

**SPEED POST**

**STATE LEVEL EXPERT APPRAISAL COMMITTEE, WEST BENGAL**

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**Memo No:** 684-2N-43/2015(E)

**Dated:** 05 <sup>12</sup> .11.2018

To,

M/s. Brisk Sales Pvt. Ltd. & Others

99A, Park Street, PS – Park Street,

Kolkata – 700 016.

**Sub:** Residential Complex at Mouza – Raigachi No. 1, JL No. 12, RS/LR Dag Nos. 615(p), 620, 621, 622, 623, 624, 625, 627, 628, 629, 630(p), 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650(p), 651(p), 652, 653, 654, 655, 656, 657, 589/658(p) & 639/734, AAIC/OP/30, AAIC/OP/31, AAIC/OP/32, AAIP/OP/33, AAIC/OP/34, PO & PS – Rajarhat, under Rajarhat Bishnupur No. 1 Gram Panchayat, Vill – Raigachi, Rajarhat Main Road, Kolkata – 700 135, Dist – North 24 Parganas, West Bengal by M/s. Brisk Sales Pvt. Ltd. & Others – Terms of Reference – reg.


Sir,

1. This refers to your online proposal No. SIA/WB/NCP/22933/2018 along with the details in prescribed Form-1 for consideration in terms of the provisions of this Ministry's Notification No.S.O.804(E) dated 14.03.2017 and S.O. 1030 (E) dated 08.03.2018 and for prescribing terms of reference (ToRs) accordingly.
2. M/s. Brisk Sales Pvt. Ltd. & Others has constructed 39121.215 sq.mt. built-up area at Mouza – Raigachi No. 1, JL No. 12, RS/LR Dag Nos. 615(p), 620, 621, 622, 623, 624, 625, 627, 628, 629, 630(p), 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650(p), 651(p), 652, 653, 654, 655, 656, 657, 589/658(p) & 639/734, AAIC/OP/30, AAIC/OP/31, AAIC/OP/32, AAIP/OP/33, AAIC/OP/34, PO & PS – Rajarhat, under Rajarhat Bishnupur No. 1 Gram Panchayat, Vill – Raigachi, Rajarhat Main Road, Kolkata – 700 135, Dist – North 24 Parganas, West Bengal.
3. In terms of EIA Notification 2006 and amendments thereof, the project falls within the purview of environment clearance.
4. M/s. Brisk Sales Pvt. Ltd. & Others has failed to get prior environmental clearance as per statutory provisions of EIA Notification
5. M/s. Brisk Sales Pvt. Ltd. & Others has submitted the application form for obtaining necessary Environmental Clearance as per Govt. of India Notification No.S.O.804(E) dated 14.03.2017, S.O.1030(E) dated 08.03.2018 and Office Memorandum issued by the Ministry of Environment, Forest & Climate Change, dated 15.03.2018 and 16.03.2018.
6. The Ministry has issued a Notification vide S.O. 1030 (E) dated 08.03.2018 for appraisal of projects for grant of Terms of Reference (ToR) / Environmental Clearance (EC), which have started the work on site, expanded the production beyond the limit of environmental clearance, or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006.
7. The proposal was considered by the State Level Expert Appraisal Committee (SEAC), for appraisal of the proposals for ToR/EC in pursuance of the Ministry's Notification S.O. 1030 (E) dated 08.03.2018, in its 160<sup>th</sup> meeting held on 10.08.2018 and 164<sup>th</sup> meeting held on 20.11.2018 respectively. The SEAC,



after deliberations on the proposal in terms of the provisions of the Notification S.O. 1030 (E) dated 08.03.2018, confirmed the case to be a violation of the EIA Notification, 2006.

8. The SEAC, in pursuance of the provisions of its Notification S.O. 1030 (E) dated 08.03.2018, hereby grants Terms of Reference (ToR) for undertaking Environment Impact Assessment (EIA) and preparation of Environment Management Plan (EMP) and specific ToR for the assessment of ecological damage, remediation plan and natural and community resource augmentation plan as enumerated in Annexure for proposed residential complex at Mouza – Raigachi No. 1, JL No. 12, RS/LR Dag Nos. 615(p), 620, 621, 622, 623, 624, 625, 627, 628, 629, 630(p), 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650(p), 651(p), 652, 653, 654, 655, 656, 657, 589/658(p) & 639/734, AAIC/OP/30, AAIC/OP/31, AAIC/OP/32, AAIP/OP/33, AAIC/OP/34, PO & PS – Rajarhat, under Rajarhat Bishnupur No. 1 Gram Panchayat, Vill – Raigachi, Rajarhat Main Road, Kolkata – 700 135, Dist – North 24 Parganas, West Bengal by M/s. Brisk Sales Pvt. Ltd. & Others with the following conditions:-
- The project proponent should abide by The West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 and subsequent rules. The proponent should undertake plantation of trees over at least 20% of the total area.
  - Total paved area of site under parking, roads, paths or any other use should not exceed 25% of the site area.
  - The project proponent should submit a compliance report of the Notification issued by SEIAA, WB vide No. 3435/EN/T-II-1/011/2018 dated 30.10.2018.
9. In view of the order dated 14.03.2018 of Hon'ble High Court of Judicature at Madras in WP No. 11189 of 2017, public hearing has been exempted.
10. The ToRs are valid for a period of three years, which can be extended for a maximum period of one year provided an application in this regard is submitted by the project proponent, well before expiry of the validity period.
11. Further, based on the statutory provisions and the relevant notifications of MoEF & CC, the SEAC approved the following:-
- The State Pollution Control Board to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC.
  - The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by the State Level Expert Appraisal Committee and finalised by the concerned Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after recommendation by regional office of the Ministry, State Level Expert Appraisal Committee and approval of the Regulatory Authority.

  
(Dr. Subrat Mukherjee, I.F.S.)  
Secretary, State Expert Appraisal Committee,  
West Bengal

  
(Dr. Tapan Kumar Mukherjee)  
Chairman, State Expert Appraisal Committee,  
West Bengal



Terms of Reference for EIA and preparation of Environment Management Plan (EMP)

- Project description, its importance and the benefits,
- Project site details (location, toposheet of the study area of 10 km, coordinates, google map, layout map, land use, geological features and geo-hydrological status of the study area, drainage),
- Land use as per the approved Master Plan of the area, Permission/approvals required from the land owning agencies, Development Authorities, Local Body, Water Supply & Sewerage Board, etc,
- Land acquisition status, R&R details,
- Forest and Wildlife and eco-sensitive zones, if any in the study area of 10 km - Clearances required under the Forest (Conservation) Act, 1980, the Wildlife (Protection) Act, 1972 and/or the Environment (Protection) Act, 1986,
- Baseline environmental study for ambient air (PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub> & CO), water (both surface and ground), noise and soil for one month (except monsoon period) as per MoEF&CC/CPCB guidelines at minimum 5 locations in the study area of 10 km,
- Details on flora and fauna and socio-economic aspects in the study area
- Likely impact of the project on the environmental parameters (ambient air, surface and ground water, land, flora and fauna and socio-economic, etc),
- Source of water for different identified purposes with the permissions required from the concerned authorities, both for surface water and the ground water (by CGWA) as the case may be, Rain water harvesting, etc,
- Waste water management (treatment, reuse and disposal) for the project and also the study area,
- Management of solid waste and the construction & demolition waste for the project vis-avis the Solid Waste Management Rules, 2016 and the Construction & Demolition Rules, 2016,
- Energy efficient measures (LED lights, solar power, etc) during construction as well as during operational phase of the project,
- Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
- Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.

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