

### FROM THE PRESIDENT'S DESK



The Housing Department, Government of West Bengal has recently notified the 'West Bengal Real Estate (Regulation and Development) Rules, 2021' in line with the central model of RERA. We are studying the Rules currently and will soon have a discussion on the same for the benefit of all members.

We are happy that sustained persuasion by CREDAI Bengal has finally fructified and the state government has responded by reducing circle rates by 10% and stamp duty by 2%, as a temporary measure to boost the real estate industry. This temporary benefit will be available for all properties for which the execution is done on or after 9th July, 2021 and the same is registered on or before 30th October, 2021. There have been some queries sent by members in this regard and we will soon take it up with the concerned authority for appropriate resolution.

We're now close to vaccinating 5000 construction labourers at various sites, thanks to fellow members who've signed up for vaccinating workers through CREDAI Bengal's vaccination programme. We've completed 19 camps so far with 28 participating members coming forward, taking the number to 4517 jabs. We have been working closely with multiple state government departments for procuring the vaccines and they have been immensely cooperative. The Labour Department regularly seeks updates from us on the status of vaccination of construction workers at different work sites and hence, as requested by them, please share with us the data of workers who have been vaccinated till now as well as those who have not.

Last year, the CREDAI Youth Wing (CYW) made a concerted effort of distributing 20,000 saplings for planting across Kolkata, especially since cyclone 'Amphan' had uprooted a large number of trees across the city. Taking cue, this year too, we organized 'Kalpavriksha' Edition 2, wherein we donated another 20,000 trees of various species to the Kolkata Municipal Corporation (KMC). At CREDAI Bengal, we've always thought out-of-the-box and beyond the realms of construction. This green initiative undertaken by CREDAI Bengal for the benefit of Kolkatans would finally improve the city's air quality and this was lauded by the KMC during the inauguration of 'Kalpavriksha 2021' last week.

As you are aware, the Government of West Bengal is committed towards large scale skill development for its youth population to improve the scope of gainful employment and entrepreneurial opportunities under the West Bengal Skill Development Mission (WBSDM) chaired by Smt. Mamata Banerjee, Hon'ble Chief Minister of West Bengal. Hence, to ensure that the above commitment is met successfully, the Department of Technical Education, Training & Skill Development; Government of West Bengal has launched "Utkarsh Bangla", a flagship scheme on 16th February 2016 for placement linked short-term skill trainings across the State of West Bengal. A committee has been formed to design an 'On-the-Job Training' (OJT) based course curriculum under the West Bengal State Council for Vocational Training (WBSCVT) and align the same with the National Skill Qualification Framework (NSQF). In this regard, Women ITI, (to which we are industry partner), has requested all CREDAI Bengal members to share their feedback on a new course being introduced by them for 'Real Estate Agents'. We request members' feedback as part of the industry validation required by the Central Government.

As per revised definition, w.e.f. 1st July 2020, all enterprises where investment in plant and machinery or equipment does not exceed fifty crore rupees and turnover does not exceed two hundred and fifty crore rupees, are eligible to be registered as medium enterprises. Request everyone (eligible) to complete the UDYAM Registration process at the earliest as there are various benefits available. The registration of MSME under UDYAM, is completely digital and paperless which further promotes the ease of doing business & facilitates a seamless registration process.

Our 'CREDAI Bengal Homes' portal now hosts many more features for developers to manage and promote their properties on, at a revised price of Rs. 4000 per listing per month from this month onwards. We had initially started listings at a very nominal cost for benefit of members. The portal has been a huge accomplishment and validation for the Kolkata real estate industry affiliated to CREDAI Bengal and I appeal for your continued patronage for its sustenance and success.

Best Regards,

Nandu Belani President CREDAI Bengal



### **GOVERNMENT INITIATIVES**

### **Inspector General Registration (IGR)**

It is heartening to mention that after sustained persuasion form CREDAI Bengal, the State Government has responded by reducing circle rates by 10% and stamp duty by 2%, as a temporary measure to boost the real estate industry.

This temporary benefit will be available for all properties, for which the execution is done on or after 9th July, 2021 and the same is registered on or before 30th October, 2021.

> Government of West Bengal Directorate of Registration & Stamp Revenue, Fortuna Tower, 9th Floor, 23A, N.S. Road, Kolkata - 700 001

No. IGR/115/2021

Dated. Kolkata, the 9th July,2021

### **ORDER**

The State is passing through an economic slowdown due to COVID-19 pandemic situation causing serious difficulties to the registrant public in general and also the Real Estate Sector resulting in curtailment of purchasing power, reduced demand and piling up of unsold properties

The State Government in the Finance Department has already declared a reduction of 10% in the Circle rate / IGR rate of all immovable properties within the State of West Bengal for a temporary period of time.

It has, therefore, been decided in the interest of public service to give effect to the decision of the State Government and accordingly the Circle rate/ IGR rate has been revised in the system.

This benefit is to be available, as a purely temporary measure, only for the documents for which the execution is done on or after the date of this order and the same is registered on or before 30th October 2021.

Inspector General of Registration & Commissioner of Stamp Revenue, West Bengal

Government of West Bengal Directorate of Registration & Stamp Revenue Fortuna Tower, 9th Floor, 23A, N.S Road, Kolkata-700001

No. IGR/116/2021

Dated. Kolkata, the 9th July, 2021

Order

The State is passing through an economic slowdown due to COVID-19 pandemic situation causing serious difficulties to the registrant public in general and also the Real Estate Sector resulting in curtailment of purchasing power, reduced demand and piling up of unsold properties.

The State Government in the Finance Department has declared a rebate of 2% on the prevailing rate of stamp duty, to address the slowdown situation for all the documents for which the stamp duty is charged under Article 23(Conveyance) of Schedule 1A of Indian Stamp Act, 1899 except the document of "Amalgamation of contiguous land", for a temporary period of time.

As an additional support measure it has also been decided by the State Government to reduce the prevailing Circle Rate/IGR Rate of all immovable property within the state of West Bengal, by 10% for a temporary period of time.

It has therefore been decided in the interest of public service to give effect to the above decisions of the state government and accordingly the e-nathikaran system of registration is being modified

The above benefits will be available, as a purely temporary measure, only for the documents for which the execution is done on or after the date of this order and the same is registered on or before 30th October 2021.

Inspector General of Registration & Commissioner of Stamp Revenue, West Beng

### West Bengal Real Estate (Regulation and Development) Rules, 2021

The state government has taken the first step towards implementation of RERA in the state with the Housing Department, Government of West Bengal notifying the 'West Bengal Real Estate (Regulation and Development) Rules, 2021' on 27th July 2021, in line with the central model of RERA. The rules have been notified under Section 84 of the Real Estate (Regulation & Development) Act, 2016. In May 2021, the Supreme Court had called WBHIRA unconstitutional and struck it down as a separate real estate regulation by a state was found unacceptable to the central government's RERA Act 2016. The next step would be the constitution of Authorities, Appellate Tribunal and the development of the web page aligning with the central RERA.

You can access the Rules here : https://drive.google.com/file/d/1mN1\_Gpf0OUbFgkVb7H4ONO6AfuNv2wf3/view?usp=sharing

# **Bengal amends realty rules**

### SAMBIT SAHA

Calcutta: The Mamata Banerjee government has notified rules to fill up the vacuum created by a Supreme Court judgment that struck down the state legislation governing the real estate industry in Bengal.

A gazette notification framing rules under West Bengal Real Estate (Regulation & Development) Rules, 2021 kicked off the process to establish regulatory and appellate authorities to monitor and govern real estate activity in the state.

Once the authorities become fully functional over the next few weeks, they would bring relief to both the buyers and the sellers. While the buyers will have a forum to get redressal of their grievances, builders will be able to register new projects and bring them to the market.

In May, the apex court struck down as "unconstitutional" the West Bengal Housing Industry Regulation Act, 2017 (HIRA) on the grounds that it has encroached into existing parliamentary enactment RERA

### WIN-WIN FOR ALL

Buyers can cancel agreements if projects are not delivered on time

- Builders to return investment
- within 45 days along with interest
- Builders can cancel deal if allottee
- fails to make payment
- Builders will return money deducting the booking amount, plus interest

(Real Estate Regulation Act) 2016 for regulating real estate activities and protecting the interests of home buyers. However, the court did not revoke the projects registered or approved before the judgment.

Confirming the development, Onkar Singh Meena, secretary, housing department, said: "Rules have been published. Safeguarding the interests of homebuyers has always been a priority and will continue to do so."

Experts said the rules appeared to plug the gap between the state legislation and the model central Act.

"WBHIRA had narrowed the 'force majeure' provision with the addition of 'or any other circumstances as may be prescribed' clause which could have otherwise defended the promoter in the case of non-performance of a contractual obligation. This additional latitude provided by WBHIRA is no longer available to the builders," said Sucharita Basu, managing partner of Aquilaw.

"Key modifications by WBHIRA included an expanded definition of the garage/parking space, which could impact common area availability. With the state having conformed to the central Act, these issues are no longer present," Mahi Agarwal, sector head and assistant vicepresident of Icra, added.

Nandu Belani, president of builders' body Credai Bengal, said the Act would allow builders to tap central funds under the SWAMIH scheme which allows bridge funding to complete delayed projects. Till now, only RERA-approved projects could get funds from the scheme.

# West Bengal Takes First Step Towards **RERA Implementation, Notifies Rules**

Kallash.Babar @timesgroup.com

Mumbai: The West Bengal government has notified the rules governing real estate regulatory authority in the state under Section 84 of the Real Estate (Regulation & Development) Act, 2016, a development seen as a step towards implementation of the central legislation in the state.

In May, the Supreme Court had ruled that West Bengal's se-

Centre had also urged the state government to implement the central law in the state.

The Forum for People's Collective Efforts (FPCE), a homebuyers' body, has been pushing for implementation of the Act in

the state after the Supreme Court held the state's own West Bengal Industry Regulation Act (WBHIRA), 2017 unconstitutional. "Now a beginning has been made towards the implementation of RERA in the state. This will remove the last hurdle towards the key objective of one law governing the real estate sector across the country. Homebuyers will have a sigh of relief with hope that in March 2016.

authorities will be constituted and a web page will be created as envisaged under the RERA very soon," said Abhay Upadhyay president, FPCE.

The FPCE had earlier raised concerns that allowing state-level legislation would make the central RERA redundant. The housing and urban affairs ministry, through an affidavit in the Supreme Court, had also supported the FPCE's plea to repeal the WBHIRA.

West Bengal's separate state housing legislation had recei-

parate real estate regulation is repugnant to the central government's Real Estate (Regulation & Development) Act, 2016 and is unconstitutional. The ved the governor's assent in October 2017, but the central government's RERA had received the President's consent earlier,

### Urban Development & Municipal Affairs (UD & MA)

Senior members of CREDAI Bengal met the newly appointed MIC, Urban Development and Municipal Affairs Smt. Chandrima Bhattacharva on 19th July, 2021 wherein the Principal Secretary, UD & MA was also present. The members urged upon the Hon'ble MIC to look into some longstanding issues for an early resolution. The issues presented before her included:

i. Provision for enabling clause in the Urban Land Ceiling Act (ULCRA), with the object of releasing urban land hit by the Act. ii. Extension of timelines with respect to completion date for projects registered under WBHIRA/RERA.

iii. Rationalization of Unit Area Assessment system in areas and towns outside Kolkata Municipal Corporation (KMC). iv. Removal of anomalies in building sanction fees between urban local bodies.

The Hon'ble MIC gave a patient hearing to our issues and requested to submit a comprehensive note on all the issues that are pending and also requested to submit a detailed proposal outlining the legal changes that are sought for in ULCRA.



### Information Technology and Electronics (IT & ITeS)

CREDAI Bengal has submitted a congratulatory letter to the newly appointed IT & ITeS and Industry Minister, Sri Partha Chatterjee. The letter included a number of issues and the corresponding suggestions for addressing the issues. Some of the issues in the letter are:

i. Delay in grant of NOC from WEBEL. We requested that the process be streamlined so that faster and hassle-free NOCs are issued by WEBEL.

ii. The current negative perception among investors should be removed. Both transfer charges and subletting fees should be done away with for the IT sector which would improve the attractiveness of Sector V as an IT destination.

iii. Currently approximately 35% to 40% of the capital cost of an IT building is directly attributable to the special facilities. In the short term and purely as an interim measure, the rental should be reduced in the first instance before applying the tax rate of 30% and the concession of 50%. In the longer term, the best solution would be to move to the Unit Area Assessment system which has now become the accepted standard for municipal taxes since it assures uniformity and transparency and removes arbitrariness. Also the tax per sqft for tenanted properties should not be more than Rs. 3/- per sqft.

### Ministry of Environment, Forest and Climate Change (MoEF & CC)

CREDAI has been requesting MoEF & CC for dealing with the violation cases towards settlement. In this regard MoEF & CC has issued a notification (copy enclosed) outlining the Standard Operating Procedure for dealing with the violation cases.

### F. No. 22-21/2020-IA.III

Government of India stry of Environment, Forest and Climate Change Impact Assessment Division

Indira ParyavaranBhawar Jor Bagh Road, Aliganj New Delhi – 110003 sujit.baju@gov.in

Date: 7th July, 2021

### Office Memorandum

### Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14\* March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

 This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Horble ROT in Original Application No. 287 of 2020 in the matter of Dastak N.O.O. Vs Synochem Organics Prt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambbire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "...a proper SOP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoSF may also consider circulating such SoP to all SELAs in the country".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

Son

Page 1 of 9

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

In the light of the above directions of the Hon'ble Tribunal and the issues 6. In the light of the above directions of the Honble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Honble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related 7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, the Honbite courts have, *interatia*, deliberated on various facets involving 'violation' cases and have enunciated principles of Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-legal Action' V Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212; Alembic Pharmaceuticals Lid. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited VS Union of India (the Judgements are as under:

Issue 1: Proposal for grant of Environmental Clearance in violation cases - to be considered on merits:

### L How'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014 Held: "{...} action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot avait Initiation of action against the project

\*(...) the proposal of the petitioner company for environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws." m'ble Madras High Court in the matter of Puducherry Environment tion Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held \*27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

Without prejudice to any other consequences, action has to be initiated under section 15 read with section 19 of The Environment (Protection) Act, 1986 against all violations.

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be** demoliahed.

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).

iv. **Polluter pays**: Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

without prior approval from the Ministry.

10. Standard Operating Procedure - Guiding Principles:

SA

Page 2 of 9

pollution laws or the pollution, if any, can conveniently and effectively be checked. The answer necessarily has to be in the negative."

"29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Xation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms."

Issue 2: Environmental Clearance - Prospective & not ex-post facto:

Hon'ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017Held: "(...) an EC will come into force not earlier than the date of its grant."

Issue 3: 'Principles of Proportionality' - to be applied:

Hon'ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

Held: "(...) this Court must take a balanced approach which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord with the principle of proportionality"

Issue 4: 'Polluter pays' principle & Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment

Hon'ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3]

Step: 3: Appraisal under EIA Notification, 2006

ii. Such cases of violation shall be subject to appropriate

A. If not permissible:

B. If permissible:

(a) Damage Assessment (b) Remedial Plan and

(to restore environmental dar

manner.

Held:

Held: a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will include giving directions ... and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures......

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

 $i. \ The project shall be ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.$ 

Ex. If a red industry is functioning in a CR2-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished**.

Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal mmittees or State/Union Territory Level Expert Appraisal Committees, as the case

age caused including its social asp

f it is found that a

(to restore environmental damage caused including its social aspects), iv Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued which shall be effective from the date of issue.

SA

may oe. iii. The Competent Authority shall issue directions to the project propon section 5 of the Environment (Protection) Act, 1986 on case to case basis payment of such amount (as may be determined based on Polluters Pay pri undertaking activities relating to Remedial Plan and Community Augment

owever, during appraisal after examination if it is found act may be permissible but not environmentally sustai

SA/

Page 3 of 9

b) Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empouver the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary imposed to cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the "Delitter Pays" Principle. The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution?.

### 8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abaling environmental pollution (reference sub-section [1] of Section 3 of Environment (Protection) Act, 1986). Further, clause (siv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act, 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Extromaticit Protection Act, 1960, section 5 of the Extromatic (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

### 9. Definition of Violation and Non-compliance

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-ance' from the following perspective: 52

form/configuration/features then the project shall be directed to be modified so that the project would be environmentally sustainable.

that the project would be environmentally sustainable. vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be demolished/closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had inted earlier or to revert back to the extent of activity for which EC was red (as the case may be).

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.
viii. The project proponent will be required to submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / He State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA). The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the Remediation Plan and Natural & Community Resource Augmentation Plan.

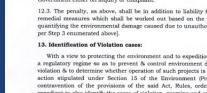
Note - The activities as per above clauses, shall be undertaken simultaned Note - Inte activities, as per acove causes, sinai de uneitoxien sanituairousay wherever feasible. Environmental Clearance, ligranted, to such projects or activities, after due appraisal of ElA/EMP report, **shall be effective only from the date of issuance of such clearance and** shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized

12. Penalty provisions for Violation cases and applications:

- Where operation has not commenced: 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs. 1 lakh for project cost of Rs. 1 Cf.
   Where operations have commenced without EC: 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report PUDS 0.25% of the total turnover during the period of violation. [Ex: For Ns.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 (Sr = 8s.125 Cf.) 0.25 Cr = Rs.1.25 Cr]

SA

Page 7 of 9



b. For expansion projects:

Ste

nee in terms of extant EIA Notification and shall not grant tal Cleara renew CTO (Consent to Operate) unless Environment Clear

- or renew CIO (consent to Operate) unless Environment Clearance (ii applicable) has been obtained. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard. The Control Boards
- opportunity of being heard. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.

14. This is issued with the approval of the Competent Authority

### (Dr. Sujit Kumar Bajpayee) Joint Secretary (IA)

- 1. Chairperson/Member Secretary of Central Pollution Control Board
  - Chairperson/Member Secretaries of all the SEIAAs/SEACs Chairman/Members of all the Expert Appraisal Committees
- Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

То

- 1. PS to Hon ble Minister for Environment, Forest and Climate Change
- PS to Hon'ble MoS for Environment, Forest and Climate Change
- 3. PPS to Secretary(EF&CC)
- 4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
- All the officers of IA Div
- 6. Website of MoEF&CC/PARIVESH/Guard file

opy (by email) also forwarded to the Registrar, NGT, in compliance to instruction iven in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary iovernment of Maharashtra and ors.(order dated 24.05.2021).

Page 9 of 9

Page 8 of 9

hereby directs that

Where operation/production with expanded capacity has not commenced: 1% of the project cost, attributable to the expansion, incurred up to the date of

ion along with EIA/EMP rep operation/ production with expanded capacity have commenced: Two of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the riod of violatio

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or If is considered for appraisal as above & the project proponent fails to provide ired information or requisite documents or complete the requisite study for the ose of EIA/EMP reports or does not furnish such reports within such period, as fifed by the appraisal committee, without reasonable cause, it shall be inferred ified by the that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent suo-moto violations without such violations coming ither on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as

13. Identification of Violation cases: With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action siguilated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violator, examine and appraise such projects so as to refrain them from causing further environment flags of the age of the advance of the environment for causing damage to the environment (Protection) Act, 1986, the Central Government and the for causing damage to the Environment (Protection) Act, 1986, the Central Government

State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water[Prevention & Control of Pollution] Act, 1974 & Air (Prevention& Control of Pollution] Act, 1981, shall ensure that the project proponents applies for or possess valid Prior

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies). 11. SOP for dealing with the violation cases: Step 1: Closure or Revision

Action under section 15 read with section 19 of the Envi shall be initiated against the violators.

SA. Page 5 of 9

 Status of EC
 Actions

 1
 If no prior EC has been taken
 Order to close its operation

 2.
 If prior EC is available for Order to revert the activity/ existing/old unit
 for Order to revert the activity/production to permissible limits.

 3.
 If prior EC was not required for earlier production level but is now required
 for Restrict the activity/production to permissible limits.

### Step 2: Action under Environment (Projection) Act, 1986



### **EVENTS**

- Vaccination Camps for Construction Workers
- Kalpavriksha Edition II
- Webinar on "Un-coding Taxation Issues in Real Estate"

### Vaccination Camps for Construction Workers continue

More than 5 crore construction workers build the nation's homes and cities with an average income of just over Rs. 350 per day, with many of them being their families' primary earners. Most are unskilled migratory laborer with hardly any access to healthcare. CREDAI Bengal's vaccination camps for construction labourers which started last month mitigates that problem, precisely., by inoculating them and keeping them safe. CREDAI Bengal members bear the entire cost of these inoculations and till now the vaccination figures stand at this :

No. of workers vaccinated - 4517 Participating Members - 28 Camps- 19

CREDAI Bengal members have been proactive in protecting the lives of its vulnerable and largely poor work-force right through the pandemic by offering them shelter and food at sites. And now, they have risen to the occasion by vaccinating them free of cost. The vaccination initiative for these workers are an attempt to provide them a safety net from the virus and also accord them dignity.

### Thank you members for being a part of CREDAI Bengal's vaccination mission for construction labourers.

Participating Members	Vaccination Centres	No. of workers vaccinated
Merlin Group Sugam Griha Nirmaan South City Group Emami Realty Rameshwara Infraspace Star Om Realty Arya Realty Siddharth Land & Buildings Akass Infrastructure Altamira Projects Rishinox Buildwell Riverbank Developers Rajat Group Soham Estates Bengal Shrachi Housing Amit Realty Swanhousing & Infra Aashray Investors Bengal DCL Display Vinimay Yaduka Group Godrej Group	Acropolis Mall South City International School Merlin Urvan Merlin Elements Rishi Pranaya Southern Vista Merlin The One Green Wood Nest Sth Avenue The 102 Godrej Seven Ideal Unique Centre Merlin Gangotri Windmere Lakewood Suncrest estate Merlin Greens	4517

Ideal Real Estate Signum Group Belani Group Unimark Group Siddha Realty Salarpuria Properties



### Kalpavriksha Edition II

### Date : 23rd July 2021 Venue : Mohor Kunja

CREDAI Bengal & CYW collaborated with Kolkata Municipal Corporation (KMC), for the second year in a row, to donate saplings of numerous tree types, which shall be planted across locations and communities in Kolkata. Sri Firhad Hakim, Chairman, Board of Administrators, KMC, inaugurated the drive at Mohor Kunjo in the presence of Sri Debasis Kumar of KMC and other distinguished guests from KMC, CREDAI Bengal & CYW. In this noble initiative, CREDAI Bengal Youth Wing members donated saplings of numerous tree varieties to KMC, which would be planted across locations and communities in Kolkata. Some of the types of plants which were handed over are bakul, ashok, sishu and others. These are sturdy trees which will withstand the storm season and also help purify the city air. The Air Quality Index (AQI) of Kolkata has been the lowest in decades over the past year. The same has happened across other major cities too due to reduced pollution levels owing to pandemic lockdowns. But we need to ensure that we sustain these healthy AQI levels and for that, the only solution is to plant more trees. Kalpavriksha is believed to be a divine tree which fulfills wishes of people. Likewise, our programme's purpose is to give everlasting health to our citizens.







শ নান্ধকে প্রকাশে শ স্বায় জানা গোছে, ব সায়। গুরু হয় গোছে ব সায়। গুরু হয় গোছে কল ওটোর লর রায়া চলাচল গুরু হয়। ললা, ও সিকিমের পরিচিত ১০ সময় গোহাল গুরু হয়ে। মার সেলা লোম ও গুরুম কেন্টি হয়ে। মার সন্ধালে বন নায়ার



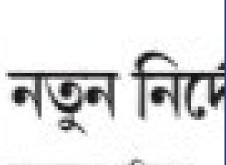
ৰলৰাতা প্ৰসতা এবং ক্ৰেডাই-এর উদ্যোগে বৃক্ষরোগপ অনুষ্ঠানে

প্রতশাসক প্রধান দিবহাদ হাকিম, প্রশাসকমগুলীর সমস,

বিধায়ক দেবশিস কুমার এবং

ক্রেডাই-রন সদস্যর। গুরুবার। ছবি: তপন হুগার্চি

শহাগে। বাজে এলন চকা দেওবা হতেহে ৫,০০,৭০০ জনকে। এলন ২০ জেলাৰ কাৰও মৃদ্ধা হায়নি। নতুন আজান্দেৰ মাধ্য নীৰ্চে মহেছে মৰ্চিলিং, ১২ জন। অন্যান্য জেলাৰ মধ্যে মেৰানে সক্লেমিকেৰ সংগ্য বেশি সেন্দলি হল— উন্ধন ২০ পৰগনা ৮৭, জলপাইখড়ি ৬১, হথলি ৫৫, নৰিচা ৪১, কলকাতা ৫৭।



### আজকালের প্রতিবেদন

কেন্দ্ৰ সমকাৰে সমূক শৰিম নিয়ন্থি বহিল করে একটি মনুন আইনের ১০৮ নম্বর বায়ার ও সংশোগনী অনুযায়ী রাজা পরিম মাধ্যা বাহি লাগারে পারবেন। কালর বাহি লাগ কোন পারিল ন নিয়ন্বিরাই কোন কোন বারিল ন হলে ললে জানা সেয়ে।

মতন গলে জন্য তথ্যে। মতুন নিংগদিকাৰ বাঁৱা গাঁ ১) বাংচাৰ সগ পূৰ্বমন্ত্ৰী ও মূৰ্দাসচিৰ, প্ৰদান সচিৰ, বিভি হিভিপনাল কমিপনাৰ, ব) বাজ ৪) বাজা সমকলোৰ মহা নিংচাৰ মাজোৰ গণিকা গুৰু কল্পৱেৰ ক এগং দিছিৰ পুৰিশ কেলায় প্ৰথ পুলিশ কমিপনাৰ, অহা দৈশাৰ কমিপনাৰ, ১২) পুলিশ মূলাৰ, ১ এগং ১৪) পুলিশেৰ চৈৰলাৰি দ

ন্য থেকে আলা যে টেনা নেওৱা নিবো আরটি-পিলিয়ার আনো বাধারামূলক আনান্য বালবায়নও ব মানুব্যক সুর্যোগে







কলকাতা পুরসভা এবং ক্রেডাই-এর উদ্যোগে মোহরকুঞ্জে সবুজায়ন কর্মসূচি। কল্পবৃক্ষ রোপণে মুখ্য প্রশাসক ও মন্ত্রী ফিরহাদ হাকিম, বিধায়ক দেবাশিস কুমার ও ক্রেডাই-কর্তা নন্দু বিলানী। ক্রেডাই-এর তরফে ২০ হাজার গাছ শহরে বিলি হল।

http://www.millenniumpost.in/kolkata/green-step-hakim-inaugurates-kalpavriksha-447599

https://www.nyoooz.com/news/kolkata/1596489/green-step-hakim-inaugurates-kalpavriksha-/

Webinar on "Uncoding Taxation Issues in Real Estate

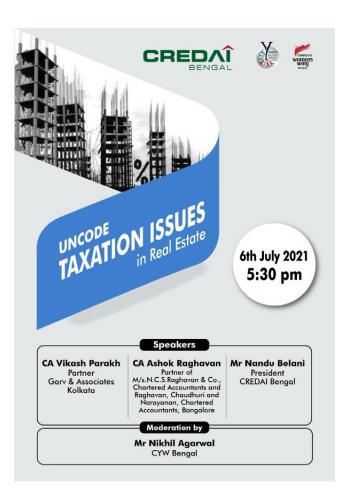
Date : 6th July 2021 Time : 5:30 PM

CREDAI Youth Wing (CYW) organised a webinar on 'Uncoding Taxation Issues in Real Estate' with speakers CA Vikash Parakh, Partner, Garv & Associates, CA Ashok Raghavan, Partner, N.C.S.Raghavan & Co., Chartered Accountants and Raghavan, Chaudhuri and Narayanan, Chartered Accountants, Bangalore and Nandu Belani, President, CREDAI Bengal.The Webinar was moderated by Nikhil Agarwal of CYW.

Please find below the link of the recording of the webinar :

https://us02web.zoom.us/rec/share/AntjWAmu1LDiFKuTUeOgBLrPTsAxbK2MyKlZbDZ0ZOjPYIcm1KBCLUgxQCi8JKxn.E7r6 -C6T5d4uA9gR

### Passcode: Im9b\*ZJ8





# **FOCUS ON CREDAI BENGAL HOMES PORTAL**



Now Gain More ROI With Property Listings

To serve you better, Credai Bengal Homes is adding a host of new features for developers to manage and promote their properties on the portal. Developers can get access to all the new features at a refreshed listing price of INR 4000, starting 1st July, 2021

# Enjoy a host of advantages with the portal features:

- Setup Custom Emailer Campaign
- Access diverse in-portal ads to choose from
- Gain More Visibility of Listed Properties
- Get Higher Returns on Investment
- More Validated Leads Faster Sales
- Upcoming Virtual Property Expo

# Enlist properties now

### and generate verified leads on

# Credai Bengal Homes -Bengal's Property Portal!

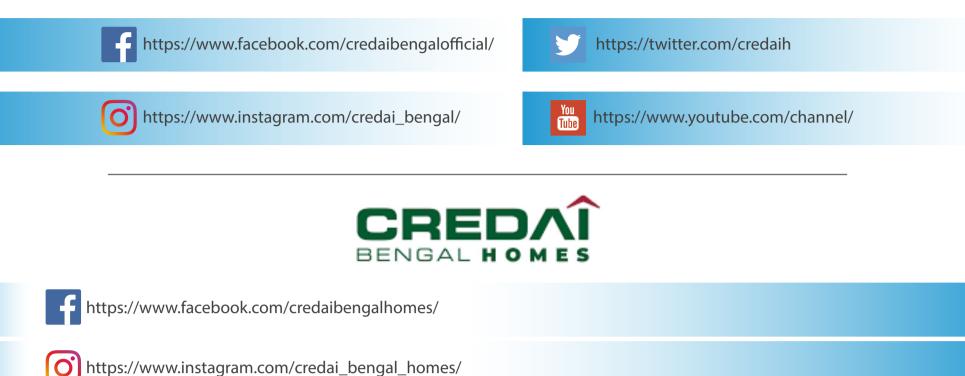
CREDAI Bengal is an advocacy group for real estate developers in Kolkata, West Bengal, affiliated to Confederation of Real Estate Developers' Associations of India (CREDAI), the apex body of real estate developers in India. CREDAI has more than 13,000+ real estate developers as members, with a presence in 21 states and 217 cities.



# **FOLLOW US ON SOCIAL MEDIA**

We request you to follow our Social Media handles to stay up-to-date with the current happenings at CREDAI Bengal :









https://twitter.com/CredaiH



https://www.youtube.com/channel/

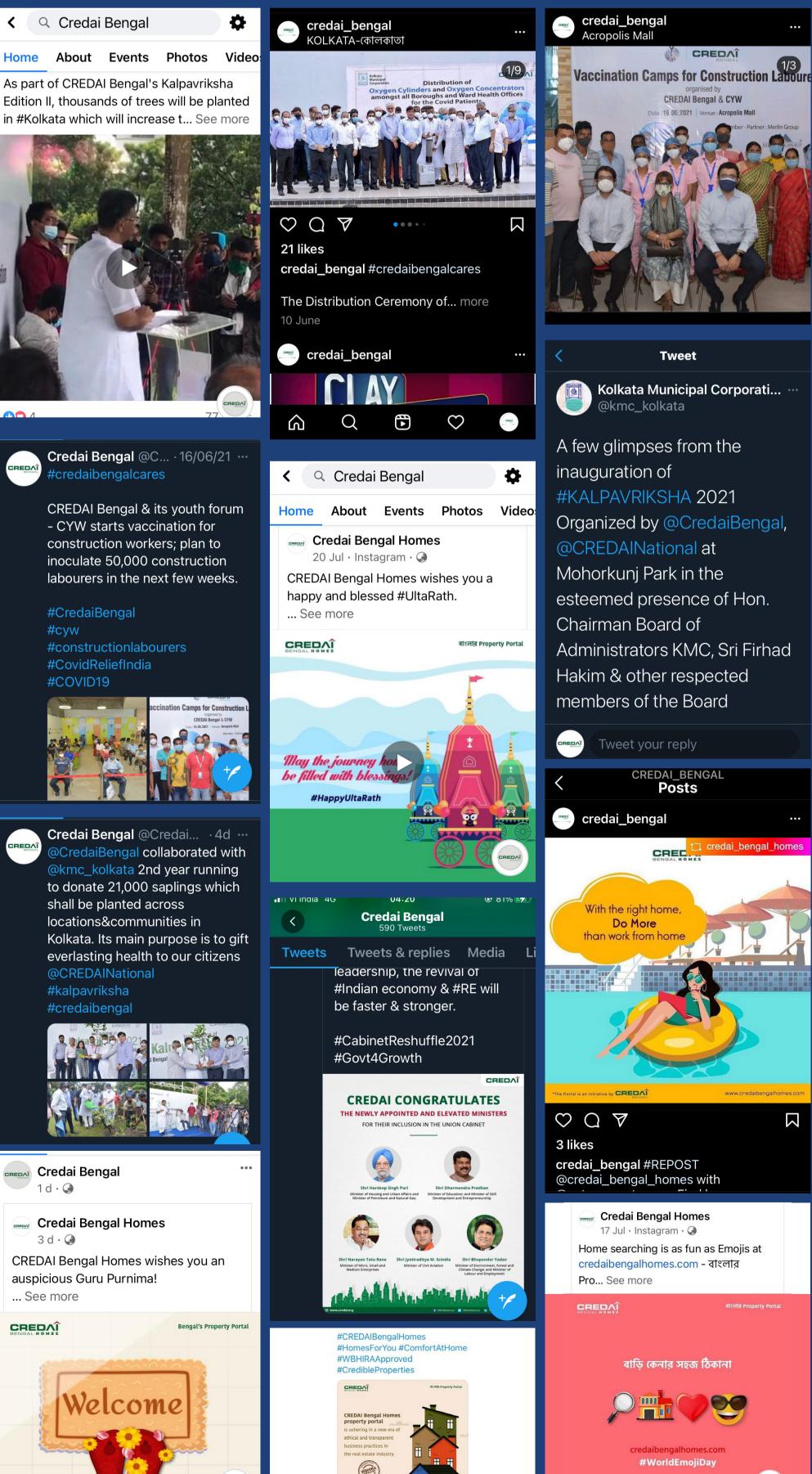


https://www.linkedin.com/company/credai-bengal-homes/

We also request you to ask your social media teams to repost / share our work on your brand handles.

Thanks & Regards,

**CREDAI Bengal Team** info@credaibengal.in











CREEL Credai\_bengal\_homes www.credaibengalhomes.com  $\square$ 



## **FOCUS ON CREDAI NATIONAL**

		<b>CREDAI Representations &amp; Meetings, Ju</b>	ne 2021
SI. No.	Dated	Submitted to	Subject
1.	30 June 2021	Shri Nitin Gadkari Hon'ble Minister for Micro, Small & Medium Enterprises	Extending benefits to Real Estate Developers registered as MSME
2.	25 June 2021	Smt. Nirmala Sitharaman Hon;ble Finance Minister, Ministry of Finance Chairman, Central Board of Direct Taxes, Ministry of Finance Revenue Secretary, Ministry of Finance	Extending the time period of increased tolerable limit under Section 43CA and Section 56(2)(x)
3.	14 June 2021	Smt M. Rajeshwar Rao, Deputy Governor, Reserve Bank of India CREDAI Representatives President-Elect, Secretary, Banking Committee Chair & members, national Advisory Committee Chair, EC Member	<ul> <li>Pointers discussed in the e-meeting</li> <li>Moratorium for a period of 6 months</li> <li>SMA reclassification</li> <li>Extension of DCCO by another 2 years</li> <li>Funding by way of capitalization maybe allowed for next 4 quarters</li> </ul>
4.	1 June 2021	Shri Sanjeev Kumar Chairman, Airport Authority of India	Review of CNS equipment related building height parameters applicable to projects in vicinity of Rajkot & Vadodara Airports in Gujarat

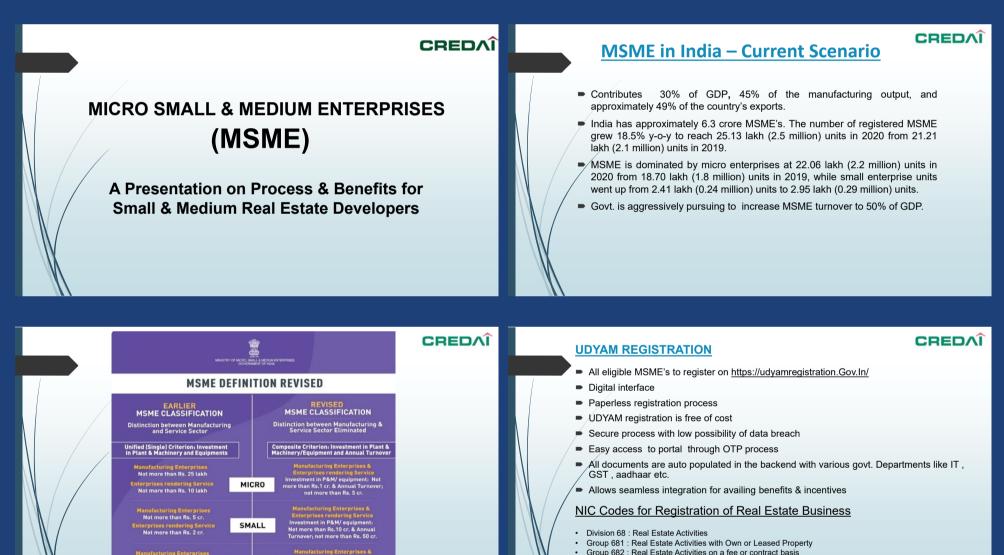
As we battle the second wave of COVID Pandemic and the volatile market situation created by long lockdowns & regional curfews, we should also continue to find innovative ways of making the best of Government policies that benefit our businesses and provide the much-needed support. The Government of India has embarked to rationalise & promote the MSME Sector on a priority basis to ensure that MSME players can operate & expand in a conducive environment with focussed fiscal benefits. Mr Harsh Vardhan Patodia, President, CREDAI National has reiterated the need to focus on medium and small developers as they comprise 80% of CREDAI membership base. CREDAI believes an inclusive approach in strengthening of MSME, will lead to overall growth of the sector. The broad agenda of the CREDAI National MSME Committee is to:

- Encourage member developers to register on UDYAM Platform.
- Through CREDAI National, represent issues of MSME developers to relevant Government authorities on regular basis.
- Organizing New India Summit with a focus on the demands & challenges of developers from Tier 2 & Tier 3 cities.

The registration of MSME under UDYAM, is completely digital and paperless which further promotes the ease of doing business & facilitates a seamless registration process. As per revised definition, w.e.f 01 July 2020 all enterprises where investment in plant and machinery or equipment does not exceed fifty crore rupees (<Rs. 50 crore) and turnover does not exceed two hundred and fifty crore rupees (<Rs. 250 crore) are eligible to be registered as medium enterprises. Request you to encourage your members to complete the UDYAM Registration process at the earliest. The list of such members from respective chapters may be sent to Ms Neha Dhall (nehadhall@credai.org) to enable us to create a database of registered MSME members.

### The various benefits available for MSMEs are briefly mentioned in the link below.

https://drive.google.com/file/d/1XkKJdFao6J4hW9EUasAI2-oq8STpmVjP/view?usp=sharing



For a detailed list of NIC Codes please visit www.mospi.nic.in

### **Key Benefits of MSME**

re than Rs. 5 c

- Bank Loans (Collateral Free)
- Tax & Excise Benefits
- Subsidy on Patent Registration
- Overdraft Interest Rate Exemption
- Industrial Promotion Subsidy Eligibility
- Protection against Delayed Payments
- Concession on Electricity Bills
- ISO Certification Charges Reimbursement

### CREDAÎ

### **Bank Schemes**

- The government announced Rs. 3 lakh crore (US\$ 40.85 billion) collateral-free automatic loans for MSME husinesses
- In union budget 2021, funds worth Rs. 10,000 crore (US\$ 1.36 billion) for 'Guarantee Emergency Credit Line' (GECL) facility was extended to eligible MSME borrowers.
- MSME holders are offered easy loans with a lower rate of interest applicable for all public and private sector banks.
- Enterprises with MSME certificate have a benefit of 1% exemption on the interest rate on overdraft. Tax Benefits

The corporate tax has been reduced to 5% (instead of 30%, it is 25% now). This is available for those companies which have a turnover of 50 crore.

The timeframe for the minimum alternative tax is increased by 15 years.

The presumptive tax has been reduced by 2% for companies which have a turnover of Rs.2 crore.

### CREDAÎ

### **Excise Exemption**

- The Government of India has exempted payment of the excise duty for MSME holders whose value of turnover did not exceed Rs. 1.5 crore on the first day in the financial year.
- However; the benefit of excise exemption is only for those goods which are sold or purchased under the brand name of its manufacturer.

MEDIUM

For example – excise duty of 10% is levied on ready-made and made-up articles for MSME holders.

### **Concessions on Intellectual Property**

MSME holders or Start-ups can get a refund of up to 80% from the Government on the patent application. The government also grants a sanction of Rs. 2 Lakh for filing an International Patent application. The individual/company gets a rebate of 50% on trademark filing if they possess an MSME Certificate.

### **Protection against Delayed Payments**

Supreme court mandated provision

- Payment to MSME on agreed date or within 15 days of acceptance of goods / services
- Interest on payment if delay is more than 45 days from acceptance of goods / services
- Interest rate 3 times the rate notified by RBI

### **Benefits from Central Government**

### 1. Credit Guarantee Scheme

- A trust named Credit Guarantee Fund Trust for Micro and Small Enterprise (CGTMSE) is established for
- individuals to provide a collateral free loan of up to Rs. 200 Lakhs. This scheme also includes The one-time availability for loans in North-eastern regions is reduced from 1.5% to 0.75%.
- Promoting women entrepreneurship.
- Loans of up to Rs. 5 Lakhs for micro-enterprises.
- The Guarantee cover is increased from 75% to 80%
- The Rate of subsidy for MSME is 15%
- The Upper limit of the loan provided is Rs.200 Lakhs (Rs 100 Lakhs for Retail Trade).

### CREDAÎ

### **Benefits from State Government**

Most of the states offer different schemes or services to promote small businesses

- Exemption of sales tax (now sgst)
- Credit facilities,
- Developed sites for warehouse construction,
- Hire/purchase of machinery
- Electricity bill concession.

### enterprises. The assistance is provided on Infrastructure Development (Government Contribution 60%)

Diagnostic Study (Maximum cost Rs.2.50 Lakh)

management

each case

Soft Intervention (Government Contribution 75%)

Setting Common Facility Centre (Government Contribution 70%)

3. Micro & Small Enterprises Cluster Development Programme (MSE-CDP)

2. ISO 9000/ISO 14001 Certification Reimbursement Scheme

A separate council Micro and Small Enterprises Facilitation Council is established for timely resolution of disputes vith the customers

This scheme provides an incentive to all those small-scale business/industries that have ISO 9000/ISO

14001/HACCP certifications. These incentives are meant for technological up-gradation, quality and environment

This scheme focuses on enhancing productivity and improving the availability of different services to medium and small

Almost 75% of the acquiring charges (certifications) are refunded which subject to a maximum of Rs. 75,000 in

**CREDAI National – MSME Committee** 

### CREDAÎ

S.No	Zone	Name	Designation
1	South	Mr G Ram Reddy	VP-In charge
2	North	Mr Shobhit Mohan Das	JS-In charge
3	South	Mr Nand Kishore	Convenor
4	Central	Mr Anand Singhania	Chair
5	East	Mr Tamal Ghosal	Co-Chair
6	North	Mr Jagjit Singh Majha	Member
7	North	Mr Gaurav Gupta	Member
8	South	Mr M Srikanth	Member
9	West	Mr Rajiv Parikh	Member
10	West	Mr Devang Trivedi	Member

### CREDAÎ

CREDAÎ

CREDAÎ

11 South Ms Sarah Jacob Member

Published by CREDAI Bengal on 31<sup>th</sup> July 2021 CREDAI Bengal Secretariat | Jindal Towers | Block A | Flat 4E 21/1A/3 Darga Road | Kolkata - 700 017 Ph: 033 22896380 | 033 40675295 www. credaibengal.in | www.credaibengalhomes.com



For more information / advertisement queries, please contact Ms Suparna Dey Ghosh, Addl. Secretary, CREDAI Bengal at suparna@credaibengal.in

CB Speaks July2021 Edition

**CREDAI Bengal's Monthly E-Newsletter**