revised and necessary approvals obtained.’ However, the PP has still proposed 2 basements in the current proposal.

6. During processing, Ministry is in receipt representation dated 02.03.2021 from the Pro-Vice-Chancellor, University of Delhi expressing concerns on the construction of building in DU area. Representation, however, could not be discussed in the meeting of EAC. The EAC was of the opinion to take point- wise replies from PP to the representation so that the same could be discussed in forthcoming meeting.

7. The EAC (Infra-2), based on the information submitted and clarifications provided by the Project Proponent and detailed discussions held that the submissions made by the PP require certain revisions as mentioned above. In view of the foregoing, the EAC recommended to defer the decision on the project and asked the PP to provide the following information:

- i. Clarification for the proposal of 2 basements with reference to recommendation of the committee constituted by NGT and Supreme Court Order.*
- ii. Analyse the discrepancies and resubmit the conceptual plan after making the necessary revisions. Water balance flowchart needs to be revised.*
- iii. Air pollution management in the context of Graded Action Plan for Delhi & NCR.*
- iv. Point-wise replies to representation made by Delhi University”*

9. The above queries were duly responded to by YBPL by way of a detailed reply on 22.03.2021 [**@ Pg. 345-443, Appeal**] Further, YBPL made two detailed presentations on 01.03.2021 and 13.04.2021 before the EAC concerning each and every concern and query raised by the EAC. [**Presentations @ Pg. 1230-1323, CA, Vol.III**] Hence, the EAC had a wealth of material to assess and appraise the project.
10. In the Reply filed by the MoEF & CC (Respondent No.1), it has been stated that YBPL’s Response dated 22.03.2021, was closely checked in the 64th Meeting of the EAC held on 12-13 April, 2021 and found to be in accordance with environmental parameters.
11. It was on the above basis that the EC was granted, with several specific conditions on all aspects of the project including conservation of ground water, source of water for operational phase, area for green belt, preparation of a traffic management plan etc. The very fact that the EAC has laid down 18 specific conditions, in addition to the general conditions, proper and judicious application of mind to the project in question. Thus, the EAC by proper application of its mind has taken into consideration all the environmental issues and thereafter issued the EC by incorporating the conditions and special conditions to be complied with by the project proponent/project developer.
12. This is further cemented by reading the Reply filed by the MoEF wherein it is stated that,

“14. It is submitted that the project proponent is obligated to comply with the specific conditions. The compliance of these conditions is strictly assessed/ evaluated/monitored by the concerned authorities at the State and Central level. The project proponent has to submit status of compliance report every six months which will be published on the website and monitored by the Ministry. If there is any non-compliance of the Environmental Clearance conditions, effective action in accordance with law is taken by the Competent Authorities against the project proponent.

15. It is submitted that the Environmental Clearance dated 21.05.2021 for the projects in question has been granted by the Ministry in accordance with law and this Answering Respondent has followed the procedure for appraisal of the Project as prescribed under the EIA Notification, 2006 and subsequent amendments and subject to stipulation of various environmental safeguards”

C) The Project has been assessed in conformity with the OM of 10.11.2015 which lists out the environmental parameters to be considered for assessing Building and Construction Projects

13. It is submitted that all item 8(a) projects with built-up area below 1,50,000 sq mrs. are appraised in the identical manner as has been done in the present case. In fact, in the Appendixes - I, II and V to EIA 2006 and OM dated 19.06.2013 and 10.11.2015, the MoEF has prescribed the forms, procedure and a time line as well as the precise environmental parameters basis which a building and construction project is to be assessed. This was done to introduce uniformity in the appraisal process for building and construction projects. **[OM dated 10.11.2015 – Annexed as Annexure - 1] [Appendixes I, II and V to EIA Notification, 2006 – Annexure-2 (colly.)]** As per the OM issued by the MoEF on 10.11.2015, only the following parameters are to be assessed by the EAC,

- a. Brief Description of the Project in terms of location and surroundings.*
- b. Environmental Impacts on Project Land and its surrounding developments and vice-versa.*
- c. Water Balance Chart with a view to promote waste water treatment, recycle, reuse and water conservation.*
- d. Waste Water Treatment and its details including target standards.*
- e. Alterations in the natural slope and drainage pattern and their environmental impacts on the surroundings.*
- f. Ground water potential of the site and likely impacts of the project.*
- g. Solid Waste Management during construction and post construction phases.*
- h. Air Quality and Noise Levels; likely impacts of the project during construction and operational phases.*
- i. Energy requirements with a view to minimize power consumption and promote use of renewal energy sources.*
- j. Traffic Circulation System and connectivity with a view to ensure adequate parking, conflict free movements, Energy efficient Public Transport.*
- k. Green Belt/Green cover and the Landscape Plan.*
- l. Disaster/Risk Assessment and Management Plan,*
- m. Socio Economic Impacts of the project and CSR.*
- n. EMP during construction and operational phases.*
- o. Any other related parameter of the project which may have any other specific impact on environmental sustainability and ecology.”*

Further, it is also provided that, “The SEIAA/SEAC need not focus on the other issues which are normally looked after by the concerned local bodies/State Government Departments/SPCBs.”

All the parameters listed above were closely monitored in the appraisal process which is clear from a reading of the Form-I, I-A, Conceptual Plan and EMP. Detailed discussions were held during presentation on 01.03.2021 and specific queries were raised w.r.t (i) environmental issues on project parameters (ii) DU's objections (iii) Nine-member committee report appointed by Hon'ble NGT. Thereafter, YBPL submitted a detailed reply dated 22.03.21 covering all the queries to the EAC. For instance, in light of point(c) above, the EAC specifically sought a revised water balance chart to ensure there is no ecological discrepancy in the Project. Further, even the specific conditions imposed in the EC are in line with the above listed parameters. For instance, conditions for managing the ground water level, traffic circulation etc. have been imposed on the Project Proponent.

14. The above information shows that an appraisal of the Project has been done by three different SEACs/, SEIAA and MoEF in 2012, 2018 and 2021. In addition, there were 2 Expert Committees which have assessed and affirmed the environmental viability and sustainability of the Project. It is important to bear in mind that the Appraisal contemplated under the EIA Notification 2006, for a project under item 8(a), i.e. a building a construction project with built up area lesser than 1,50,000 sq mtrs, is based on Form-I, Form I-A, Conceptual Plan, Environment Management Plan and information submitted thereon. However, in the present case, the appraisal has been done over and above the legal requirement and in line with the principle of sustainable development not only by the EAC but by several expert committees.
15. On the contrary, in the present case, there was the advantage of the Report of the 9-member Expert Committee. Even the EAC appraised the Project with complete application of mind. The EAC comprises of various experts from various fields, who have looked into the matter in great detail and have even considered the representation of the Appellant. Only after the detailed deliberations of various stakeholders, and after a multiple layered decision making process, the subject EC was granted.

D) The views of an Expert Body like the EAC cannot be substituted by the Court/Tribunal, if all relevant material was considered by the Committee

16. On the issue of reviewing a finding rendered by an Expert Committee/EAC, the Hon'ble Supreme Court in the *Central Vista Judgment* categorically held that,

*“494. [...]EAC is an expert body and it is amply clear that it has been made aware of all relevant information relating to the project and it has applied its mind to the proposal. . Even on settled principles of judicial review, it is clear that relevant material has been considered by the committee and no reliance has been pointed out on any irrelevant material. **The specific recommendations given by the committee do indicate that the committee was aware of the need for precautionary measures in environmental matters and accordingly, it suggested requirement of further permissions on certain counts.***

495. Once an expert committee has duly applied its mind to an application for EC, any challenge to its decision has to be based on concrete material which reveals total absence of mind. Absent that material, due deference must be shown to the decisions of experts.

515. We, therefore, upon a thorough examination, decline to interfere in the grant of EC. The expertise developed by the EAC cannot be undermined in a light manner and as noted above, due deference must be accorded to expert agencies when their decisions do not attract the taint of legal unjustness.”

17. It is trite law that the nature of reasoning in the Report/Order of a quasi-judicial body or an Expert Committee is different from that rendered in a Judicial Order. Since an Expert Committee is not a Judicial Body, it is not required to give elaborate reasons qua each of the point raised by the parties, however, its Report must be in the nature of a speaking Order and contain adequate and tangible reasons for arriving at its conclusions. In light thereof, the Minutes of the EAC Meeting need not be in the nature of a speaking Order/Judgment. In *S.N. Mukherjee v. Union of India reported at (1990) 4 SCC 594 (Reproduced @*

Pg. 871, CA, Vol.I), the Hon’ble Supreme Court summarised the above proposition and held that,

“36. [...] In our opinion, therefore, the requirement that reasons be recorded should govern the decisions of an administrative authority exercising quasi-judicial functions irrespective of the fact whether the decision is subject to appeal, revision or judicial review. It may, however, be added that it is not required that the reasons should be as elaborate as in the decision of a court of law. The extent and nature of the reasons would depend on particular facts and circumstances. What is necessary is that the reasons are clear and explicit so as to indicate that the authority has given due consideration to the points in controversy.”

18. It is further submitted that a Building and Construction Project has to be assessed as per the terms of the EIA Notification, 2006 and in light of the potential environmental footprint. It cannot be scrutinised in a manner which traverses beyond the EIA Notification and akin to a Category A/B1 Project requiring preparation of EIA Report. In the **Central Vista Judgment**, which also dealt with a Building and Construction Project under item 8(a) of the EIA Notification, the Hon’ble Supreme Court held that,

“514. In the present case, the subject project is an independent building and construction project wherein one-time construction activity is to be carried out. It is not a perpetual or continuous activity like a running industry. It is absolutely incomprehensible to accept that a project of this nature would be unsustainable with the needs and aspirations of future generations.[...].”

IV. THE PROJECT HAS BEEN APPRAISED BY A 9-MEMBER EXPERT COMMITTEE APPOINTED BY THIS HON’BLE TRIBUNAL, ON THE BASIS OF THE CARRYING CAPACITY OF THE AREA

19. A 9-member Expert Committee was appointed by this Hon’ble Court to assess the Carrying Capacity of the Area in the previous challenge to the EC in Appeal No. 112 of 2018, *vide* Order dated 27.02.2020. The said Committee comprised independent experts from 9 different and eminent institutions across the Country. The Committee published its its Rapid Indicative Environment Assessment Report before this Hon’ble Tribunal on 10.12.2020 (“**Expert Committee Report**”) [Pg. 252-302, Appeal, Vol.II] After analysing the population density, ground water, ambient air and noise quality, traffic management and parking, the Committee found that the Project was environmentally viable. It is crucial to note that the assessment undertaken by the Committee was based on fresh data as gathered by the Committee.
20. A bare perusal of the Report of the Expert Committee would show that it has applied its mind independently to each and every ecological danger that could potentially arise from the subject Project. The methodology adopted by the Committee was based on the precautionary principle and the Committee took a holistic view of the situation. The methodology adopted is stated hereinunder,

“For rapid indicative environment assessment of the site, a 2 km by 2 km area was examined for likely impact during construction and operational activities of the project. As the project is a group housing scheme, the likely environmental impacts are anticipated on air quality primarily due to

additional vehicular movement, additional water requirement, wastewater disposal, solid waste generation, noise generation and traffic congestion.

To assess the incremental changes in environmental media, an assessment of scale of activities and their potential impacts was undertaken. Based on the incremental changes and extent of impacts, environmental viability of the project is evaluated. Status and validity of various clearances obtained by the project proponent is also presented.”

A) Findings of the Report of the 9-Member Expert Committee

i. The increase in population due to the Project will not impact the urban infrastructure/services

“The grid falls in 6 wards. Of these wards, most of the area lies in the Timarpur ward (59.7%), followed by GTB Nagar (23.9%) and Majnu ka Tilla (14.2%) as shown in Table 3.2. The ward boundaries are shown in Figure 3.3 and as evident most of the grid area falls under Timarpur ward (no. 10). The ward wise land use distribution is shown in Figure 3.4.

[....]

*Timarpur ward is the largest ward in the grid and an incremental increase in the population was estimated in this ward. The estimated increase in the population density in the Timarpur ward will be 6777 persons per sq. km. The percentage increment in the ward will be 14%. This increase is significant; however, tall residential buildings do give higher population density. **This increase in density is not likely to impact the urban infrastructure/ services, as noted above.***

INFERENCE

An increment of 1947 persons per sq. km. is anticipated in ward area due to proposed project, i.e. an increment of 14% in the existing population density in the ward, which is statistically significant and likely to result in alteration in present conditions.”

ii. Incremental Air Pollution Load From The Project is statistically insignificant

“Present Ambient air quality

The nearest ambient air quality station to the project site is located at North Campus. The annual average concentration for the years 2018 and 2019 for SO₂, NO₂, NH₃, Benzene, PM_{2.5}, PM₁₀ and CO was analysed and it is noted that while NO₂ was within stipulated norms, PM_{2.5} and PM₁₀ were exceeding standards during 2018 and 2019. The details are as tabulated below. [....]

INFERENCE

Being a high-income group residential project, the likely source of air pollution is vehicular emissions from estimated additional 615 cars on

road during occupancy phase. During assessment, it was assumed that these additional cars would be BS IV compliant and driven by petrol or CNG. The applicable emission limits for CO, HC and NOx were used to estimate additional pollution load. The BS IV 4 wheelers do not generate particulate matter and thus no likely addition to existing PM levels is expected.

Further, the annual pollution load data from ARAI-TERI, 2018 study for Delhi was used to estimate additional pollution load in Timarpur ward due to additional 615 cars on road due to proposed project, using area as proportionating factor. **Statistically insignificant increment is noted in CO (0.25%), HC (0.09%) and NOx (0.1%) emissions due to proposed project.”**

- iii. **The additional Water Requirement for the project, during the construction phase as well as the operational phase will lead to a mere 0.003% increase in the grid**

“(a) Construction Phase

As per Form IA submitted by project proponent, water requirement during construction phase will be met through private water tankers and no ground water will be extracted. It is opined that the construction of 37 floors and four towers along with basements will require huge quantity of fresh water for material preparation, mixing, curing, etc. The proponent has not provided information on quantity of water to be used during construction phase.

As per a study, the embodied water quantity of a multi-storied apartment building of steel and RC construction is 27.6 KL per sq.m. of built-up area (Assessment of water resource consumption in building construction in India S. Bardhan Dept. of Architecture, Jadavpur University, India, 2011).

(b) Occupancy Phase

The water requirement during occupancy phase is presented in Table 3.8.

[...]

At present, the estimated water usage in the grid is as follows, Estimated water usage in the grid = Population (38,475) x 135 LPCD = 5194125 LPCD = 5194 KLD Additional fresh water requirement due to project during occupancy = 182 KLD

A percentage increase of about 0.003% in fresh water requirement is anticipated in the grid.

Hence, proponent is advised to estimate total water requirement during the construction phase and submit an agreement with private water tanker provided for supplying the calculated quantity of water during construction phase. Further, an undertaking may be submitted by proponent that no ground water will be extracted during construction phase.

[...]

INFERENCE

It is understood that no ground water will be extracted during construction & occupancy phase of the project. The water requirement during construction will be met through private tankers and during occupancy by Delhi Jal Board for which necessary permission have been obtained. Further, 0.003% increase in water requirement in the grid is anticipated.”

iv. The proposed STP capacity is adequate for Waste Water Generation

“As total 34% of daily water requirement is proposed to be met through recycling (flushing & horticulture) the daily fresh water demand is lower. Further, a 0.002% percentage increase in existing load of municipal sewer is anticipated due to discharge of treated wastewater from the project.

The proposed STP capacity is adequate with wastewater estimation based on @4 persons per household as indicated by the project proponent. However, it will be inadequate to suitably treat daily wastewater generated when quantity is estimated @4.75 persons per household. ”

v. A mere 1.27% increase in generation of Solid Waste is anticipated due to the project

“An increase of 1.27% from the present generation of solid waste in the grid is estimated due to the project.”

vi. Miniscule impact is anticipated on the existing Noise Levels

“One of the point of contention is whether the project falls under 'Silence zone', it is defined as area less than 100 metres around hospitals, educational institutions, courts, religious places or any other area which is declared as such by the competent authority. The nearest hospital to project site is Patel Chest Hospital, which is located at an aerial distance of around 600 m and thus silence zone standards are not applicable.

The nearest noise quality monitoring station is Civil Lines which falls under commercial zone with standards 65 dB(A) daytime and 55 dB(A) night time. The annual data was analysed and it is noted that annual average values during 2018 was 61 dB(A) daytime and 59 dB(A) night time. Further, the annual average value during 2019 was 62 dB(A) daytime and 58 dB(A) night time.

It is noted that daytime annual average value is within stipulated standards and slight exceedance is noted in night time values mainly due to plying of trucks towards Delhi Boarder.

INFERENCE

As it is a group housing project, miniscule impact on noise environment during occupancy phase is anticipated, except during intermittent operation of the DG sets as backup power.”

vii. Only a marginal Impact on Traffic Congestion is anticipated due to additional 615 cars

“The impact of additional cars on road during occupancy phase of the project was assessed on five road sections namely, Chatra Marg, Vishwavidyalaya to Vidhansabha Road, Vidhansabha to Vishwavidyalaya, GC Narang Road and Cavalary Road. A traffic count survey was done by CPCB on October 12, 2020.

The assessment is as presented below,

[....]

Using,

Avg. vehicle length = Car 3.5m, LCV = 4.5 m, HCV = 6 m PCU = Car =1, LCV = 2, HCV = 3

INFERENCE

Volume to capacity ratio (V/C) and speed are two main parameters to assess the Level of Service (LoS), provided by the road. When the v/c ratio value equals 'one', it signifies the complete saturation of capacity of the road, resulting in congestion. Whereas, value towards '0', implies free flow condition.

Based on analysis, it is inferred that the inclusion of additional 615 passenger cars on the road from the project will result in marginal increase in volume to capacity ratio (ranging 0.04 to 0.16). For the various section of roads, it is also observed that increase in volume to capacity ratio during the morning peak hours (0.04-0.06) and evening peak hours (0.05-0.08) is less, as compared to the ratio during afternoon time (0.09-0.16). Overall, there will a marginal degradation in level of service.”

viii. Adequate safeguards and permissions have been taken to show the Stability of Structure with respect to Earth Quake

“University of Delhi's north campus falls under the 'high hazard zone' having worst category of "very high" risk index. Thus, seismic stability of 37 storeyed project was taken into consideration during project assessment and the structural stability certificates were verified. It is noted that following approvals have been obtained from concerned authorities, It is noted that following approvals have been obtained from concerned authorities,

1) FORM 07 (Structural Stability Certificate) dated 04.07.2017 – This certificate was submitted to North DMC along with building plan approval application

2) STR certificate dated 10.01.2018 – This is the detailed structural stability certificate issued by structural engineer.

3) A detailed foundation recommendation report of Prof. VS Raju, Ex. Director, IIT, Delhi dated 17.04.2018 - In order to keep building structure safe with respect to earthquake.”

V. NO HEIGHT RESTRICTIONS ARE APPLICABLE ON THE PROJECT SINCE IT DOES NOT FALL IN THE NORTH CAMPUS AREA OR THE LUTYENS BUNGALOW ZONE

A) The DDA, in its Resolution dated 12.05.2011 has clarified that group housing norms with no height restrictions apply to the subject Project

21. On 29.03.2007, the DMRC sought a clarification from the DDA about the development control norms which would be applicable for the subject plot. In response to the request, the DDA answered vide letter dated 29.03.2007 stating that all statutory provisions related to Group Housing as per MPD-2021 are to be followed for the concerned land, i.e. FAR of 200 and maximum ground coverage of 33.3% with no height restrictions
22. On 19.08.2009, the DDA changed its earlier stance and the DDA replied to the MCD *vide* letter dated 19.08.2009 stating that Development Control Norms applicable to the subject plot shall be as per the Notification dated 20.01.2005 prescribing Development Control Norms for Metro Stations, i.e. 25% ground coverage and 100 FAR with no height restrictions. [Note: the said standards are merely an enabling provision in the MPD-2021, and are applicable to plots up to a maximum area of 3.0 Ha in size. The present plot, inclusive of the metro station, was 3.05 Ha]
23. The matter was further examined by DDA in its meeting held on 17.02.2010, whereby the Lt. Governor constituted a Committee under the Chairmanship of Engineer Member, DDA with Chief Town Planner, MCD and Chief Engineer, DMRC as members to survey the entire area and examine the implications on the proposed high-rise buildings on the privacy and integrity of the Delhi University environment. The committee members undertook the joint inspection of the site on 19.02.2010 and submitted their report in March wherein it was concluded that the proposed high-rise property development on 2.0 Ha. plot will not affect the privacy of the girls' hostel nearby as these are either far (e.g. Miranda House) or interspersed by other buildings (Meghdoot Hostel), the high-rise construction is not debarred as per MPD-2021, it will not add to any parking problem and will also not affect the serenity/tranquility of University area. [**@ Pg.886-894,CA, Vol.I**]
24. Despite the above Report, the DDA was not reconsidering its stance. Hence ,YBPL was constrained to file a Writ Petition before the Hon'ble High Court of Delhi bearing Writ Petition (C) No.3135/2010. On 23.11.2010, the Hon'ble High Court passed an Order directing DDA to deliberate on its position in light of the Report of the LG's Committee as well as the fact that it had earlier taken a different stand *qua* the same plot. Thereafter, on 21.01.2011, a meeting was held by the DDA. Further, on 07.03.2011, the DDA issued a communication stating that norms of residential group housing as given in MPD-2021 shall be applicable in this case excepting the height factor which has been recommended by the authority on dt. 21.01.11 to restrict it to 8 storeys. The High Court subsequently passed an Order on 07.03.2011 directing DDA to consider the matter on height restriction and the authority shall invite the highest officer of the DMRC to remain personally present and to participate inasmuch as the DMRC has put the land into auction for Rs. 218.20- crores.
25. It was during the pendency of the above Writ Petition that the DDA passed a Resolution on 12.05.2011 resolving that its earlier stance communicated *vide*

letter dated 29.03.2007 was the correct one and stated that 2.0 Hectare plot leased out to the answering Respondent shall be considered as a 'separate entity' and the Development Control Norms for Group Housing with no height restriction shall apply. This was taken note of by the Hon'ble High Court which stated in its Order dated 18.05.2011 that nothing further remains to be adjudicated.

B) The Hon'ble High Court of Delhi has held that there are no height restrictions on the Project since the subject Land does not fall within North Campus Area or Lutyens Bungalow Zone

26. Thereafter, the Appellant University filed a Writ Petition on the premise that the aforesaid resolution passed by DDA was in violation of the provisions of MPD-2021 and the subject Plot falls within the North Campus area wherein there is a restriction on tall buildings as per clause 11.3 of the MPD-2021, read with the zonal development plan for Zone-C. The stand of the University was clearly rejected by the Hon'ble High Court *vide* its Order dated 27.4.2015 in WP(C) No. 2473 of 2015 wherein the Hon'ble High Court issued a finding in fact and in law to the effect that, [**Order @ Pg. 904, relevant para 58 @ Pg. 943, CA Vol.I**]

“58. The claim of the petitioner is that the 3.05 Hectare land falls in the 'controlled zone' of Delhi University and that a height restriction ought to have been imposed on the Project otherwise it will be in direct conflict with MPD 2021. However, as submitted by ld. Counsel for respondents that there is nothing called "controlled zone" of Delhi University under MPD 2021 or Zonal Development Plan for Zone-"C". However, MPD 2021, Chapter 11-Urban Design, Para 11.3 provides that restriction on tall buildings would be necessary in important areas like Lutyen's Bungalow Zone, Civil Lines Bungalow Zone and North Delhi Campus. The plot in question does not fall within any of these restricted areas. In any case, the same was also established by respondent No.12 during arguments by showing the Zonal Development Plan for Zone-'C (Civil Lines Zone) that the land in question does not fall within any restricted area in Zone-"C" i.e. the Civil Lines Bungalow Zone or the North Delhi Campus. In fact that land does not fall within Delhi University North Campus which is established from the information obtained by respondent No.12 under RTI wherein it is stated that the 3.05 Hectare plot is not a part of Delhi University.”

27. The said Judgment was appealed before the Division Bench of the Hon'ble High Court as well as the Hon'ble Supreme Court both of which rejected the Appeals *vide* Orders dated 29.10.2018 and 17.12.2019 [**SC Order @ Pg. 970-986, CA, Vol. II**]. Even before the Hon'ble Supreme Court, the Appellants had repeatedly raised the issue of height restrictions and the location of the project *qua* the MPD-2021 [**Refer Para 3.3, 8.419., 27, 31**]. However, the Hon'ble Supreme Court dismissed the Appeal of the Appellant and upheld the Orders of the Hon'ble High Court. Hence, the issue *qua* applicability of height restrictions under the MPD-2021 have been put to rest by concurrent findings of two Hon'ble Courts. Thus, it is completely *mala fide* on the part of the Appellant to re-agitate an issue which has been considered and decided by two Constitutional Courts.

C) The Hon'ble NGT cannot address matters which are not environmental in nature, such as municipal norms for height [*Rajeev Suri v. DDA & Ors. reported at 2021 SCC Online SC 7 – Central Vista Judgment*]

28. In any case, it is submitted that in the Judgment of *Rajeev Suri v. DDA & Ors. reported at 2021 SCC Online SC 7 (“Central Vista Judgment”)* (Reproduced @ Pg. 770, CA, Vol.I), the Hon'ble Supreme Court explained that this Hon'ble Tribunal, being a creature of a statute, i.e. the NGT Act, 2010 cannot traverse beyond the jurisdiction conferred by the Act and deal with matters which are not environmental in nature or those which are not enumerated in the NGT Act, 2010. The Schedule-I to the NGT Act lists the enactments in relation to which this Hon'ble Tribunal could exercise its jurisdiction. The MPD-2021 or municipal norms are not a part of the Schedule-I. In the *Central Vista Judgment*, it was held that,

“503. NGT is not a plenary body with inherent powers to address concerns of a residuary character. It is a statutory body with limited mandate over environmental matters as and when they arise for its consideration. In a cause before it, NGT cannot directly go on to adjudicate on concerns of violation of fundamental rights and once the contours of a subject matter traverse the scope of appeal from a grant of EC, the merits review by tribunal cannot traverse beyond the scope of jurisdiction vested in it by the statute.”

Note: An SLP filed against the said Order was dismissed on 14.02.2014.

29. In addition, it maybe pertinent to note that the acquisition proceedings and the auction in favour of YBPL was also challenged by the erstwhile lessees of the Plot in W.P. (C) 6624-6625/2012 before the Hon'ble High Court of Delhi. The Writ Petition was dismissed by the Hon'ble High Court of Delhi stating that there is no question or colourable exercise of power and the plot used by DMRC for commercial purpose is being done as per the settled principles of law. In order dated 10.09.2013 the Hon'ble High Court in W.P. (C) 6624-6625/2012 observed that,

“17. Insofar as, the question of colourable exercise of power is concerned that does not arise in the present case. There is no dispute, in view of the counter affidavit filed on behalf of the DMRC, that initially the entire 30,500 sq. mtrs. of land was required for the purpose of the Vishwa-Vidyalaya Metro Station. This was so as per the plan envisioned under Phase-I. However, subsequently, during the execution of the project, in 2006, when Phase-II was envisioned, the Vishwa-Vidyalaya Metro Station was no longer the terminal station and that the line from Central Secretariat to Vishwa-Vidyalaya had been extended to Jahangirpuri. It is because of the fact that the Vishwa-Vidyalaya Station was no longer the terminal station that the requirement for parking space was reduced and that is why there was a surplus available with the DMRC.....”

Note: An SLP filed against the said Order was dismissed on 14.02.2014.

Lastly, it may also be pertinent to note that one Metro Commuters Association also challenged the auction by DMRC in W.P. (C) 8675/2011 before the Hon'ble High Court of Delhi on the ground that it will affect commuters parking

at the Vishwavidyalaya Metro Station. The same was dismissed on 14.12.2011 against which no appeal was preferred in the Supreme Court.

VI. NOT THE TALLEST BUILDING IN DELHI

A) There are several other buildings, even in the vicinity of the Delhi University which are taller with more built-up area and basements

30. The University of Delhi has made a claim that the Project will be the tallest building in Delhi. This could not be further from the truth. In fact, the following buildings, which are in the vicinity of the University of Delhi, are taller, and/or have more built up area and/or more basements, (A detailed chart of high rise buildings- Annexure -3)

S No	Name	Location	Height	Floors
1.	Negolice India (M2K)	Azadpur, Delhi	235 meters	65
2.	The Leela Sky villas	Kirti Nagar, Delhi	190 metres	61
3.	DCM Ltd. (Residential Project)	Delhi, Kishanganj	180 meters	
4.	DLF Home Developers Ltd.	Motinagar, Delhi	179.2 meters	
5.	Unity the Amaryllis-Iconic Tower	Karol Bagh, Delhi	171 metres	48
6.	Delhi Floor Mills Co. Ltd. (Group Housing)	Civil Lines, Delhi	165 meters	46
7.	Young Builders Private Limited	Civil Lines, Delhi	145.3 meters	43
8.	Parsvnath – La Tropicana	Khyber Pass, Delhi	125.6 meters	40
9.	Risland Sky Mansion	Chhatarpur, Delhi	105 metres	25
10.	Godrej South Estate	Okhla, Delhi	105 metres	29
11.	Unity Amaryllis- Phase 2	Kirti Nagar, Delhi	100 metres	31
12.	Northern India Paint Colour & Varnish Co LLP	1, Canal Road, Vijay Nagar	81 Meters.	21
13.	North Delhi Metro Mall	Civil Lines, Delhi	44.1 meters	

B) The same baseline environmental indicators are applicable to all projects, hence, the project of YBPL cannot be singled out

31. It is also submitted that it would be wholly iniquitous and unjust if the project of YBPL is singled out, while there are several other building projects with a far greater built-up area and height which have been given the green signal. In fact, the other projects have not been assessed even close to how seriously and rigorously YBPL's project was appraised and reviewed several times over.
32. If the Appellant is really seeking to protect the environment and the environs of Delhi University, its selective attack on the subject Project reeks of *mala fides* and ulterior motives since there are several other projects in the very neighbourhood of the university which have gone unchallenged.
33. The baseline environmental indicators such as the air pollution in Delhi must be equally applicable to all developmental activities and not solely the project of YBPL. The ambient air quality of Delhi cannot be different for two projects in

the same vicinity. Further, even the lack of availability of fresh water is applicable to each of the Buildings and Construction Projects. Hence, even if it is assumed, without admitting that the carrying capacity in Delhi is not sufficient for large scale building projects, the same yardstick has to be applied to all projects, and not only that of YBPL. The materials regarding the EC and appraisal process for the other projects is readily available on the public website of the MoEF and YBPL craves liberty to refer to the same, if required.

VII. THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT MUST BE ADHERED TO

A) The Supreme Court has held that developmental activities must be permitted in an environmentally sustainable manner

34. In a catena of Judgments, this Hon'ble Tribunal and the Hon'ble Supreme Court have observed that developmental activities and the environment are not sworn enemies. That development should be permitted, albeit strictly in line with environmental safeguards and mitigating measures to offset any ecological damage. It is in that spirit that YBPL has obtained the present EC and will continue to monitor its Project. In the Judgment of *Karnataka Industrial Areas Development Board v. C. Kenchappa*, reported at (2006) 6 SCC 371, the Hon'ble Supreme Court stressed on the fact that a balance must be maintained between development and the environment and it was held that,

61. The priority of developing nations is urgent industrialisation and development. We have reached at a point where it is necessary to strike a golden balance between development and ecology.

62. The development should be such as it can be sustained by ecology. All this has given rise to the concept of sustainable development.

[...]

Sustainable development: Contribution of the judiciary and others

66. This Court, in Vellore Citizens' Welfare Forum v. Union of India [(1996) 5 SCC 647], acknowledged that the traditional concept that development and ecology are opposed to each other, is no longer acceptable. Sustainable development is the answer. Some of the salient principles of "sustainable development" as culled out from Brundtland Report and other international documents are intergenerational equity. This Court observed that "the precautionary principle" and "the polluter-pays principle" are essential features of "sustainable development".

67. A nation's progress largely depends on development, therefore, the development cannot be stopped, but we need to control it rationally. No Government can cope with the problem of environmental repair by itself alone; people's voluntary participation in environmental management is a must for sustainable development. There is a need to create environmental awareness which may be propagated through formal and informal education. We must scientifically assess the ecological impact of various developmental schemes. To meet the challenge of current environmental issues, the entire globe should be considered the proper arena for environmental adjustment. Unity of mankind is not just a dream of the enlightenment but a biophysical fact.

[...]

99. In the Rio Conference of 1992 great concern had been shown about sustainable development. “Sustainable development” means “a development which can be sustained by nature with or without mitigation”. In other words, it is to maintain delicate balance between industrialisation and ecology. While development of industry is essential for the growth of economy, at the same time, the environment and the ecosystem are required to be protected. The pollution created as a consequence of development must not exceed the carrying capacity of the ecosystem. The courts in various judgments have developed the basic and essential features of sustainable development. In order to protect sustainable development, it is necessary to implement and enforce some of its main components and ingredients such as precautionary principle, polluter-pays and public trust doctrine. We can trace the foundation of these ingredients in a number of judgments delivered by this Court and the High Courts after the Rio Conference, 1992.

100. The importance and awareness of environment and ecology is becoming so vital and important that we, in our judgment, want the appellant to insist on the conditions emanating from the principle of “Sustainable Development”:

B) If the EC is quashed on the basis that the baseline environmental indicators such as air pollution do not permit additional construction, it would lead to stoppage of all developmental activities

35. In case the present EC is quashed on the ground that the baseline environmental indicators in Delhi, such as air, water, noise etc. do not permit additional construction, it would result in a complete halt of all developmental activities and be in complete opposition to the principle of sustainable development.

VIII. LIST OF STATUROY APPROVALS GRANTED FOR THE PROJECT

<u>S.No.</u>	<u>Authority / Department</u>	<u>Approval Date</u>
1	Airport Authority of India (AAI)	16.04.2009, 28.06.2011
2	Archaeological Survey of India (ASI)	08.05.2009
3	Department of Forest & Wild Life	25.05.2011
4	North DMC - 'Layout Scrutiny Committee' (LOSC)	16/24.02.2012, 27.11/15.12.2014, 01/02.06.2017, 19.02/05.03.2020
5	Delhi Fire Service (DFS)	13.03.2012, 06.02.2013, 13.01.2015, 15.01.2016, 08.09.2017, 12.07.2019, 12.07.2021
6	Delhi Urban Art Commission (DUAC)	19.12.2012 / 28.01.2013, 13.02/05.03.2015 (Layout), 11.02/02.03.2016 (BP), 16.08.2017, 11/16.07.2019, 08/17.07.2021

7	National Monument Authority (NMA)	26.12.2012
8	Delhi Pollution Control Committee	15.01.2013
9	North DMC - 'Standing Committee' (SC)	22.03/11.04.2013, 08.07.2015, 17.11.2017, 19.08/18.09.2020
10	Tata Power Delhi Distribution Ltd. (TPDPL)	14.08.2013
<u>11</u>	Delhi Jal Board (DJB)	07.10.2015, 11.01.2016, 09.07.2019, 05.06.2021
<u>12</u>	North DMC – Storm Water	24.11.2015
<u>13</u>	North DMC - Building Plan (BP)	26/31.07.2019, 23/24.07.2021

SR. NO.	ISSUES RAISED BY APPELLANT	RESPONSE OF YBPL/RESPONDENT NO.2
1.	<p>The Plot falls within the controlled zone of the University of Delhi, wherein Height Restriction is applicable as per clause 11.3, MPD-2021 which states that there shall be a restriction on height in “North Campus”. [Clause 11.3 @ Pg. 589, Appeal]</p>	<ul style="list-style-type: none"> - As per Clause 11.3 of the MPD-2021 [Pg. 589, Appeal], read with clause 2.7 of the Zonal Development Plan for Zone-C [Pg. 594-595, Appeal], restriction on tall buildings is required in areas like the University of Delhi North Campus and Civil Lines Bungalow Zone. Accordingly, height restriction if any, is specified in metres in the relevant chapter. However, the Project is not within the “Civil Lines Bungalow Zone” or “North Campus area of University of Delhi” geographically which is clear from the following, <ul style="list-style-type: none"> (i) The Map appended to the Zonal Plan show the subject plot as yellow (residential) and not within the blue covered area of the university. . (ii) In fact, even in the Map prepared by the by the Chief Town Planner as well as approved by Executive Engineer, University of Delhi, the subject land is shown as as unhedged and not a part of the Delhi University campus. [Map @ Pg. 1125, Vol.II, CA] (iii) an RTI response to this effect was also given by the Municipal Authorities on 20.07.2012, wherein it is noted that in the layout plan for North Campus, the subject Plot has not been included in the University Area. - Hence, Group Housing Norms, as specified in Cl. 4.4.3(B) of MPD-2021, will be applicable to the subject plot which provide for 200 FAR, 33% ground coverage and no height restriction. - As noted in the Order of the Hon’ble High Court dated 27.04.2015, the said norms are also applicable for the residential areas of the University of Delhi. In fact, in Table No. 13.6 (cl. 4) of the MPD-2021, titled “Development Controls for Education Facilities (Higher Education)”, it is provided that group housing norms shall apply to residential areas of universities. - This has been affirmed by the High Court and the issue has attained finality upto the SC. Hence, the argument is hit by the doctrine of <i>res judicata</i>. - In fact, the High Court <i>vide</i> Order dated 27.04.2015 [Order @ Pg. 904, relevant para 58 @ Pg. 943, CA Vol.I] clearly held that the restriction on height contained in Clause 11.3 of the MPD-2021 and the Zonal Development Plan does not apply to the Subject Plot. Contrary to the claim of the Appellant, this is not a recording of contentions but a clear finding of the Court. - The Order of 27.04.2015 was upheld by the DB <i>vide</i> Order dated 29.10.2018 in LPA No. 89 of 2018. The DB dismissed the LPA on delay. [LPA Order @ Pg. 948, CA- Vol.I]. The matter was appealed to the SC by the Appellant which upheld the Order of the Single Judge and DB <i>vide</i> Order dated 17.12.2019. [SC Order @ Pg.

970-986, CA, Vol.III] Note: Leave was granted, hence the Order stands merged. Further @ Para 30, the SC notes that the appeal is devoid of merits. Also see para 4,6,12,17,21(end),27,28

- Zonal Development Plan of Zone-C wherein Plot is not shown in DU. [**Zonal Devp. Plan @ Pg. 601, Appeal**]

A Chart showing the applicable norms for ease of reference is provided hereinbelow,

Chapter	Pg 28/4.4.3B	ZDP Pg 10	Below Table 12.7	Table 13.6			
Land use	Residential- Group Housing	Group Housing - Civil Lines Bungalow Zone	Metro Station (enabling clause)	University Campus			
				(a)Academic (45%)	(b)Residential (25%)	(c) Sports (15%)	(d) Parks (15%)
Size of plot	Min. 3000 sqm	Min. 4000 sqm	Max. 3.0 Ha.	Min. 10.0 Ha.			
Ground Coverage	33.3%	25%	25%	30%	1. Regulations for group housing shall apply. 2. The land shall be reserved for facilities as per residential norms.	10%	NA.
FAR	200	75	100	120		15	
Height Restriction	No Restriction	11 M	No Restriction	37 m		26 m	
Parking	2 ECS / 100 sqm	2 ECS / 100 sqm	2 ECS / 100 sqm	1.33 ECS / 100 sqm			

		<p>A perusal of the above norms would show that even in the University area, group housing norms apply to 25% residential component i.e. no height restriction. Admittedly, various policy documents of the Government, including the MPD-2021 (Vision – Clause 3,6 and 7) disclose that there is a shortage of residential accommodation and there is a need to construct planned residential accommodation and upgrade residential infrastructure in Delhi to meet future demands for housing. The MPD-2021 further notes that the most important aspects of planned development pertains to the provision of adequate well-planned shelter and housing for the different categories of inhabitants of the city. In addition, in the Major Highlights of the MPD-2021, it is noted that</p> <p><i>“(d) Shelter:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Shift from plotted housing to group housing for optimal utilization of land;</i> <input type="checkbox"/> <i>Private sector participation for development / redevelopment of housing;</i> <input type="checkbox"/> <i>Removing unnecessary controls (like height) for optimum utilization of land and to facilitate creation of 'signature' projects.</i> <input type="checkbox"/> <i>Enhancement of ground coverage, FAR and height for all categories of residential plots.”</i>
2.	<p>(i) The Project will pose a threat to the privacy of nearby girls hostels</p> <p>(ii) Reliance placed on the LG Report to show that there is no risk to privacy is erroneous since at that time the Building Project was only meant to be for 8 floors</p>	<ul style="list-style-type: none"> - The said ground is wholly non-environmental and cannot be raised. [Reliance on Para 502 – Pg. 144 of Central Vista Judgment regarding jurisdiction of NGT] - The said ground was examined in detail by the Jt. Committee constituted by the LG, Delhi. The Committee conducted a site inspection and clicked photos from the project site. In the Report dated March, 2010 it was found that the Project will not affect privacy of girls hostels since they are either at a distance (Miranda House) or interspersed by other buildings (Meghdoot). [LG Report@ Pg. 886 @ Pg. 894] - The above finding was quoted with approval by the High Court in the Order of 27.04.2015 @ Para 51. ([@ Pg. 939, CA, Vol.I] - Certain persons allegedly representing students of the Girls Hostels and DU Women’s Association also filed Applications for intervention before the Hon’ble Supreme Court on the ground of privacy which were disposed of by way of the Order of 17.12.2019. <p>The said ground was also examined in detail by the sub-committee by SEAC in 2011-12. The sub-committee dismissed the apprehension & recommended / observed that “Further the development being residential is not a problem for the privacy as apprehended by the DU. The same has also been confirmed by the Chief Town Planner in their report of the committee constituted by this Hon’ble Tribunal.</p> <ul style="list-style-type: none"> - The Project is envisaged for families.
3.	The University is not concerned with other Projects in the vicinity as they do	<ul style="list-style-type: none"> - The University is misusing its status as an institution of eminence to file frivolous and vexatious proceedings driven by oblique motives.

	not harm the students [@Pg. 16, Rejoinder]	<ul style="list-style-type: none"> - The objectives of the Appellant are not <i>bona fide</i> and motivated without any concern for the environment as it has turned a blind eye to 8 other large scale construction projects which have got EC, 6 of which are in the vicinity of the University. [Detailed Chart @ Pg. 987, CA- Vol.II] Note: All other projects have more than 1 basement. [Copy of Map showing distance from environmentally sensitive sites and other projects– Pg. 1218, CA, Vol.III]
4.	The project has been wrongly appraised as Category B-2, instead of Category B-1. Consequently, ToR ought to have been issued.	<ul style="list-style-type: none"> - The Project is a building and construction project with BUA of 137879.64 m². As per the Schedule to the EIA Notification, Category 8(a) projects include building or construction projects > 20000 sq. meters and <150000 sq. meters of built up area. Thus, the Project is classified under item 8(a) to the schedule of the EIA Notification of 2006. Projects falling under Item 8(a) are categorized as “Category B2” Projects. - As per Clause 7(II) of the EIA Notification, only Category A or B1 projects require the preparation of Terms of Reference (“ToR”). Thus, the Project does not require ToR. - As per Appendix V of the EIA notification, it is stated that: <ul style="list-style-type: none"> <i>“in the case of items 8(a) and 8(b) of the Schedule, considering their unique project cycle, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall appraise projects or activities on the basis of Form- 1, Form-1-A, conceptual plan and the environmental impact assessment report [required only for projects under 8(b)]”</i> - In the Central Vista Judgment (Rajeev Suri v. DDA), an identical argument was raised, i.e. the project is being misdescribed as category B-2 and without ToR the project could not have been appraised. In that case as well, the project fell under item 8(a) with BUA of 1,04,740 sq.m. and was appraised on the basis of Form I and IA without preparation of ToR The SC held that preparation of ToR is not required for projects under item 8(a). In the Central Vista Judgment, the Hon’ble Apex Court held that, <ul style="list-style-type: none"> <i>“462. As per the Form I and Form IA submitted by the project proponent and final EC, it is a matter of record that plot no. 116 (which houses the existing Parliament building) has a built-up area of 44,940 sq.m. and proposed built-up area on plot no. 118 is 65,000 sq.m. Therefore, total built-up area covered in the proposed project is 1,04,740 sq.m. and as per the specification provided in 2006 Notification, the project is to be categorized as category B project in item 8(a). In light of the legal position enunciated above, the appraisal of this project is mandated on the basis of Form I and Form IA. Contrary to the petitioner's argument, the requirements of scoping and public consultation are not warranted for the subject project.”</i>

5.	<p>(i) There will be a negative impact on the flow of ground water due to the construction of two basements.</p> <p>(ii) Even the Committee appointed by the NGT recommended that the Project be limited to 1 basement in the Report dated 10.12.2020 since “as it is understood the project area is part of ground water discharge zone and the construction of double basement may disturb/obstruct natural flow line of ground water</p>	<ul style="list-style-type: none"> - Details of Excavation- Construction of basement will lead to excavation up to a depth of 12.45 m below ground level. Dewatering will be required up to a depth of additional 1.0 m i.e., total depth 13.45 m BGL. [Noted in EC @ Pg. 70, Appeal, Vol.I] - The suggestion of the Committee <i>qua</i> the 2 basements was never put to YBPL, otherwise it would have given its response to the same. YBPL submitted a detailed objection to Committee vide letter dated 24.12.2020 - In light of the suggestion of the Committee, even the EAC raised the issue of 2 basements in its 62nd Meeting dt. 1.03.2021 [@ Pg. 459, Appeal- Vol.III] which was duly replied on 22.03.2021 and considered by EAC. Note: The EAC also sought point-wise replies to all allegations levelled by the University by way of their representation dt. 02.03.2021 [@ Pg. 447, Appeal – Vol.III] This shows complete application of mind <i>qua</i> the objections of the Appellant. - In response, YBPL sent its representation detailing the various safety and mitigating measures for construction of 2 basements. [Pg. 462-465, Appeal, Vol.II] Note: As pointed out above, several buildings in the vicinity have multiple basements. While YBPL will be excavating to a depth of around 13 mtrs, the Delhi Metro, adjacent to the plot, has already dug 17-18 mtrs. - Additional mitigating measures are also mentioned @ Pg. 783, CA. - Since dewatering is also employed in the construction of Sub water level structures, prior permission for dewatering is required from the District Advisory Committee on Ground Water of the Govt. of NCT Delhi which has been applied for on 06.08.2021. - The said NOC is granted as per the “Notification dated 24.09.2020 issued by the Ministry of Jal Shakti, Union of India. In the schedule ‘Guidelines to regulate and control ground water extraction in India’ [Guidelines @ Pg. 988-1016, Relevant @ Pg. 991, CA-Vol.II] provide that new infrastructure projects / residential buildings may require dewatering during construction and contain a detailed list of measures to be adopted by the Applicant for monitoring ground water. The Applicant must submit an impact assessment report prepared by an accredited consultant on the ground water situation in the area giving detailed plan of pumping, proposed usage of pumped water and comprehensive impact assessment of the same on the ground water regime. Therefore, the entire process enshrined under the Guidelines ensures that environmental risks are considered and management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence are proposed and implemented. - Under Specific Condition (xiii) of the EC, permission for dewatering has been mandated. [@ Pg. 74, Appeal, Vol.I] As per Standard Condition B(I)(i) of the EC [@ Pg. 74, Appeal, Vol.I], before the commencement of work, prior approval of regulatory bodies is necessary.
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		<ul style="list-style-type: none"> - As per Para 8(V) of the 2006 EIA Notification, clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of project, unless they are required by law.
6.	<p>(i) There is no clarity as to the source of water for the construction phase, hence the Project Proponent may fall back on ground water to meet any deficit.</p> <p>(ii) There is an underestimation of water utilisation during the construction phase.</p>	<ul style="list-style-type: none"> - As submitted before the EAC, during the construction phase, the water requirement for the project is estimated to be about 280 million litre @ 2kl/sqm of Built up Area and will be met by treated water through tankers supplied by the Delhi Jal Board. [EC @ Pg. 70, Vol.I, Appeal] - YBPL has entered into an agreement for supply of treated water for construction purposes. - Further, as per Specific Condition (i) of the EC, an “<i>STP for pre-treatment of wastewater shall be installed for construction phase. Only treated wastewater shall be used for construction purposes. As committed, no groundwater abstraction shall be done during construction as well as operation phase of the project.</i>” [@ Pg. 73, Appeal, Vol.I] - The Appellant has mistakenly relied on an Article titled "Assessment of water resources consumption in building construction in India. S. Bardhan, Department of Architecture, Jadavpur, University, India, 2011." which states that the <u>embodied water quantity</u> of 25.6 Kg/per sq. m. of built up area is required for major building projects. The said Article in fact states that the actual water consumed in such projects is 2KL/Sq m. which is precisely the water estimated by YBPL. [Article @ Pg. 1017-1025, Relevant @ 1017 & 1023, CA - Vol.II] [Calculation & Chart @ Pg. 787-788, CA] - Embodied water is the amount of water required to manufacture products including extracting the raw materials, transporting those materials and processing them into final product. Hence, that cannot be equated with water requirement.
7.	<p>There is a gross under-estimation of water during the operation phase. While the 2018 EC was for 1785 persons, the water requirement for the operation phase of 224 KLD (increased to 257 KLD and 332 KLD), the present EC is for 2302 persons and the water required is somehow 22 KLD.</p>	<ul style="list-style-type: none"> - During the operation phase, water requirement for the Project will be met from the water supplied by the Delhi Jal Board (DJB). [@ Pg. 70, Appeal, Vol.I] YBPL has deposited Rs. 15 crores towards IDC. [DJB Approval dated 05.06.2021 @ Pg. 1026-1039, CA, Vol.II] - The total quantity of water requirement for the Project is expected to be 222 KLD, out of which 158 KLD of fresh water will be met by the supply of the DJB while 64 KLD will be recycled water, as treated in the in situ STP of the Project. In fact, the EAC noted a discrepancy at its 62nd Meeting dt. 01.03.2021 [Pg. 458, Appeal, Vol.III] in the chart which was cured by YBPL in its Reply to the EAC dated 22.03.2021. [Water Balance Chart @ Pg. 488, Vol.III, Appeal]

<p>Reliance placed on Delhi Government's Water policy for Delhi (2016) as per which, the domestic water demand varies from 160-225 litres per capita daily.</p> <p>In case the DJB is not able to meet the water requirement, YBPL would turn to ground water for meeting any deficit.</p> <p>There is no carrying capacity assessment for water usage</p>	<ul style="list-style-type: none"> - In the 2018 EC, the Project was planned to cater to water requirement as per NBC norms of 135 liters per capita per day ("lpcd"). During a hearing before the SEAC Delhi while the 2nd EC was being appraised, on 24.02.2018, YBPL were asked to revise the figures and a figure of 200 lpcd was suggested by the Committee. YBPL thereafter submitted a letter on 09.03.2018 to the SEAC, upwardly revising the water use to 200 lpcd. [Letter @ Pg. 1040-1044, CA, Vol.II] - The water requirement for the present EC of 2021 is based upon the "Manual On Norms And Standards For Environment Clearance Of Large Construction Projects" published by the MoEF & CC. The said norms prioritise the minimisation of water consumption by highlighting recycling, harvesting and re-use methods while designing building projects. [Manual @ Pg. 1045-1121 @1056-1059, CA, Vol.II] - Accordingly, the Project has been conceptualized and designed with purpose of being environmentally friendly and focused on conservation of conservation and reuse of water. In fact, the EC contains conditions for water conservation & use. [Standard Conditions vi-viii, Pg. 76-77, Appeal, Vol.I] - As per the Appellant, the water usage for the operation phase of the project translates to 96.4 lpcd. As per the Manual of the MoEF, the MoEF takes into consideration 86 lpcd as reduced water consumption for residential buildings, if adequate conservation methods are followed. As per the Manual, there can be a reduction of per capita consumption of water from 135 lpcd to 86 lpcd. [Table as per Manual of MoEF @ Pg. 793-794, CA] - For the project, the per capita water requirement for residential purposes has been proposed at 199 KLD for 2302 people which is 86 lpcd as prescribed by the MoEF & CC in its Manual and is not 96.4 litres per person per day. The balance 23 KLD is water for non-residents, visitors, swimming pool and landscape. [Water consumption details in Form-I @ Pg. 487, Appeal & reproduced @Pg. 795, CA ,Vol.I] - The Appellant has placed reliance on Delhi Government's Water policy for Delhi (2016). However, the estimates provided in the said Water Policy are supply norms and demand projections in Delhi based on which the future policy for water demand will be conceptualised. However, it does not aim to set out water requirements for a construction project. [Policy @ Pg. 573-575, Appeal, Vol.III] - It is vital to note that in a planned building and construction project, by virtue of the scale of operation, it can easily provide for conservation measures and reducing water consumption. - YBPL has undertaken not to use any groundwater during the construction or operation phase. The same is incorporated by way of a special condition in the EC, i.e. Specific Condition (i). [Pg. 73, Vol.I, Appeal] Further, as per Specific Condition No. (iii) in the EC, continuous online monitoring system shall be installed in the STP for data for quality and quantity of water. Thus, there is mechanism for constant scrutiny of the water being consumed in the Project. [Pg. 73, Vol.I, Appeal]
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		<ul style="list-style-type: none"> - The Expert Committee also found that there will be an increase of 0.003% in the fresh water requirement in the grid and 0.02% in discharge of treated sewage water, which is nominal. [@ Pg. 273-275 r/w finding @ 283, Appeal, Vol.II]
8.	<p>(i)The Traffic Analysis conducted by the Expert Committee shows no application of mind and it further ignored objections of the Appellant.</p> <p>(ii) Chhatra Marg is the main entry to the University and is badly congested due to students, e-rickshaws and all sorts of vehicles. The Project is located on the said road, which will lead to an unsustainable traffic situation</p> <p>(iii)The width of the approach roads (cavalry land and chhatri marg have been wrongly considered, leading to a wrong estimation of traffic</p>	<ul style="list-style-type: none"> - The Appellant has relied on a three-page observations of Prof. Geetam Tiwari dt. in January 2020 (against committee reports) which was based on a Traffic Survey prepared by YBPL in 2011, and does not take into consideration the assessments carried out by YBPL thereafter in 2018.[@ Pg. 605, Vol. III, Appeal] - The EAC took into consideration the 2018 Report alongside the Traffic Impact Assessment carried out by the Expert Committee. The Traffic Assessment conducted by the Committee was relied upon by YBPL for its application for EC [Form 1A@ Pg. 398, Appeal] - The Expert Committee specifically records the contention of the Appellant <i>qua</i> the traffic situation. [@ Pg. 261-262, Appeal, Vol.II] - The application of mind of the Expert Committee is clear insofar as the Committee has estimated that the number of cars owned by the residents of the Project shall be 410 (dwelling units) x 2 (cars per household), and in its expert opinion, it has considered that the daily usage on average shall be of 1.5 cars, therefore, the daily traffic load will increase by 615 cars. On the contrary, Prof. Geetam Tiwari’s report is based on an estimated traffic of 320 Passenger Car Units, and suggested that since the Project is for High Income Group (“HIG”) residents, the daily usage shall be of 2 cars, therefore, increasing the traffic load by 640 cars. However, the Committee, after considering both reports and in its expert opinion, came to the above-said conclusion of 1.5 cars per day per household.[@ Pg.271-273, Appeal, Vol.II] - As per the 2018 Traffic Survey, it is concluded that a substantial proportion of personal trips will be made by the Delhi Metro, especially due to the Project’s nearness to the Vishwavidyalaya Metro Station, being at walking distance. As per the said Survey, existing volume by capacity ratio (“v/c ratio”) shall increase from 0.56 (considering a local, two – lane, two – way carriageway) to 0.857 as per the Indian Roads Congress Report No. 106 (“IRC 106”). The Report, therefore, concluded that an estimated v/c ratio of 0.85 would not create congested conditions on Cavalry Lane. [Report of 2018 @ Pg. 633-665 @ 636-638] [Report of 2018 mentioned YBPL Reply to EAC dt. 22.03.2021 @ Pg.533, Appeal, Vol. III] Note: A V/C ratio over 1 is considered unsustainable. - As per Specific Condition (x), a detailed traffic management and decongestion plan shall be drawn up to ensure that service roads near the project site may not get adversely impacted. The Plan shall be vetted by the concerned agency. [@Pg. 74, Appeal, Vol.I]

	<p>(iv) There is a discrepancy in the committee report as Chattra Marg is shown to be less than capacity of Cavalry road whereas the width and length and usage of Cavalry road is lesser than Chattra Marg</p>	<ul style="list-style-type: none"> - As per the Layout Plan dt. 18.09.2020, as approved by the North MCD, i.e. the municipal authority, the width of Cavalry Road is 24mtrs and that of Chhatra Marg is 18mtrs, and not 8.5 m and 10.5 mtr as claimed by the Appellant. [Pg. 1122-1125, CA – Vol.II] Note: As on date the road is not as wide as claimed in the lay out plan, however, it is extendable to such width, if required by the North MCD. - As per Engineering Principles, the capacity of a road is calculated by the Formula – “$C = 1,000 \times V / S$”, where C is the Capacity, V is the Speed and S is the centre-to-centre spacing between vehicles. Therefore, the formulated/theoretical capacity of a road is not a function of its length or width, but in fact of the speed of the vehicles and the spacing between them, being directly proportionate to the speed and inversely proportionate to the spacing, meaning thereby that faster average speed would increase the capacity and higher spacing would reduce the capacity. Therefore, for Chhatra Marg, the average speed being 22 kmph, and a centre-to-centre spacing of 9.07m, the formula works out to “$C = 1000 \times 22 / 9.07$” which is equal to 2425.57, rounded off to 2426. For Cavalry Marg, the average speed is 22.5 kmph and the spacing is 9.17m, therefore, the capacity is “$C = 1000 \times 22.5 / 9.17$” which comes out to 2453.65, rounded off to 2454. Therefore, there is no basis for the Appellant to suggest any discrepancy in the Expert Report.
9.	<p>The parking requirement for the Project has been under-estimated. In the 2018 EC the requirement was 854 ECS, when the number of persons in the Project were 1785, however, despite the increase in number of persons to 2302, the parking has only increased to 860 ECS which shows non-application of mind.</p>	<ul style="list-style-type: none"> - For the 2018 EC, the calculation of persons for the Project was based on MPD-2021 norms. However, for the present EC, the norms as per the NBC, 2016 have been employed. Detailed explanation with charts for the difference in number of persons @ Pg. 810-812, CA. - As per the norms of the Ministry of Urban Development (“MoUD”), the criteria for parking provisions is on the basis of area, and not on the basis of number of residents. As per the MOUD Notification dated 23.09.2013, which is also subsumed fully in MPD-2021, specifically Table 17.2 at Section 8(4) in Chapter 17, the Permissible Minimum Parking for Residential Apartments is 2 ECS/100m² of floor area. Further, as per clause 4.4.3(B) of the MPD-2021, the Permissible Parking for EWS Apartments is 0.5 ECS/100m² of floor area. Therefore, the parking provision in the subject EC is on this basis, and not the basis of population that is residing at the Project. Detailed explanation with charts for showing sufficiency in parking @ Pg. 812-814, CA - The EC also takes note of the above calculation @ Pg. 70, Appeal- point (xi)
10.	<p>(i)The effect on the ambient air quality, as a result of the additional</p>	<ul style="list-style-type: none"> - The Expert Committee experts has based its assessment on a movement of 615 PCU on the roads which has been extensively described in the report and is self- explanatory and as per norms. [calculation @ Pg. 271, Appeal]

<p>cars has been wrongly assessed in the Expert Committee Report.</p> <p>(ii) Carrying Capacity assessment of the area, considering the ambient air quality has not been done.</p>	<ul style="list-style-type: none"> - The Committee also rightly assumed that all cars are BS-IV compliant or based on CNG. BS-IV compliant engines were made mandatory from 2010. The ARAI-TERI, 2018 Report relied upon by the Committee [@ Page 21 of the Report, Pg. 273, Vol.II,Appeal] states that the BS-IV engines do not generate Particulate Matter. - It is pertinent to note that BS-IV is a standard for automobile engines which also includes diesel engines. - As per BS-IV norms, the pollutants from petrol-powered passenger vehicles were restricted to a Carbon Monoxide emission of 1.0 g/km, Hydro carbons+Nitrogen Oxides discharge of 0.18 g/km, and Respirable suspended particulate matter discharge of 0.025. The diesel models emitted a peak carbon monoxide of 0.50 g/km, a nitrous oxide of 0.25 g/km, and Hydro carbons+Nitrogen Oxides discharge of 0.30 g/km. [Emissions Standard Booklet @ Pg. 1150-1211, Relevant @ 1169-1170 CA , Vol.II] - Also, the Sulphur content in the Bharat Stage IV-compliant fuels was restricted to 50 PPM. Therefore, it is incorrect to state that BS-IV norms do not account for diesel vehicles and it is also wrong to challenge the veracity of the Report of the Expert Committee on this basis. - The data used in the 2020 Expert Committee Report is from 2016, wherein most of the vehicles were complying to norms prior to BS-IV norms. From 01.04.2020, the Central Government has mandated that vehicle makers must manufacture, sell and register only BS-VI (BS6) vehicles, which are even more environmentally friendly. The Project is for high income group and if construction is commenced as on date, the operational phase will happen after 4 years, i.e., 2025, and the cars used will be with latest technology registered after 2010 or 2020 (not prior to 2010 as cars after 15years are banned in Delhi) which, if not BS VI, will be at- least, BS IV compliant. - Fresh AAQ Study - A fresh ambient air quality assessment study was done before filing the Application for EC and the same was submitted to the EAC along with its Application for EC. [@ Pg. 441, Vol. II, Appeal] The said study was conducted by an NABL accredited and MoEF & CC recognised laboratory. As per the findings of the study, the level of CO, No2 and So2 were well within prescribed limits whereas PM 2.5 and PM 10 were higher due to various reasons including stubble burning in neighboring states of Delhi, since the study was undertaken in December. - Expert Committee Report - The Expert Committee appointed by NGT also undertook a detailed study with respect to the carrying capacity of the area, with a focus on air pollution. It was concluded in the 2020 Expert Committee Report that there will be a marginal and statistically insignificant increase in Air Pollution Levels. The Committee looked at the figures from the nearest ambient air quality station to the project site at North Campus. The annual average concentration for the years 2018 and 2019 for SO2, NO2, NH3, Benzene, PM2.5,
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		<p>PM10 and CO was analysed and it is noted that while NO2 was within stipulated norms, PM2.5 and PM10 were exceeding standards during 2018 and 2019. [@ Pg. 273, Vol.II, Appeal]</p> <ul style="list-style-type: none"> - EAC G.R.A.P. Report - In its 62nd Meeting, the EAC also sought information w.r.t the “Air pollution management in the context of Graded Action Plan for Delhi & NCR.” [@ Pg. 459, Vol.II, Appeal] YBPL submitted the same on 22.03.2021 in terms of G.S.R. 94 dated 25.01.2018. [@ Pg. 1215-1217, Vol.III, CA] Therefore, the EAC has also closely monitored the air pollution in the area while granting the subject EC. -
11.	The Project falls within the Silence Zone and this fact has not been noticed by the EAC.	<ul style="list-style-type: none"> - GNCTD through its Notification dt.03.04.2008 [@ Pg. 668, Vol. IV, Appeal] has <i>inter-alia</i> classified an area of 100 meters around all Educational Institutions having more than 1000 students as Silence Zone. The said distance criterion is prescribed under the Noise Pollution (Regulation and Control) Rules, 2000. The schedule to the Rules prescribes the decibel levels to be adhered to in various zones, at different times of the day. - The Project does not fall under a “Silence Zone” since no educational institutions having more than 1000 students and no hospitals with more than 100 beds are present within 100 m of the project site. The nearest hospital to project site is Patel Chest Hospital, which is located at an aerial distance of 460 mtrs the Faculty of Education, University of Delhi is over 200 mtrs away from the project site. [Map showing distance from Faculty of Education @ Pg. 1219, CA, Vol.III] - Without prejudice to the above, it is submitted that there are particular of standards of noise by decibel level, which are prescribed for noise emissions in silence zones and it is not the case that construction activity is altogether prohibited in Silence Zones. Thus, in the case of Silence Zones, noise activity is merely regulated and not barred. - As per the 2020 Expert Committee Report appointed by this Hon’ble Tribunal in Appeal No. 112 of 2018, it was observed that, [Pg. 278, Vol.II, Appeal] “<i>As it is a group housing project, miniscule impact on noise environment during occupancy phase is anticipated, except during intermittent operation of the DG sets as backup power</i>” - YBPL furnished a Report on Ambient Noise in the area based on samples from 5.12.2020-6.12.2020, along with its Application. As per the said data, the noise in the region is within the permissible limits for a residential area with a minor violation from 10-11 AM [55.4 db(A) as opposed to 55], 14:00- 15:00 PM [55.7 db(A) as opposed to 55 db(A)] . Thea abovenoted figures have been placed before the EAC and are compliant with the standards of emission prescribed for residential areas udner the Noise Pollution (Regulation and Control) Rules, 2000. [@Pg. 439-440, Vol.II, Appeal] - Mitigation measures and conditions to regulate Noise in EC reproduced @ Pg. 824-826, CA, Vol.I

12.	<p>(i) The Project does not have a proper Fire Clearance and the clearance so granted has not assessed the width of the approach roads in a proper manner.</p> <p>(ii) As per the Order dt. 20.01.2016 in <i>Vikas Singh v. Lt. Governor</i>, the DFS has no equipment to deal tall buildings.</p>	<ul style="list-style-type: none"> - On 12.07.2021, the Delhi Fire Service (“DFS”) has accorded fresh approval for the Project. This was a detailed approval, wherein several conditions have been laid down, showing complete application of mind. These conditions include the provision of a clear cut 9mtrs wide with 12 mtrs radius turning motorable road for free movement of fire tender in line with clause 8.2 of the UBBL,2016, while also specifying the number, width, type and arrangement of exits, etc. [Approval @ Pg. 1220-1224, CA, Vol.III] - In fact, on an earlier occasion, DFS rejected the Fire Clearance due to shortcomings in the plan proposed by YBPL. This shows clear application of mind. [Rejection Letter @ Pg. 1225, CA, Vol.III] - As per the Building Plan for the Project, Tower/Block A-C have 2 Fire Check Floors and the EWS Building has 1 Fire Check Floor. Further, a fire detection system and sprinkler system are also provided. - In the case of <i>Vikas Singh (Supra)</i> the High Court was considering an amendment to the MPD-2021 vide Notification dated 23.09.2013 by way of which, buildings with maximum height of 15 meters in plot without stilt parking and 17.5 meters in plot with stilt parking were not to be considered as high rise buildings for purposes of Fire NOC. In said Judgment, the submission of the DDA was recorded wherein it was stated that “<i>the Fire Department does not have adequate number of fire-fighting equipment/vehicles for building above 15 meters height, if no setbacks are available in those plots;</i>” - The said contention is completely inapplicable to the facts of the present case. Firstly, setback is available in the present project. In the present case, and further in the case of buildings with height of over 15 mtrs, an NOC from the Fire Department is needed and fire department ensures that the building is capable of handling fire with various provisions like complete fire detection system, sprinkler systems, Fire check floors, Fire towers etc. Such a clearance has admittedly been obtained in the present case. Further, in <i>Vikas Singh (Supra)</i>, the Hon’ble High Court was admittedly dealing with plotted houses located in residential colonies with narrow roads. [Relevant Extract @ Pg. 828-829, CA, Vol.I]
13.	No consideration has been given to the impact on the Northern Ridge	<ul style="list-style-type: none"> - The Project is not located in the Northern Ridge, and is 500 mtrs away from the Northern Ridge. [Map @ Pg. 1218, CA, Vol.III] - On Non-disclosure – All aspects regarding closeness to ridge as well as critically polluted given with full transparency - @ Pg. 368, Appeal – Vol.III. - There is no legal restriction on the existence of a Project 500 mtrs. away from the ridge. The Hon’ble Supreme Court in <i>DDA v. Kenneth Builders (2016) 13 SCC 561</i>, held that the approval of the Ridge Management Board

		is sought when the Project Site falls in the Ridge area or area which is morphologically similar to and adjacent to the Northern Ridge.
14.	There is a threat of earthquakes on the project land and Prof. KS Rao's Report with regards to seismicity of the area has not been given due attention	<ul style="list-style-type: none"> - Most of the areas in Delhi and NCR fall under seismic zone IV as per Indian Standard Seismic Zoning Map, which is of high Seismic risk. Stated @ Serial No. 8.3 of the Form I. - In response to the objections raised by the Appellant before the EAC, YBPL submitted its reply on 22.03.2021 detailing the various mitigating measures to mitigate seismic impacts along with the applicable BIS standards and NBC norms in terms of which the buildings will be constructed. [Reply of YBPL @ Pg. 523, Relevant @ Pg.526] - The Building Plan for the Project dt. 23.07.2021 was sanctioned keeping in mind the provisions of the Unified Building Bye Laws, 2016 which prescribe stringent conditions for structural safety. [Building Plan @ Pg. 1226-1229, Relevant @ Pg. 1227 (point 18), Vol. III, CA] - The Appellant has placed reliance on the purported one-page opinion of Mr.KS Rao, [@ Pg. 695, Appeal, Vol.IV] which is only a single page opinion in general pertaining to Delhi as whole. On the other hand, the YBPL is relying upon the report of another former IIT professor and ex-Director, Prof. V S Raju, the 2009/2011 Report of M/s Rao Engineering (an environmental expert) as well as the 2018 Soil Analysis done by M/s Ground Engineering Ltd. (an environmental expert), which are site- specific Reports relating to the subject Project and which discuss in detail the impact on soil, structure and seismic zone as well as the liquefaction potential.
15.	<p>(i) The Soil Investigation Report of 2018 cannot be applied to the present project in question where the capacity has increased.</p> <p>(ii) The Project is susceptible to liquefaction</p>	<ul style="list-style-type: none"> - YBPL is not relying on an old Report. A bare perusal of the response to Clause 1.4 in the Appendix II to Form I - Clause 1.4 @Page 384 of the Appeal read with the Test Report annexed @ Pg. 433 of the Appeal, Vol.II clearly shows that the samples of the soil for carrying out the soil analysis were collected from the project site on 21.12.2020 by M/s Ind Research & Development House Pvt. Ltd. (MoEF&CC recognized and NABL Accredited Laboratory). - Thus, it is baseless to allege that YBPL relied on an old report for obtaining the present EC. - There is no linkage between ground water table and liquefaction, as is sought to be portrayed by the Appellant. - Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by earthquake shaking or other rapid loading. Liquefaction occurs in saturated soils, that is, soils in which the space between individual particles is completely filled with water. This water exerts a pressure on the soil particles that influences how tightly the particles themselves are pressed together.

		<ul style="list-style-type: none"> - The soil report of 2020 by Ind Research & Development House Pvt. Ltd. clearly shows that the pH of the soil is 8.40, water holding capacity is 19.2%, Calcium 1776 mg/kg, organic matter 0.57 % by mass, CEC is 13.9 meq/100 gm, available nitrogen is 34.0 mg/kg, available phosphorus is 7.2 mg/kg, iron is 1190 mg/kg, copper 17.2 mg/kg and zinc is 31.5 mg/kg., thereby making the soil in the area fit for the project and not causing any threat either to the project or the areas in the vicinity of the project. - In response to the fact that previous reports cannot be relied upon, it is submitted that there has been no other construction on the Project site nor has any specific change pointed out by the Appellant which shows that there has been any change in the nature of soil in the project area that would have adversely impacted the nature of the soil in the project area. -
16.	There is no consideration given to the fact that the Project maybe in close proximity to Critically Polluted Areas	<ul style="list-style-type: none"> - The Project is not in proximity of a Critically Polluted Area. - There has been no concealment in this regard. In response to S. No. (III) 11 of Form I, [(@Pg. 368-369, Vol.II, Appeal)] YBPL has categorically stated Najafgarh Drain Basin being critically polluted drain which is flowing at a distance of 0.45 Kms from the project site. However, the entire drain is not a CPA, which flows through various parts of Delhi. YBPL also states that the no effluent from the project site will be disposed in the Najafgarh Drain and that the treated effluent shall be partially used within the project site and balance will disposed in DJS STP through DJS sewer. - The actual CPA is the “Najafgarh Drain Basin” which includes Anand Parbat, Wazirpur Industrial Area, Naraina and Okhla. Reference in this regard may be made to the Office Memorandums dated 13.01.2020 and 15.03.2010. As per the said OMs, Najafgarh drain basin (including Anand Parvat, Naraina, Okhla and Wazirpur) is a CPA. - Non-applicability of various OMs referred to by DU @ Pg. 838-841, CA, Vol.I - Appellant previously alleged project to be category A and now admits it is category B.
17.	Impact on Population Density not given due attention	<ul style="list-style-type: none"> - The Expert Committee Report has closely looked at the said aspect. - The Committee Notes that [Pg. 266, Vol.II, Appeal] <p style="text-align: center;"><i>“The impact of proposed project on population density of the area was examined. As evident from the 2 kmx2km imagery grid of the project site, it is a densely habited area. The land use distribution indicates that largest land-use in the grid is under Public & Semi- Public facilities (36.5%) followed by residential (28.3%) and government (11.5%) facilities. The grid falls in 6 wards and out of these most of the area lies in the Timarpur ward (59.7%).”</i></p>

		<p>On account of the fact that Timarpur ward in the grid being the largest ward in the grid, the increase in the population density due to the proposed project was estimated using the population density in the said ward.</p> <ul style="list-style-type: none"> - In conclusion, the Committee notes that, [Pg. 283, Vol.II, Appeal] <p style="margin-left: 40px;"><i>“The estimated increase in the population density in the Timarpur ward will be 6777 persons per sq. km. The percentage increment in the ward will be 14%. This increase is significant; however, tall residential buildings do give higher population density. This increase in density is not likely to impact the urban infrastructure/ services, as noted above.”</i></p> - The Committee comprised of experts and have carried out their investigation for the limited area of 2 Km by 2 Km based on a valid reason, which has also been recorded in the report filed by the said committee. The Committee deliberated on how to select impact area and the representative of the MoEF & CC noted that the impact zone is defined only for the Projects covered under Category A of the 2006 EIA Notification. Accordingly, the Minutes of Meeting of the Committee dated 05.08.2020 categorically records as follows: [@ Pg. 294-295, Vol.II Appeal] <p style="margin-left: 40px;"><i>“Area within five km radius of the project site may be considered for examining available data on various environmental parameters, such as air quality, water quality, ground water levels, waste management plans during construction stage and post construction stage, etc., though, as informed by the representative of MoEFCC, impact zone is defined only for the projects covered under A category. The present project fall under B category.”</i></p> - The Project falls under Category B. In view of the same, the Committee chose the area of 2km x 2km as the impact zone to assess the viability of the Project. The same is also duly recorded in the report in the following terms [@ Pg. 283, Vol.II, Appeal]: <p style="margin-left: 40px;"><i>“To assess the impact on the environment, the incremental impact of the project was examined. It was then inferred if the impact was insignificant or otherwise in comparison to baseline status. The impact was examined in a grid of 2 km x 2 km (project site at the grid centre) as the maximum impact will be caused in the close vicinity of the project.”</i></p>
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18.	Consent to Establish has not been obtained or considered as per OM dated 05.02.2020 of MOEF&CC	<ul style="list-style-type: none"> - On 02.08.2021, YBPL addressed a representation to the DPCC seeking its opinion on the need to obtain a Consent to Establish (“CTE”) for the Project. [Letter @ Pg. 1324-1325, CA Vol.III] This clarification was sought in view of the fact that the DPCC was not issuing CTE(s) for buildings housing residential apartments units following the Judgment dated 23.01.2012 of the High Court of Delhi in LPA No. 895 of 2010 in Delhi Pollution Control Committee vs Splendor Landbase Ltd. wherein the High Court had taken a view that a CTE was not required for residential housing units. [Relevant Extract @ Pg. 880, CA, Vol.I] - On 27.08.2021, the DPCC wrote to the MoEF & CC calling their attention to the subject EC wherein a condition has been imposed regarding obtaining a CTE for the Project [Standard Condition (B)(I)(v)]. The DPCC stated that in view of the Judgment of the High Court in Splendor Landbase Ltd.(Supra), it is not issuing CTE(s) for residential housing projects. [Letter @ Pg. 1326, CA, Vol.III] - The process for obtaining an EC is digitalised as a result of which YBPL has not been able to obtain the CTE is that the DPCC does not give an option for applying for CTE for a housing project. YBPL undertakes to comply with the requirement for CTE, depending upon the reply from the Respondent No.1/MoEF &CC.
19.	Information on cutting of trees is concealed and the information on afforestation is suspicious	<ul style="list-style-type: none"> - YBPL has a valid tree cutting permission dated 25.05.2011 from the Department of Forest & Wildlife under Section 9(3) of Delhi Preservation of Trees Act, 1994 for cutting 156 trees with the direction to deposit a sum of Rs. 43,68,000 as security deposit with refundable/ non- refundable component of Rs. 14000 per tree for ensuring compensatory plantation of 1560 saplings (ten times). As per the said permission, 780 trees were to be planted by the Department of Forest & Wildlife while the remaining 780 were to be planted by YBPL. [Permission @ Pg. 1327-1330, Vol.III, CA] - The Department of Forest & Wildlife, Govt. of NCT had already planted 780 saplings at I.T.O. Chungi Part (6). YBPL has applied for extension for plantation of trees since it could not plant trees as the project site is not available for plantation due to delay in the construction process due to litigation by the Appellant. However, YBPL has complied with the conditions of the approval and paid requisite fees. In terms of condition (7) of the permission dated 25.05.2011, in case there is any inability to plant the 780 trees, the security deposited paid for compensatory afforestation will stand forfeited. - The Appellant’s objections to the tree cutting permission are hopelessly time barred. The permission was granted in 2011 and the Appellant admittedly did not question it then and slept on its rights. Therefore, the Appellant has no right to raise such belated objections.

No.22-154/2015-1A.III
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

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Indira Paryavaran Bhavan
Jorbag Road, Aliganj,
New Delhi-110003

Dated: 10th November 2015

OFFICE MEMORANDUM

Subject: Environment Clearance by State Level Environmental Impact Assessment Authority/ State Level Expert Appraisal Committee with special reference to buildings and construction sector projects under Item 8 (a) and 8(b) of the Environment Impact Assessment Notification, 2006-regarding.

The EIA Notification, 2006 provides for Scoping of project as one of the stages of the prior environmental clearance process, under which the Expert Appraisal Committee(EAC) in the case of Category 'A' projects or activities, and State Level Expert Appraisal Committee(SEAC) in the case of Category 'B1' projects or activities determine detailed and comprehensive Terms of Reference (TORs) addressing all the relevant environmental concerns, for the preparation of EIA and EMP report, so as to improve the quality of EIA and EMP. Pursuant to streamlining the process of environment clearance, the Ministry of Environment, Forest and Climate Change had issued Standard Terms of Reference for different sectors including buildings and construction sector projects.

2. It has been emphasized time and again, in the past that all the relevant information relating to a particular project should be raised in one go, while consideration of the project for scoping and seeking piece meal information during appraisal of the project should be avoided. It has been clarified that in appraisal of building and construction sector projects, information relevant to environmental concern should only be raised. However, it has come to the notice of the Ministry that the practice of seeking piece meal information is still continued and every time some new issues are raised, which directly do not pertain to environmental concern, while appraising the project, which result in delay in processing of cases, particularly at the level of SEIAA and SEAC.

3. The Ministry is in receipt of information about delay in processing of cases at the level of SEIAA and SEAC on account of (i) additional information sought on issues not directly related to environment and (ii)

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process adopted for listing such cases at the end of the queue after submission of information by the project proponents. In order to bring uniformity in dealing with such cases across the country and to streamline the process, it has been decided to follow the following procedure:

4. The requirement of environment clearance for buildings and construction projects should focus on environmental concerns and avoid duplication of efforts considering that such projects will be covered by the local civic authorities and under the provisions of the relevant master plan, building control regulations and safety regulations. The instructions issued vide this Ministry's earlier Office Memorandum No.21-270/2008-1A.III dated 19th June, 2013 should be followed in letter and spirit.

- (i) Timelines stipulated in the EIA Notification, 2006 shall be strictly adhered to by SEIAA and SEAC while processing the proposals for TOR/EC for the building and construction projects and township and area development projects. SEAC will make appropriate recommendations within sixty days of the receipt of the complete proposal from the project proponents. SEIAA shall consider the recommendations of the SEAC and convey its decision to the applicant within forty five days of the receipt of the recommendations. MoEF will regularly review the progress in disposal of cases by SEIAAs with the view to ensuring meeting of these timelines.
- (ii) In order to meet the stipulated timelines, to avoid duplication of work, and to speed-up the process of scrutiny, SEIAA/SEAC should only focus on the following thrust areas of environmental sustainability while appraising the 'Building and Construction' and 'Township and Area Development' projects.
 - a. Brief Description of the Project in terms of location and surroundings.
 - b. Environmental Impacts on Project Land and its surrounding developments and vice-versa.
 - c. Water Balance Chart with a view to promote waste water treatment, recycle, reuse and water conservation.
 - d. Waste Water Treatment and its details including target standards.
 - e. Alterations in the natural slope and drainage pattern and their environmental impacts on the surroundings.

- f. Ground water potential of the site and likely impacts of the project.
- g. Solid Waste Management during construction and post construction phases.
- h. Air Quality and Noise Levels; likely impacts of the project during construction and operational phases.
- i. Energy requirements with a view to minimize power consumption and promote use of renewal energy sources.
- j. Traffic Circulation System and connectivity with a view to ensure adequate parking, conflict free movements, Energy efficient Public Transport.
- k. Green Belt/Green cover and the Landscape Plan.
- l. Disaster/Risk Assessment and Management Plan,
- m. Socio Economic Impacts of the project and CSR.
- n. EMP during construction and operational phases.
- o. Any other related parameter of the project which may have any other specific impact on environmental sustainability and ecology.

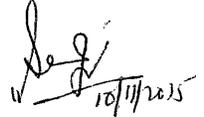
5. In case, where additional information has been sought and the project proponent is not in a position to provide the same during the appraisal by the SEAC, and he can provide it on next date or on any date during the meeting of the SEAC, he can submit the requisite information and his case be considered for appraisal accordingly.

6. In case the additional information sought cannot be presented by the project proponent during the same meeting days, and the Project Proponent can provide the requisite information before the next meeting, the case will be taken up for consideration in the next SEAC meeting for appraisal. So cases in which additional information has been sought will be taken up for appraisal in very next meeting scheduled after filing of the requisite information.

7. The Project Proponent approach the Ministry in case of Category 'B' projects by applying online for obtaining prior environment clearance in case the SEIAA / SEAC of any State or UT is not constituted. The cases are returned to the SEIAA / SEAC after its reconstitution. It is clarified that the date of online application to Ministry's portal will be taken as the date for deciding the chronology / seniority for that case by the SEIAAs / SEACs. 

8. The SEIAA/SEAC need not focus on the other issues which are normally looked after by the concerned local bodies/ State Government Departments/SPCBs.

This issues with the approval of the Competent Authority.



(Satish C. Garkoti)
Scientist 'F'

To

1. All the Officers of IA Division
2. Chairpersons/Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PS to MEFCC
2. PPS to Secretary (EFCC)
3. PPS to SS(HKP)
4. PPS to AS(SK)
5. PS to JS (MKS)
6. PS to JS (BS)
7. Website of the MoEF
5. Guard File

APPENDIX I

(See paragraph – 6)

FORM 1

(I) Basic Information

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

- *Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.,)*

(II) Activity

1. **Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		

1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		

1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		

4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	<p>Lead to development of supporting, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other 		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		

2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)		
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)		

(IV). Proposed Terms of Reference for EIA studies

APPENDIX II

(See paragraph 6)

FORM-1 A (only for construction projects listed under item 8 of the Schedule)

CHECK LIST OF ENVIRONMENTAL IMPACTS

(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

1. LAND ENVIRONMENT

(Attach panoramic view of the project site and the vicinity)

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)

- 3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)
- 3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

- 4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.
- 4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.
- 4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

5. AIR ENVIRONMENT

- 5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)
- 5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.
- 5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.
- 5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.
- 5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.
- 5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. AESTHETICS

- 6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?
- 6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?
- 6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.
- 6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

- 7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

- 7.2. Give details of the existing social infrastructure around the proposed project.
- 7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

- 8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)
- 8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?
- 8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?
- 8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

- 9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?
- 9.2. What type of, and capacity of, power back-up to you plan to provide?
- 9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?
- 9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.
- 9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.
- 9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?
- 9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.
- 9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

APPENDIX –V
(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy)]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule .In the case of Item 8 of the Schedule, considering its unique project cycle , the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

List of Tall Buildings in Delhi

S No	Name	Location	Height	Floors
1	Young Builders Private Limited	Civil Lines, Delhi	145.3 meters	43
2	North Delhi Metro Mall	Civil Lines, Delhi	44.1 meters	
3	Parsvnath Landmark	Civil Lines, Delhi	125.6 meters	40
4	Negolice India (M2K)	Azadpur, Delhi	235 meters	65
5	Delhi Floor Mills Co. Ltd. (residential group housing)	Civil Lines, Delhi	165 meters	46
6	DCM Ltd	Delhi	180 meters	
7	DLF Home Developers Ltd.	Motinagar, Delhi	179.2 meters	
8	Risland Sky Mansion	Chhatarpur, Delhi	105 metres	25
9	Godrej South Estate	Okhla, Delhi	105 metres	29
10	Unity Amaryllis- Phase 2	Kirti Nagar, Delhi	100 metres	31
11	The Leela Sky villas	Kirti Nagar, Delhi	190 metres	61
12	Unity the Amaryllis-Iconic Tower	Karol Bagh, Delhi	171 metres	48

List of Tall Buildings in Gurgaon/ Noida

S No	Name	Location	Height	Floors
1	Spernova Spira	Noida	196 metres	61
2	Raheja Revanta	Gurugram	196 metres	61
3	Nova East	Noida Sec-94	180 metres	44
4	Wave Livork	Noida Sec-18	179 metres	46
5	Victory Valley Tower A	Gurugram Sec-67	178 metres	51
6	M3M Latitude	Gurugram Sec-65	174 metres	42
7	Paras Quartier A	Gurugram Sec-2	170 metres	44
8	M3M Golf Estate	Gurugram Sec-65	163 metres	42
9	DLF Camellias	Gurugram Sec-42	156 metres	39
10	Wave One	Noida Sec-18	155 metres	41
11	Victory Valley Tower B	Gurugram Sec-67	155 metres	45
12	Primanti	Gurugram Sec-72	147 metres	38
13	DLF The Crest	Gurugram Sec-54	144 metres	38
14	Mapsco Mount Ville	Gurugram Sec-79	140 metres	37
15	Ansal Royal Heritage	Faridabad Sec-70	140 metres	38
16	Victory Valley Tower C	Gurugram Sec-67	136 metres	35
17	UGCC Burgundy	Noida Sec-96	135 metres	36
18	Paras quartier B	Gurugram Sec-2	135 metres	38
19	Ireo Skyon	Gurugram Sec-60	135 metres	40
20	Raheja Vanya 1 & 2	Gurugram Sec-99	132 metres	35
21	Pioneer Araya 1,2 & 3	Gurugram Sec-42	132 metres	35
22	Jaypee Krescent Homes 1,2,3 & 4	Noida Sec-129	132 metres	35
23	Supertech Eco Village	Greater Noida	130 metres	36
24	Prius Vision Tower	Gurugram Sec-62	130 metres	30

25	ATS Destinaire	Noida Extension	130 metres	33
26	World Trade Tower A	Noida Sec-16	128 metres	34
27	ATS Pious Orchards	Noida Sec-150	126 metres	35
28	Pioneer Park	Gurugram Sec-61	125 metres	33
29	North Eye	Noida Sec-74	255 metres	66
30	Cyberthum	Noida Sec-140	213 meters	50
31	Trump Tower 1 & 2	Gurugram Sec-65	200 metres	50
32	Delhi One 1	Noida Sec-16B	190 metres	42
33	M3M IFC	Sector 66, Gurugram	180 metres	40
34	Wave Livork	Noida Sec-32	179 metres	46
35	Orb Homes 1	Noida Sec-74	175 metres	48
36	M3M Sky City	Sector 65 Gurugram	175 metres	47
37	65th Avenue	Sector 65, Gurugram	172 metres	47
38	M3M Heights	Gurugram	172 metres	47
39	Kabana High	Greater Noida Sec-4	171 metres	35
40	Knightsbridge Towers	Noida Sec-124	171 metres	47
41	Burj Noida	Noida Sec-75	165 metres	37
42	M3M Latitude	Gurugram Sec-65	165 metres	42
43	Unitech Grande Signature Tower	Noida Sec-96	162 metres	45
44	BPTP Capital City 1	Noida Sec-94	162 metres	45
45	Saya Gold Avenue	Ghaziabad	145 metres	40
46	BPTP Capital City 2	Noida Sec-94	145 metres	40
47	Raheja Oma	Dharuhera	145 metres	40
48	Delhi One 2	Noida Sec-16B	130 metres	37
49	Apex The Kremlin	Taj Expressway Noida	130 metres	37
50	ATS Picturesque Reprieves 1	Noida Sec-152	130 metres	37
51	ATS Picturesque Reprieves	Noida Sec-152	130 metres	37
52	Hero Homes Towers	Gurugram Sec-104	130 metres	37
53	Skyville 1	Gurugram Sec-68	125 metres	36
54	Vipul Arohan	Gurugram Sec-53	125 metres	36
55	Cyprees Court 1	Greater Noida	125 metres	36
56	Cyprees Court 2	Greater Noida	125 metres	36
57	Grandstand Tower	Gurugram Sec-99	122 metres	35
58	M3M Duo High	Gurugram Sec-65	118 metres	35
59	M3M Broadway	Gurugram Sec-71	118 metres	30
60	M3M Cornerwalk	Gurugram Sector 74	118 metres	30
61	Silvergrades Hightown	Gurugram Sushant Lok 1	109 metres	27
62	M3M Icon	Sector 67	105 metres	32
63	M3M Skywalk	Sector 74	105 metres	30
64	Krisumi Waterfall Residences	Sector 36a, Gurugram	100 metres	34
65	M3M Capital	Sector 113, Gurugram	100 metres	36