

Agenda Items for the 40th Goa-SEIAA meeting held on 17th January 2018

1. Grant of Personal Hearing to M/s Nestle India Limited - proposed project for expansion of Industrial building situated at Plot No. 294/1, 2,3,4 and 297/0, Usgao Industrial area, Tisk, Usgao, Ponda, Goa.

a. Date of receipt of proposal – **5th August 2014.**
b. **Goa-SEAC (hereinafter referred as 'Committee') conducted the site-inspection on 25th September 2014.**

c. The proposal was **presented during the 29th Goa-SEAC Meeting held on 20th January 2015** wherein PP was directed to submit 'Concept Note' on CSR-related activities and recommended the proposal notwithstanding the observations. The Committee, prima-facie, has realized that the aforementioned proposal is a 'post-facto' case wherein the project proponent (PP) has submitted the application, seeking environmental clearance (EC), near-completion stage of project execution. Accordingly, the observations of the Committee are as under –

(i) To penalise and impose punitive action, as deemed fit, by the Goa State Environment Impact Assessment Authority (Goa-SEIAA) as the PP has approached for post-facto environmental clearance.

(ii) Admittedly, the existing campus due to concretization has caused habitat loss for birds and as such the same may be redeemed by proper landscape interventions to restore habitat value to the extent possible.

(iii) In view of presence of few species of conservation values, the PP should conceptualise a sustained yearlong multi-stakeholder sensitization / awareness programme on the theme 'human-wildlife conflict – mitigation and conservation measures' for which appropriate budgetary outlay to be provided. As this involves financial implications, the PP has sought time to communicate the same. Accordingly, a concept note referring the scope, modalities of implementation and budget outlay need to be submitted.

The Committee, notwithstanding the above observations, has recommended the proposal for grant of environmental clearance (EC).

d. **Goa-SEIAA, during its 20th Meeting held on 19th February 2015,** has decided to conduct site-inspection.

e. **Goa-SEIAA conducted inspection on 2nd March 2015** and sought CSR-specific compliance.

f. Goa-SEIAA, **during its 22nd Meeting held on 11th May 2015**, requested the PP to clarify the matter w.r.t. CSR-specific compliance sought subsequent to site-inspection conducted on 2nd March 2015 as under -

(a) Implementation of solar PV-power generation system atleast in ten (10 nos.) of educational institutions (i.e. schools) in Goa.

(b) Providing a mobile van which can practically demonstrate and serve as a working model on various renewable energy gadgets for the benefit of school children.

(c) Submission of annual turnover and profit w.r.t Goa factory located at Usgaon for the last three years.

(d) Initiatives towards planning / establishing Crocodile and Peacock (*being IUCN scheduled species of conservation importance*) sanctuary in the State.

Further, the authority also deliberated on possibility of levying penalty charges, as applicable, in such cases seeking post-facto environmental clearances.

g. Goa-SEIAA, **during its 23rd meeting held on 26th May 2015**, has noted the non-compliance to observations sought subsequent to site-inspection conducted on 2nd March 2015 and decided to await further 15 days prior to initiate any action in the matter.

h. Goa-SEIAA, **during its 25th meeting held on 9th October 2015**, decided to initiate legal action for non-compliance for more than six months.

i. Goa-SEIAA, **during its 26th meeting held on 30th October 2015**, decided to issue Show Cause Notice (SCN) as to why a legal action, including fines to be imposed, if any, or otherwise for non-compliance to observations sought subsequent to site-inspection conducted by the Authority on 2nd March 2015.

j. Subsequently, Legal Retainer – Adv. Raghvendra Kalangutkar has appraised that such SCN cannot be issued at this stage as such proposals seeking EC for expansion of industrial zone does not come under the purview of EIA Notification. It does not have any legal status.

k. However, the matter was discussed during 30th Authority meeting held on 5th May 2016 and decided to issue Show Cause Notice (SCN) to the unit to show cause as to explain why order of demolition shall not be issued.

l. Subsequently, SCN has been issued to the PP on 25th August 2016.

- m. Later, the PP has requested for extension of time upto 10th October 2016 to respond to the said SCN. The said matter was discussed during Authority's 34th meeting held on 5th October 2016 and decided to accept the request.
- n. Subsequently, the PP has responded to SCN vide letter dated 7th November 2016 which was taken up for deliberation / decision during the 36th Authority meeting scheduled on 6th December 2016. **The Authority decided** that, although as per the **Amendment** dated 22nd December 2014 under the EIA Notification 2006 (*as amended*) clarifies that an expansion of industrial shed does not come under the mandate of EIA Notification 2006, **M/s Nestle India Ltd.** undertook massive expansion exceeding (*Built Up Area=20,000 Sq. mts*) before the commencement of said Amendment and the same fact was noted by the Goa-SEAC and Goa-SEIAA during its project specific site visits. The Project Proponent (PP) PP has shown utter reluctance on replying to the queries raised by the Goa-SEAC/SEIAA like undertaking Corporate Social Responsibility (*CSR*) activities matching with unit-specific turnover. Therefore, the Authority issued a Show Cause Notice (SCN) dated 25/08/2016 and subsequent to the its reply to the Show Cause Notice (SCN) requested for its withdrawal vide letter dated 07/11/2016 and has assured for undertaking installation of Solar Plants in educational institutions for a period of two years. Also, the PP has sought time for Personal Hearing before the Authority for elucidating all facts and documents in support of the submissions.

In view of the above request, it was decided that the next Authority, to be re-constituted, can undertake Personal Hearing as per schedule seeking definite plan of action from the PP while implementing / setting up of Solar PV plants in educational institutions as per the directives of present Authority. The Authority has decided to consider the request of personal hearing and as such, the PP be communicated about the same.

Accordingly notice of personal hearing to remain before next authority meeting on 17/01/2018 have been issued to the project proponent.

2. Any other matter with a permission of the Chair.
