



Item No	8
Board Meeting No.	605
Date of Meeting	July 2017 11.8.17
Sponsoring HOD.	<b>ACP(BP)</b>

**Subject: Proposal of Formation of Environment Cell and Committee for granting Environmental Clearance**

**A. Issues for consideration :**

- Formation of Environment Cell to grant Environment clearance integrated with Building permission for projects with BUA greater than 20000 sqmt up to 150000
- Formation of Committee for approval of the proposal put by Environment Cell.
- Approval of scrutiny charges and payment to experts of the Environment Cell
- Creation of portal for public disclosure of the projects obtaining Environment clearance and to update the status regarding the same.

**B. Nature of Approval**

Appraisal Note	Allotment	Administrative Approval	Financial Approval	Policy	Others (Pl. specify)
✓		✓		✓	

**C. Details about the proposal :**

**I. BACKGROUND:**

The Ministry of Environment, Forest and Climate change (MoEFCC) has made amendments in the Environment Notification, 2006 for incorporating Integration of Environmental Conditions in Building Byelaws at Local authority level vide Notification no. S.O. 3999(E) dated 9<sup>th</sup> December 2016. As per the amended Notification:

*Shankar*

11

11



**a. Projects with built-up area between 5000sqmt to 20,000 sq. mtr.**

Qualified Building Environment Auditor (QBEA) will have to file a 'Self declaration Form' to comply with the environmental conditions in a prescribed format, Form 1A and certify.

**b. Projects with built-up area between 20,000sqmt to 1,50,000 sq. mt-**

will have to submit online application in Form 1A along with specified fees to the Environment Cell formed by the planning authority, which will process the application and present the proposal with its recommendations to the Committee. The Committee will study the project and stipulate environmental conditions to be integrated in the building permission. After recommendations of the Committee, the building permission and environmental clearance will be issued in an integrated format by the Planning Authority.

**c. Projects with built-up areas from 1,50,000 sqmt to 3,00,000 sq. mt -**

The environment clearance will be issued by the State Level Environment Impact Assessment Authority.

**II. Directives of Government of Maharashtra**

a. As per Amended Environment Notification dated 9.12.2016 proposal, MOEFCC vide their office memorandum FNo19-159/2014-1A III/dated 15/03/2017 has concurred with the State Government to adopt the proposed Environmental norms in the Development Control Regulations of local authorities for all building and construction projects from 5000 to 1,50,000sq.m. of built up area.

b. GOM had issued directives under section 154(1) and section 37 (1AA) (a) of MRTP Act 1966, dated 13/04/2017 (C/13 - C/35) to *all local authorities to start immediate implementation of proposed Green Norms as mentioned in the amended notification dated 9/12/2016 while sanctioning building permissions along with their prevailing DCRs*

c. GOM Vide notification dated 28/6/2017 GOM has given sanction as per section 37(1AA) (c) to the proposed modification in respect of 'Integration of Environmental norms / Conditions in DCR' indicated in Schedule A of the notifications for all planning authorities in Pune and Konkan Division. Copy placed as Annexure-I.

*Shewalk*

11



Thus the said notification is applicable to Navi Mumbai, Palghar and NAINA projects at present. It is therefore, necessary to form an Environment cell in CIDCO for processing Environment Clearance of projects in Navi Mumbai, Palghar and NAINA

**D. Proposal**

I. The Government notification dated 28/6/2017 regarding 'Integration of Environmental norms / Conditions in DCR' is hereby proposed to be adopted in its sanctioned format including the schedules and appendices

II. **Formation of Environment cell**

The Environment Cell will consist of minimum 5members, (3 internal in-house experts & 2 external experts ), however there is no restriction on the maximum nos of members required. CIDCO may, depending upon the size of the projects and expertise required for the same, decide the composition of the cell. It is accordingly proposed to form the Environment Cell the composition of which shall be finalized with approval of Jt MD and VC & MD

• **Responsibilities of the Environment cell**

- Application shall be submitted online in Form 1A along with specified fee, and the Environment Cell will review the application and present it in the meeting of the Committee for its approval. The additional environmental conditions if required shall be finalised within 30 days of the submission of the application
- The Environment Cell shall randomly check the projects compliance status including the five years audit reports.
- As prescribed in the notification, it is mandatory to all the project proponents to submit the proposals in the prescribed format online. For which the Environment Cell shall maintain an online portal to make the online system for application and payment of fees, upload database of all applications received, projects approved, the compliance audit reports etc

➤ **On line Portal:**

The portal is required to be made for public disclosure of projects obtaining Environment Clearance and updates of its status. It will provide project details including self certification and compliance audit reports filed by the QBEAs for public scrutiny of compliances of environment conditions by the project. The portal could be built on the same lines as the current SEIAA portal.

*Shankar*

12



- **Staff requirement of Environment cell**

In order to ensure smooth functioning of the cell, it is necessary that there should be some permanent staff posted in the cell. For this purpose it is proposed to post initially 1 A.E.E., 2A.E.s and the supporting staff mainly 1 C/T & Stenographer. This cell initially shall work under SE(HQ).

### **III. Fees & Penalty:**

The Environment Department, Government of Maharashtra vide G.R. dated 02/05/2014 has stipulated certain fees to be collected for the proposals based on their project cost. The fees prescribed by the Government range from Rs.1.0 lac to Rs.15.0 lacs based on the project cost. Copy of the G.R dated 12/05/2014 and the GOM office order dated 12/06/2014 based on it is placed as Annexure – II for reference.

Similarly, the amount to be paid to the members presiding over SEAC (State Expert Appraisal Committee) and SEIAA (State Environmental Impact Assessment Authority) has also been prescribed in the same G.R.

It is proposed that the amount prescribed by Environment Department, GOM amended from time to time, may be adopted by CIDCO for collecting the fees and payment to be made to the external experts on the lines of the above G.R.

In addition to the above CIDCO may consider additional charges keeping in view of Solid Waste Management, Collection of Water development charges etc., based on the location of the project such as NAINA, New Towns etc. The Environment Cell may assess the project wise requirement of CIDCO and submit the proposal accordingly. The amount of these fees shall be deposited in a separate bank account.

The Environment Cell shall decide the financial penalty to be levied and recommend the same to the Committee, which with its recommendation will submit the same to VC & MD for approval. The Cell shall recommend to accrediting body and CIDCO against QBEA if any lapses are found in their work .

In case of CIDCO's own proposals the proposed fee structure is not applicable. Similarly VC & MD or Jt MD may assess the penalties in case of

*Shree...*

11



c/26  
c/304  
c/299

any default while implementing the conditions stipulated by the appointed QBEA or the Committee

**IV. Formation of Committee for approval of the proposals:**

As stipulated in the notification of GOM, the proposals scrutinized /recommended by the Environmental Cell shall be submitted to the Committee for final recommendation. Based on the recommendation of the Committee, the building permission will be issued in integrated format incorporating the conditions stipulated by the Committee by the Building Permission Section.

It is proposed to form the Committee urgently and is proposed as under:

- Jt. M.D.-1 : Chairman
- CE(NM) : Member
- ACP(NAINA) : Member
- ACP(BP) : Member

After assessment of proposals submitted by Environmental Cell, the Committee may recommend the proposals with or without additional conditions based on the recommendations of the Committee the Building Permission Section will grant the permissions.

**E. FINANCIAL IMPLICATION:**

The scrutiny fees charged and the payment to be made to the external experts shall be as per the GOM office order dated 12/6/2014 based on GOM GR dated 2/5/2014 and amended by the government from time to time. Also CIDCO may levy penalty as may be recommended by the Environment Cell for defaulters who do not implement the stipulated conditions

**F. LEGAL REQUIREMENTS/IMPLICATIONS/PROVISIONS:**

The formation of Environment Cell is as per the GOM notification dated 28/6/2017 adopting the Environment norms as per MOEF notification dated 9.12.2016 for granting Environment Clearance integrated with building permission by CIDCO and is applicable to Navi Mumbai and NAINA project.

*Shankar*

**G. WHETHER INFORMATION CAN BE PROVIDED UNDER RTI: Yes**

**H. DATE OF APPROVAL OF THE AGENDA NOTE BY VC&MD/JT.MD: 20.7.2017**



**I. WHETHER CONTINUATION OF DEFERRED OR FRESH ITEM:** Fresh Item.

The Board may pass the following resolutions with or without modifications:

**DRAFT RESOLUTION NO.:**

- (1) **"RESOLVED THAT** the Board do and hereby approve the proposal to adopt Government of Maharashtra notification dated 28/6/2017 regarding 'Integration of Environmental norms / Conditions in its sanctioned format including the schedules and appendices
- (2) **"RESOLVED FURTHER THAT** the Board do and hereby approve the proposal of formation of the Environment Cell and Committee for granting Environment Clearance for Projects having Built up area in the range of 20,000 sq.mt to 1,50,000 sq.mt integrated with Building permission
- (3) **"RESOLVED FURTHER THAT** Jt. MD and VC & MD be and are hereby empowered to decide the composition and number of members of the Environment cell; the scales of penalties to be levied based on Committee's recommendation".
- (4) **"RESOLVED FURTHER THAT,** The Board do and hereby approve the scrutiny fee proposed in the Agenda note as per the GOM office order dated 12/6/2014 based on the G.R. dated 02/05/2014 and authorize the VC & MD for deciding the penalty structure, additional charges based on MoEFCC notification and its subsequent amendments, for smooth implementation of the Government notification dated 28/6/2017".
- (5) **"RESOLVED FURTHER THAT,** CIDCO's own projects are exempted from the said fee structure and authorize the VC & MD to decide the penalties if any to be levied for CIDCO's projects.
- (6) **"RESOLVED FURTHER THAT,** the VC & MD/JMD be and is hereby authorized to implement the above Resolutions".
- (7) **"RESOLVED FURTHER THAT,** these Resolutions be implemented without waiting for confirmation of the Minutes"

*Shankar*

**Initiated by**

**Signature :**

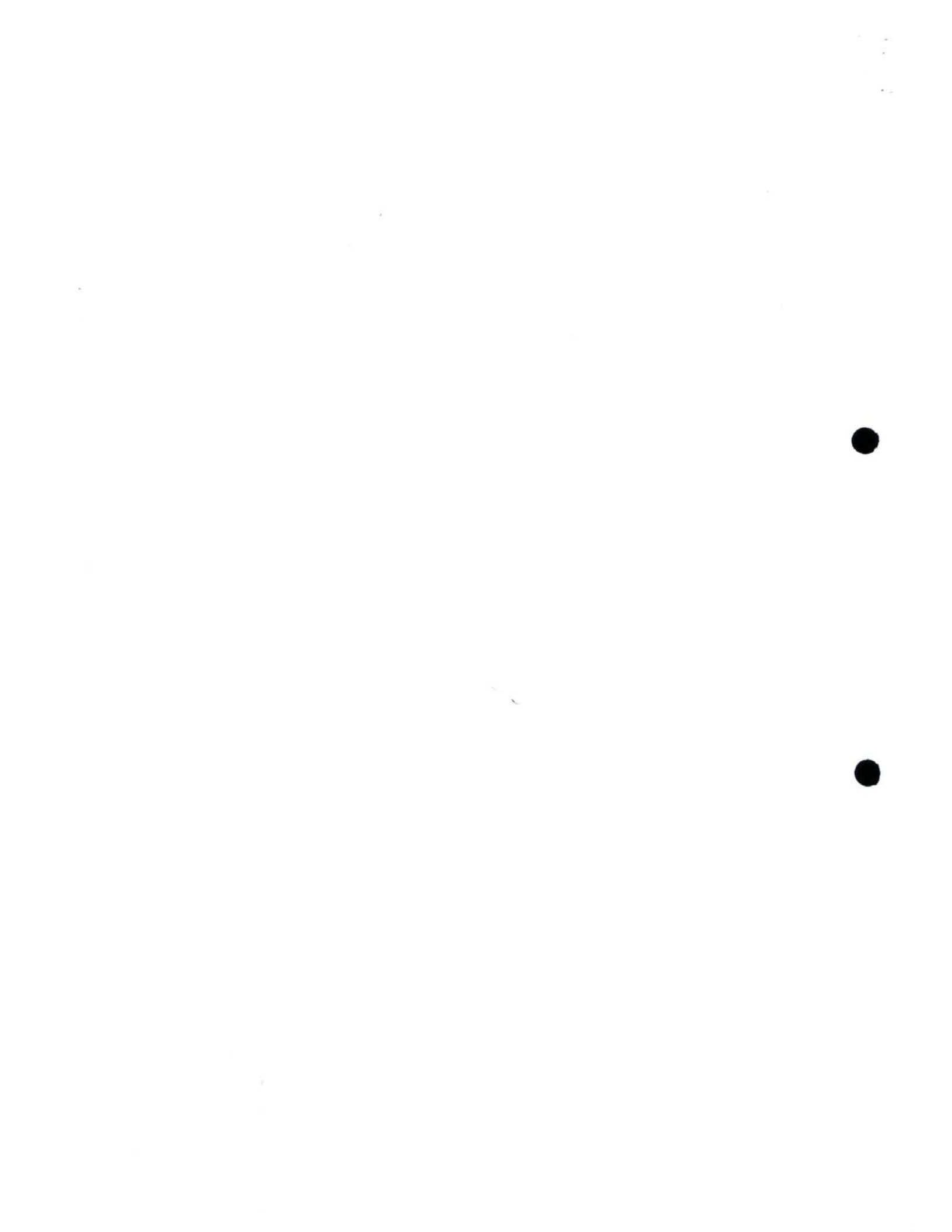
*Ravi Kumar*

**Name : K.V.R.K. Ravi Kumar**

**Designation: ACP(BP/DP/NT)**



P. T. O.





**Item No. 8/ 605 BM :** Proposal of Formation of Environment Cell and Committee for granting Environmental Clearance.

After discussions, the Board unanimously passed the following Resolution:



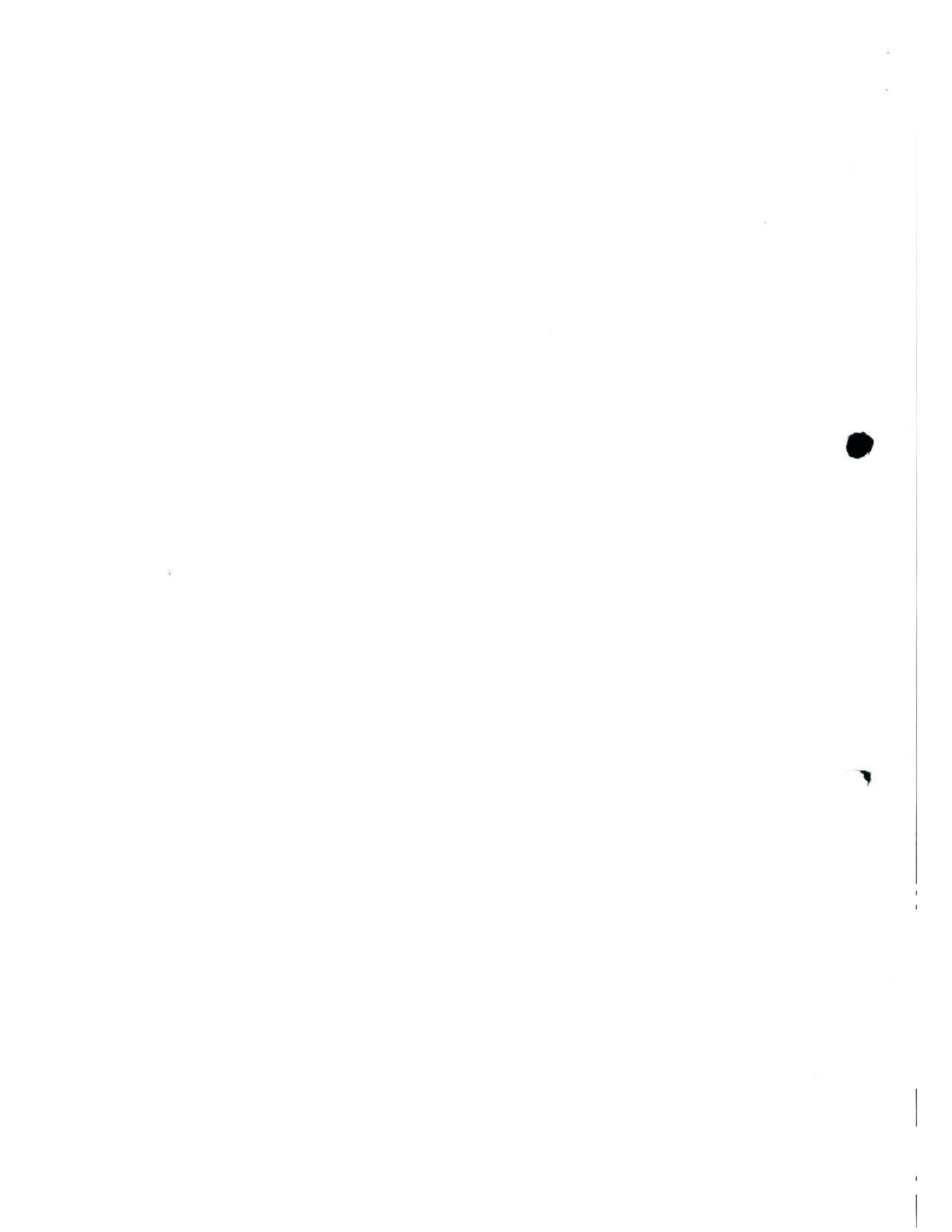
**RESOLUTION NO: 11901**

- (1) **"RESOLVED THAT** the Board do and hereby approve the proposal to adopt Government of Maharashtra notification dated 28/6/2017 regarding 'Integration of Environmental norms / Conditions in its sanctioned format including the schedules and appendices."
- (2) **"RESOLVED FURTHER THAT** the Board do and hereby approve the proposal of formation of the Environment Cell and Committee consisting of following for granting Environment Clearance for Projects having Built up area in the range of 20,000 sq. mtrs. to 1,50,000 sq. mtrs. integrated with Building Permission:
- i) Jt.MD-I : Chairperson
  - ii) CE(NM) : Member
  - iii) CA&P : Member - [Other than NAINA areas]
  - iv) ACP(NAINA) : Member - [ NAINA areas ]
  - v) ACP(BP) : Member Secretary."
- (3) **"RESOLVED FURTHER THAT** Jt. MD and VC & MD be and are hereby empowered to decide the composition and number of members of the Environment cell; the scales of penalties to be levied based on Committee's Recommendations."
- (4) **"RESOLVED FURTHER THAT,** The Board do and hereby approve the scrutiny fee proposed in the Agenda Note as per the GOM Office Order dated 12/6/2014 based on the G.R. dated 02/05/2014 and authorize the VC & MD for deciding the



P.T.O.





CIN-U99999MH1970SGC014574



penalty structure, additional charges based on MoEFCC Notification and its subsequent amendments, for smooth implementation of the Government Notification dated 28/6/2017."



(5) "RESOLVED FURTHER THAT, CIDCO's own projects are exempted from the said fee structure and authorize the VC & MD to decide the penalties, if any, to be levied for CIDCO's projects."

(6) "RESOLVED FURTHER THAT, the VC & MD/JMD be and is hereby authorized to implement the above Resolutions without waiting for confirmation of the Minutes."



<p>Passed by the Board vide Resolution No.  <u>11901</u> of Board meeting held on  <u>11-08-2017</u>.</p> <p style="text-align: right;"><i>P. Rath</i>  Company Secretary  Emp. No. 34023</p>
---

