

PROCEEDINGS OF THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM

(Present. Sabitha.S)

SEIAA- Environmental clearance for the proposed "Township" Project at Sy Nos. 15/1& 33/1 at Kodenchery Village, Kozhikode Taluk & Kozhikode District, Kerala by Sri Anwar Sadath, Director M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd. Landmark World, N.H.17 Bypass, Kozhikode, Kerala-673014 - Environmental Clearance granted - Orders issued

STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY

No. 909/SEIAA/EC4/3588/2015

Dated, Thirtyananthapuram 28.12.2019

Ref:

- 1. Application dated 4-9-2015 from Sri Anwar Sadath, Director, M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd. Landmark World, N.H.17 Bypass, Koznikode, Kerala-673014).
- 2. Minutes of 56th meeting of SEAC held on 6th & 7th June 2016.
- 3. Minutes of the 59th meeting of SEAC held on 11-12 July 2016.
- 4. Minutes of 58th meeting of SELAA held on 08.9-2016.
- 5. Minutes of the 63rd meeting of SEAC held on 4th October, 2016
- 6. Minutes of the 61 meeting of SEIAA held on 30-11-2016
- 7. Minutes of the 73rd meeting of SEIAA held on 15-9-2017
- Minutes of the 98th meeting of SEIAA held on 18th &19th September2019
- 9. Traines of the 100th Meeting of SEIAA held on 21st & 22th November 2019
 10. Minutes of the 100th Meeting of SEIAA held on 23rd & 24th December 2019

ENVIRONMENTAL CLEARANCE NO.73 /2019

Sri. Anwar Sadath, Director, M/s Calicut Landmark Builders & Developers (India Pvt. Ltd. Landmark World, N.H.17 Bypass, Kozhikode, Kerala-673014), vide his application received on 7-9-2015 has sought environmental clearance under the EIA Notification, 2006 for the proposed "Township" Project of total plot area of 7.8269 ha at Sy Nos. 15/1& 33/1 at Kodenchery Village, Kozhikode Taluk & Kozhikode District, Kerala. It is inter alia, noted that the project comes under the Category B, 8(a) of Schedule

of EIA Notification 2006. No forest land is involved in the present project. The height of the proposed building is 59.70m and the total plot area of the proposed project is 78,268.98m² and the total built-up area is 1,45,000m².

- 2. The proposal placed in 56th SEAC meeting held on 6th &7th June 2016. Further to the intimation of SEAC, the proponent and engineer attended the meeting and the engineer made a power point presentation about the salient features of the project briefly. The Committee appraised the proposal based on Form 1, Form I A and conceptual plan. The Committee decided to DEFER the item for field visit and the sub-committee entrusted to specially look into the following aspects.
 - 1. The aerial distance from the Malabar Wild life sanctuary to the project site.
 - 2. Violation in the form of large scale excavations as is observed from the Google map of the area
 - 3. Considering other massive developments noticed from the map is there a need for insisting on a EIA study.
 - 4. 'Status of a portion of site classified as 'nilam' in the documents.
 - 5. Being an isolated property precaution to be taken against accidents like fire.
- 3. Site visit conducted on 23.6.2016 by subcommittee of SEAC and the proposal placed in 59th SEAC held on 11th &12th July 2016. Sth SEAC remarked that this proposed project is in Kodenchery Village in Kozhikkode Taluk. Kodenchery Village is a notified ESA Village as per the Order No.F.No.I-4/2012-RE(Pt.), Government of India, MoEF dated 13.11.2013. In the para 9(%) of the said order building and construction projects of 20,000 m² area or above are profibited. The present project involves construction of four buildings having a total built up area of 1,45,000 m². Since this area far exceeds the permissible limit of construction in ESA Village the committee recommend to reject the proposal.
- 4. On 23-08-2016, the proponent submitted a representation to reconsider the proposal and has undertaken that "we are ready to fix the area of construction of each individual building to less than 20,000 sq.m and the area of the project to less than 1,50,000 sq.m and revise our plan accordingly." The proposal was considered in the 58th meeting of SEIAA held on 8th September 2016. The Authority found that the project is a category 8(b) project but appraised under 8(a) and referred the proposal to SEAC for reappraisal as the project comes under the category of 8(b)

- 5. The proposal was considered in the 63rd Meeting of SEAC held on 04TH October, 2016. The SEAC committee remarked that only proposals for townships and area development covering an area more than 50 ha and or built up area more than 1,50,000 sq. m fall under such category. The present proposal is not such a project & hence it cannot be categorized as 8 (b). Hence the Committee decided not to change its earlier decision in the matter. The suggestion of the proponent to bring down the area of the individual buildings to less than 20000 sq. m will not serve the purpose as the total area of adjoining constructions will be far in excess of the limitations brought out in the 13.11.2013 Notification of MoEF.
- 6. The proposal was placed before the 61st SEIAA meeting held on 30-11-2016. The Authority noted that the present project involves construction of four buildings having a total built up area of 1, 45,000 m². And hence it is appraised as Category 8(a). Since this area far exceeds the permissible limit of construction in ESA Village the Committee in its 59th meeting recommended to reject the proposal.

 16 161st SEIAA meeting, the Authority decided to accept recommendation of SEAC to reject the proposal as per the 59th & 63rd minutes of SEAC.
- 7. Sri. C Anwar Sadath, Director, Calicut Landmark Builders & Developers (India), Pvt Ltd. submitted a request on 26.05.2017 for reviewing the earlier decision of SEIAA to reject their application for EC. Proportion also informed that as per the Supreme court judgment dated 3.12.2010 in WP(C) 202 /2009 filed by f.N.Godavarman, Thirumulpad against Union of India, it has been clarified that townships with area below 1,50,000 sqmtrs should also obtain EC from SEIAA or MoEF. Calicut Landmark Builders & Developers (India), Pvt Ltd. has therefore submitted a petition to the Hon. Chief Minister to review the earlier decision of SEIAA to reject their application for EC. The proposal considered in 73rd SEIAA meeting held on 15.09.2017. Authority decided to obtain legal opinion in the matter from the Standing Counsel of NGT and Legal department of the State Government.
- 8. Meanwhile Environment department had forwarded the request of Sri.C.Anvar Sadath, Director, Calicut Landmark Builders & Developers (India) Pvt Ltd. to furnish the present status of the project. File had been placed before 98th SEIAA meeting held on 18th & 19th October 2019 and the authority decided to inform the proponent that the proposal was already rejected by SEIAA in its 61st meeting held on 30.11.2016, as the proposed project site falls

within the Ecologically Sensitive Area (ESA), and hence the proposal cannot be considered as per the existing norms of MoEF which prohibits such constructions in ESA to ensure the environmental stability of the region.

Hence letter had been issued to Sri. C. Anwar Sadath informing that their proposal cannot be considered as per the existing norms of MoEF as the proposed project site falls within the Ecologically Sensitive Area (ESA).

- 9. Sri. C. Anwar Sadath, the Director, Landmark builders submitted representations dated 30.10.2019 & 01/11/2019 with a request to reconsider their request for Environmental Clearance since their area is not falling under ESA land as per latest orders of MoEF and to give them a personal hearing to explain the facts. Accordingly they were invited for personal hearing.
- 10. Propoenent along with RQP attended the hearing on 99th SEIAA meeting held on 21st November 2019 during which the proponent submitted the order F No.1/9/2018-ESZ dt.03.12.2018 of MoEF exempting certain villages in Kerala from ESA, as per which the survey nos of the proponents project area do not fall in ESA. Further the Village Officer Kodenchery has provided a Certificate dt. 25.06.2019 that the said survey nos do not fall in ESA area. SEAC has already appraised the proposal and EC was held up because of ESA issue.

Authority decided to issue EC for 7 years subject to the following specific conditions in addition to the general conditions.

- 1. Proponent shall attend all the observations made by SEAC during appraisals of the project.
- 2. Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF & CC as directed by Director, Environment and supervised by District Collector.
- 3. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project (Circular No.J-11013/41/2006-IA.II(I) of GoI, MoEF dt.22.09.2008).

- 11. For clarification regarding the observations made by SEAC during appraisals of the project, the proposal was placed in 100th SEIAA meeting held on 23rd & 24th December 2019. Authority decided to issue EC subject to the condition that the proponent shall attend all observations made by SEAC during appraisal of the project. Hence to issue EC immediately. SEAC shall carry out post EC appraisal within one month and make specific recommendations if any, which shall be carried out by the proponent.
- 12. In this circumstance, Authority is pleased to issue Environmental Clearance as per the EIA Notification 2006 for the proposed "Township" Project at Sy Nos. 15/1& 33/1 at Kodenchery Village, Kozhikode Taluk & Kozhikode District, Kerala by Sri Anwar Sadath, Director, M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd. Landmark World, N.H.17 Bypass, Kozhikode, Kerala-673014, for seven years subject to the specific conditions in para 10 and 11 of this proceeding and the usual general conditions for projects other than mining appended hereto. Also the following green conditions should be strictly adhered to.

Green Conditions.

- 1. Adequate rain water harvesting facilities shall be arranged for.
- 2. Technology and capacity of the STP to be indicated with discharge point (if any) of the treated effluent.
- 3. Affluent water not conforming to specifications shall not be let out to water bodies.
- 4. Maximum reuse of grey water for toilet flushing and gardening and construction work shall be ensured.
- 5. Dual plumbing for flushing shall be done.
- 6. Provisions for disposal of e-wastes, solid wastes, non-biodegradables and separate parking facility for the buildings shall be provided.
- 7. Generation of solar energy to be mandatory for own use and/or to be provided to the grid.
- There shall be no compromise on safety conditions and facilities to be provided by the
 project proponent, which shall be ensured for occupation, regularisation or consent to
 operate.

- 13. The Clearance will also be subject to full and effective implementation of all the undertakings given in the application form, all the environmental impact mitigation and management measures undertaken by the project proponent in the documents submitted to SEIAA, and the mitigation measures and waste management proposal as assured in the Form-1 and Form-1A, Environment Management Plan as submitted. The assurances and clarifications given by the proponent in the application and related documents will be deemed to be part of these proceedings as conditions as undertaken by the proponent, as if incorporated herein.
- 14. Validity of this environmental clearance will be seven years from the date of issuance of this order, subject to earlier review in the event of non-compliance or violation of any of the conditions stipulated herein.
- 15. Compliance of the conditions herein will be monitored by Authority or its agencies and also by the regional office of the Ministry of Environment& Forests Government of India, Bangalore.
 - Necessary assistance for entry and inspection should be provided by the project proponent and those who are engaged or entrusted by him to the staff for inspection or monitoring.
 - II. Instances of violation if any shall be reported to the District Collector, Kozhikkode to take legal action under the Environment (Protection) Act 1986.
 - III. The Half Yearly Compliance Report (HYCRs) with its contents of a covering letter, compliance report and environmental monitoring data has to be in PDF format merged into a single document. The email should clearly mention the name of the project, EC No and date, period of submission and to be sent to the Regional Office of MoEFF & CC by email only at email ID rosz.bng-mefcc@gov.in, Hardcopy of HYCRs shall not be acceptable.
 - The given address for correspondence with the authorised signatory of the project is Sri Anwar Sadath, Director ,M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd., Landmark World, N.H.17 Bypass, Kozhikode, Kerala-673014)

SABITHA.S Administrator, SEIAA

To,

Sri Anwar Sadath, Director, M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd. Landmark World, N.H.17 Bypass, Kozhikode, Kerala-673014)

Copy to,

- 1. MoEF Regional Office, Southern Zone, Kendriya Sadan, 4th Floor, E&F Wing, II Block, Koramangala, Bangalore-560034.(through e-mail: rosz.bng-mefcc@gov.in)
- 2. The Principal Secretary to Government, Environment Department, Government of Kerala
- 3. The Director, Directorate of Environment & Climate Change, 4th Floor KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram, Kerala 695001.
- 4. District Collector, Kozhikkode
- 5. The Member Secretary, Kerala State Pollution Control Board
- 6. The District Town Planner, Kozhikkode
- 7. Tahsildar, Kozhikkode Taluk
- 8. Village Officer, Kodenchery Village, Kodenchery .P.O, Kozhikkode- 673580
- 9. Secretary, Kodenchery Panchayath, Kodenchery .P.O, Kozhikkode- 673580
- 10. Chairman, SEIAA.
- Website.
- 12 . S/f/ Q/c

GENERAL CONDITIONS (for projects other than mining)

- (i) Rain Water Harvesting capacity should be installed as per the prevailing provisions of KMBR / KPBR, unless otherwise specified elsewhere.
- (ii) Environment Monitoring Cell as agreed under the affidavit filed by the proponent should be formed and made functional.
- (iii) Suitable avenue trees should be planted along either side of the tarred road and open parking areas, if any, inclusive of approach road and internal roads.
- (iv) The project shall incorporate devices for solar energy generation and utilization to the maximum possible extent with the possibility of contributing the same to the national grid in future.
- (v) Safety measures should be implemented as per the Fire and Safety Regulations.
- (vi) STP should be installed and made functional as per KSPCB guidelines including that for solid waste management.
- (vii) The conditions specified in the Companies Act, 2013 should be observed for Corporate Social Responsibility.
- (viii) The proponent should plant trees at least 5 times of the loss that has been occurred while clearing the land for the project.
 - (ix) Consent from Kerala State Pollution Control Board under Water and Air Act(s) should be obtained before initiating activity.
 - (x) All other statutory clearances should be obtained, as applicable, by project proponents from the respective competent authorities including that for blasting and storage of explosives.
 - (xi) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Authority.
- (xii) The Authority reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
- (xiii) The stipulations by Statutor Authorities under different Acts and Notifications should be complied with, including the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.
- (xiv) The environmental safeguards contained in the EIA Report should be implemented in letter and spirit.
- (xv) Provision should be made for supply of kerosene or cooking gas and pressure cooker to the labourers during construction phase.
- (xvi) Officials from the Regional of MOEF, Banglore who would be monitoring the implementation of environmental safeguards should be given full co-operation, facilities and documents/data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF should be forwarded to the CCF, Regional Office of MOEF, Bangalore.
- (xvii) These stipulations would be enforces among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control Pollution) at 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.

Environmental Clearance is subject to final order of the Hon'ble Supreme Court of India (xviii) in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project. (xix)

Any appeal against this Environmental Clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under section

11 of the National Environment Appellate Act, 1997.

The project proponent should advertise in at least two local newspapers widely circulated (xx)in the region, one of which (both the advertisement and the newspaper) shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the Department of Environment and Climate Change, Govt. of Kerala and may also be seen on the website of the Authority at www.seiaakerala.org. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same signed in all pages should be forwarded to the office of this Authority as confirmation.

A copy of the clearance letter shall be sent by the proponent to concerned (xxi) GramaPanchayat/ District Panchayat/ Municipality/Corporation/Urban Local Body and also to the Local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The Environmental Clearance shall also be put

on the website of the company by the proponent,

The proponent shall submit half yearly reports on the status of compliance of the (xxii) stipulated EC conditions including results of monitored data (noth in hard copies as well as by e-mail) and upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the respective Regional Office of MoEF, Govt. of India and also to the Directorate of Environment and Climate Change, Govt. of Kerala.

The details of Environmental Clearance should be prominently displayed in a metallic (xxiii) board of 3 ft x 3 ft with green background and yellow letters of Times New Roman font

of size of not less than 40.

The proponent should provide notarized affidavit (indicating the number and date of (xxiv) Environmental Clearance proceedings) that all the conditions stipulated in the EC shall be scrupulously followed.

SPECIFIC COMPILIONS

I. Construction Phase

"Consent for Establishment" shall be obtained from Kerala State Pollution Control i. Board under Air and Water Act and a copy shall be submitted to the Ministry before start of any construction work at the site.

All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.

A First Aid Room will be provided in the project both during construction and iii.

operation of the project.

- Adequate drinking water and sanitary facilities should be provided for construction iv. workers at the site, Provision should be made for mobile toilets. The safe disposal of wastes generated during the construction phase should be wastewater and solid ensured.
- All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.

vi. Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.

vii. Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.

- viii. Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water.
 - ix. Any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms with necessary approval of the Kerala State Pollution Control Board.
 - x. The diesel generator sets to be during construction phase should be low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.
 - xi. The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.
- xii. Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to the applicable air and noise emission standards and should be operated only during non-peak hours.
- xiii. Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/KSPCB.
- xiv. Fly ash should be used as building material in construction as per the provisions of Fly Ash Notification of September, 1999 and amended as on 27th August 2003. (The above condition is applicable Power Stations).
- xv. Ready mixed concrete must be used in building construction.
- xvi. Storm water control and its revise per CGWB and BIS standards for various applications.
- xvii. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- xviii. Permission to draw ground shall be obtained from the Computer Authority prior to construction/operation of the project.
- xix. Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.
- xx. Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.
- xxi. Use of glass may be reduced by upto 40% to reduce the electricity consumption and load on airconditioning. If necessary, use high quality double glass with special reflective coating in windows.
- xxii. Roof should meet prespective requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfil requirement.
- xxiii. Opaque wall should meet perspective requirement as per energy Conservation Building Code which is proposed to be mandatory for all airconditioned spaces while it is aspirational for non-airconditioned spaces by use of appropriate thermal insulation material to fulfil requirement.

The approval of the competent authority shall be obtained for structural safety of the xxiv. buildings due to earthquake, adequacy of fire fighting equipments, etc. as per National, Building Code including protection measures from lightening etc. XXV.

Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the

surroundings.

Under the provisions of Environment (Protection) Act, 1986, legal action shall be xxvi. initiated against the protect proponent if it was found that construction of the project has been started without obtaining environmental clearance.

II. Operation Phase

- The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the Ministry before the project is commissioned for operation. Treated affluent emanating from STP shall be recycled / reused to the maximum extent possible. Treatment of 100% grey water by decentralised treatment should be done. Discharge of unused treated affluent shall conform to the norms and standards of the Kerala State Pollution Control Board. Necessary measures should be made to mitigate the odour problem from STP.
- The solid waste generated should be properly collected and segregated. Wet garbage ii. should be composted and dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
- Diesel power generating sets proposed as source of back up power for elevators and iii. common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Kerala State pollution Control Board.

Noise should be controlled to ensure that it does not exceed the prescribed standards. iv. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

The green belt of the adequate width and density preferably with local species along V. the periphery of the plot shall be raised so as to provide protection against particulates and noise.

Weep holes in the compound walls shall be provided to ensure natural drainage of vi.

rain water in the catchment area during the monsoon period.

Rain water harvesting for roof run-off and surface run-off, as plan submitted should vii. be implemented. Before recharging the surface run off, pre-treatment must be done to remove suspended matter, oil and grease. The borewell for rainwater recharging should be kept at least 5 mts above the highest ground water table.

The ground water level and its quality should be monitored regularly in consultation viii.

with Central Ground Water Authority.

Traffic congestion near the entry and exit points from the roads adjoining the ix. purposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.

A Report on the energy conservation measures confirming to energy conservation X. norms finalise by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors etc and submit to the Ministry in three months time.

- xi. Energy conservation measures like installation of CFLs/TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible.
- xii. Adequate measures should be taken to prevent odour problem from solid waste processing plant and STP.
- xiii. The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation

III Post Operational Phase

Environmental Monitoring Committee with defined functions and responsibility should foresee post operational environmental problems e.g. development of slums near the site, increase in traffic congestion, power failure, increase in noise level, natural calamities, and increase in suspended particulate matter etc. solve the problem immediately with mitigation measures

Administrator, SEIAA