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State Environment Impact Assessment Authority
West Bengal
Minutes of SEIAA Meeting
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Subject:- 62nd meeting of SEIAA

**Venue:- Conference Room of Environment Department, Prani Sampad Bhavan, 5th Floor,
LB - Block, Sector - III, Salt Lake, Kolkata - 700106**

From :- 02 June 2022

To :- 02 June 2022

I. CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL CLEARANCE

(1) Proposed residential development at Mouza - Ghuni, JL. No. 23, L.R. Dag Nos. 2701, 2702, 1299, 1301 & 1302, P.S. Newtown, under Jyangra - Hatiara No. II Gram Panchayat, Dist - North 24 Parganas, West Bengal by **M/s. Yashaswi Commercial Pvt. Ltd. & 35 Others.**

Proposal No. :- SIA/WB/NCP/61755/2017, File No. : EN/T-II-1/025/2017

Type-EC

INTRODUCTION

The proponent made online application vide proposal no. SIA/WB/NCP/61755/2017 dated 08.05.2017 seeking environment clearance under the provisions of the EIA Notification, 2006 for the above-mentioned project. The proposed project activity is listed at SL. No. 8(a) Building and Construction projects under Category "B2" of EIA Notification 2006.

The project proponent (PP) obtained stipulated conditions for EC vide no. 345/EN-T-II-1/025/2017 dated 13.02.2018. The project proponent was requested to submit the sanctioned plan alongwith relevant documents as mentioned in SEIAA, WB Notification on building projects vide no. 2495/EN/T-II-1/011/2018 dated 17.12.2019.

The project proponent uploaded sanctioned building plan on 28.05.2022.

DELIBERATION IN SEIAA

The application is referred to SEAC for appraisal.

RECOMMENDATIONS OF SEIAA

The application is referred to SEAC for appraisal.

CONCLUSION

Referred back to SEAC.

II**MISCELLANEOUS**

(1) Proposed Residential Complex "Rosedale Garden Housing Complex" at Plot No. AA-III/BLK-3, Action Area - III, New Town, Kolkata - 700156, West Bengal by **M/s Rosedale Developers Pvt. Ltd.** (SIA/WB/MIS/50005/2018)

INTRODUCTION

A Remediation Plan and NCRAP amounting to Rs.434.51 lakhs was decided and M/s. Rosedale Developers Pvt. Ltd. was informed to deposit the amount accordingly in the 5th meeting of SEIAA held on 10.08.2020. However, the PP did not deposit the requisite amount. A reminder in this regard was sent to the PP on 11.04.2022 to deposit the amount within 25.04.2022. The PP has not responded nor deposited the requisite amount.

The proposal was placed in the 60th meeting of SEIAA held on 19.05.2022 and SEIAA decided to call the PP for hearing.

DELIBERATION IN SEIAA

Ms. Aryaa Chatterjee, Advocate, Authorised Representative of Resolution Professional (RP) for M/s Rosedale Developers Pvt. Ltd. attended the hearing and submitted a copy of order dated 28.02.2022 passed in the National Company Law Tribunal, Kolkata Bench -I, Kolkata in I.A (IB) No. 399/KB/2021 and CP (IB) No 1149/KB/2020 and a letter of authorisation from the RP.

The project proponent (PP) M/s. Rosedale Developers Pvt. Ltd. were informed to appear before SEIAA for non-compliance of payment of the requisite amount towards Remediation Plan and NCRAP since 10.08.2020. It was found that the PP did not appear for the hearing and instead a representative of the appointed RP appeared in the matter. In order to ascertain the present status of the PP, the matter is referred to Senior Law Officer, Dept of Environment for her opinion and advice regarding the following :-

- i. Can we consider RP as an authorised representative of PP in order to deal the case in PARIVESH Portal?**
- ii. Can the demand for payment of the requisite amount for Remediation Plan and NCRAP be claimed from the RP instead of PP as requested by the representative of the RP, Ms. Aryaa Chatterjee, Advocate during the hearing?**

(2) Order dated 05.05.2022 of the Hon'ble High Court at Calcutta in WPA No. 1022 of 2017; Biswanath Nag - Vs - The State of West Bengal & Ors.

The project proponent along with his Advocate appeared before SEIAA and briefed about the project. However, it is found that PP has not yet applied for EC through PARIVESH portal. PP was advised to apply for EC in the PARIVESH portal along with all necessary supporting documents.

(3) Order dated 25.05.2022 of the Hon'ble National Green Tribunal, EZ, in O.A. No. 62 of 2022; Kamal Kumar Ghosh – Vs – Union of India & Ors.

The project proponent had made an application on 14.03.2022 bearing proposal no. SIA/WB/MIN/261595/2022. The project was delisted as per the decision of SEIAA taken in its meeting dated 29.04.2022.

The project proponent along with his Advocate appeared before SEIAA and briefed about the project. The PP was informed that the project could not be appraised due to incomplete documents submittals.

A meeting was held on 29.04.2022 with the Secretary, MoEF&CC. Based on the deliberation made by the Chairman, SEIAA, WB, MoEF&CC directed that all EC applications for mining of minor minerals without DSR and other mandatory documents are required to be delisted. Thus, SEIAA decided to delist all pending EC applications for mining of minor minerals. Out of total pending applications, 3 applications were submitted after 31.03.2022 and balance applications were submitted within 31.03.2022. This particular application was made on 14.03.2022. Since the application was incomplete in nature, SEIAA decided to delist the said case. Based on the Order No. 90-ICE/O/MIN/GEN-MIS/27/2021 dated 17.02.2022 issued by the Dept. of Industry, Commerce & Enterprises, Mines Branch, GoWB, the project proponents (PPs) who have applied within 31.03.2022 will have the option of relisting their application with appropriate and complete documents including approved DSR as per the existing provisions in the PARIVESH portal.

MoEF&CC in their minutes of the meeting held on 29.04.2022 circulated file vide No. J-11013/30/2020.IA.I(M) mentioned that 'on the issue of DSR, clarified that the proposal without DSR, being incomplete, should be returned to PP'.

The PP has relisted the EC application but without the necessary documents. Due to incomplete submittals the EC application cannot be appraised. PP may be informed accordingly.

(4) Inspection report received from WBPCB

- (i) M/s. Larica Estate Limited with respect to complaint received from Ankur Sharma about filling of water bodies and flouting of environmental norms at "Larica Township" at Premises No. 295/A, Ward No. 5, Mouza – Baluria, JL No. 37, Baluria Road, PS – Barasat, North 24 Parganas, PIN : 700126, West Bengal.

A site inspection of the project was conducted by WBPCB on 08.03.2022 and report was submitted on 19.05.2022. It is observed that M/s. Larica Estate Limited undertook a building construction project exceeding a built up area of more than 20000 sqm. without obtaining EC. MS, SEIAA is requested to send a show cause notice to M/s.

Larica Estate Limited stating why penal action under the provision of EIA Notification, 2006, EPA, 1986 and their subsequent amendments should not be taken against the developers.

- (ii) M/s. Trimurti Grihanirman Pvt. Ltd. (SIA/WB/NCP/58840/2016) with respect to complaint received from Orbit Ashwa Owners against M/s. Trimurti Grihanirman Pvt. Ltd. about unauthorized conversion and sale of open car parking space in the tree plantation area.

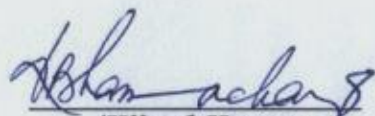
A site inspection of the project was conducted by WBPCB on 09.11.2021 and report was submitted on 19.05.2022. It is observed from the inspection report that the PP has compromised on the exclusive tree plantation area for the purpose of car parking. MS, SEIAA is requested to send a show cause notice to M/s. Trimurti Grihanirman Pvt. Ltd. stating why penal action under the provision of EIA Notification, 2006, EPA, 1986 and their subsequent amendments should not be taken against the developers for violating EC conditions.

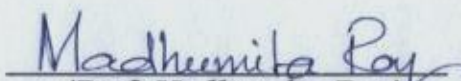
- (5) Discussion on District Survey Reports (DSRs) of all the districts.

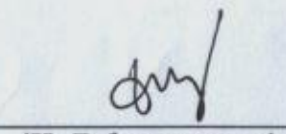
All the sand mining applications are pending due to want of approved DSRs. It is observed that multiple cases are being filed against SEIAA in various courts of law because of this pendency. Till now SEIAA has received only 4 DSRs (Uttar Dinajpur, Dakshin Dinajpur, Murshidabad and Alipurduar) recommended by SEAC after appraisal. SEIAA has also convened a meeting on 23.05.2022 with Dept of Industry, Commerce & Enterprises, along with consultants engaged by Dept. of IC&E for preparation of DSRs wherein a few suggestions for rectification of the DSRs were made. In the same meeting SEIAA mentioned that the consultant should incorporate similar rectifications while preparing the DSRs of remaining districts. A timeline for preparation of the DSRs of each district may please be communicated by the Dept. of IC&E to SEIAA. MS, SEIAA is requested to communicate the same to Dept. of IC&E.

- (6) Notification vide no. 924/T-II-1/021/2022 dated 23.05.2022 of Department of Environment, GoWB regarding onetime processing fee for projects seeking Environmental Clearance (EC).

Noted.


(Ujjwal Kumar
Bhattacharya)
Chairman


(Prof. Madhumita Roy)
Member


(K. Balamurugan)
Member Secretary