

Minutes of the 219th Meeting of SEIAA dated 16.07.2015

The 219th meeting of the State Level Environment Impact Assessment Authority was convened on 16.07.2015 at the Authority's Office in Environmental Planning and Co-Ordination Organization (EPCO), Paryavaran Parisar, Bhopal. The meeting was chaired by Shri Waseem Akhtar, Chairman, SEIAA. The following members attended the meeting:-

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| 1 | Shri H.S. Verma | Member |
| 2 | Shri Ajatshatru Shrivastava | Member Secretary |

A. Policy Decision

Hon'ble National Green Tribunal, New Delhi Order dtd 07.07.2015 regarding violation cases involving credible action.

B. Following cases of other than mining query response have been considered:-

S No	Case No.	Category	No. & date of latest SEIAA meeting in which case was discussed
1.	2092/2014	8 (a)	216 th SEIAA meeting dated 07.07.2015
2.	2190/2014	8 (a)	216 th SEIAA meeting dated 07.07.2015
3.	2191/2014	8 (a)	198 th SEIAA meeting dated 11.05.2015

C. Following cases of Mining received from SEAC have been considered.

S No	Case No.	Category	No. & date of latest SEAC meeting in which case was recommended
4.	2832/2015	1(a) B2	198 th SEAC meeting dtd.04.06.2015
5.	2566/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
6.	2593/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
7.	2665/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
8.	2569/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
9.	2614/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
10.	2638/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
11.	2292/2014	1(a) B2	199 th SEAC meeting dtd. 21.06.2015
12.	2488/2015	1(a) B2	200 th SEAC meeting dtd. 30.06.2015
13.	847/2012	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
14.	2537/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
15.	2657/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
16.	2677/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
17.	2704/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
18.	2548/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
19.	2594/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
20.	2632/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
21.	2637/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015
22.	2641/2015	1(a) B2	201 st SEAC meeting dtd. 01.07.2015

A. Policy Decision

Hon'ble National Green Tribunal, New Delhi Order dtd 07.07.2015 regarding violation cases involving credible action.

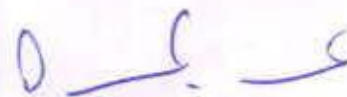
- (1) As per the provision of EIA Notification, 2006 the projects or activities falling under the schedule of the notification shall require prior environmental clearance from the concerned regulatory authority i.e. GoI MoEF & CC for category A projects and State Level SEIAA for category B projects.
- (2) Further, GOI, MoEF & CC issued office memorandum dtd 16.11.2010 for consideration of proposal involving violation of EPA, 1986 or EIA Notification, 2006.



(Ajatshatru Shrivastava)
Member Secretary



(H.S. Verma)
Member





(Waseem Akhtar)
Chairman


- (3) In supersession to the above GoI, MoEF & CC issued office memorandum dtd 12.12.2012 and amendment 27.06.2013. As per the Office Memorandum the procedure to be followed while considering the proposals involving violation is as follows :-
- (i) As soon as the case of violation comes / brought to the notice, the veracity of the complaint is to be verified.
 - (ii) PP has to submit a formal resolution from the board of directors of the company to the authority to ensure that violations of EPA etc. will not be repeated within 60 days. In the mean time project will be delisted and if resolution is not submitted within 60 days the case should be closed.
 - (iii) PP should be directed to stop the construction / operations / productions / modernization / change in product mix and maintain the status quo until the required EC is obtained.
 - (iv) The respective state Govt. should be informed to initiate credible action against the Proponent on the violation by invoking powers under section 19 of EPA 1986 for taking necessary legal action under section 15 of the Act for the period for which violation has taken place as per the procedure prescribed.
 - (v) The details of Project Proponent, copy of commitment should to be displayed on website for information of all stakeholders.
 - (vi) Once the action as above has been taken the case should be appraised as per the merit of the case.
 - (vii) In cases of serious violation of the ministry reserved the right to outrightly reject such proposal and not consider the same not at all.
- (4) Regarding above GoI, MoEF & CC O.M. dtd. 12.12.12 and 27.06.13. Hon'ble NGT New Delhi in O.A.No. 37 of 2015 & O. A. No. 213 of 2014 has passed order in which it is recorded ".....1) We hold and declare the Office Memoranda dated 12th December, 2012 and 27th June, 2013 as ultra vires the provisions of the Act of 1986 and the Notification of 2006. They suffer from the infirmity of lack of inherent jurisdiction and authority. Resultantly, we quash both these Office Memoranda.
- 2) Consequently, the above Office Memoranda are held to be ineffective and we prohibit the MoEF and the SEIAA in the entire country from giving effect to these Office Memoranda in any manner, whatsoever....."

In view of above the Authority decides that:-

The proceedings of the violation cases involving credible action shall be kept in abeyance till such time that MoEF & CC comes up with a clarification on the afore mentioned NGT order. The intervening period shall not be counted for deemed EC and the recommendations as received from SEAC shall be stalled till the directions from MoEF & CC, GOI are received. As soon as the directives/clarification from MoEF & CC, GoI are received the proceedings/appraisal shall commence in the Authority and taking cognizance of the SEAC's recommendations.


(Ajatshatru Shrivastava)
Member Secretary


(H.S. Verma)
Member


(Waseem Akhtar)
Chairman