

State Environment Impact Assessment Authority, M.P. (Government of India, Ministry of Environment & Forests)

Research and Development Wing
Madhya Pradesh Pollution Control Board
Paryavaran Parisar, E-5, Arera Colony
Bhopal-4620 16
visit us <http://www.mpseiaa.nic.in>
Tel:0755-2466970, 2466859
Fax : 0755-2462136

No: 1899 / SEIAA/13
Date:

Registered Post

To,

Dr. Vinod Bhandari Director
M/s Sri Aurbindo Institute of Medical Sciences, Indore
Ujjain State Highway, Gram Bhanwarasala,
Tehsil Sanwer, Distt. Indore (MP)-453111
E-mail help @ saimsonline.com

Sub:- Case No. 839/2012 Environmental Clearance for Proposed Sri Aurobindo Institute of Medical Sciences (800 bedded hospital) at Khasra Nos. 14/1/1,14/2,14/1/1,24/1 P(2),8,24/2, 25/3, 23/2, 6/2/2, 7/3,23/1P,26/2 Ujjain State Highway, Gram Bhanwarasala, Tehsil Sanwer, Distt. Indore (MP) Total plot area 14.788 ha and total built up area of 1,42,770.16 sqm by M/s Sri Aurbindo Institute of Medical Sciences through Director Dr. Vinod Bhandari, Indore-Ujjain State Highway, Gram Bhanwarasala, Tehsil Sanwer, Distt. Indore (MP)-453111 E-mail help @ saimsonline.com

The case was examined in 149th SEIAA meeting dated 26.09.13 and it was recorded that:-

- (i) The application for prior Environmental Clearance was submitted by PP (dtd 14.08.12 received in SEIAA office on 16.08.12) for expansion of building and construction of Medical Institute, Gram Bhanwarasala, Tehsil – Sanwer, Distt Indore. The land area details are as follows :-

Existing area T & CP approval 2004	Khasra no. 14/1/2, 14/2, 14/1/1, 15 P, 24/5, 25/3, 24/2, 23/2, 8, 23/1, 6/2/2, 7/3, 1/2, 3/1	14.741 ha
Proposed T & C P approval 2008 (Expansion)	6/2/2/2, 7/3/2, 26/2, 23/1, 24/4/1, 25/2, 24/1/1, 8	4.451 ha
Total		19.192 ha
Total built up area		141229.148 sqm
Expansion in built up area		16481.92 sqm

- (ii) Case was sent to SEAC (vide letter dtd 07.09.12) for appraisals under EIA Notification, 2006.
- (iii) PP vide letter dtd 25.09.12 received in SEIAA office on 25.09.12 submitted a copy of resolution passed in the meeting of Board of Directors regarding construction activities already done by PP. The case was under examination in SEAC. As per direction of MS, SEIAA (vide letter no. 1762 dtd 18.12.12) the resolution was returned to PP. He was directed to stop the construction work with immediate effect till he get EC. A copy of this letter was endorsed to Collector, Indore, Commissioner Nagar Nigam, Member Secretary, SEAC, Member Secretary, MPPCB for information and necessary action.
- (iv) SEAC in its 106th meeting dtd 10.10.12 has recorded that "It appears a clear cut case of violation of EIA notification. PP has already constructed more than 1,24,747 sqm of built up area between 2004 and 2011 without obtaining any Environmental Clearance from the competent Authority and has now, applied for expansion. As there was no EC, the question of consideration for expansion does not arise. However, the committee decided that ground visit by a subcommittee is necessary to know the facts and status of construction at site. The Committee has earlier decided to visit the site to examine the STP and ETP already installed and operational in the project. It was decided that the same subcommittee may visit this aspect of the project also and submit its report in the next meeting of SEAC so that appropriate decision may be taken in this case....."
- (v) PP vide letter (dtd 10.01.13) submitted revised application for the proposed project along with the details of building area, built up area and year of construction etc (Annex-C attached in the Form-1).

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- **Correspondence Address:** Member Secretary, SEIAA, Environmental Planning and Coordination Organization (EPCO), Paryavaran Parisar, E-5, Arera Colony, Bhopal - 462016
 - **Registration No.:** To be quoted in registered cases for correspondence

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- (vi) PP has submitted (vide letter dtd 31.01.13) undertaking regarding construction work already done to SEIAA with CC to SEAC. SEIAA office vide letter dtd 20.02.13 forwarded the same to SEAC, as the case was being appraised by SEAC.
- (vii) SEAC in its 119th mtg. dtd. 02.02.13 ".....Project proponent had submitted a revised proposal through SEIAA which reveals that total project area is 14.788 Ha with built-up area of 1, 42,770.16 m². The construction is already in place and the project is operational. Presently, no new construction is proposed in the project. It was reported by the PP that the construction was carried out by the PP in phases between 2004 to 2008 as per the approvals of Town & Country Planning department. It was observed by the committee that the project is already complete and is operating since long. Thus it is a clear case of violation. Accordingly the PP has to submit a resolution passed from its Board of Directors on an Affidavit as per the MoEF O.M. No. J-11013/41/2006 dated 16/11/2010 and J-11013/41/2006-IAII(I) dated 12/12/2012. SEIAA may also take appropriate action in the matter as per the provisions of EIA notification and above referred Office memorandum.....". **PP was also asked to submit information regarding additional queries. It is noted that the case file was not sent to SEIAA for further action.**
- (viii) PP (vide letter dtd 22.04.13) submitted reply regarding the queries.
- (ix) PP (vide letter dtd 04.05.13) submitted resolution (dtd 01.04.13) which was forwarded to SEAC vide letter dtd. 30.05.13. As per the resolution dtd 01.04.13 signed by Dr. Vinod Bhandari, Chairman, Sri Aurbindo Institute of Medical Sciences, it is mentioned in Para 2 that"....."the total built up area in our premises got enhanced up to 142770.16 sqm in a phased wise manner starting from 2003 to 2012...." again in Para 4 it is mentioned that "the society should have applied and obtained prior EC for any construction of more than 20,000 sqm the same has not been obtained for our project in question which is violation of the provision of EIA Notification and punishable under EP (Act)-1986....".....
- (x) It is noted that as per the Annexure -C submitted vide PP letter dtd 10.01.13 received in SEIAA office on 10.01.13 along with revised application, the details of built up area with year wise construction have been given. As per the table (Annexure-C) the total constructed area up to year 2005-06 is to the tune of 50% and the rest has been constructed between 2006-07 to 2011-12. After examining the facts in depth the Authority is of the view that even after the EIA Notification 2006 the construction activities were going on for 6 years, PP has constructed 100% (till 2012) of the total built up area which is serious violation of the EIA Notification, 2006 hence **it is decided that :-**
- (a). **The case is rejected outrightly for grant of prior EC as per Para 7 of the Memorandum No. J-11013/41/2006-IA.II (I) dtd 12.12.12 issued by the Ministry of Environment & Forests, Gol.**
- (b). A letter should be sent to Principal Secretary, GoMP, Housing and Environment giving the details of PP and violation done by him, copy of resolution submitted by PP to take action as per Office memorandum of MoEF, Gol J-11013/41/2006 IA II (I)dt. 12.12.2012 (Para 2) "to initiate credible action on the violation by invoking powers under section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under section 15 of the Act for the period for which the violation has taken place and evidence provided to MoEF of the credible action taken." **The details of legal action taken by the Principal Secretary H&EN GoMP should be made available to the Authority by 30.11. 2013.**
- (c). The details of project proponent, a copy of commitment and Resolution (submitted by PP vide letter dtd. 04.05.13 received in SEIAA office on 04.05.13) passed in the meeting of the Board of Directors (dtd 01.04.13) of M/s Sri Aurbindo Institute of Medical Sciences through Director Dr. Vinod Bhandari, Indore should be put on the website of MPSEIAA for information of all stake holders.

Cont...&..

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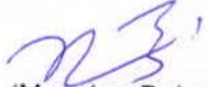
(d). A letter should be sent to MoEF, Gol giving the details of PP stating that 100% construction has been done by PP and seek clarification / direction in this particular case so as to what further action be taken as per section 5 of Environment (Protection) Act, 1986 as in MoEF, Gol Office Memorandum No. J-11013/41/2006-IA.II (I) 12.12.12 no clear instructions are given for cases who have completed 100% construction before applying for prior EC.

(e). A letter should be written to PP and all concerned informing the above decision."

In the light of above you hereby informed that the Authority has decided to reject the case outrightly for grant of prior EC as per Para 7 of the Memorandum No. J-11013/41/ 2006-IA.II (I) dtd 12.12.12 issued by the Ministry of Environment & Forests, Gol.


Endt No. 1900 / SEIAA/ 13

Dated 1-11-13


(Manohar Dubey)
Member Secretary

Copy to:-

1. Principal Secretary, Housing and Environment Department, Government of Madhya Pradesh, Mantralaya, Bhopal.
2. Member Secretary, SEAC, Research and Development Wing Madhya Pradesh Pollution Control Board, Paryavaran Parisar, E-5. Arera Colony Bhopal-462016.
3. Member Secretary, Madhya Pradesh Pollution Control Board, Paryavaran Parisar, E-5, Arera Colony, Bhopal-462016.
4. The Collector, Distt- Indore -M.P.
5. The Commissioner, Municipal Corporation, Indore.
6. The Jt. Director, Town & Country Planning, Indore.
7. I.A. Division, Monitoring Cell, MoEF, Gol, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi- 110 003.
8. Director (S), Regional office of the MOEF, (Western Region), Kendriya Paryavaran Bhawan, Link Road No. 3, Ravi Shankar Nagar, Bhopal-462016.
9. Guard file.


(Dr. Vinita Vipat)
Officer-in-Charge

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