

**MINUTES OF 3<sup>RD</sup> MEETING OF ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, UNION TERRITORY, CHANDIGARH HELD ON 03.08.2012 AT 10:00 A.M. UNDER THE CHAIRMANSHIP OF DR. VEER SINGH, CHAIRMAN, ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, UNION TERRITORY, CHANDIGARH**

A meeting of Environment Impact Assessment Authority, UT, Chandigarh was held on 03.08.2012 at 10:00 A.M. in the office room of Dr. Veer Singh, Chairman, EIAA cum Director (Academics), Chandigarh Judicial Academy, Chandigarh to discuss the issue for the grant of environmental clearance to:-

- a) Shri Vile Parle Kelavani Mandal, Plot No. 5, Education City, Sarangpur, Chandigarh;
- b) M/s Mirage Infra Ltd., for its project "ACROPOLIS" Plot No. 68, Industrial Area, Phase - I, Chandigarh.
- c) Post Graduate Institute of Medical Education & Research, Sector 12, Chandigarh.

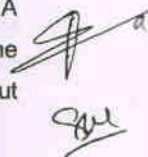
Following were present in the meeting:-

- |    |  |                  |
|----|--|------------------|
| 1. | Prof. S.K.Sharma,<br>Department of Environmental Engineering,<br>Punjab Engineering College,<br>Chandigarh | Member           |
| 2. | Shri P.J.S Dadhwal<br>Additional Director(Env) cum<br>Member Secretary, EAC                                | Special Invitee  |
| 2. | Sh. Santosh Kumar, IFS<br>Director Environment<br>Chandigarh Administration.                               | Member Secretary |

The Member Secretary, EIAA apprised the chairman as well as the Member about the projects in detail. The Authority discussed the recommendations of the Expert Appraisal Committee, Chandigarh. Shri P.J.S Dadhwal who is also Member Secretary, EAC was asked to give highlights about each projects. After detail discussions, following decisions were taken:-

**I. Shri Vile Parle Kelavani Mandal Narsee Moonjee Institute of Management Studies, Plot No. 5, Education City, Sarangpur, Chandigarh.**

Member Secretary, EIAA informed that in the last meeting of authority, it was decided to grant in-principle approval of environment clearance. However, when file was put up to Member secretary for signing the order of the authority, it was observed that the project proponent has not supplied the signed documents pertaining to the water balance and disposal of treated/untreated waste water. Member Secretary, EIAA informed that he did not sign the order and the case is again being put up for review in this meeting. He informed that in last meeting of EIAA, full details along with agenda items were not supplied to all members of committee in advance and Member Secretary, EAC only supplied the recommendations of EAC. The Form 1 & form 1A along with all other details as submitted by project proponent was not placed before the committee. On being asked about the measures proposed by project proponent about





treated/untreated waste water, it was informed by Member Secretary, EAC (special invitee) in that meeting that they have submitted affidavit to the effect that they are not required to discharge waste water outside their campus till next five years and water balance calculation was also submitted by them. However, the same could not be verified immediately as full details were not available with Authority. When file was put up to Member Secretary, EIAA for final signature, it was observed that project proponent has not supplied the signed documents pertaining to the water balance calculation and disposal of treated/untreated waste water discharge. Even, the undertaking about no waste water discharge till five years was missing. The Authority was surprised how EAC has recommended such case without any provision for scientific disposal of waste water.

The documents submitted by project proponent was carefully examined by all members and it was resolved that project proponent be asked to submit following documents for further consideration by EIAA:-

1. The proponent may be asked to submit the signed documents in regard to the water balance calculation and provision for disposal of treated/untreated waste in the form of an affidavit.
2. The proponent may be asked to submit an undertaking in the form of an affidavit to the effect that how they plan to discharge treated/untreated wastewater without existence of sewer connection and whether they have obtained any commitment from Engineering dept/Municipal corporation regarding laying of sewer pipelines or some timeline to that effect.
3. The proponent may be asked to supply the copy of application submitted to the Standing Committee of National Board for Wildlife as the unit falls within 10 K.M. of notified wildlife Sanctuary (Sukhna Wildlife Sanctuary).

It was also observed by Authority members that from next meeting onwards, the complete application as submitted by project proponent along with full recommendations of EAC shall be provided to members of EIAA well in advance. It was also resolved that in all meeting of EIAA, Member Secretary of EAC shall be invited as special invitee to appraise the members about the project details as EAC had gone through all details in their discussions. It was also observed that the application submitted by project proponent are not signed on each page and Member Secretary, EAC was asked to ensure such aspect for future. Even, in present cases, the project proponent may be asked to sign all pages as submitted by them. No paper without signature shall be accepted from applicant and assurance/undertaking in any form shall be taken in the form of affidavit by authorized person of user agency/Project Proponent.

- II. **M/s Mirage Infra Ltd., for their commercial complex "ACROPOLIS" Plot No.68, Industrial Area, Phase - I, Chandigarh.**

The case of proponent was earlier discussed in the 2<sup>nd</sup> meeting of Authority, in which it was decided to refer back the case to the EAC for providing the construction status of the project proponent. The authority has gone through the recommendations made by the EAC in its 13<sup>th</sup> meeting



where by the EAC stated that on the site visit held on 09.06.2012 , it was found that the proponent has constructed the frame work of Ground Floor plus 3 floor without having environment clearance. The proponent has clearly violated the provisions of EIA notification. The EAC vide its letter dated 22.06.2012 has asked the proponent that the matter relating to violations, be put up to the Board of Directors of the Institution/ company for consideration of its environment related policy / plan of action, as also a formal written commitment in the form of formal resolution be submitted to the effect that violation of Environment (Protection) Act, 1986 etc. will not be repeated in future. Apart from this, the information on two more following points were also sought by EAC:-

- i. Since the project falls within 10 K.M. of notified Wildlife Sanctuary ,the project proponent was asked to seek clearance from Standing Committee of National Board for Wildlife.
- ii. In pursuance to the circular No. J-11013/41/2006-IA,II (I) Part, dated 19 May 2011, issued by the MoEF, New Delhi, the proponent needs to have a well laid down Environment Policy, duly approved by its Board of Directors. The policy should consist of standards operating norms/procedures to bring into focus any infringement/ deviation / violation etc and the hierarchical system or administrative order to deal with the environmental issues, for ensuring compliance with EC conditions as well as Environment Protection Act 1986 and rules issued there under.

The authority has also gone through the reply submitted by the proponent vide its letter dated 11.06.2012, in response to the site visit conducted by the EAC, Chandigarh 09.06.2012, wherein, it was found that the proponent has started construction in April, 2011 without having environment clearance. The submissions made by the proponent in support of pursuing construction of building for the safety point of view, are not acceptable. The start of construction before having environment clearance, clearly violates the provisions of EIA notifications. The Authority resolved that the project proponent may be asked to furnish the following documents to enable the authority to consider granting environment clearance.

- i. The copy of the letter vide which the building plans were approved by the competent authority/Estate Officer, may be supplied along with the drawings.
- ii. The reply to the letter issued vide letter dated 22.06.2012 of EAC's may be furnished.
- iii. The authority observed that it appears that project proponent is still carrying out construction activity as reported in local media in spite of the fact that they have submitted an undertaking to EAC for not carrying out construction further till Environmental clearance is accorded. An undertaking in the form of an affidavit be submitted that the construction has been stopped and no further construction would be done until the grant of environment clearance from the competent authority is received.
- iv. If any violations of directions were noticed, the strict legal action as per the rules would be initiated.



- v. Since, the proponent has violated the provisions of EIA notifications, the proponent is required to put the matter relating to violation to the Board of Directors of the Institution and a written commitment in the form of resolution be submitted that in future no such violations shall be undertaken prior to issuance of environmental clearance. The time limit of 90 days as prescribed under rules may be given for this purpose. In the meantime, the project will be delisted. It is also be made clear that in the eventuality of not having any response from the project proponent within the prescribed limit of 90 days, It would be presumed that they are no longer interested in pursuing the project further and project file will be closed. After which the procedure for obtaining clearance will have to be initiated de novo by the project proponent.

Apart from above, in pursuance to MoEF, Govt. of India's circular No.J-11013/41/2006-IA.II(I) dated 16.11.2010, the Chandigarh Administration may also be informed of the violation case for initiating legal action against the proponent as per the procedure prescribed. The EIAA also observed that EAC should invariably visit project site so that such violation under EPA,1986 are not overlooked as has happened in this case.

The EIAA also observed that EAC should invariably visit project sites so that such violation under EPA,1986 are not overlooked as has happened in this case.

### III. Post Graduate Institute of Medical Education and Research, Sector 12, Chandigarh.

It was informed that PGIMER has submitted only conceptual plan for its buildings to be constructed as their final approval of building plan is awaited. It was informed by Member Secretary, EAC that the EAC has obtained affidavit from PGIMER to the effect that there shall be no deviation from conceptual plan. Member Secretary, EIAA informed that as per procedure prescribed for Appraisal under EIA Notification 2006, " 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"

The Authority desired that following additional documents/information is required from project proponent for further consideration by the Authority:-

1. Since the proponent has constructed built up area of 70101.10 sq.m. without having prior environmental clearance for which unit has agreed and consented that the violation has been done. The proponent is required to put the matter relating to violation to the Board of Directors of the Institution and a written commitment in the form of resolution be submitted that in future no such violations shall be undertaken prior to issuance of environmental clearance. The time limit of 90 days as prescribed under rules may be given for this purpose. In



the meantime, the project will be delisted. It is also be made clear that in the eventuality of not having any response from the project proponent within the prescribed limit of 90 days, It would be presumed that they are no longer interested in pursuing the project further and project file will be closed. After which the procedure for obtaining clearance will have to be initiated de novo by the project proponent.

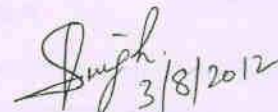
2. Since the distance of project site from Sukhna Wildlife Sanctuary is 2.8 Kms and from City Bird Sanctuary is 3.3 kms respectively, the project proponent shall obtain clearance from Standing Committee of the National Board for Wildlife. Further, it may also be categorically stated in the Environment clearance that the grant of in-principle approval of environment clearance does not necessarily implies that wildlife clearance shall be granted to the project and their proposals for wildlife clearance shall be considered by the respective authority on merit and decision taken. The investment made in the project if any, based on environmental clearance so granted, in anticipation of the clearance from wildlife angle shall be entirely at the cost and risk of the project proponent and SEIAA shall not be responsible in this regard in any manner.
3. Though the project proponent has submit an undertaking in the form of an affidavit to the effect that no forest land is used for the proposed expansion but it was desired that the same may be verified from Forest Department, UT Chandigarh.
4. The proponent may be asked to submit an undertaking in the form of an affidavit to the effect that project shall not be made operational till all STPs as proposed in the proposal would be constructed/installed & operationalized.
5. The Proponent shall have to submit approved scheme/building plans from competent authority for obtaining final environmental clearance.

Apart from above, in pursuance to MoEF, Govt. of India's circular No.J-11013/41/2006-IA.II(I) dated 16.11.2010, the Chandigarh Administration may also be informed of the violation case for initiating legal action against the proponent as per the procedure prescribed.

The meeting ended with vote of thanks to the chair.

  
Prof. S.K.Sharma  
Member

  
Sh. Santosh Kumar  
Member Secretary

  
Dr. Veer Singh  
Chairman