



Agenda of 119th Meeting of SEIAA, Odisha Held on 17.05.2023&18.05.2023

Agenda Item No. 119.01

This is regarding matter on NGT case on O.A. 11/2022EZ filed by Z1 Residents' Welfare Association (Applicant(s)) Vrs Z Estates Pvt. Ltd &Ors.

This is regarding matter on NGT case on O.A. 11/2022EZ filed by Z1 Residents' Welfare Association (Applicant(s)) Vrs Z Estates Pvt. Ltd &Ors. Initially, Shri Ashok Kumar Tripathy, IAS (Rtd.) vide his letter 05.10.2021 submitted a complaint letter addresses to the Member secretary, SEIAA, Odisha and another letter on dated 27.10.2021 through E-mail addressing to the Chief Secretary to Govt. of Odisha alleging violation of conditions stipulated in the environmental clearance EC (Phase-I) by Z-Estates Pvt. Ltd. for the construction made namely Housing colony and shopping mall (Phase-I) at Kalarahanga, Patia, Bhubaneswar. In the said allegation, the complaint alleged that there are violations of stipulated conditions of EC issued by SEIAA, Odisha.

In this regard, there was a direction from Department of FE & CC, Govt. of Odisha vide letter no. 19916 dt. 15.11.2021 to the SEIAA to cause an enquiry in the matter and to report the Govt. Accordingly, the following members of joint committee visited the site of Z1-Apartment Complex, Kalaranga, Patia, Bhubaneswar in Khordha on dt. **20.01.2022**, so as to verify the contents of the allegation made by Sri Ashok Kumar Tripathy, IAS (Rtd.), complainant.

1. Prof (Dr.) B.K. Satpathy (Member, State Level Expert Appraisal Committee)
2. Dr. Rebati Kanta Mishra, Environmental Scientist, SPCB, Odisha
3. Dr. Pradeepta Ku. Nayak, Environmental Scientist, SEIAA, Odisha
4. Sri M. Rajeshwar Prasad, Scientist, C Integrated Regional Office of MoEF& CC, Bhubaneswar

Accordingly, the Joint Committee comprising of the above following official had visited the site on **20.01.2022**. Shri Ashok Kumar Tripathy, complainant was not present and on behalf of him the Z1 Residents' Welfare Association of Phase-I Z-Estate has nominated Sri S.K. Dash, the representative of the Association to join inspection team. As intimated, Shri Ashok Kumar Tripathy, the member of the Z1 Residents' Welfare Association that he will not attend the inspection committee showing the reasons that he was not taken Vaccine of COVID-19.

Overall Observation:

Based on the site inspection and documents submitted by the Sri Tapan Kumar Mohanty project Authority (PA) of Z1-estate, the following point has been observed by the committee are as follows:

1. Initially, the PA had applied a proposal to SEIAA, Odisha to develop in single phase construction of building Z1-estate Pvt. Ltd. for which Environmental Clearance (EC) was granted by SEIAA, Odisha vide letter no. SEIAA-261/10 dated **16.08.2011** over total built up area-**2,44,092.73 sqm.** and provision for green belt & avenue plantation of trees-20% of the site area. Later the PA had applied another application on 10.09.2014 for modernization for construction of housing colony and shopping mall (Phase-II) with built up area 2,75,042 sqm. in existing premises of Phase-I construction project. Due to sluggish market demand and financial constraints the PA had decided to developed the project in phases for which the PA had applied application on 10.09.2014 for Phase-I consisting existing building (as a part of the earlier EC) and modified Phase-II project to developed with total built up area **2,75,042 sqm** (Phase-I & Phase-II). EC obtained for modernization of phase-II vide letter no. 827 dt. **23.02.2016**. The PA had obtained EC vide letter no. 7991/SEIAA dt. **17.03.2020** for expansion for construction of

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- housing colony and convenient shopping (Phase-III) with built up area 3,95,865.09 sqm. and green belt provision was 30,929.22 sqm.
2. During site inspection the Committee has observed that the Phase-I project had already completed and people are staying there and Phase-II project almost completed and going to operate very soon., and the Phase-III project is under construction. The Phase-I, II & III projects are integrated project in a same campus.
3. Green belt and Avenue Plantations are available and shown by the Proponent. However, at some places the plants were not available and very less / uprooted, which needs to be replanted. The committee gave instruction to PA to plant more indigenous fruit bearing and broad leave tree species rather to develop decorative and increasing Lawn area within the period **August 2022**.
4. The PA had obtained NOC / letter from CGWA for use of ground water of ground water 1100 cum/day vides letter no.21-4(287)/SER/CGWA/2011-140 Dt. **23.02.2011** and also thereafter (i.e. on dated 23.05.2015 for 950 cum/day and on dated 16.07.2019 for 3,46,750 cum/year).
5. The PA has informed that the phase-I building of Z1-Estates Pvt. Ltd. was handover to Z1 Residents Welfare Association on dated 18.01.2021 and the documents handover details to the Association was acknowledge by Sri Manoranjan Mishra and Sri KalpataruPattanaik the two members of the association.
6. **STP:** The Committee visited the STP and was found that the STP was running with Primary units. The PA has explained that it is functioning through Moving Bed Biofilm Reactor (MBBR) technology. The proper function of the same depends upon its regular operation, required chemical dosing and maintenance. The PA has submitted water testing report of STP treated water for the period 20.12.2017 to 23.02.2021 by the IIMT and NABET certified consultant. It reveals that the STP treated water parameters are in prescribed standard (copy attached). For presently to know the working conditions of STP, it was decided by committee that Regional Officer of SPCB, Bhubaneswar may collect a sample in presence of PA and Z1-Residents' Welfare Association, sealed it and tested to ascertain functioning of STP at later stage.
7. The treated water generated from STP is used for gardening etc. as explained by PA and there is no excess treated water found or accumulated at any area nearby. However, PA was advised that there has to be a connection of treated water to outside Municipal drain to take care of excess treated water if any and also in rainy season. PA explained that some of the works are incomplete due to the integrated periphery development work like-internal drains, roads etc and will be done very soon. The PA has explained that all the treated water of phase-I has been utilized for gardening purpose and no excess water is available for discharge to municipal drain. However, system for discharging excess treated water during monsoon period has been integrated with phase-II system of discharging excess water.
8. The PA has installed water treatment plant for treatment of underground water and the testing report of water sample furnished by PA and the parameters of water are in prescribed limit.
9. **Rain water harvesting & Recharge Pits:** The PA showed the 17 nos. of recharging pits across the site. One such pit was opened and found water in it. The PA has explained that channel drains are available to collect the excess water and surface water during rainy season. PA was advised that, as so many recharge pits are already in place, they should implement the harvesting system fully not only for roof top but also for paved area surface water by connecting channels to pits. The Committee also advice to PA that he should harvest rainwater and reuse for plantation and other purposes.



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- 10. Solid Waste Management:** PA showed a copy of agreement letter on dated 08.06.2020 with authorised party of M/s. Clean Mart Facility Services, Plot No. 78, Rasulgarh Square, Bhubaneswar-10, Odisha for collection of solid waste from the premise of Z-Estate for the period 1st May 2020 to 31st March 2021. It was informed by PA that initially internal collection of solid waste was managed by them systematically till handover the Z1-building to the Association and then it was managed by them. Now they are not aware of renewal of any such contract by the association. The PA has not installed any composting machinery for decomposition and reuse of bio-degradable waste at building premises of Phase-I. The committee has not seen any community dustbin has been placed outside of the building for separation and collection of domestic waste for phase-I. However, there is a newly purchased bio-degradable waste composting machines having capacity 1000 kg/day waste decomposition for the Phase-II building is already there to operate. The PA has informed that, the Phase-2 compost system having adequate capacity shall be made available to Phase-1 building for treatment of bio-degradable solid waste for composting through composting machines if, association desire. The PA has mentioned that compost machine for phase-II has been installed, which will be made fully operational by **30th June 2022**. However, the discussion with Phase-I Z1 Residents' Welfare Association will be made and a system will be explored to manage the solid waste generated from phase-I through this compost machine. Till the phase-I building handover to the Welfare Association with whom we had a contact was collecting the garbage regularly.
11. **Solar system or energy conservation:** There is no use of Renewable/Solar Energy in Phase-I building as it verified by the committee. The PA has explained that efforts were made by them initially (like individual lighting system), but the system did not work due to breakdowns. They are now planning to do the system along with Phase-II and will be done by them. PA was informed that has to install adequate no. of solar panel for light of street and common area of Phase-I building within **31th August 2022**.
12. **DG set Stack:** The DG set stack of phase-I is about 6 mtr as per compliance report and also found physically with roof coverage. Although it is not adequate, the distance from nearest building is over 50 meters. The PA was advised to adhere the commitments given to SEAC/SIEAA with regard to stack height even though it is away from the building also the RO, SPCB needs to check the same whether as per norm.
13. **Dust & Noise Pollution:** During inspection the committee has not such type of dust and noise pollution but during discussion the committee knows that there was complain for dust pollution and noise and accordingly the PA has been directed by SPCB for taking all preventative measures dust and noise pollution. Project Proponent has been advised verbally by SPCB to stop the construction work during mid-day time i.e. from 1.00 P.M. to 3.00 P.M. and after 9.00 P.M. till next morning so, that the Senior Citizen resting /sleeping period will not be affected.
14. The PA was asked to submit required documents with status of compliance report of EC which they have submitted. From this, it is found that while some of the work already has done and some works are yet to be executed. Reason of delay expressed by PA that due to Pandemic Covoid-19 and being an integrated project, some activities get delayed. However, PA has agreed to do the pending work with new timeline.
15. The joint committee inspection report has already been communicated to the Department of FE & CC, Govt. of Odisha and the Member Secretary, State Pollution Control Board, Odisha to initiate legal action against the PA under section 15 read with section 19 EP Act. 1986 as per the Govt. procedure.

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After that order came from Hon'ble NGT on 31.01.2022 for joint inspection as already the site inspected by the same joint constituted by Hon'ble NGT, so the committee suggested further inspection is not required and accordingly affidavit and inspection report filed by SEIAA, Odisha before Hon'ble NGT as a nodal agency for this case.

Now, Hon'ble NGT disposed the case with direction as follows:

- i. The SEIAA, Odisha, shall inspect the site in question within one month and verify whether installation of Solar Power Generation System for Phase-I and installation of Solar Water Heater which was required to be completed by 31.08.2022 as stated by the Project Proponent, has been completed and if not, appropriate penalty shall be imposed against the Project Proponent and the same shall be recovered within two months after giving him an opportunity of being heard.
- ii. The SEIAA, Odisha, is further directed to determine Environmental Compensation against the Project Proponent for failure to install the Solar System for energy conservation to the extent of 5% of total power as required by the Environmental Clearance conditions dated 16.08.2011 and action in this regard shall be taken within two months after giving the Project Proponent an opportunity of being heard.
- iii. With regard to completion of Green Belt and Avenue Plantation over at least 20% of the site area as required by the Environmental Clearance conditions dated 16.08.2011, the Committee constituted by the Tribunal is directed to re-visit the premises of the Project Proponent and verify whether at least 20% of the Green Belt has been achieved by the Project Proponent and if not, appropriate Environmental Compensation shall be determined against the Project Proponent and the same shall be recovered within two months after giving him an opportunity of being heard.

In view of the above the matter may place in the SEIAA, Odisha meeting for discussion.


Decision of Authority:

After detailed deliberation, the Authority decided to constitute a committee comprising with the following members: -

1. Prof. (Dr.) Bijay Kumar Satpathy (Member, State Level Expert Appraisal Committee)
2. Dr. Chittaranjan Panda (Member, State Level Expert Appraisal Committee)
3. Dr. Pradeepta Kumar Nayak (Environmental Scientist, SEIAA, Odisha)

The committee shall inspect the site and verify whether installation of Solar Power Generation System for Phase-I and installation of Solar Water Heater which was required to be completed by 31.08.2022 as stated by the PP, has been completed or not. The committee shall submit their report within 15 days.

APPROVED BY


Member Secretary, SEIAA


Member, SEIAA


Chairman, SEIAA