

Minutes of the 91st Meeting of SEIAA dated 11.05.2012

The 91st meeting of the State Level Environment Impact Assessment Authority was convened on 11.05.2012 at 02.30 AM at the Authority's office in M. P. Pollution Control Board Building, Paryavaran Parisar, Bhopal. The meeting was chaired by Shri Amar Singh, Chairman, SEIAA. The following members attended the meeting:-

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| 1 | Shri M. Hashim | Member |
| 2 | Shri Manohar Dubey | Member Secretary |

1. **Case No. 546/2010**, Prior Environmental Clearance for Manufacturing facility for formulation products and active pharmaceutical ingredients (API) at plot no-2, SEZ, Phase-II, Miscellaneous zone Apparel Park Pithampur Distt-Dhar, M.P. by M/s Lupin Ltd.

The case was discussed in 78th SEIAA meeting dtd. 11.01.12 and it has been recorded that " The Authority has scrutinized documents received from MPAKVN, Indore (vide no. AKVN/IND/SEZ/11/16980 dtd. 09.12.11) found the case is within jurisdiction of SEIAA as the distance of the proposed project from Indore Municipal Corporation limits is 28 km and from Rau Industrial area is 20 km.

The Authority has also gone through the minutes of 76th SEAC meeting dtd. 07.01.2011 and it has been mentioned in it that no public hearing was conducted. Hence it was decided to write a letter to Industries Deptt. to provide what type of industries are disallowed in SEZ Phase-II miscellaneous, Apparel Park, Pithampur, Distt-Dhar-M.P within one month from the date of issue of the letter. "

It has been observed by the Authority that the project site is located in notified industrial area. As per notification issued by Commerce Industries and Employment Deptt., GoMP (letter no. 154/ 165 /2012 / B-11 dtd. 18.01.2012) the proposed activity is not prohibited in the industrial area. Hence, public hearing is not required.

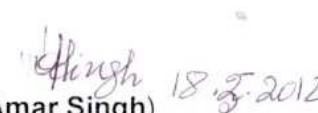
The Authority examined the case and found that Prior EC was granted by Gol, MoEF (vide F. No. J-11011/1188/2007-IAII (I) dtd 09.04.08) for the following products as per the capacity given below:

S. No.	Product	Production (kg/ month)
1.	Ethinyl Estradiol	50.0
2.	Norgestimate	35.0
3.	Norgestrel	13.8
4.	Desogestrel	12.6
5.	Norethindrone	5.4
6.	Levonorgestrel	3.7

Out of these, the Proponent has applied for capacity enhancement of two products (Norethindrone and Levonorgestrel), while remaining four products will continued to be manufactured at existing production capacity. The proposed expansion capacity is as follows:


(Manohar Dubey)
Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

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S. No.	Product	Production (kg/ year)	Remark
1.	Norethindrone	64.9	Out of the ten products, only three products shall be manufactured at a time
2.	Levonorgestrel	184.1	
3.	Drospirinone	509	
4.	Dinogest	169.8	
5.	Gestodene	10	
6.	Estradiol Valerate	16.5	
7.	Ethinyl Estradiol Betadex	2	
8.	Balara (Chlormadinone)	121.3	
9.	Northindrone Acetate	2	
10.	Qlaira	2	
11.	Travoprostone	0.96	Out of the four products, only one products shall be manufactured at a time
12.	Bimatoprost	0.96	
13.	Latnoprost	0.96	
14.	Lubiprostone	1.92	

The by products will be as follows :

S. No.	By Product	Capacity (TPA)
1	Recovered Solvents	4005

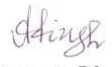
The case has been recommended by SEAC in its 80th meeting dtd 03.09.11 for grant of Prior EC with 10 specific conditions. The Authority observed that while considering the case for appraisal by SEAC, the Office Memorandum issued by MoEF, Gol (vide F. No. J-11013/41/2006-IA.II (I) dtd 01.07.11) regarding 'appraisal of expansion projects under EIA notification 2006' was not considered. It decided that the Proponent should be asked to submit the information whether the unit have received any notice under the section 5 of Environment (Protection) Act, 1986 or relevant sections of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and their compliance as per Para no 2 (ii) of the Office Memorandum.

- Case No. 547/2010**, Prior Environmental Clearance for Mahavir Institute of Medical Science & Research, Near RGPV Campus, Village Badwai, Bhopal-M.P. by M/S Mahavir Institute of Medical Science & Research, Bhopal Dr. Rajesh Kumar Jain 30, Mangalwara, Jain Mandir Road, Bhopal-M.P.

The case was discussed in 77th SEIAA meeting dtd. 07.01.2012 and it has been recorded that " *The Authority examined the documents and found that water requirement will be met from ground water and Narmada scheme of the Municipal Corporation. The Municipal Corporation (vide their letter no. 1260/PM/JNRUMWS/2011 Bhopal dtd. 07.10.11) has committed that water supply distribution of Bhopal city is under execution and the requirement of the water can be considered once the project is completed. As the proponent has mentioned that water supply shall also be met from the ground water, therefore, the proponent should give breakup of the water supply from the Municipal Corporation and the ground water withdrawal. In case the ground water is more than the permissible limit of withdrawal, then the permission from the Central Ground Water Board Authority should be submitted as applicable.*


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The Authority also examined the Khasra details and found that government land has been allotted to the Proponent. The Authority decided that the Proponent should be asked to provide the copy of the land allotment Order. Both these information should be submitted within one month."

The Authority examined the information submitted by PP (vide letter no. nil dtd nil received in SEIAA office on 09.02.12 and also letter no. nil dtd nil received on 19.04.12) and observed that the Proponent has withdrawn the proposal for use of ground water. The entire water requirement will be met from Municipal Corporation JNNURM (Water Distribution Project). The Authority gone through the documents related to building permission issued by Bhopal Municipal Corporation, the land allotment letter and also the report by Consultant (Revenue) and found these satisfactory. The Authority decided that the office of SEIAA will examine phase wise plan for construction and height of building of different buildings on the basis of information submitted by the Proponent.

It was also decided by the Authority that NOC for fire fighting to be issued by the Competent Authority, should be submitted by the Proponent, as per Guidelines for high rise building (OM issued by MoEF, GoI vide No. 21-270/2008-IA.III dtd 07.02.12), as the height of the different buildings of proposed project is more than 15 m.

3. **Case No. 629/2011**, Prior Environmental Clearance for Group Housing Project at Village Jatkhedi, Tehsil Huzur, Bhopal by M/S Shri Balaji Infrastructure Ltd. S-9, Sagar Plaza, 250, Zone-II, M. P. Nagar, Bhopal

The case was discussed in 81st SEIAA meeting dtd. 27.01.12 and it has been recorded that " *The Authority examined the report submitted by the consultant (Revenue) of the office of the SEIAA and found that photocopies of the NOC from Town & Country Planning, Khasra Panchsala, Diversion of the land from SDO and NOC from Nazul officer have been submitted. The Authority decided that PP should be asked to provide notarized copies of these documents.*

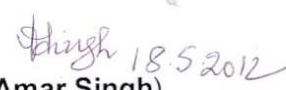
The Authority also found that the firm M/S Balaji Infrastructure is the Project Proponent while the ownership of the land in revenue record is in the name of Sant Kripa Infra & Services Pvt. Ltd. The Authority decided that PP should submit documents explaining how the land of Sant Kripa shall be used by M/S Balaji Infrastructure?

The Authority found that the total requirement of water is 151 KLD (106 KLD for portable and 45 KLD for flushing). The letter submitted by the Office of the CGWA dtd. 01.12.2011 indicates that CGWA has given NOC for 188 cum / day. The Proponent has mentioned that water requirement of 250 KLD shall also be met from Municipal Corporation, Bhopal. From these facts the information regarding water supply is full of ambiguity. The Authority decided that Proponent should be asked to submit in clear terms the details of water requirement and its source of supply.

The Town & Country Planning has given permission in the name of Sant Kripa Infra & Services Pvt. Ltd. Therefore, the Authority decided that PP should also clarify this aspect.


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The Authority also found that total height of the building is more than 15 m. The Authority decided that a fire fighting plan as per the National Building Code and also NOC for fire fighting issued by Fire Office should be submitted. "

The Authority has gone through minutes of 78th SEAC meeting dtd 26.08.11. As per salient features mentioned in this minutes, the fresh water requirement of 108 KLD will be met from Municipal water supply. Thus it is clear that there is no need for extraction of the ground water by the PP. It was also observed that Proponent has not submitted building permission. The Authority has also examined the clarification letter submitted by Proponent (dtd 15.02.12 received in SEIAA office dtd 24.02.12).

It was decided that the Proponent should be asked to submit building permission from the concerned Authority. The Proponent should procure certificate from his consultant that the fire fighting plan submitted by him is according to the National Building Code. The Proponent should submit these informations within one month.

4. **Case No. 61/2008**, Prior Environmental Clearance for limestone and dolomite deposit in 9.35 ha for production capacity of 25,000 TPA at village Bhatgaon-Sunehra, Murwara, Katni, MP by Mr. Arif Ahmad S/o Late Shri Ishak Ahmad, R/o Mission Chowk, PO Katni- Pin 483501

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Case No. 77/2008, Prior Environmental Clearance for limestone and dolomite deposit in mining 25.19 ha for production capacity of 4820 tonnes / annum at village Bhatgaon - Sunehra, Tehsil Murwara, District Katni by Shri Aslam Ahmed S/o Late Shri Ishak Ahmed, R/o Mission Chowk, PO Katni Distt. – Katni (M.P.)

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Case no. 483/2009, Prior Environmental Clearance for Bauxite, Laterite & Fireclay mine in an area of 30.88 ha for production capacity 3,00,000 TPA at Village Padwar, Tehsil Bahoriband, District Katni, M. P. by M/s Awin Trading Pvt. Ltd., 241/1, Saket Nagar, Baldeobag, District Jabalpur, M. P.

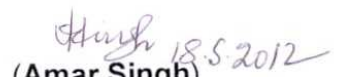
The issue related to entry for the mining activity on the tribal land under Land Revenue Code 165 and Mining Concession Rule, 1960 written by Collector, Katni (vide letter no. 1472/ Mining/ 2012 Katni dtd 16.04.12) was discussed in depth by the Authority and it was decided that the concerned tribal person should apply to Collector, Katni for permission under 165 of Land Revenue Code. The Collector shall pass final "order" on such application of the tribal person under section 165 of the Land Revenue Code. The Collector's order shall be made available to the Authority for consideration by the PP. Letter should be sent to the PP and copy should be endorsed to the Collector, Katni.



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5. Reconsideration of the policy decision related to projects falling under item 8 (a) & 8 (b)

(Building/ construction projects / area development projects & township projects as per EIA notification, 2006 in view of further developments.)

1. As per point 6 of the minutes of the 62nd SEIAA meeting dtd 13.07.2011, a **Policy Decision** for the cases approaching to SEIAA for NOC based on condition laid down by other Regulatory Agencies was taken in reference to M/s Dwarkadhish Haveli Builders. In this it has been recorded that "M/s Dwarkadesh Haveli Builders, Karond, Bhopal have approached SEIAA (vide letter No DD/10-11/55 dt 27-05-11) for Prior Environmental Clearance for their township Project at Bhopal. The Proponent is developing Township on 21.943 ha land and the total built up area of 1,27,689.45 sq m. The Town & Country Planning has laid a condition to the project proponent to obtain NoC for environment from the concerned deptt. as per Environmental Protection Act, 1986.

As per schedule Item 8(b) of EIA notification, 2006 the Township and Area Development Projects **covering an area ≥ 50 ha and or built up area $\geq 1,50,000$ sq m** require Prior Environmental Clearance.

The Authority decided as policy issue that in future such cases which are not in the jurisdiction (preview) of SEIAA as laid down by MoEF-Gol, EIA notification, 2006 should be directly returned to the proponent by Member Secretary.

In this case, the copy of the letter to be sent to the proponent should be endorsed to the Director, Town & Country Planning for future guidance."

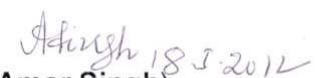
2. As per the procedure the copy of 62nd SEIAA meeting minutes dtd 13.07.2011 was uploaded on SEIAA website. The decision of the Authority was communicated to M/s Dwarkadhish Haveli Builders, Karond, Bhopal (vide letter no. 305/EPCO-SEIAA/11 dtd 26.07.11) and copy of the letter was endorsed to Director, Town & Country Planning, Bhopal.
3. Subsequently a letter from Member Secretary, MP Pollution Control Board (vide no. 1832 dtd 16.03.12) was sent to Director, MoEF, Gol, New Delhi, seeking clarification related to category 8 (a) and 8 (b) projects of the EIA notification, 2006 and its amendments and also the Policy Decision taken by MP SEIAA in its 62nd meeting dtd 13.07.11. Copy of the letter was also endorsed to Member Secretary, SEIAA. The relevant part of the content of the letter is being reproduced below:

"Till now it was assumed by the Board that any building – construction project where total built up area is equal to or more than 20,000 sqmt. irrespective of plot area for development of Township shall require prior EC either as. Accordingly, the MPPCB has been directing the Project Proponent of such projects to get prior EC and subsequently apply for consent under Air and Water. Nevertheless, quoting the referred decision as precedent several township projects falling under above criteria have approached MP Pollution Control Board for obtaining air / water consent without EC." Member Secretary, MPPCB requested MoEF to provide necessary clarification / guidance in the context. "

As per information provided by MS, MP Pollution Control Board no clarification from the MoEF, Gol has been received in this context till date.


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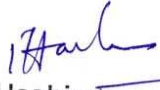

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4. In the light of facts mentioned above, the issues were discussed in depth. The Authority in its 62nd meeting dtd 13.07.11, inadvertently considered the case of M/S Dwarkadhish Haveli Builders in reference to category 8 (b) of the schedule of EIA notification. The provision of category 8 (a) was over looked at that time. In light of the issues raised by MP Pollution Control Board for seeking clarification from MoEF and further developments, the Authority decided that the contents of items 8 (a) and 8 (b) of the schedule of notification 2006, Gol are to be considered together. On this basis it was decided that :
- The Authority reconsidered its earlier decision (i.e. "*in future such cases which are not in the jurisdiction (preview) of SEIAA as laid down by MoEF-Gol, EIA notification, 2006, should be directly returned to the proponent by Member Secretary*"), is being withdrawn with immediate effect. It was decided that in future such decisions will be taken by the Authority.
 - The case of M/S Dwarkadhish Haveli Builders was also considered by the Authority and decided to inform PP to stop further construction immediately and apply for prior EC as per provision under item 8 (a) of the schedule of EIA notification, 2006 and submit application to the SEIAA office in prescribed format. It was also decided that, if the Project Proponent continues with further construction of works without obtaining prior EC, then it will be the case of deliberate violation under Environment (Protection) Act, 1986 and various penal actions shall be initiated against PP. Copy of the letter should be endorsed to MS, State Pollution Control Board, MS, SEAC, Director, Town & Country Planning and also Director, Ministry of Environment & Forests, Gol for their information and consideration. The proceeding related to this item should be enclosed with these letters / endorsements. It was decided that once they apply, the decision will be taken expeditiously in their case.
 - The Authority decided that, if any other case has been returned on similar grounds, then letter should be issued such PPs as is being sent to M/S Dwarkadhish Haveli Builders, and such information should be placed in the next meeting of the Authority.

Meeting ended with a vote of thanks to the Chair.


(Manohar Dubey)
Member Secretary


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Member


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