

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Appeal No. 1 of 2018

Between :

Voice of Nature

...Appellant

AND

Union of India & Ors.

...Respondents

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//Certified to be true copies of their respective originals//

Dated on this 2nd day of August, 2021

Counsel for Appellant

J-11013/5/2010-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated 13th January, 2010

Office Memorandum

Sub: Consideration of projects for environmental clearance based on Comprehensive Environmental Pollution Index - Regarding.

Central Pollution Control Board (CPCB) in association with Indian Institute of Technology (IIT), New Delhi have, recently, carried out an environmental assessment of industrial clusters across the country based on Comprehensive Environmental Pollution Index (CEPI) with the aim of identifying polluted industrial clusters and prioritizing planning needs for intervention to improve the quality of environment in these industrial clusters and the nation as a whole. The assessment so carried out has been documented in the form of a report entitled 'Comprehensive Environmental Assessment of Industrial Clusters' which is available on the website of CPCB www.cpcb.nic.in and website of Ministry www.envfor.nic.in. In all 88 industrial clusters have been assessed.

2. The industrial clusters have been listed in table 8 (annexed herewith) of the report in descending order of environment pollution index scores. The report has concluded that the industrial clusters/areas having aggregated CEPI scores of 70 and above should be considered as critically polluted; the clusters/areas having CEPI scores between 60 - 70 should be considered as severely polluted areas and shall be kept under surveillance and pollution control measures should be efficiently implemented; and the critically polluted industrial clusters / areas need further detailed investigations in terms of the extent of damage and formulation of appropriate remedial action plan.

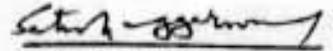
3. The Environment (Protection) Act, 1986 enjoins upon the Central Government to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment including restriction of areas in which any industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards. Accordingly, the Environment Impact Assessment Notification, 2006 has mandated certain category of projects / activities listed therein to obtain prior environmental clearance under the provisions thereof.

4. With the identification of industrial clusters / areas by CPCB which are critically or severely polluted, Ministry of Environment & Forests hereby imposes temporary restrictions on consideration of developmental projects in such clusters/ areas and prescribes the following procedure to be adopted with immediate effect:

- 4.1.1 The developmental projects from industrial clusters with CEPI score above 70 (as listed at serial no. 1 to 43 of the Annexure) received for grant of environmental clearance in terms of the provisions of EIA Notification, 2006 [including projects for stage-I clearance i.e. scoping (TORs)], which are presently in pipeline for environmental clearance or which would be received hereafter shall be returned to the project proponents.
- 4.1.2 This restriction on consideration of projects from critically polluted clusters/areas above will apply for a period of 8 months upto August, 2010 during which time the Central Pollution Control Board along with the respective State Pollution Control Boards / UT Pollution Control Committees will finalize a time bound action plan for improving the environmental quality in these identified clusters/ areas. The situation will be reviewed thereafter and further instructions issued accordingly; provided that projects relating to renewal of mining lease without any increase in production and / or lease area which are already in operation in these clusters will continue to be appraised in accordance with the procedure prescribed under EIA Notification, 2006 and decision taken on merits; and provided further that the projects of public interest, such as projects of national importance, pollution control, defence and security, with prior approval of the Competent Authority, MEF/ SEIAA for category 'A' & 'B' respectively, on a case to case basis, will continue to be appraised in accordance with the procedure prescribed under EIA Notification, 2006 and decision taken on merits.
- 4.2 The developmental projects from industrial clusters with CEPI score between 60 - 70 (as listed at serial no. 44 to 75 of the Annexure), which are in the pipeline or are received for grant of environmental clearance in terms of the provisions of EIA Notification, 2006 [including projects for stage-I clearance i.e. scoping (TORs)], will be considered following the procedure outlined in this Ministry's earlier circular no. J-11013/18/2009-IA.II(I) dated 25th August, 2009 relating to 'proposals for environment clearance for the projects located in the critically polluted areas as identified by the Central Pollution Control Board', which is available on the website of the Ministry www.envfor.nic.in.

5. In the eventuality of any dispute regarding the location of any project within the critically polluted area or otherwise, a reference will be made to CPCB and based on their advice a view will be taken on such projects.

This issues with the approval of the Competent Authority.



(S.K. Aggarwal)
Director

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Member Secretaries of all SPCBs / UTPCCs

Copy to:-

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to AS(JMM)
4. Advisor (GKP)
5. Advisor (NB)
6. Website, MoEF
7. Guard File

Annexure

Table 8: The CEPI scores for industrial areas/ clusters descending order

SNo.	Industrial Cluster/Area	AIR	WATER	LAND	CEPI	
1.	Ankleshwar (Gujarat)	72.00	72.75	75.75	88.50	Ac_Wc_Lc
2.	Vapi (Gujarat)	74.00	74.50	72.00	88.09	Ac_Wc_Lc
3.	Ghaziabad (Uttar Pradesh)	68.50	75.25	71.50	87.37	Ac_Wc_Lc
4.	Chandrapur (Maharashtra)	70.75	67.50	66.50	83.88	Ac_Wc_Lc
5.	Korba (Chhatisgarh)	67.00	57.00	72.50	83.00	Ac_Ws_Lc
6.	Bhiwadi (Rajasthan)	71.00	69.00	59.50	82.91	Ac_Wc_Ls
7.	Angul Talcher (Orissa)	64.00	69.00	65.75	82.09	Ac_Wc_Lc
8.	Vellore (North Arcot) (Tamilnadu)	69.25	65.25	62.50	81.79	Ac_Wc_Lc
9.	Singrauli (Uttar Pradesh)	70.50	64.00	59.50	81.73	Ac_Wc_Ls
10.	Ludhiana (Punjab)	68.00	66.00	64.75	81.66	Ac_Wc_Lc
11.	Nazafgarh drain basin (including Anand Parvat, Naraina, Okhla and Wazirpur), Delhi	52.13	69.00	65.25	79.54	As_Wc_Lc
12.	Noida (Uttar Pradesh)	65.75	64.00	60.00	78.90	Ac_Wc_Lc
13.	Dhanbad (Jharkhand)	64.50	59.00	65.50	78.63	Ac_Ws_Lc
14.	Dombivalli (Maharashtra)	66.00	63.50	57.50	78.41	Ac_Wc_Ls
15.	Kanpur (Uttar Pradesh)	66.00	63.50	56.00	78.09	Ac_Wc_Ls
16.	Cuddalore (Tamilnadu)	54.00	65.25	64.00	77.45	As_Wc_Lc
17.	Aurangabad (Maharashtra)	64.75	60.50	59.50	77.44	Ac_Wc_Ls
18.	Faridabad (Haryana)	63.50	59.00	62.75	77.07	Ac_Ws_Lc
19.	Agra (Uttar Pradesh)	59.00	63.75	59.50	76.48	As_Wc_Ls
20.	Manali (Tamilnadu)	64.00	59.00	58.00	76.32	Ac_Ws_Ls
21.	Haldia (West Bengal)	53.75	64.50	57.00	75.43	As_Wc_Ls
22.	Ahmedabad (Gujarat)	62.75	58.00	58.00	75.28	Ac_Ws_Ls
23.	Jodhpur (Rajasthan)	52.00	65.50	54.00	75.19	As_Wc_Ls
24.	Cochin, Greater (Kerala)	57.00	64.00	54.00	75.08	As_Wc_Ls
25.	Mandi Gobind Garh (Punjab)	62.00	55.50	62.00	75.08	Ac_Ws_Lc
26.	Howrah (West Bengal)	57.00	54.50	63.50	74.84	As_Ws_Lc
27.	Vatva (Gujarat)	60.00	62.00	56.00	74.77	Ac_Wc_Ls
28.	Ib Valley (Orissa)	61.00	56.50	59.00	74.00	Ac_Ws_Ls
29.	Varansi-Mirzapur (Uttar Pradesh)	58.00	62.00	53.50	73.79	As_Wc_Ls
30.	Navi Mumbai (Maharashtra)	61.00	59.00	55.50	73.77	Ac_Ws_Ls

31.	Pali (Rajasthan)	52.00	64.00	52.00	73.73	As_Wc_Ls
32.	Mangalore (Karnataka)	61.75	57.75	54.00	73.68	Ac_Ws_Ls
33.	Jharsuguda (Orissa)	61.00	56.50	56.00	73.34	Ac_Ws_Ls
34.	Coimbatore (Tamil Nadu)	62.25	58.75	45.50	72.38	Ac_Ws_Ln
35.	Bhadravati (Karnataka)	62.75	56.50	45.50	72.33	Ac_Ws_Ln
36.	Tarapur (Maharashtra)	60.75	56.00	51.25	72.01	Ac_Ws_Ls
37.	Panipat (Haryana)	55.75	56.50	59.00	71.91	As_Ws_Ls
38.	Indore (Madhya Pradesh)	59.00	57.50	52.00	71.26	As_Ws_Ls
39.	Bhavnagar (Gujarat)	54.50	57.50	57.75	70.99	As_Ws_Ls
40.	Vishakhapatnam (Andhra Pradesh)	57.00	57.50	55.00	70.82	As_Ws_Ls
41.	Junagarh (Gujarat)	53.25	52.50	59.50	70.82	As_Ws_Ls
42.	Asansole (West Bengal)	58.38	56.25	50.50	70.20	As_Ws_Ls
43.	Patancheru- -Bollaram (Andhra Pradesh)	50.00	59.00	54.00	70.07	As_Ws_Ls
44.	Paradeep (Orissa)	54.00	58.50	48.00	69.26	As_Ws_Ln
45.	Nashik (Maharashtra)	55.00	57.50	50.25	69.25	As_Ws_Ls
46.	Chembur (Maharashtra)	59.75	50.75	46.00	69.19	As_Ws_Ln
47.	Baddi (Himachal Pradesh)	56.00	54.50	54.50	69.07	As_Ws_Ls
48.	Kala Amb (Himachal Pradesh)	56.75	54.50	51.00	68.77	As_Ws_Ls
49.	Dewas (Madhya Pradesh)	51.50	57.50	51.50	68.77	As_Ws_Ls
50.	Batala (Punjab)	51.00	56.50	54.50	68.59	As_Ws_Ls
51.	Tirupur (Tamil Nadu)	56.75	50.75	53.00	68.38	As_Ws_Ls
52.	Durgapur (West Bengal)	49.50	58.50	47.50	68.26	An_Ws_Ln
53.	Raichur (Karnataka)	59.75	46.50	44.50	68.07	As_Wn_Ln
54.	Bidar (Karnataka)	58.75	49.00	44.00	67.64	As_Wn_Ln
55.	Singhbhum, West (Bihar)	55.50	51.50	51.50	67.30	As_Ws_Ls
56.	Mettur (Tamilnadu)	46.00	58.00	46.50	66.98	An_Ws_Ln
57.	Vadodara (Gujarat)	57.00	48.00	48.00	66.91	As_Wn_Ln
58.	Jaipur (Rajasthan)	55.00	52.00	50.50	66.82	As_Ws_Ls
59.	Rajkot (Gujarat)	45.50	54.50	55.50	66.76	An_Ws_Ls
60.	Nagda -Ratlam (Madhya Pradesh)	44.50	54.50	56.00	66.67	An_Ws_Ls
61.	Jamshedpur (Jharkhand)	55.75	55.50	42.00	66.06	As_Ws_Ln
62.	Pimpri-Chinchwad (Maharashtra)	55.25	52.50	46.00	66.06	As_Ws_Ln
63.	Raipur (Chhatisgarh)	56.50	42.00	49.00	65.45	As_Wn_Ln
64.	Saraikela (Jharkhand)	50.50	49.00	54.00	65.38	As_Wn_Ls
65.	Ramgarh (Jharkhand)	44.00	53.00	54.50	65.11	An_Ws_Ls
66.	Pinia (Karnataka)	56.75	46.00	42.00	65.11	As_Wn_Ln

67	Pitampur (Madhya Pradesh)	47.75	54.00	50.50	65.09	An_Ws_Ls
68	Jalandhar (Punjab)	52.00	52.00	52.00	64.98	As_Ws_Ls
69	Moradabad (Uttar Pradesh)	54.00	49.00	47.50	64.71	As_Wn_Ln
70	Bada Jamtara (Jharkhand)	48.00	52.50	52.50	64.47	An_Ws_Ls
71	Aligarh (Uttar Pradesh)	53.00	48.00	48.00	63.83	As_Wn_Ln
72	Parwanoo (Himachal Pradesh)	53.00	47.50	48.50	63.83	As_Wn_Ln
73	Haridwar (Uttarakhand)	51.75	48.00	40.00	61.01	As_Wn_Ln
74	Vijaywada (Andhra Pradesh)	52.00	41.50	43.00	60.57	As_Wn_Ln
75	Ferozabad (Uttar Pradesh)	49.00	47.00	47.75	60.51	An_Wn_Ln
76	Mathura (Uttar Pradesh)	48.00	48.00	48.00	59.98	An_Wn_Ln
77	Meerut (Uttar Pradesh)	50.00	47.50	39.50	59.38	As_Wn_Ln
78	Erode (Tamil Nadu)	47.38	47.25	43.50	58.19	An_Wn_Ln
79	Surat (Gujarat)	46.00	46.75	45.50	57.90	An_Wn_Ln
80	Kathedan (Andhra Pradesh)	44.50	47.00	45.50	57.73	An_Wn_Ln
81	Kukatpalli (Andhra Pradesh)	41.50	47.00	43.50	56.56	An_Wn_Ln
82	Hajipur (Bihar)	43.50	44.00	44.50	55.12	An_Wn_Ln
83	Gwalior (Madhya Pradesh)	45.88	38.50	42.00	54.63	An_Wn_Ln
84	Udhamsingh Nagar (Uttarakhand)	44.00	41.25	44.25	54.37	An_Wn_Ln
85	Bhillai- Durg (Chhatisgarh)	44.00	35.00	33.50	50.57	An_Wn_Ln
86	Bulandsahar-Khurza (Uttar Pradesh)	42.00	33.50	36.50	49.09	An_Wn_Ln
87	Burnihat (Assam)	39.00	34.50	34.50	46.26	An_Wn_Ln
88	Digboi (Assam)	32.00	32.75	38.00	44.55	An_Wn_Ln

No. J-11013/5/2010-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
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Dated the 15th February, 2011

Office Memorandum

Sub: Consideration of projects for environmental clearance based on Comprehensive Environmental Pollution Index (CEPI) - Lifting of Moratorium in respect of industrial clusters / areas of (i) Agra (Uttar Pradesh), (ii) Aurangabad (Maharashtra), (iii) Bhavnagar (Gujarat), (iv) Cuddalore (Tamil Nadu), (v) Dombivalli (Maharashtra), (vi) Ludhiana (Punjab), (vii) Navi Mumbai (Maharashtra) and (viii) Varanasi-Mirzapur (Uttar Pradesh) - Regarding.

Ministry of Environment & Forests vide Office Memorandum of even no. dated 13.1.2010 had imposed a moratorium up to 31.8.2010 on consideration of projects for environmental clearance to be located in critically polluted areas / industrial clusters identified by Central Pollution Control Board. The details of the industrial clusters / areas were further specified in the Office Memorandum dated 15.3.2010. It was envisaged that during the period of moratorium, time bound action plans will be prepared by the respective SPCBs / PCCs for improving the environmental quality in these industrial clusters / areas. The action plans so prepared would be finalized by CPCB. Since, the action plans were not finalized within the prescribed time limit, the moratorium was extended up to 31st October, 2010. Based on the finalization of action plans and their initiation of implementation in respect of the five industrial clusters / areas of (i) Tarapur (Maharashtra), (ii) Pattencherru-Bollaram (Andhra Pradesh), (iii) Coimbatore (Tamil Nadu), (iv) Vapi (Gujarat) and (v) Mandi-Govindgarh (Punjab) as confirmed by CPCB, the moratorium was lifted in respect of these five industrial clusters and for the remaining 38 industrial clusters, the moratorium was further extended up to 31st March, 2011 vide office memorandum of even no. dated 26.10.2010.

2. Now, the Central Pollution Control Board (CPCB) vide their communication dated 15.2.2011 have informed this Ministry that the relevant revised action plans submitted by the respective SPCBs / UTPCCs have been reviewed and approved by CPCB and that the implementation of action plans has been initiated in respect of the industrial areas of (i) Agra (Uttar Pradesh), (ii) Aurangabad (Maharashtra), (iii) Bhavnagar (Gujarat), (iv) Cuddalore (Tamil Nadu), (v) Dombivalli (Maharashtra), (vi) Ludhiana (Punjab), (vii) Navi Mumbai (Maharashtra) and (viii) Varanasi-Mirzapur (Uttar Pradesh).

3. In view of the recommendation of the CPCB, it has been decided to lift the moratorium on consideration of projects for environmental clearance in respect of projects to be located in the above mentioned eight clusters / areas namely; (i) Agra

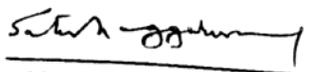
(Uttar Pradesh), (ii) Aurangabad (Maharashtra), (iii) Bhavnagar (Gujarat), (iv) Cuddalore (Tamil Nadu), (v) Dombivalli (Maharashtra), (vi) Ludhiana (Punjab), (vii) Navi Mumbai (Maharashtra) and (viii) Varanasi-Mirzapur (Uttar Pradesh) subject to the following conditions:-

- (i) CPCB and the respective SPCBs will immediately put the approved action plans on their respective websites.
- (ii) SPCBs will monitor the implementation of the action plans as per their schedule and ensure that there is no slippage either in terms of timeframe or the activities to be completed relating to the action plan. The report will be submitted to CPCB.
- (iii) CPCB will also develop a monitoring mechanism and put it in place within 30 days and monitor the implementation of these action plans, area-wise and also carryout random checks on the environmental parameters for their quality. The results will be put on their website.
- (iv) The respective SPCBs / UTPCCs will monitor the pollution levels in these areas on regular basis and if at any stage it is observed that the levels are increasing, it will be immediately brought to the notice of CPCB as well as MoEF and in such a situation the moratorium will be re-imposed.
- (v) Independent third party periodic monitoring on the implementation of action plan will be supported. The results of the monitoring so carried out will be hosted on the website and also communicated to CPCB.
- (vi) Industrial cluster / area wise Committee comprising various stakeholders inter-alia representatives of locals and experts in the relevant field will be setup to oversee the implementation of the action plans.
- (vii) The EACs / SEACs will take extra precaution during appraisal of projects to be located in these areas and prescribe the requisite stringent safeguard measures, so that the environmental quality is not deteriorated further in these areas.

4. The condition at serial no. 3(vi) above will also be applicable to the five industrial clusters in respect of which the moratorium was lifted vide this Ministry's earlier O.M. of even no. dated 26.10.2010.

5. Comments / feedback, if any, on implementation of action plans may be sent to Chairman, CPCB (e-mail: ccb.cpcb@nic.in).

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs

3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:-

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to AS(JMM)
4. Advisor (NB)
5. Website, MoEF
6. Guard File

No.J.11013/5/2010-IA-II(I)
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi - 110 003

Dated 28th April, 2011

Office Memorandum

Sub: Consideration of projects in respect of critically polluted areas.

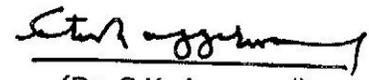
Ministry of Environment and Forests had imposed a moratorium on consideration of projects for environmental clearance to be located in critically polluted areas/industrial clusters identified by the Central Pollution Control Board. Based on the review of the Action Plans for the 43 identified critically polluted areas, moratorium has now been lifted in 20 clusters vide Ministry's Office Memorandums of even No. dated 26th October, 2010, 15th February, 2011 and 31st March, 2011. In the remaining 23 identified critically polluted areas/clusters, it has been decided to extend the moratorium further upto 30th September, 2011.

Ministry has been receiving queries regarding consideration of projects for environmental clearance in terms of the EIA Notification, 2006 particularly on the applicability of general condition in respect of projects to be located in these clusters from which moratorium on consideration of projects has been lifted.

It may be noted that the EIA Notification, 2006, the General Condition stipulates that "any project or activity specified in category 'B' will be treated as category 'A' if it is located in whole or in part within 10 kms. from the boundary of : (i) protected areas notified under the Wildlife (Protection) Act, 1972, (ii) critically polluted areas as notified by the Central Pollution Control Board from time to time, (iii) notified eco-sensitive areas, (iv) inter-State boundaries and International boundaries."

In view of the above, this is to clarify that the projects to be located within 10 kms. from the latest list of the critically polluted areas as identified by the Central Pollution Control Board would attract the General Condition of EIA Notification, 2006 and therefore, such projects would need to be treated as category 'A' projects.

This issues with the approval of Competent Authority.


(Dr. S.K. Aggarwal)
Director

To

1. All the officers of IA Division
2. Chairpersons/Member Secretaries of all the SEIAAs/SEACs

Copy to:

1. PS to MEF
2. PPS to Secretary(E&F)
3. PPS to SS(JMM)
4. Website, MoEF
5. Guard File

No. J-11013/5/2010-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003

Telefax: 24362434

Dated the 17th September, 2013

Office Memorandum

Sub: Consideration of projects for environmental clearance based on Comprehensive Environmental Pollution Index (CEPI) – Re-imposing of Moratorium in respect of critically polluted areas namely Ghaziabad (UP), Indore (M.P.), Jharsuguda (Orissa), Ludhiana (Punjab), Panipat (Haryana), Patancheru – Bollaram (A.P.), Singrauli (UP & MP) and Vapi (Gujarat), and projects / activities to be allowed in Critically Polluted Areas under moratorium.

Ministry of Environment & Forests vide Office Memorandum of even no. dated 13.1.2010 had imposed a moratorium up to 31.8.2010 on consideration of projects for environmental clearance to be located in 43 critically polluted areas / industrial clusters identified by Central Pollution Control Board. The details of the industrial clusters / areas were further specified in the Office Memorandum dated 15.3.2010. It was envisaged that during the period of moratorium, time bound action plans will be prepared by the respective SPCBs / PCCs for improving the environmental quality in these industrial clusters / areas. The action plans so prepared would be finalized by CPCB. The period of moratorium was extended beyond 31.8.2010 from time to time.

2. The status of preparation of action plans was reviewed in the Ministry of Environment & Forests from time to time, based on the inputs received from Central Pollution Control Board (CPCB). In accordance with the information received from the Central Pollution Control Board that the respective SPCBs and the local stakeholders had initiated work on implementation of the submitted action plans in respect of the industrial areas / clusters namely (i) Tarapur (Maharashtra), (ii) Patancheru-Bollaram (Andhra Pradesh), (iii) Coimbatore (Tamil Nadu), (iv) Vapi (Gujarat) (v) Mandi-Govindgarh (Punjab), (vi) Agra (Uttar Pradesh), (vii) Aurangabad (Maharashtra), (viii) Bhavnagar (Gujarat), (ix) Cuddalore (Tamil Nadu), (x) Dombivalli (Maharashtra), (xi) Ludhiana (Punjab), (xii) Navi Mumbai (Maharashtra), (xiii) Varanasi-Mirzapur (Uttar Pradesh), (xiv) Angul Talchar (Orissa), (xv) Faridabad (Haryana), (xvi) Ghaziabad (Uttar Pradesh), (xvii) Indore (Madhya Pradesh), (xviii) Jamnagar (Gujarat), (xix) Noida (Uttar Pradesh), (xx) Panipat (Haryana), (xxi) Bhadravati (Karnataka), (xxii) Mangalore (Karnataka), (xxiii) Greater Kochi (Kerala), (xxiv) Singrauli (Madhya Pradesh Part and Uttar Pradesh Part), (xxv) Ib Valley (Orissa) and (xxvi) Jharsuguda (Orissa), the Ministry of Environment & Forests lifted the moratorium on consideration of projects for environmental clearance in the above mentioned 26 industrial clusters / areas vide O.M.s of even no. dated 26th October, 2010, 15th February, 2011, 31st March 2011, 23rd May 2011 and 5th July, 2011. In the remaining 17 identified industrial clusters, the moratorium was extended up-to 31st March, 2012 and thereafter it was extended till further orders vide OM of even no. dated 30.03.2012.

3. The CPCB conducted monitoring in respect of all 43 Critically Polluted Areas (CPAs) during February-April, 2013 and re-assessed the CEPI score. The CPCB, vide its communication, dated July 24, 2013 have informed MoEF about the revised CEPI score based on the monitoring conducted during February-April, 2013. The revised CEPI scores based on the Environmental Quality Monitoring conducted during 2013 indicates that CEPI values are either still above 80 or are above 70 alongwith

increasing trend as compared to CEPI values assessed earlier by CPCB in 2011 in respect of eight critically polluted areas namely Ghaziabad (UP), Indore (M.P.), Jharsuguda (Orissa), Ludhiana (Punjab), Panipat (Haryana), Patancheru - Bollaram (A.P.), Singrauli (UP & MP) and Vapi (Gujarat) from where the moratorium was lifted earlier vide OM of even no. dated 26.10.2010, 15.02.2011, 31.03.2011 and 05.07.2011.

4 The revised CEPI scores assessed during 2013 in respect of these eight critically polluted areas from where moratorium was lifted earlier, are as below :-

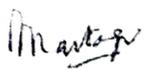
SI. No.	CPA	CEPI score during 2013
(i)	Ghaziabad (UP)	84.13
(ii)	Indore (M.P.)	78.75
(iii)	Jharsuguda (Orissa)	73.31
(iv)	Ludhiana (Punjab)	75.72
(v)	Panipat (Haryana)	81.27
(vi)	Patancheru-Bollaram (A.P.)	76.05
(vii)	Singrauli (UP and MP)	83.24
(viii)	Vapi (Gujarat)	85.31

The CEPI scores indicates that even after a period of 2½ years of implementation of action plans, there is no improvement in the environmental quality as is evident from the observed values of CEPI in 2013. CEPI score in Ghaziabad (U.P.), Panipat (Haryana), Singrauli (U.P. & M.P.) and Vapi (Gujarat) is still above 80. In respect of Indore, (MP), Jharsuguda (Orissa), Ludhiana (Punjab) and Patancheru-Bollaram (A.P.), the CEPI score has shown an increasing trend as compared to 2011. In view of this situation, the moratorium is hereby re-imposed with immediate effect in respect of these eight areas till further orders.

5 Para 4.1.2 of the O.M. of even number dated 13.1.2010 deals with the projects / activities allowed in the CPAs under moratorium. This para inter-alia provides that the projects of public interest, such as projects of national importance, pollution control, defence and security, with prior approval of the Competent Authority, MoEF / SEIAA for category 'A' & 'B' respectively, on a case to case basis, will continue to be appraised in accordance with the procedure prescribed under EIA Notification, 2006 and decision taken on merits. As all projects in CPAs are to be considered as category 'A' projects and by MoEF, the reference to SEIAA and category 'B' projects in this para is hereby deleted. It has been further decided to consider allowing the projects / activities of modernization of existing project or activity not resulting in increase in pollution load and physical infrastructure like highways, aerial ropeways, Common Effluent Treatment Plants and Common Solid Waste Management Facility in such areas. Thus, the following projects could be considered in CPAs which are under moratorium:

- i. Modernization of existing project or activity; change of technology, fuel or product mix, not resulting in increase in pollution load of that project / activity. This would be subject to the concerned SPCB certifying that there will not be any increase in pollution load and the concerned EAC getting satisfied about the claim.
- ii. Project/activity at serial 7(f), 7(g), 7(h) and 7(i) of the Schedule under EIA Notification, 2006.

This issues with the approval of the Competent Authority


(Dr. P.B. Rastogi)
Director

NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Appeal No. 18 of 2011 (T)
Friday, the 24th day of February, 2012**Quorum:**

1. Hon'ble Justice Shri C.V. Ramulu
(Judicial Member)
2. Hon'ble Prof. R. Nagendran
(Expert Member)

BETWEEN:

V. SRINIVASAN
R/o C-1, SEABROOKE APARTMENTS
4TH SEAWARD ROAD, VALMIKI NAGAR
TIRUVANMIYUR, CHENNAI-600041
TAMIL NADU

.....Appellant

1. UNION OF INDIA
THROUGH THE SECRETARY
MINISTRY OF ENVIRONMENT & FORESTS
CGO COMPLEX, LODHI ROAD
NEW DELHI – 110 014

2. TAMIL NADU POLLUTION CONTROL BOARD,
THROUGH THE MEMBER SECRETARY
76, MOUNT SALAI, GUINDY
CHENNAI – 600 032
TAMIL NADU

3. CORPORATION OF CHENNAI
THROUGH THE COMMISSIONER
RIPPON BUILDING
CHENNAI – 600 003
TAMIL NADU

.....Respondents

(Advocate appeared: Mr. Ritwick Dutta for the Appellant, none appeared for R-1 and R-3, Mr. A. Ilango, Advocate appeared for the TNPCB(R-2))

ORDER

(Order delivered by the bench)

This appeal is directed against the Environmental Clearance (EC) granted in favour of the Corporation of Chennai (Respondent No. 3), by the Tamil Nadu State Environment Impact Assessment Authority vide Letter No. SEIAA/TN/EC/7(i)/002/F-227/2010 dated 30.06.2010 for setting up of Integrated Municipal Solid Waste Processing Plant of 1400 TPD capacity at Pallikaranai village for the treatment of Municipal Solid Waste.

There is no necessity of going into all the details. After elaborate arguments, it came to light that the Tamil Nadu State Environment Impact Statement Authority has no jurisdiction to grant EC of this nature. Since Guindy National Park is located within a distance of 10 km from the project site, the EC should have been obtained from the Central Government (MoEF), New Delhi. It is pertinent to refer here the Notification dated September 14, 2006, issued by the MoEF in regard to EC. The relevant portion from the said Notification is as under:

“S.O. 1533,

Sl. No. 4. Categorization of projects and activities:-

(i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

According to the appellant the distance between the Guindy National Park and the Project Site is less than 10 km. If the distance is within 10 km from the Guindy National Park the project falls under Category - A and the EC should be obtained from the Central Government (MoEF) and if the distance is beyond 10 km, EC may be obtained from the Tamil Nadu State Environment Impact Assessment Authority.

Admittedly, “Common Municipal Solid Waste Management Facility (CMSWMF) is listed under category ‘B’ projects in the schedule as item no. 7(i) of the MoEF Notification cited above.

A note in the schedule under the Notification cited above, mentions the following under “**General Condition (GC)**”:

“Any project or activity specified in Category ‘B’ will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries”.

When the very the distance of the project from the Guindy National Park was disputed, on 18th October, 2011 we directed the Principal Chief Conservator of Forest-cum-Chief Wildlife Warden, Tamil Nadu to measure aerial distance between the two nearest points of the project site and the boundary of the Guindy National Park and send a report to this Tribunal.

In pursuant to that direction, the Principal Chief Conservator of Forest cum Chief Wildlife Warden, Tamil Nadu, submitted a report dated 25.11.2011 and also filed a reply stating that the aerial distance between the two nearest points of the project site and the boundary of the Guindy National Park as 5.6 km and 6.2 km.

Whereas the TNPCB is trying to justify that the distance is more than 10 km from the project site to the Guindy National Park. It is stated that the distance was measured road wise and not as the crow flies. Further, the counsel did not dispute as to the correctness of the report submitted by the

Principal Chief Conservator of Forest and the Chief Wildlife Warden, Government of Tamil Nadu which says that the distance between the two nearest points of the project site and the boundary of the Guindy National Park as 5.6 km and 6.2 km. Thus there is no difficulty to say that this project falls under category A. For grant of EC for category A projects the jurisdiction lies with the Central Government (MoEF) and not with the Tamil Nadu State Environment Impact Assessment Authority. Thus the Tamil Nadu State Environment Impact Assessment Authority has no jurisdiction to deal with the project for which the clearance was granted which is under challenge. The EC granted by Tamil Nadu State Environment Impact Assessment Authority has no validity under law and therefore, requires to be set aside.

However, the learned counsel for the appellant, Mr. Ritwick Dutta, vehemently argued that when the EC granted by the Tamil Nadu State Environment Impact Assessment Authority is set aside on the ground of jurisdiction *vis-à-vis* distance, even the EIA report submitted by the local authorities or by the project proponent cannot be blindly accepted by the Central Government (MoEF). We are in full agreement with the submission made by the learned counsel for the appellant that the report prepared and submitted by the authorities cannot be taken into consideration by the Central Government (MoEF) for considering grant of EC for project afresh. We need not go into merits and demerits, validity or otherwise of the Environment Impact Assessment report prepared by the project proponent through its consultant. When the process of issuance of EC has to be initiated by the Central Government, it is for that Government (MoEF) to call for afresh EIA study etc. Therefore, we make it clear that the appellant is at

liberty to file all the objections as raised in this appeal before the Central Government (MoEF), whenever application is made by the project proponent for grant of EC. We also make it clear that the Central Government (MoEF) shall issue notices to all the parties before granting EC in favour of the project proponent whenever it is considered.

The learned counsel for the appellant also vehemently submitted that the EIA consultant of Project Proponent who furnished the details for the purpose of obtaining EC as to the distance between the project site and the Guindy National Park, which is proved to be false must be dealt with seriously and if necessary, strictly warned in writing. In this regard the learned counsel drew the attention of the tribunal to the relevant portion in the EIA manual of the MoEF which reads as under:

“Environmental consultant should be conversant with the existing legal and procedural requirements of obtaining environmental clearance for proposed project. The consultant should guide the proponent through initial screening of the project and establish whether EIA studies are required to be conducted and if so finalise the scope of such study. The consultant should also be fully equipped with required instruments and infrastructure for conducting EIA studies. The environmental consultant is responsible for supplying all the environment-related information required by the SPCB and IAA through the proponent. The consultant is also required to justify the findings in the EIA and EMP during the meeting with the expert groups at IAA”.

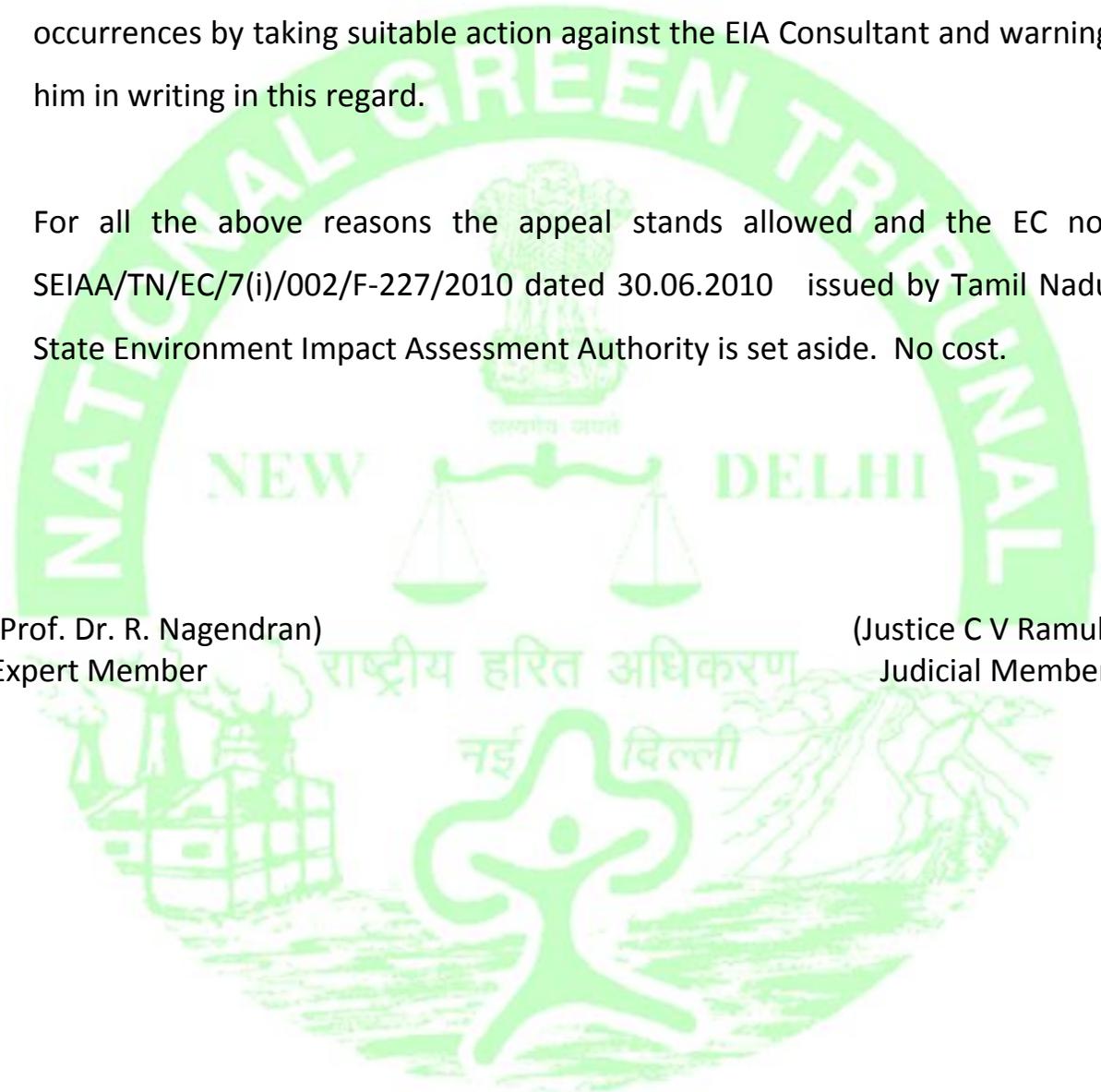
It may not be out of place to mention that this Tribunal had deprecated such practice adopted by the EIA consultant in furnishing false information and the Central Government (MoEF) had issue suitable

guidelines to deal with such project proponents who are guilty of furnishing false information resulting in grant of projects, unmindful of the legal and environmental consequences. We have no doubt in our mind that the information furnished by the EIA consultant in the present case as to distance is not only a gross negligence but also professional misconduct. The concerned authority shall take appropriate steps to prevent such occurrences by taking suitable action against the EIA Consultant and warning him in writing in this regard.

For all the above reasons the appeal stands allowed and the EC no. SEIAA/TN/EC/7(i)/002/F-227/2010 dated 30.06.2010 issued by Tamil Nadu State Environment Impact Assessment Authority is set aside. No cost.

(Prof. Dr. R. Nagendran)
Expert Member

(Justice C V Ramulu)
Judicial Member



**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
M.A.No.92 of 2016
in
Appeal No.123 of 2016 (SZ)**

M.A.No.92 of 2016

Applicant/s

M/s. Strides Shasun Pharmaceuticals Ltd
SIPCOT Industrial Estate
Kudikadu, Cuddalore

Respondents

1. Puducherry Environment Protection Association, rep by its Secretary K. Irisappan, Koodapakkam
2. Union of India, MOEF & CC Rep. by its Secretary New Delhi
3. The State Environmental Impact Assessment Authority, rep. by Member Secretary, Saidapet Chennai
4. Tamilnadu Pollution Control Board Rep. by its Member Secretary Chennai
5. The District Environmental Engineer Tamil Nadu Pollution Control Board Kudikadu, Cuddalore

Counsel appearing for appellant

Mr.V. Prakash, Senior Counsel
For M/s. Dr. Sudhir Ravindran
Sai Sathya Jith

Counsel appearing for respondents

Mr.A. Yogeswaran for R1
Mr.M.R. Gokul Krishnan for R2
Mrs. M.E. Saraswathy for R3
Mrs.H. Yasmeen Ali for R4 & R5

Appeal No.123 of 2016 (SZ)

Puducherry Environment Protection Association, rep by its Secretary
K. Irisappan, Koodapakkam

..... Appellant

1. Union of India, MOEF & CC Rep. by its Secretary New Delhi

2. The State Environmental Impact Assessment Authority, rep. by Member Secretary, Saidapet Chennai
3. Tamilnadu Pollution Control Board Rep. by its Member Secretary Chennai
4. The District Environmental Engineer Tamil Nadu Pollution Control Board Kudikadu, Cuddalore
5. M/s.Strides Shasun Parmaceuticals Ltd. Rep. by its Managing Director, SIPCOT Industrial Estate, Cuddalore .. Respondents

Date and Remarks	Orders of the Tribunal																											
	<p data-bbox="404 1037 623 1077">18th July, I2016</p> <p data-bbox="404 1110 1383 1365">This application is filed by the fifth respondent in the appeal who is the project proponent, praying for modification of the order of this Tribunal dated 3.5.2016 and to permit the applicant to manufacture small quantity of the following drugs viz.,</p> <table border="1" data-bbox="453 1400 1318 2016"> <thead> <tr> <th data-bbox="461 1408 583 1467">S.No</th> <th data-bbox="583 1408 940 1467">Product Name</th> <th data-bbox="940 1408 1310 1467">Quantity in (kg)</th> </tr> </thead> <tbody> <tr> <td data-bbox="461 1467 583 1534">1</td> <td data-bbox="583 1467 940 1534">Carisopradot</td> <td data-bbox="940 1467 1310 1534">1,485</td> </tr> <tr> <td data-bbox="461 1534 583 1602">2</td> <td data-bbox="583 1534 940 1602">Pitavastatin</td> <td data-bbox="940 1534 1310 1602">119</td> </tr> <tr> <td data-bbox="461 1602 583 1669">3</td> <td data-bbox="583 1602 940 1669">Celecoxib</td> <td data-bbox="940 1602 1310 1669">1,300</td> </tr> <tr> <td data-bbox="461 1669 583 1736">4</td> <td data-bbox="583 1669 940 1736">Nabumetone</td> <td data-bbox="940 1669 1310 1736">5,500</td> </tr> <tr> <td data-bbox="461 1736 583 1803">5</td> <td data-bbox="583 1736 940 1803">Lanthanum Carbonate</td> <td data-bbox="940 1736 1310 1803">600</td> </tr> <tr> <td data-bbox="461 1803 583 1870">6</td> <td data-bbox="583 1803 940 1870">Aprepitant</td> <td data-bbox="940 1803 1310 1870">100</td> </tr> <tr> <td data-bbox="461 1870 583 1938">7</td> <td data-bbox="583 1870 940 1938">Dabigatran</td> <td data-bbox="940 1870 1310 1938">140</td> </tr> <tr> <td data-bbox="461 1938 583 2016">8</td> <td data-bbox="583 1938 940 2016">Dextgromethorphan</td> <td data-bbox="940 1938 1310 2016">200</td> </tr> </tbody> </table>	S.No	Product Name	Quantity in (kg)	1	Carisopradot	1,485	2	Pitavastatin	119	3	Celecoxib	1,300	4	Nabumetone	5,500	5	Lanthanum Carbonate	600	6	Aprepitant	100	7	Dabigatran	140	8	Dextgromethorphan	200
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pending disposal of the appeal.

In fact, a connected application in Application No.103 of 2016 was heard at length regarding maintainability and orders reserved on 2.6.2016. However, noting that the second respondent therein viz., SEIAA has not filed its affidavit, especially regarding the date of uploading of Environmental Clearance (EC), the matter was reopened on 1.7.2016 and posted to 18.7.2016.

In the said application (Application No.103 of 2016), we have passed an interim order on 3.5.2016, granting an order of interim stay of the order of SEIAA dated 24.6.2014, as amended by order dated 24.11.2015, granting EC to the present applicant, making it clear that the stay will not apply for the EC granted by MoEF on 24.10.2000.

Subsequently, the SEIAA has issued amended EC dated 4.4.2016 in favour of the applicant who is the same Bulk Drug Manufacturer, pertaining to 77 products and 2 by-products from 53 products. It is against this order of the amended EC dated 4.4.2016 the present appeal in Appeal No.123 of 2016 is filed by the original appellant. The amended EC granted in respect of 53 products stated above dated 24.6.2014, as amended on 24.11.2015 is the subject matter in Application No.103 of 2016. Therefore the interim order stated above continues in this appeal also and it is only to modify the said interim order, the present application in M.A.No.92 of 2016 is filed.

The main contention of the learned counsel appearing for the

applicant in Application No.103 of 2016 in respect of the EC granted in 2014 as amended in 2015 is that Cuddalore is declared and categorised as "Critically Polluted Area" and therefore even if it is the "B" category project, the same should be treated as "A" category and MoEF is only the authority to grant EC and not SEIAA. This Tribunal is yet to take a decision regarding the said averments. In the mean time, the present application is filed for the modification of the order of interim stay dated 3.5.2016.

Mr.V Prakash, learned Senior Counsel appearing for the applicant in M.A.92 of 2016 would strenuously contend that the modification is required only in respect of a small quantity of the products, which is much less than the original quantity prescribed even under the EC dated 24.10.2000 viz., 193.25 TPM. Moreover, according to the learned Senior Counsel, in respect of eight items mentioned in M.A.92 of 2016, they are only the product mix of the original items given in the EC dated 24.10.2000 and that a small quantity is required to be manufactured in India exclusively for the purpose of exporting to foreign countries and they are very important products required for certain important diseases and according to him, the manufacturing process will be completed in 90 days and permission may be given as one time measure and the same can be subject to the condition that the pollution level should not be increased and the applicant which is a ZLD category industry should maintain the same.

On the other hand, it is the case of the original appellant, as it is

seen in the reply dated 11.7.2016, that it is not a simple case of product mix but category of eight drugs which are totally different and cannot be compared to the items of drug mentioned in EC dated 24.10.2000. Further, according to the original applicant, this is only a commercial venture attempted to be made by the applicant and the applicant unit is not the only manufacturer of these drugs. Further, according to the original appellant, when admittedly 100% of the product is to be exported, it does not concern the supply or utility of medicine for the poor people of India. It is also stated that the application is not filed by the proper person of the applicant unit and there is a contradiction.

After hearing the learned Senior Counsel appearing for the applicant and the learned counsel representing the counsel for the original appellant and referring to the contents of the application in M.A.92 of 2016 and the reply filed by the original appellant, we see no reason to accept the contention of the original appellant that M.A.92 of 2016 has not been properly filed and verified but M.A.92 of 2016 has been filed on behalf of the company, represented by the Authorised Signatory. Therefore, the said technicality does not make the application as unsustainable in law.

But the question is not about the said technicality but a larger issue as to whether the applicant unit itself which is situated in Cuddalore is in a critically polluted area. As per the CEPI index, prepared by CPCB periodically based on which the central government has been passing various orders imposing moratorium.

As per the CEPI index, industries scoring more than 70 points are categorised as "critical". It is not in dispute that if Cuddalore continues to be situated in the "Critically Polluted Area", the authority competent to grant EC even in respect of "B" category projects is MoEF & CC and not SEIAA. In the event it is held that the unit is situated in a place which is a critically polluted area, the question of jurisdiction of SEIAA in passing such EC will arise and in fact that is squarely the contention raised in Application No.103 of 2016.

Therefore, unless and until it is decided about the Cuddalore area, whether it is "Critically Polluted Area" or not, in our considered view, even if it is a small quantity of manufacturing of bulk drug and it is only for the purpose of export, it may not be proper for this Tribunal to give any such permission for manufacturing such drugs. It is again a principle of judicial propriety. Further it is not as if the drugs which are sought to be manufactured are either life saving drugs or manufactured only in the applicant unit. The concern expressed by the applicant is that if for an urgent export this manufacturer is not permitted, the business name of the applicant company in the International Market will be affected. Therefore, it can be at the most a commercial venture.

For the above said reason, we are of the view that M.A.92 of 2016 cannot be ordered and there is no necessity for modification of the earlier order dated 3.5.2016 and accordingly M.A.No.92 of 2016 stands dismissed.

	<p>Post the main appeal on 26.7.2016.</p> <p>....., JM (Justice Dr.P. Jyothimani)</p> <p>.....,EM (Shri P.S. Rao)</p>
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**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Appeal No. 123 of 2016 (SZ) (THC)

IN THE MATTER OF:

Puduchery Environment
Protection Association,
Rep. by its Secretary
K. Irisappan, 18, Sarkarai Vinayagar Koil Street,
Koodapakkam and Post

Applicant

AND

1. Union of India Forests, Rep. by its Secretary,
Ministry of Environment, Forest & Climate
Change, New Delhi
2. State Environment Impact Assessment Authority,
Rep. By its Member Secretary,
3 Floor, panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai - 600 015.
3. The Tamil Nadu Pollution Control Board,
Rep. By its Member Secretary,
76, Anna Salai, Guindy, Chennai.
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot NO. A-3, SIPCOT Industrial Complex,
Kudikadu, Cuddalore - 607005.
5. M/s. Strides Shasun Pharmaceuticals Ltd.
Rep. By its Managing Director,
Plot No.A1/A, A1/B, A1/c, A2/B, A2/D,
SIPCOT Industrial Estate,
Kudikadu Village, Cuddalore Taluk and District.

Respondent(s)

Counsel appearing for the Applicant:

M/s. T. Mohan
Mr. A. Yogeshwaran &
Mr. Neha Miriam Kurian

Counsel appearing for the Respondents:

Mr. M.R. Gokul Krishnan for R-1
 Mrs. Me. Saraswathy for R-2
 H. Yasmeen Ali for R-3 and R-4
 M/s. Dr. Sudhir Ravindran, A. Lakshmi Narayanan,
 Sai Sathya Jith and S. Kamalesh Kannan for R-5

ORDER

PRESENT:

HON'BLE SHRI JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER

HON'BLE SHRI P.S. RAO, EXPERT MEMBER

Dated 1st August, 2016

Whether the Judgement is allowed to be published on the Internet – Yes/No
 Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

This appeal is filed against the amendment of Environmental Clearance (EC) granted to the Project Proponent dated 4.4.2016 amending the EC given on 1.2.2016.

2. The main focus of the contention raised by the learned counsel for the appellant is that the project for which, extension is sought for and Environmental Clearance (EC) was granted, is situated within the critically polluted area of Cuddalore and therefore, the grant of EC by State Environment Impact Assessment Authority (SEIAA) is not valid. The EIA Notification, 2006 makes it very clear that in case where a project site is situated within 10 km of critically polluted area, even if the Project otherwise is considered by SEIAA, the same has to be considered by Ministry of Environment, Forests and Climate Change (MoEF & CC). This legal position is fairly admitted by the learned Senior Counsel appearing for the Project Proponent.

The EC granted by SEIAA dated 04.04.2016 amending the EC given on 01.02.2016 stands set aside. However, there is no bar on the part of the Project Proponent to approach the appropriate authority, namely, MoEF & CC for grant of EC

and as and when if such application is made by the Project Proponent , the MoEF & CC shall consider the same in accordance with the provisions of EIA Notification,2006, which includes time frame.

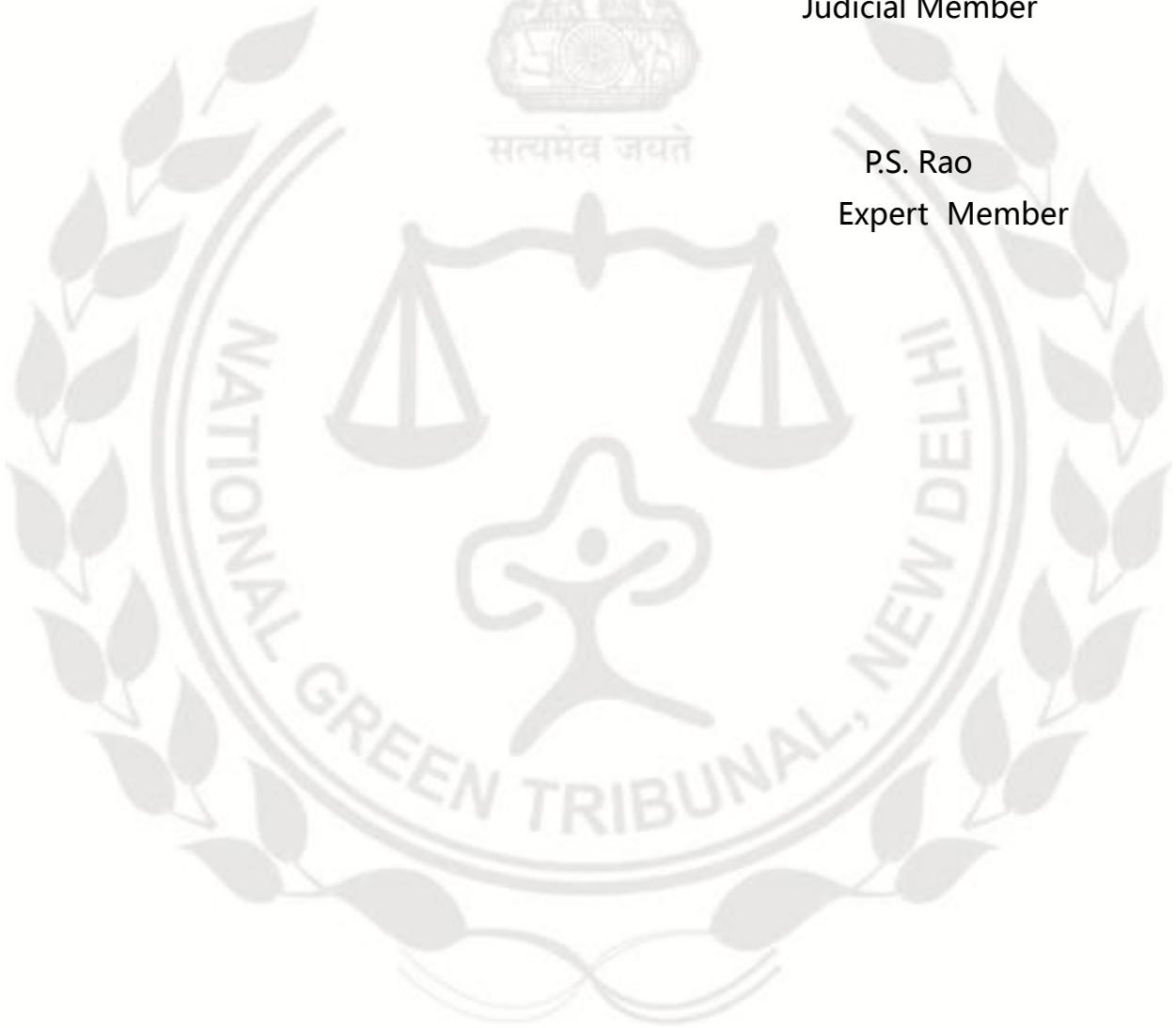
In view of the same, the Appeal No.123 of 2016 stands allowed. There is no order as to costs.



सत्यमेव जयते

Justice Dr.P. Jyothimani
Judicial Member

P.S. Rao
Expert Member



NGT

**BEFORE THE NATIONAL GREEN TRIBUNAL
(SZ) CHENNAI**

Appeal No. 1 of 2018

Between :

Voice of Nature
...Appellant

AND

Union of India & Ors.
...Respondents

TYPED SET OF PAPERS
DATED 02.08.2021

Counsel for Appellant