

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 38 OF 2022**

IN THE MATTER OF:

Dr. Bina Basnett.

...Applicant

-Versus-

State of Sikkim & Ors.

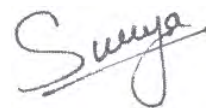
...Respondent(s)

INDEXNDoH: 27.01.2025

S. No.	Particulars	Page No.
1.	Sur Rejoinder on behalf of Respondent No. 12 to the Rejoinder dated 11.11.2024 of the Original Applicant Alongwith Affidavit.	2385-2412
2.	<u>ANNEXURE R12/60:</u> – True copy of the EIA Amendment Notification dated 25.06.2014.	2413-2422
3.	<u>ANNEXURE R12/61 (Colly):</u> - True copy of the EIA Amendment Notifications dated 22.12.2014, 09.12.2016, and 15.11.2018.	2423-2453
4.	Proof of Service	2454

Date: 22.01.2025

Place: Kolkata

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**SUR-REJOINER ON BEHALF OF RESPONDENT NO. 12, WEST
POINT INFRASTRUCTURE PRIVATE LIMITED TO THE COMPOSITE
REJOINER DATED 11.11.2024 FILED ON BEHALF OF APPLICANT**

MOST RESPECTFULLY SHOWETH: -

1. That this Hon'ble Tribunal is presently seized of the present Original Application (hereinafter "OA") wherein the Applicant has wrongly alleged that the Respondent No. 12, West Point Infrastructure Private Limited (hereinafter "**answering Respondent**") has been developing the construction project – Multi-level Car Parking Cum Commercial Development at Old West point school area, Gangtok in violation of environmental laws.
2. That initially, the present OA was disposed of by this Hon'ble Tribunal vide Order dated 10.05.2022 with the direction that the Original Applicant had the remedy of challenging the Environmental Clearance dated 25.02.2022 granted to the project. However, the Original Applicant, instead of availing the alternative remedy and preferring a statutory appeal under Section 16 of the National Green Tribunal Act, 2010 (hereinafter "**NGT Act**"), instead choose to file Civil Appeal No. 6168/2023 challenging the said Order.
3. That on 25.09.2023, the Hon'ble Supreme Court set aside the Order dated 10.05.2022, and restored the OA before this Hon'ble Tribunal. Pertinently, all the pleas and contentions of the parties were left open by the Hon'ble Supreme Court.
4. That, consequently, the matter came up for hearing on 18.10.2023 wherein this Hon'ble Tribunal granted time to the answering Respondent to file its Reply in the matter. In pursuance thereof, the answering Respondent filed its Reply dated

16.03.2024 to the OA and the same may be read as part of this Sur-Rejoinder and the contents of the same are not being reiterated for brevity.

5. That on 11.11.2024 the Applicant, after missing several opportunities granted by the Hon'ble Tribunal has filed a Composite Rejoinder after more than a year, raising several frivolous allegations and putting forth the wrong legal position. This not only shows the conduct of the Applicant but it is clear that these dilatory tactics are deliberate and the intent of the Applicant is with vested and political interest and nothing to do with environment conservation. More importantly, many of the submissions made in the Rejoinder such as challenging the Environment Clearance (hereinafter "EC"), Consent to Establish (hereinafter "CTE") as well as Cabinet approvals granted to the project, have been introduced for the first time as a fresh causes of action by way of a rejoinder which is impermissible in law and therefore should be discarded as such.
6. That at the outset, the answering Respondent refutes all the allegations and submissions contained in the Rejoinder as baseless, misconceived and fanciful, as if traversed seriatim. Nothing contained the Rejoinder shall be deemed to be admitted for want of a specific denial or otherwise and the Applicant is put to strict proof of the same.
7. That the Answering Respondent seeks to place on record its Preliminary Submissions, which are crucial for a holistic adjudication of the present matter, before submitting its Reply to the contents of the Rejoinder on merits.

I. ORIGINAL APPLICANT, IN THE GARB OF FILING REJOINDER, HAS RAISED SEVERAL FRESH ALLEGATIONS WHICH IS IMPERMISSIBLE IN LAW

8. That the Original Applicant, in the garb of filing a Rejoinder, has raised several *fresh* contentions and submissions which were never raised in the OA. A bare perusal of the Rejoinder would make it evident that the Applicant has cleverly tried to introduce an entirely new case by way of the Rejoinder which is totally different, new and inconsistent with the OA and which changes the fundamental nature of the OA. This is evident from the fact in paragraph 5 of the Rejoinder, the Applicant has, *for the first time*, challenged the Cabinet approvals dated 11.06.2021 (annexed at Annexure 12/9, Page 1104 of R12 Reply and S. No 12, Page 1909 of Convenience Compilation) and 05.08.2022 (S. No 78, Page 2094 of Convenience Compilation). Similarly, in paragraph 19 of Rejoinder, the Applicant has challenged the Consent to Establish granted to the project, even

though no such ground/contention has been raised in the OA. Equally significant, the Applicant in paragraph 24 of Rejoinder has alleged that “all the permissions/approvals granted to the project proponent suffers from serious legal lapses and infirmities...”, even though no such specific averment or prayer has been raised in the OA.

9. That in addition to making fresh allegations in the Rejoinder, the Applicant has also raised allegations which are inconsistent with the OA. For instance, the Original Applicant has alleged in Rejoinder that the Environment Clearance granted to the Applicant are not in accordance with the EIA Notification, 2006, whereas, in Ground (S) in OA, it is submitted that no EC was granted to the answering Respondent for the project. Therefore, the Original Applicant has made inconsistent submissions which is not permitted in a Rejoinder. The Cause of Action clause of the OA also contains no reference to grant of any of the above approval to the project.
10. That the legal position with respect to introducing new plea in the Rejoinder has been elucidated by several Constitutional Courts and it has been established law that plaintiff cannot be allowed to introduce new pleas by way of filing rejoinder, so as to alter the basis of his plaint, or allowed to come forward with an entirely new case in his rejoinder or raise inconsistent pleas so as to alter his original cause of action.
11. It is clear therefore that the Applicant cannot be permitted to introduce a fresh plea or cause of action viz. EC, CTE, Cabinet approvals and other permissions granted to the answering Respondent, by way of a Rejoinder, especially when the entire facts and circumstances of the case were within the knowledge of the Original Applicant.

II. ORIGINAL APPLICANT HAS RAISED FRIVOLOUS ALLEGATIONS REGARDING VIOLATION OF NATIONAL GREEN TRIBUNAL (PRACTICE AND PROCEDURE) RULES, 2011

12. That it is pertinent to mention that the Original Applicant is raising hyper-technical issues by stating that the Reply dated 16.03.2024 of the answering Respondent has not been signed and verified as per the National Green Tribunal (Practice and Procedure) Rules, 2011 (hereinafter “**NGT Rules, 2011**”). The Affidavit notarized and signed by the answering Respondent clearly states that the contents of the Affidavit along with the Annexures have been duly verified by answering Respondent. The said Reply dated 16.03.2024 of the answering

Respondent has duly been verified by the Registry before placing the same on record for the perusal of this Hon'ble Tribunal. Thus, the Reply is clearly in compliance with the procedure specified in the NGT Rules, 2011.

13. That assuming arguendo, the Hon'ble Supreme Court in several cases has clarified that non-compliance with Order VI, Rule 15 of Code of Civil Procedure, 1908 will not render the suit non-est. Further, it has been held that non-compliance with any procedural requirement relating to a pleading, memorandum of appeal or application or petition for relief should not entail automatic dismissal or rejection, unless the relevant statute or rule so mandates. Procedural defects and irregularities which are curable should not be allowed to defeat substantive rights or to cause injustice that no prejudice will be caused to the Applicant if the answering Respondent is allowed to cure the defect. (**Vidyawati Gupta and Others v. Bhakti Bari Nayak and Others (2006 (2) SCC 777)**; (**Uday Shankar Triyar vs Ram Kalewar Prasad Singh & Anr. (2006) 1 SCC 75**; (**Bhikji Keshao Joshi & Anr. vs Brijlal Nandlal Biyani & Ors. (1955) 2 SCR 428**) Thus, the submissions of the Original Applicant are baseless and without any merit.
14. That it is the Original Application of the Applicant herein which is in non-compliance with the NGT Act, 2010 and the NGT Rules, 2011 whereby the Environmental Clearance and Consent is being challenged in an Original Application in blatant violation of the procedure established by the law as well as the Orders and Judgments of this Hon'ble Tribunal in a catena of cases.

III. ORIGINAL APPLICANT CANNOT INTRODUCE A FRESH CAUSE OF ACTION REGARDING THE ENVIRONMENT CLEARANCE GRANTED TO THE PROJECT DUE TO FAILURE TO AVAIL ALTERNATIVE STATUTORY REMEDY

15. That this Hon'ble Tribunal vide Order dated 10.05.2022 was pleased to dismiss the present OA after observing that the Applicant had the alternative remedy of challenging the EC dated 25.02.2022 (annexed at Annexure R12/38, Page 1251-1256 of R12 Reply; S.No 70, Page 2073-2078 of Convenience Compilation) granted to the project. However, instead of choosing the correct course of action of filing a statutory appeal under Section 16 of the NGT Act, 2010, the Original Applicant deliberately and willfully choose not to avail the said remedy for reasons best known to her.
16. That since the Applicant has failed to avail the statutory remedy, the Applicant cannot be permitted to circumvent the provisions of the NGT Act, 2010 and

challenge the EC by way of the present OA especially since the period of limitation of 30 days (extendable up to 60 days) has long expired. It is an established law that once an appeal does not lie before the Tribunal against a given order, it will not be appropriate for the Tribunal to exercise judicial jurisdiction under section 14 or any other provisions of the NGT Act, 2010 (Refer **DV Girish & Ors. vs the Secretary to Government & Ors. (Application No.154 of 2014 (SZ) AND M.A. No. 284 of 2014 (SZ))**). Also See **Satyabrata Sanjeev Kumar Mohanty vs MoEF&CC (OA No. 53/2023/EZ)**.

17. That it is also worth noting that the Application does not contain any specific submission or prayer regarding the EC granted to the project being unlawful and thus, a fresh cause of action regarding the same cannot be introduced by way of a Rejoinder as this would be beyond the scope of OA and in clear violation of Rule 14 of the NGT (Practice and Procedure) Rules, 2011 which specifically prohibits plural remedies and submits that an application or appeal shall be based upon a single cause of action.
18. That, nevertheless, it is submitted that the EC has been granted to answering Respondent in accordance with the provisions of the EIA Notification, 2006 and the same has not been challenged till date in accordance with law.

IV. ORIGINAL APPLICANT HAS RAISED MISLEADING ALLEGATIONS REGARDING THE CONSTRUCTION OF THE PROJECT IN THE ECOSENSITIVE ZONE OF THE FAMBONG LHO WILDLIFE SANCTUARY

19. That the Original Applicant has alleged another fresh cause of action, in the Rejoinder, albeit wrongly and without and basis in facts or law, that the project of the Applicant falls within the Eco Sensitive Zone (hereinafter “**ESZ**”) of Fambonglho Wildlife Sanctuary. On the perusal of the ESZ Notification annexed at Annexure A/10, Pg 2348-2356 of the Rejoinder, it becomes clear that the ESZ of Fambonglho Wildlife Sanctuary is only 25 mts (or 0.025 km). It is also the final Notification and not the draft Notification. Hence, the project of the answering Respondent, being at a distance of 2.5 km as per the Original Applicant’s own submission, is clearly outside the ESZ Notification of Fambonglho Wildlife Sanctuary. The said Notification was challenged by way of an OA No. 15/2015/EZ titled Tseten Lepcha vs Union of India & Ors. however, it was dismissed on 21.08.2017 thereby giving a finality to the said

Notification. The same has never been challenged in the apex court to the best of the knowledge of the answering Respondent.

20. That, moreover, the Original Applicant has misinterpreted the EIA Notification of 2006. The Amendment of 25.06.2014 of the EIA Notification had amended the General Conditions and required appraisal of Category B projects as Category A if they were situated within 5 km of ESZ, among other areas. The 10 km requirement was only vis a vis certain projects such as river valley projects, Special Economic Zones among others. The true copy of the EIA Amendment Notification dated 25.06.2014 is marked and annexed as **ANNEXURE R12/60**.
21. That more importantly and surprisingly, even in the case of 5 Km from ESZ, the original Applicant has conveniently failed to mention that Note 3 of the EIA Notification 2006 in Item 8(a) – Building and Construction Projects, clarifies that General Conditions are not applicable in case of building and construction project under Item 8 of Schedule to the EIA Notification, 2006. This Hon'ble Tribunal may take strict note of the misrepresentation by the Original Applicant and the callous attitude with which the wrong position of law is being put forth for reasons which are clearly frivolous and to waste the time of this Hon'ble Tribunal. The true copy of the EIA Amendment Notifications dated 22.12.2014, 09.12.2016 and 15.11.2018 specifically with respect to Building and Construction Projects is marked and annexed as **ANNEXURE R12/61 (Colly)**.
22. Thus, assuming arguendo that the project of the Applicant falls within the ESZ of the Fambonglho Wildlife Sanctuary, the General Condition regarding the appraisal of the project as Category A Project is clearly not applicable as per the EIA Notification, 2006. From the abovementioned misrepresentation of law, it is clear that the Original Applicant is merely wasting precious time of this Hon'ble Tribunal by first submitting not only wrong facts about the project but also raising allegations of Section 16 Appeal in an Original Application and now misrepresenting the law before this Hon'ble Tribunal.
23. That further, as has already been submitted above, the present Original Application is clearly violative of Rule 14 of the NGT (Practice and Procedure) Rules, 2011. The said Rule 14 categorically prohibits plural remedies and submits that an application or appeal shall be based upon a single cause of action. To seek multiple reliefs, the Applicant is bound to prove that the reliefs sought are consequential to one another. In the instant case, the Applicant has raised issues pertaining to albeit baselessly, air pollution, water pollution, failure to obtain EC, non-compliance with Water Act, 1974 and Air Act, 1981, non-

compliances under the Environment Protection Act, 1986, in the same OA which are not consequential to each other.

V. THE ORIGINAL APPLICANT CANNOT INTRODUCE A FRESH CAUSE OF ACTION REGARDING CONSENT TO ESTABLISH GRANTED TO THE PROJECT

24. That the Applicant in the Rejoinder has alleged that the CTE (annexed at Annexure 5, Page 1090-1091 of R12 Reply, S. No. 68, Page 2070-2071 of Convenience Compilation) granted by the SPCB is marred by illegality. It is pertinent to note that the CTE for 11 floors of the project was granted by the Sikkim Pollution Control Board (hereinafter “SPCB”) to answering Respondent on 24.02.2022 which is much before the date of the OA. Therefore, the Applicant clearly had the statutory remedy of preferring an Appeal under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter “Water Act”) as well as the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter “Air Act) before filing the present OA. However, no appeal was preferred by the Applicant for reasons best known to her.
25. That subsequently, the Applicant was granted a second opportunity to challenge the CTE when this Hon’ble Tribunal dismissed the present OA on 10.05.2022. However, despite the opportunity granted by this Hon’ble Tribunal, the Applicant chose to sleep over her rights and instead file a frivolous petition before the Hon’ble Supreme Court.
26. That, therefore, it is humbly submitted that the Applicant cannot be permitted to circumvent the provisions of the NGT Act, 2010 and the aforesaid enactments and introduce completely fresh causes of action under the present OA, especially by way of a Rejoinder. Significantly, such a course of action would not only be outside the scope of the OA, but it would also be in contravention of established law as well as specifically violate the provision of Rule 14 of the NGT (Practice and Procedure) Rules, 2011 which bars plural remedies.

PARA WISE REPLY TO PRELIMINARY OBJECTIONS

27. The Contents of Para A is denied in toto and para-B need no comments.
28. That in response to the contents of paragraph 1 it is emphasized that the answering Respondent has carried out the development of the project in an

environmentally sound manner, after obtaining all the necessary permissions and taking into account the ecology of the region. Pertinently, the project, in line with setting highest standards for building and environment conservation, received precertification of Indian Green Building Council (IGBC) dated 01.08.2022 (Annexed at Annexure R12/56, Page 1304 of R12 Reply, S. No 77, Page 2093 of Convenience Compilation). Notably, projects certified by IGBC have minimum environmental impact (including energy savings between 20 – 30 % and water savings around 30 – 50% since day) and also involve several intangible benefits such as enhanced air quality and conservation of resources. The project has also been awarded precertification by ASSOCHAM GEN Green Building Council in February 2022 (Annexed at Annexure R12/57, Page 1305 of R12 Reply, S. No 60, Page 2072 of Convenience Compilation) which further demonstrates that the effort of the answering Respondent is towards attaining highest global standards in building and construction, perhaps for the first time in the State of Sikkim under the Smart City Program.

29. That in response to paragraph 2, the submissions of the answering Respondent in the Preliminary Submissions of the present Sur-Rejoinder are reiterated and are not being repeated for the sake of brevity. It is submitted that the Reply filed on behalf of the answering Respondent was duly signed by the authorized Counsel who was well acquainted with the facts of the matter. Further, the Reply also mentions the date and place of signing and is accompanied by a valid affidavit as required under Order VI Rule 15 of the Code of Civil Procedure, 1908. Therefore, the assertion that the Reply is not in accordance with Rule 16(3) is incorrect. In any event, the Hon'ble Supreme Court has held in a catena of judgments that procedural defects and irregularities which are curable should not be allowed to defeat substantive rights or to cause injustice. It is also apposite that to note that this objection regarding purported violation of NGT Rules, 2011 has been raised at a very belated stage i.e., when the pleadings are almost completed, and the matter is posted for final hearing by this Hon'ble Tribunal.
30. That the contents of paragraph 3 are hereby denied, and reliance is placed on the preliminary submissions in the present Sur-Rejoinder. Assuming arguendo, it is submitted that the alleged defect pointed out by the Original Applicant is a curable defect and the same cannot be a ground for defeating the substantive right of the answering Respondent. In any case these are statutory documents such as CTE, CTO and NOC by Fire and Emergency Department to merely show

that such statutory clearances are obtained although never challenged. No prejudice would be caused to any parties by such documents on record.

31. That the contents of paragraph 4 are denied as frivolous and incorrect. It is ludicrous that the Original Applicant is alleging delay on the part of the answering Respondent, even though it is the Original Applicant who has been adopting dilatory tactics to delay the course of the present proceedings on one pretext or the another. For example, after filing Civil Appeal against the Order dated 10.05.2022, the Original Applicant did not remove defects for almost 10 months. Similarly, the present Rejoinder was filed after almost nine months from the date of the first opportunity was granted by this Hon'ble Tribunal vide Order dated 19.03.2024.

32. That the contents of paragraph 5 are denied as misconceived, baseless and incorrect. At the outset, it is submitted that the approvals granted by the Cabinet to the project does not pertain to any of the enactments mentioned in Schedule 1 of the NGT Act, 2010 and therefore the same cannot be challenged before this Hon'ble Tribunal. More so, since the OA did not contain any specific averment or prayer regarding the Cabinet approvals and completely new cause of action regarding the same cannot be introduced by the Original Applicant by way of a Rejoinder. Assuming arguendo, such a cause of action would be barred under Section 14 of the NGT Rules, 2011 which provides that an application or appeal must be based upon a single cause of action.

It is also worth noting that apart from making a bald and vague submission, the Original Applicant has failed to submit an iota of evidence or any explanation as to how the Cabinet approvals are unlawful.

Nevertheless, it is submitted that the approvals have been granted by the Cabinet after a detailed examination of the project, its objections, the acute parking problem in the city and also after taking into account the environmental factor, the Geotechnical studies, site stability and load bearing capacity of the area. Therefore, the Cabinet approvals does not suffer from any infirmities. Further, the approvals granted by the Cabinet have not been challenged either administratively or in the competent court/ forum till date.

33. That the contents of paragraph 6 are based on an unsound understanding of the law and hereby denied. It is submitted that the instant OA was dismissed by this Hon'ble Tribunal vide Order dated 10.05.2022 on the ground of alternative remedy. The said Order categorically notes that submission of the answering Respondent that EC dated 25.02.2022 (annexed at Annexure R12/38, Page 1251-

1256 of R12 Reply; S. No 70, Page 2073-2078 of Convenience Compilation) was granted for the project. Therefore, it was well within the knowledge of the Applicant that EC has been granted for the project. Despite this, instead of following the correct course of action and challenging the said EC by way of Appeal, the Applicant chose to prefer a Civil Appeal before the Hon'ble Supreme Court for restoring the OA. And since the limitation period of thirty days given under Section 16 has expired, the Applicant is conveniently challenging the EC dated 23.08.2023 granted for 14 floors which is barred by limitation and also without challenging the first EC dated 25.02.2022 for 11 floors which is hopelessly barred by limitation. Therefore, it is humbly submitted that the argument of EC not being there for 14 floors at the time of OA is merely an afterthought and has no basis in law. In fact, it is evident from the Original Applicant's conduct that the Applicant never intended to follow the appropriate course of action in law and challenge the EC granted to the project, despite being provided the opportunity by this Hon'ble Tribunal.

It is also pertinent to submit that the present OA has been filed under Section 18(i) read with Sections 14, 15 and 17 of the NGT Act, 2010 and it is a settled law that EC can be challenged by way of a statutory appeal under Section 16 of the NGT Act, 2010 (**DV Girish & Ors. vs the Secretary to Government & Ors. (Application No.154 of 2014 (SZ) AND M.A. No. 284 of 2014 (SZ).**

34. That the contents of paragraphs 7 are hereby denied as misleading and incorrect. It is submitted that the main contention of the Original Applicant is that the answering Respondent has violated the mandated restriction on the number of floors as laid down under the Sikkim Building Construction Regulations, 1991. In this regard, it is submitted that the Sikkim Allotment of Housing Sites and Construction of Building (Regulation and Control) Act, 1985 and the Regulations made thereunder does not form part of Schedule I of NGT Act, 2010. A harmonious reading of Section 14 of NGT Act read with Schedule I makes it clear that any cause of action arising out of the said Regulations would not be maintainable before this Hon'ble Tribunal. Therefore, the aforesaid argument is devoid of any merit. It is also pertinent to note that project is being developed after obtaining all the requisite permissions from the competent authorities and the said permissions have not been challenged by the Applicant either administratively or before any competent Court/ forum till date. As far as the jurisdiction of this Hon'ble Tribunal is concerned it is well laid out in Section 14, 15 and Section 16 and the catena of Judgments of this Hon'ble Tribunal. It

is clear that the substantial question of environment has to arise from the scheduled to the NGT Act, 2010. Further any prior Environment Clearance granted or rejected needs to be challenged as per procedure prescribed in the NGT Act, 2010. It is settled law that if an Appeal lies, this Hon'ble Tribunal cannot entertain the petition in an Original Application as is this case. This is a ground alone to dismiss this Original Application.

35. That the contents of paragraphs 8-10 are hereby denied, and it is submitted that the present proceedings are ill conceived and not maintainable before this Hon'ble Tribunal notwithstanding the failure of the Original Applicant to avail appropriate statutory remedy. While the OA casually notes that the present proceedings have been instituted under Sections 14, 15, 17 and 18 of the NGT Act, 2010: however, the essential ingredients of the said Sections have not been satisfied so as to warrant the jurisdiction of this Hon'ble Tribunal. Section 14 of NGT Act, 2010 requires that there should be a substantial question relating to the environment and such question should arise from the implementation of the enactments specified in Schedule I of NGT Act. On similar lines, Section 15 empowers this Hon'ble Tribunal to provide relief and compensation to the victims of pollution and environmental damage, *provided* such damage arise under enactments specified in Schedule I of the NGT Act. As already noted above, Sikkim Allotment of House Sites Act and Regulations made therein is not listed in the Schedule I of the NGT Act and therefore any cause of action arising from said Regulations cannot be raised under Section 14 or Section 15. As regards, Section 15, it is also worth noting that no Form II, as required under Rule 8 of NGT (Practice and Procedure) Rules, 2011, has been annexed to the OA. Assuming *arguendo*, the Applicant has failed to demonstrate how she is directly affected by the project. Further, the OA also lacks the essential elements required under Section 17 i.e., death or injury to any person or damage to any property or environment. Therefore, Section 17 is also not applicable. Similarly, the Applicant has failed to demonstrate her standing as an aggrieved party under Section 18 of NGT Act and in this regard contents of preliminary submissions of the Reply of answering Respondent are reiterated. Therefore, it is submitted that the present Application is not maintainable. Further the challenge to a prior EC has a procedure prescribed in the law and that has not been followed. The Hon'ble Supreme Court while remitting the case back to this Hon'ble Tribunal has categorically noted that all contentions of the parties are open, and this implicitly includes the question of maintainability. It is clear that the challenge

to the grant of prior EC cannot be raised at this belated stage and is in violation of the procedures as prescribed in law.

36. That the contents of paragraph 11 are denied as factually incorrect, and the Applicant is put to strict proof of the same. It is humbly submitted that one of the main objectives of the project is to ameliorate the acute parking problems in the city. The old multilevel car parking, which has now been re-developed into a state-of-the-art MLCP Cum Commercial Development Project by the answering Respondent, had limited capacity of only 165 equivalent car spaces (ECS) and lacked basic passenger amenities such as properly maintained public toilet and passenger waiting area. It also remained overcrowded due to many unorganized eatery points which were operational therein. In contrast, the present project has higher parking capacity of 448 ECS and it shall cater to tourists, local taxi drivers, as well as public at large for private vehicles. Pertinently, the EC dated 23.08.2023 (annexed at Annexure R12/39, Page 1257-1272 of R12 Reply; S. No. 85, Page 2104-2119 of Convenience Compilation) also notes that parking facility for 448 four wheelers has been provided in the lower four floors of the project.

Moreover, all steps have been taken by the answering Respondent while constructing the project to address the requirement of seismicity of the area. Multiple Geo-technical studies have been taken for the project which have all been found favorable and based on these studies the requisite permissions have been granted for the project and they have been described and appended in detail in the written statement of the answering Respondent and is not being repeated here for brevity. Moreover, the said project vide a letter dated 04.10.2021 by Associate Professor, IIT Guwahati certifies that the structure can withstand seismic load up to Richter scale 8 as per norms of IS 1893-2016. The said Professor, IIT Guwahati has also been engaged till the end of the construction of the project for continuously vetting its design, structural protection, Geotechnical Components, Soil Stabilizing measures, water logging, etc.

37. That the contents of paragraph 12 are hereby denied as incorrect. It is submitted that Annexures 12/15, Annexures 12/19, Annexures 12/20, Annexures 12/43 and Annexures 12/44 in the answering Respondent's Reply are all internal correspondences between the answering Respondent and Gangtok Smart City Development Limited (hereinafter "GSCDL") whereby the answering Respondent had submitted necessary documents such as key plan, site plan, Geo-

technical studies, architectural and structural drawings with respect to the project from time to time. These documents have not been brought on record as they have no relevance to the issued involved in the present dispute. As regards Annexure 12/21 (Geotechnical Investigation Report prepared by JP Geo Consultants in November-December 2021), it is submitted that only the relevant pages of the said Report were annexed due to its voluminous size. However, paragraph 50 of the answering Respondent's Reply dated 16.03.2024 clearly notes that the entire report is also available for perusal of this Hon'ble Tribunal. It is submitted that the Applicant has turned the present case into fishing and roving exercise, wherein all the documents that have been referred by the answering Respondent have been sought, even though they have no bearing on the issues in the present proceedings.

38. That the contents of paragraph 13 are denied and the contents of the preliminary submissions of answering Respondent's Reply dated 16.03.2024 and para wise reply mentioned in the present Sur-Rejoinder are being reiterated but not reproduced herein for brevity. It is however submitted that the present OA has been casually filed under Sections 14, 15, 17 and 18 of the NGT Act, 2010 without meeting the requirement of these Sections. The Original Applicant has also failed to avail the appropriate remedy of challenging the EC granted to the project and therefore the present Application is not maintainable before this Hon'ble Tribunal.
39. That the contents of paragraph 14 are denied as false and frivolous and the contents of Preliminary Submission I of Reply dated 16.03.2024 are reiterated. It is submitted that Original Applicant has not brought on record any material to show how she is aggrieved within the meaning of Section 18 of the NGT Act, 2010. Further, while the Applicant claims to be a social worker fighting to protect culture and heritage of Sikkim, she has not submitted a single document to verify her bonafides and credentials. The Hon'ble Supreme Court has categorically held that when credentials & bonafides of litigants are seriously raised and when entertaining grievance of such litigants which is likely to adversely affect the rights of many, the bonafides and credentials of such litigants must be tested (**State of Uttar Pradesh vs. Uday Education and Welfare Trust (2022 SCC OnLine SC 1469)**). This Hon'ble Tribunal, while relying upon the said decision, has also observed that **Anand Kumar Jha vs Union of India (Appeal No. 05/2021/EZ)** since the Applicant had failed to disclose its source of funding and source of obtaining documents to maintain the Appeal or to take up environment

issues and since not a single person affected by mining operation was before NGT, therefore, a serious doubt is cast upon credentials & bona fides of Applicant, and he cannot be said to be aggrieved person under Sections 16 and 18 of the NGT Act. It is submitted that the Applicant is a political opportunist with least interest in environmental issues, and this is evident from the fact that, as a President of Hamro Sikkim Party, the Applicant politicized the issue of PPP Models entered by State with Private Parties (refer press clip dated 20.12.2021 which is annexed at Annexure 58, Page 1306 of R12 Reply and S. No 39, Pg. 1979 of Convenience Compilation). Further, soon after the stay order dated 10.05.2022 of this Hon'ble Court, the Original Applicant gave numerous press conferences and various newspaper articles were carried out regarding the said Order (refer S. No 102, Page 2188-2189 of Convenience Compilation). It is believed that, the Applicant has thereafter joined "Sikkim Democratic Front" which is the main opposition party and is only seeking to gain political mileage by prolonging and politicizing the present proceedings. The current status of her political affiliation is not known. But one thing is certain from the conduct shown thus far that this Application is a political witch hunt against the PPP models and has no relation to any substantial question of environment.

40. That the contents of paragraph 15 are hereby denied as false and incorrect. It is submitted while the Original Applicant is purportedly claiming to espouse the cause of all the residents of the Gangtok, there is not a single person owning property around the project has opposed or come before this Hon'ble Tribunal against the said project. Further, as noted above, the credentials and bona fide of the Original Applicant herself are in serious doubt and the Original Applicant cannot be considered as an aggrieved person within the meaning of Section 18 of the NGT Act, 2010. It is submitted that the present Application should be dismissed on this ground alone. The project is environmentally sound and has been raised only after all due clearances and Geotechnical studies as required under the law and meets a very important component of public parking which is in serious deficit in the city of Gangtok.
41. That the contents of paragraph 16 are hereby denied as based on an incorrect understanding of the provisions of the NGT Act. It is submitted that Section 2(1)(m) of NGT Act, 2010 when read in conjunction within Section 14 and Schedule I of the said Act makes it manifestly clear that the substantial question relating to environment must pertain to the enactment specified in the Schedule I. In this connection, it is reiterated that Sikkim Building Construction

Regulations and the Notifications issued therein are not part of the Schedule I of the NGT Act, 2010 and therefore the cause of action arising from the said regulations would not be maintained before this Hon'ble Tribunal.

42. That the contents of paragraph 17 are denied, and it is submitted that the OA is not maintainable under Section 15 of the NGT Act. That at the outset, specific relief, compensation or restitution can be sought only by a claimant, who is a direct victim of any pollution or other environmental damages. However, in the present case, apart from making bald assertions, the Applicant has failed to provide any evidence or submit any document showing how she is impacted by the project. It is equally significant to note that the Applicant has failed to make an Application in Form II as is required under Rule 8 of NGT Rules, 2011 and that the OA is not maintainable because an Application under Section 14 and 15 of NGT Act, 2010 cannot be integrated into one.
43. That the contents of paragraph 18 are denied as frivolous and baseless. It is submitted that since the Applicant has failed to avail the alternate remedy of preferring an appeal against the EC granted to the project, the Applicant cannot now be permitted to challenge the same by way of an OA under Section 14 of the NGT Act, 2010, especially by way of a Rejoinder. It is an established law that once an appeal does not lie before the Tribunal against a given order, it will not be appropriate for the Tribunal to exercise judicial jurisdiction under section 14 or any other provisions of the NGT Act, 2010. **(DV Girish & Ors. vs the Secretary to Government & Ors. (Application No.154 of 2014 (SZ) AND M.A. No. 284 of 2014 (SZ))**. Nevertheless, it is humbly submitted that the EC has been granted in accordance with the provisions of the EIA Notification, 2006 and the same has not been challenged till date in accordance with law.
44. That the contents of paragraph 19 are hereby denied and the contents of para wise Reply mentioned in the present Sur-Rejoinder are being reiterated but not reproduced herein for brevity. It is submitted that the contention of the Original Applicant that the CTE is not proper is not correct on facts. The CTE has been obtained in accordance with law and has never been challenged. Further the prior EC has also been granted in accordance with law and assuming the Applicant or anyone else are aggrieved there is a proper procedure prescribed in law which has not been followed. Further one clearance is not consequential on another as CTE granted under the Water Act, 1974 and Air Act, 1981 and Environment Clearance granted under the EIA Notification, 2006 are separate legal requirements with each having its own distinct regulatory mechanism.

45. That the contents of paragraphs 20 and 21 are hereby denied and the contents of preliminary submissions of the present Sur-Rejoinder are being reiterated and not reproduced herein for brevity. It is however significant to note that the Applicant has conveniently suppressed the fact that Column 5 of Item 8(a) – Building/ Construction projects of the Schedule to the EIA Notification, 2006 clearly notes that General Conditions shall not apply to the building and construction projects. Also, since the ESZ of Fambonglho Wildlife Sanctuary is only 25 mts (or 0.025 km), the project of the answering Respondent being at a distance of 2.5 km as per the Original Applicant's own submission, is clearly outside the ESZ Notification of Fambonglho Wildlife Sanctuary.
46. That the contents of paragraphs 22 and 23 are denied and the contents of preliminary submissions of the answering Respondent's Reply as well as the para wise reply mentioned in the present Sur-Rejoinder are being reiterated. It is however pertinent to clarify that the restrictions on the number of floors are subject to relaxation, based on the exigencies of the situation. In the case of answering Respondent, the relaxation has been granted owing to the acute parking issues of vehicular congestion and lack of parking facilities for vehicles that the city has been facing for number of years. Further, such relaxation has been granted by a body no less than the Cabinet itself as it evident from its approval dated 11.06.2021 (annexed at Annexure R12/9, Page 1104 of R12 Reply; S.No 12, Page 1909 of Convenience Compilation) and dated 05.08.2022 (S.No 78, Page 2094 of Convenience Compilation). Taking note of the same, Gangtok Municipal Corporation had also issued Construction Order dated 31.12.2021 for 11 floors (annexed at Annexure R12/45, Page1288-1289 of R12 Reply) and dated 11.11.2022 for 14 floors (annexed at S.No 80, Page 2096-2097 of Convenience Compilation) under the Sikkim Building Construction Regulations, 1991. It is worth noting that apart from government buildings, the state authorities have also relaxed the floor restrictions for private parties as well such as hotels to promote tourism and apartment complexes to increasing housing supply.

It is also submitted, at the cost of reiteration, that the project has been developed taking into account the environmental factors, the geotechnical factors, site stability, load bearing capacity and other such safeguards. That adequate material on Geological, and Geotechnical investigation vis a vis design, structural safety and load bearing capacity existed for project even before its commencement. In

March 2020, the Department of Mines and Geology, in its Geological and Geo-technical Investigation Report (annexed at Annexure R12/10, Page 1105-1123 of R12 Reply; S.No 4, Page 1738-1756 of Convenience Compilation) for the proposed site, found that the nature of foliation of rocks made the area geologically feasible for the proposed construction. Further, detailed Geological, Geo-Technical & Geophysical Investigation Reports have been obtained wherein the safe bearing capacity of soil has been found to be higher than the IS Code Recommendation in hilly terrain and higher than the load of the structure. These studies have been further vetted by Jadavpur University and a technical expert has also been permanently associated for continuous vetting of work relating to design, fabrication, geotechnical components, etc. & to provide technical recommendations for entire duration of project. Equally significant, a letter dated 04.10.2021 (annexed at Annexure R12/16, Page 1188 of R12 Reply; S. No. 28, Page 1947 of Convenience Compilation) has been issued by IIT Guwahati to the answering Respondent same was found satisfactory for execution of 04 level parking + 10 level composite steel structure and that structure can withstand seismic load up to Richter scale 8 as per norms of IS 1893 – 2016. Similarly, Structural Design Basis Report dated 26.01.2022 (annexed at Annexure R12/25, Page 1216-1230 of Reply; S. No. 58, Page 2023-2037 of Convenience Compilation) was obtained from SPA consultants to ensure load bearing capacity against seismic forces and the said report notes that the building of the project has been designed as composite steel framed structure – part concrete rest steel for better stability against seismic forces. Weight of building has also been kept light owing to high seismic zone. Jadavpur University also issued a certificate in February 2022 (annexed at Annexure R12/26, Page 1231 of R12 Reply; S. No. 64, Page 2063 of Convenience Compilation) certifying *inter alia* that the project is designed as per relevant IS Code and as Mica schist rock has been encountered below the foundation level, there shall be no load impact in the surrounding area of project site. Recently, IIT Roorkee, in its letter dated 02.09.2024, has pertinently observed that design confirms to the relevant IS Codes and has been found satisfactory for Seismic Zone -IV. Therefore, due care and caution has been exercised by the answering Respondent during the development of the project.

47. That the contents of paragraphs 24 are vehemently denied as baseless and incorrect. It is submitted that all the approvals and permissions have been granted to the answering Respondent only after following the due procedure laid down

in law. It is submitted, at the cost of reiteration, that as per Rule 14 of NGT Rules, 2011 an application or appeal can only be based upon a single cause of action and only reliefs which are consequential to one another can be sought. It is submitted that by no stretch of imagination can the relief being sought by the Original Applicant can be considered as consequential within the meaning of Rule 14. It is also worth noting that the Original Applicant is not remedy less but has chosen a wrong forum to mislead this Hon'ble Tribunal and this is a ground alone to dismiss the OA.

48. That the contents of paragraphs 25-29 are hereby denied as baseless, and reliance is placed on the contents of the Reply dated 16.03.2024, preliminary submissions and para wise response in the present Sur-Rejoinder and the same are not reiterated for brevity. It is however submitted that the original Applicant is raising issues which have no relevance to the present proceedings and are not within the domain of this Hon'ble Tribunal. The Applicant has not submitted any counter-study, document or any iota of evidence to controvert the findings of the studies and reports submitted by the answering Respondent. Similarly, aside from casting aspersions, the Applicant has also failed to bring on record any material to doubt the expertise and capabilities of the technical experts associated with the project. Given the fact that institutions and technical experts engaged by answering Respondent are well renowned and known for the quality of their work, the onus is on Applicant to bring on record credible evidence to support such unfounded allegations.
49. That the contents of paragraphs 30 and 31 are denied and it is submitted that the Applicant is raising extraneous issues which have no bearing to the present proceedings. In any event, it is noted that in November – December 2021, the answering Respondent obtained Geotechnical Investigation Report (Annexure R12/21, Page 1198 - 1212 of R12 Reply; S. No. 38, Page 1964-1978 of Convenience Compilation) by JP Geo Consultants wherein 33 Nos of Boreholes were drilled and all the samples collected in field were tested in NABL approved laboratory. The said findings were vetted by Dept. of Construction Engineering, Jadavpur University which observed that structural engineer had taken extreme caution in designing safe foundation for proposed structure.

PARAWISE REPLY TO REJOINDER TO THE REPLY

50. That the contents of paragraph 1 merits no response.

51. That the contents of paragraph 2 are denied as false and frivolous. It is reiterated that the Applicant has not brought on record any material to show how she is aggrieved within the meaning of Section 18 of the NGT Act, 2010. Further, while the Applicant claims to be a social worker, she has not submitted a single document to verify her bonafides and credentials. It may be reiterated that the Hon'ble Supreme Court has categorically held that when credentials & bonafides of litigants are seriously raised and when entertaining grievance of such litigants which is likely to adversely affect the rights of many, the bonafides and credentials of such litigants must be tested (**State of Uttar Pradesh vs. Uday Education and Welfare Trust (2022 SCC OnLine SC 1469)**). It is submitted that the Applicant is a political opportunist with least interest in environmental issues, and this is evident from the fact that when the Applicant was the President of 'Hamro Sikkim Party', she politicized the issue of PPP Models entered by State with Private Parties (refer press clip dated 20.12.2021 which is annexed at Annexure 58, Page 1306 of R12 Reply and S. No 39, Pg. 1979 of Convenience Compilation). Similarly, Applicant gave press conferences and various newspaper articles (fer S. No 102, Page 2188-2189 of Convenience Compilation) were carried out after the stay order dated 10.05.2022 of this Hon'ble Court. It is believed that, the Applicant has thereafter joined "Sikkim Democratic Front" which is the main opposition party and is only seeking to gain political mileage by prolonging and politicizing the present proceedings. The current status of her political affiliation is not known. But one thing is certain from the conduct shown thus far that this Application is a political witch hunt against the PPP models and has no relation to any substantial question of environment. The conduct of the Applicant in filing a Civil Appeal before the Hon'ble Supreme Court and not removing the defects for almost 10 months further bolsters this view.
52. That the contents of paragraph 3 do not merit any reply.
53. That the contents of paragraph 4 of the Rejoinder are denied and reliance is placed on the preliminary submissions and para wise reply mentioned in the present Sur-Rejoinder.
54. That the contents of paragraphs 5-6 are denied and the contents of corresponding paragraphs 5 and 6 of the answering Respondent's Reply are being reiterated and not produced herein for brevity.

PARA WISE REPLY TO REJOINDER TO FACTS IN BRIEF

55. That with respect to the contents of paragraph 7, it is reiterated that the OA has been filed raising several baseless, frivolous and unfounded allegations which have no basis either in law or the facts. As submitted above, the Application is not maintainable before this Hon'ble Tribunal, and further the Applicant is also not an aggrieved person within the meaning of Section 18 of the National Green Tribunal Act, 2010. Nevertheless, it is clarified that the project has been undertaken by the answering Respondent after obtaining all the requisite permissions and clearances and the same have not been challenged by the Applicant till date.
56. That the contents of paragraph 8 are denied as fanciful and baseless. It is submitted that the present project has parking capacity of 448 ECS which is considerably more than the capacity 165 ECS of old multilevel car parking. The EC dated 23.08.2023 clearly notes that "parking facility for 448 four wheelers has been provided in the lower 4 floors of the MLCP cum Commercial Complex." It is further submitted that the additional floors comprise of commercial development (mall + hotel) which are built with modern aesthetics and based on the concept of green building. In addition to ameliorating traffic congestion problems, the project will serve as a tourist attraction ensuring the interest and economic progress of city dwellers, shoppers, tourists, smart city objectives, as well as providing open spaces for an uninterrupted view of the city, Mount Kanchenzonga and for recreational purposes. Pertinently, the Cabinet in its Memorandum dated 27.05.2021 (annexed at S. No 11, Page 1904-1908 of Convenience Compilation) has noted this project is the first ever multi-level car par with commercial development in the city.
57. That the contents of paragraph 9 are vehemently denied as false and incorrect. It is submitted that the Gangtok Smart City Development Ltd. in its Reply dated 16.03.2024 has annexed photographs (annexed at S. No. 99, Page 2181-2183 of Convenience Compilation) as to how an unprecedented increase in vehicles coupled with inadequate parking spaces, rapid urbanization and limited road space has led to acute parking problems in the city. Further Project Information Memorandum (annexed at Annexure R12/1, Page 1062- 1079 of R12 Reply; S.No 5, Page 1757-1774 of Convenience Compilation) also notes that parking demand far outstrips the supply as a result of which various multi-level car

parking projects have been identified by the Gangtok Smart City Development Ltd under its smart city program to be implemented on priority basis and this includes the present project. It is also reiterated that the present project has been undertaken by the answering Respondent after in accordance with all the extant laws and regulations.

58. That the contents of paragraphs 10 – 12 are denied and contents of paragraphs 10-12 of the answering Respondent's Reply and the submissions made above are being reiterated and not reproduced herein for brevity.
59. That with respect to the contents of paragraph 13, it is denied that the construction of the project was started before obtaining necessary permissions and clearances. It is submitted that the demolition work was undertaken under a separate agreement in pursuance to NOC dated 17.09.2021 (annexed at Annexure R12/2, Pg. 1080 of R12 Reply; S. No. 21, Page 1927 of Convenience Compilation) issued by SPCB and NOC dated 21.09.2021 (annexed at Annexure R12/3, Pg. 1081 of R12 Reply; S. No 23, Page 1930 of Convenience Compilation) issued by the Urban Development Department, Government of Sikkim. Thereafter, based on the recommendations of the Soil Consultant, the answering Respondent issued a letter dated 27.12.2021 to GSCDL seeking permission to cover the exposed soil, left after removal of foundation of existing structure, with plain cement concrete (annexed at S. No. 41, Page 1981 of Convenience Compilation). Accordingly, GSCDL issued Notice to Proceed dated 31.12.2021 instructing the answering Respondent to initiate the foundation security work immediately prior to the onset of the monsoon season in order to avoid any hazards during rain. Construction Order dated 31.12.2021 (annexed at Annexure R12/45, Page 1288-1289 of R12 Reply) was also issued by the Gangtok Municipal Corporation for construction of 11 floors of the project. Therefore, on 23.02.2022 a clarification was sought by SPCB from answering Respondent as to how the work of project was commenced without permission, in response to which the answering Respondent informed vide letter dated 23.02.2022 (Annexure R12/3 of Sur-Rejoinder) that only the work of concretization of the exposed soil for foundation security was carried out to avoid any disaster due to the ensuing monsoon season. SPCB accepted the submission of the answering Respondent and accordingly granted CTE on 24.02.2022 for a project of eleven floors. It is therefore humbly submitted that the work of securing the foundation was conducted only after obtaining due permissions and in the public interest. It is pertinent to add that the said CTE was

never challenged and if aggrieved appropriate remedies may be availed in accordance with law.

60. That the contents of paragraphs 14–16 are denied and contents of corresponding paragraphs 14-16 of the answering Respondent's Reply and the submissions made hereinabove are being reiterated and not reproduced herein for brevity.
61. That the contents of paragraph 17 – 19 are denied and the contents of preliminary submissions and para wise response in the present Sur-Rejoinder are being reiterated and not reproduced herein for brevity. Neither the EC nor the CTE have been challenged, and this cannot be done by way of a rejoinder affidavit.
62. That the contents of paragraph 20 are admitted to the extent they form a matter of record and the rest are denied. It is submitted that the conduct of the Appellant in filing a Civil Appeal No. 6168/2023 instead of following the alternative remedy of challenging the EC/CTE and then failing to remove the defects notified by the Registry after an inordinate delay of 10 months is more than meets the eye. Further, the Applicant has tried to introduce several fresh causes of action regarding the EC, CTE, Cabinet approvals and other approvals granted to the answering Respondent, in the guise of filing a Rejoinder, in complete contravention of Rule 14 of NGT Rules, 2011. All this only goes on to show that Original Applicant is not a bonafide litigant, but a political opportunist who is seeking to gain political advantage by way of the present proceedings. Considering that all the pleas and contentions have been left open by the Hon'ble Supreme Court, it is submitted that this Hon'ble Court may dismiss the present OA on this ground alone.
63. That the contents of paragraphs 21-25 are denied and the contents of paragraphs 21-25 of the answering Respondent's Reply along with preliminary submissions and para wise response in the present Sur-Rejoinder are reiterated, without being reproduced herein for brevity.

PARA WISE REPLY TO THE REJOINDER TO PRELIMINARY OBJECTIONS AND SUBMISSIONS

64. That the contents of paragraph 26 are denied. It is submitted that the Applicant is repeatedly raising the same baseless allegation regarding danger to the environment ecology without any iota of evidence. As has been already noted above, the project has been developed after taking into account several Geological and Geo-technical Studies which have been favorable. The drawings and design of the project have been vetted by eminent institutions such as

Jadavpur University and IIT Guwahati as well as IIT Roorkee to ensure the safety of the project and address the issue of seismicity. It is also worth noting that the project is based on the concept of green building and is expected to have an enormous positive impact on the environment through its life cycle. Notable, the answering Respondent has also adopted several additional measures such as water efficient plumbing fixtures, zero water discharge (ZLD) campus, etc. In this regard, paragraphs 111-116 of the answering Respondent's Reply dated 16.03.2024 may be referred.

65. That the contents of paragraph 27 are denied and the contents of paragraphs 27 – 29 of the answering Respondent's Reply along with the preliminary submissions and para wise response in the present Sur-Rejoinder are being reiterated. It is nevertheless submitted that the answering Respondent has obtained requisite permissions from all the competent authorities, including SEIAA, SPCB, GMC for developing 14 the floors.
66. That the contents of paragraph 28 are denied as baseless, and reliance is placed preliminary submissions of the answering Respondent's Reply and the preliminary submissions and para wise response in the present Sur-Rejoinder. It is submitted that the OA did not contain any specific averment or prayer challenging the Cabinet approvals and the Applicant cannot be permitted to raise a fresh cause of action regarding the same by way of the Rejoinder. In any case, such a cause of action would be barred by Section 14 of the NGT (Practice and Procedure) Rules, 2011 which bars plural remedies.
67. That the contents of paragraph 29 are denied. It is submitted that the judgements relied in paragraph 29 of the Reply as squarely applicable to the facts of the present case as the Original Applicant has failed to submit any document or evidence demonstrating her bona fides and credentials. It is submitted that considering the Applicant's conduct, a serious doubt is cast upon her bona fides, and the Applicant cannot be considered as an aggrieved person under Section 18 of the NGT Act, 2010.
68. That the contents of paragraph 30 are vehemently denied. At the outset, it is surprising that the Original Applicant has casually denied that Sikkim Building Construction Regulations, 1991 are not included in the Schedule to the NGT Act, 2010 even though a bare perusal of the Schedule would prove that regulations have not been included therein. This only goes on to show that Applicant has filed the present Application with an oblique motive and not to promote environmental rule of law. Further, the Original Applicant is repeatedly raising

the same allegations and therefore reliance is placed on paragraphs 34-38 of the answering Respondent's Reply and the para wise reply in the present sur-rejoinder and the same are not reproduced herein for brevity. It is, however, pertinent to note that the permissions granted to the answering Respondent under building byelaws have not been challenged administratively or before any other competent forum.

69. That the contents of paragraphs 31 and 32 are denied. It is submitted that Clause 8 of the OA which specifies the cause of action for filing the OA, does not mention grant of approval by the Cabinet as a cause of action. Thus, the Applicant cannot introduce a fresh cause of action by way of Rejoinder. In particular, this would be violative of Section 14 of the NGT (Practice and Procedure) Rules, 2011 which bars plural remedies.
70. That the contents of paragraph 33 are denied. It is submitted that the Applicant has misunderstood the exact purport of the judgment passed by this Hon'ble Court in judgment dated 09.04.2015 in **D.V Girish v. Secretary to Government, Department of Forest & Ecology O.A. No. 154 of 2014 (SZ)** wherein this Hon'ble Tribunal has held that "Once an appeal does not lie before the Tribunal against a given order, it will not be appropriate for the Tribunal to exercise judicial jurisdiction under section 14 or any other provisions of the NGT Act, 2010." Applying the said principal to the present case would mean that since the Applicant choose not to prefer an appeal against the EC granted to the project under Section 16 of the NGT Act, 2010 and the limitation period of 30 days, further extendable up to 60 days, for filing the appeal has expired: the Original Applicant cannot now indirectly challenge the EC under the OA. In other words, the said judgment makes it evident that any cause of action regarding the EC granted to the project is not maintainable before this Hon'ble Tribunal.
71. The contents of paragraphs 34 – 36 are hereby denied and it is noted that the Applicant is repeating the same baseless submissions throughout its Rejoinder. Further, the contents of Preliminary Submissions of the answering Respondent's Reply and the para wise response mentioned in the present Sur-Rejoinder are being reiterated and not reproduced herein for brevity.
72. That the contents of paragraph 37 are denied. It is submitted that the proposal for relaxation of the floor limit of the project was considered by the Cabinet in considerable detail vide Cabinet Memorandum dated 27.05.2021 (S.No 11, Page 1904-1908 of Convenience Compilation) and Cabinet Memorandum dated 29.07.2022 (S. No 76, Page 2088-2092 of Convenience Compilation) and

thereafter the Cabinet granted its approval on 11.06.2021 and 05.08.2022 respectively. It is also a policy decision of the Government and therefore generally outside the purview of judicial review.

73. That the contents of paragraph 38 are denied and the contents of Preliminary Submissions of the answering Respondent's Reply and the preliminary submissions and para wise response mentioned in the present Sur-Rejoinder are being reiterated and not reproduced herein for brevity.
74. That the contents of paragraphs 40-59 are hereby denied as frivolous and incorrect and the contents of the Reply of the answering Respondent and the preliminary submissions and para wise reply mentioned in the present Sur-Rejoinder are reiterated. It is however, submitted that the Applicant has merely denied the findings of the reports without submitting any specific study, counter-report or finding of any expert to controvert the findings of the studies and reports relied upon by the answering Respondent. Further, aside from casting aspersions, the Applicant has also failed to bring on record any material to doubt the expertise and capabilities of the technical experts associated with the project. Given the fact that the institutions and technical experts engaged by the answering Respondent are institutes of national and international repute and well-known for the quality of their work, the onus is on Applicant to bring on record specific evidence regarding their credibility.
75. That the contents of paragraphs 60 and 61 are hereby denied as misleading and baseless. It is submitted that the answering Respondent had proposed for the additional floors due to the fact that there is an urgent need to also create park like plazas for free public use on various floors, thereby leading to requirement for more floor area due to staggered construction on various floors. This is done for not only ensuring the interests and economic progress of city dwellers, shoppers, tourists, smart city objectives and entrepreneurs (retailers) but also for providing with open space for the view of the city, Mount Kanchenzonga and for recreational purposes. That the additional floors have been also applied to make up for the reduced built-up area spent in providing a 20 ft wide gap from the edge of boundary so that a circular road could be developed between the proposed building and the neighborhood boundary.
76. That the contents of paragraph 62 are denied and the preliminary submissions in the reply of the answering Respondent as well as the preliminary submissions and para wise reply to mention in the present Sur-Rejoinder are being reiterated and not reproduced herein for brevity. It is however clarified that the approvals

granted by the Cabinet have not been challenged till date. In any case it is a Policy decision which has been taken after ensuring environment safeguards and hence not within the purview of judicial review.

77. That the contents of paragraph 63 are denied as frivolous and baseless and the contents of preliminary submissions and para wise reply mentioned in the present Sur-Rejoinder are being reiterated and not reproduced herein for brevity.
78. That the contents of paragraphs 64-79 are denied and the contents of the Reply of the answering Respondent and preliminary submissions and para wise reply mentioned in the present Sur-Rejoinder are being reiterated and not reproduced herein for brevity.
79. That the contents of paragraphs 80 and 81 are denied as baseless and incorrect. It is submitted, at the cost of reiteration, that as per Column 5 of Item 8(a) – Building/ Construction projects of the Schedule to the EIA Notification, 2006 explicitly provides that General Conditions shall not apply to the building and construction projects. Further reliance is placed on the preliminary submissions and the para wise reply mentioned in the present Sur-Rejoinder.
80. That the contents of paragraphs 82-92 are hereby denied and the contents of the contents of the Reply of the answering Respondent and preliminary submissions and para wise reply mentioned in the present Sur-Rejoinder are being reiterated and not reproduced herein for brevity.
81. That the contents of paragraph 93 are denied, and it is submitted that the Applicant has virtually turned the present proceedings into a fishing and roving exercise by seeing all the documents referred to by the answering Respondent, even though such documents are not crucial and have no bearing to the present proceedings.
82. That the contents of paragraphs 94-117 are merely reiteration of the contents of the OA and preliminary objections raised in the Rejoinder. The contents of the Preliminary submission in the Reply dated 16.03.2024 and the contents of preliminary submissions and para wise reply mentioned in the present Sur-Rejoinder are being reiterated and not reproduced herein for brevity.

PARA WISE REPLY TO THE REJOINDER TO PARA WISE REPLY

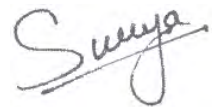
83. That the contents of para 117 – para 145 from page 2332 to 2344 reiterate the same submissions of the Original Applicant as in its Preliminary Objections. The contents of the Reply dated 16.03.2024 of the answering Respondent along with the Preliminary Submissions and para wise response mentioned in the present

Sur Rejoinder are reiterated and are not being repeated for the sake of brevity. This Hon'ble Tribunal may take strict note of the conduct of the Original Applicant in not only submitting wrong facts and position of law before this Hon'ble Tribunal but also controverting scientific studies without any iota of evidence regarding their alleged unreliability. Clearly there is more than what meets the eye and this Hon'ble Tribunal may take strict note of the frivolous submissions especially in a Rejoinder of almost 100 pages, which itself amounts to a new Application, filled with baseless objections on facts and misinterpretation of law. This Hon'ble Tribunal is urged to take note of the many misrepresentations of the Original Applicant and dismiss the present petition with huge costs.

Date: 22.01.2025

Place: Kolkata

DRAWN & FILED BY:



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 38 OF 2022

IN THE MATTER OF:

Dr. Bina Basnett.

...Applicant

-Versus-

State of Sikkim & Ors.

...Respondent(s)

AFFIDAVIT

I, Akhil Dalmia, S/o Late Binod Dalmia, aged about 32 years, am the authorized signatory for West Point Infrastructure Private Limited, Respondent No. 12, having its registered office at 3rd floor, Vega Circle Mall, 3rd Mile, Sevoke road, Siliguri-734001, do hereby solemnly affirms and declare as under:

1. That I am the fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That I have read the contents of paragraphs No. 1 [Pg. 2385] to 83 [Pg. 2410-2411] of the accompanying Sur Rejoinder and state that the facts stated therein are true to my knowledge and belief and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Sur Rejoinder are true and correct to the best of my knowledge.

West Point Infrastructure Private Limited

Akhil Dalmia

**Chief Financial Officer
DEPONENT**

VERIFICATION:

Verified at Siliguri, Sikkim on this 21st day of January 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

West Point Infrastructure Private Limited

Akhil Dalmia

**Chief Financial Officer
DEPONENT**

AFFIDAVIT
Solemnly Affirmed before me
by _____
of _____
Identified as _____
This on _____ day of _____ 20____
at _____ AM/PM.

Debasish Chatterjee
**Notary Govt. of India
Siliguri, Darjeeling
Regd. No. 13792**

22 JAN 2025





भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 25 जून, 2014

का.आ. 1598(अ).—भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ) तारीख 14 सितंबर, 2006 का और संशोधन करने के लिए निम्नलिखित प्रारूप, जिसका केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (2) के खंड (v) के साथ पठित उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जारी करने का प्रस्ताव करती है, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार जनसाधारण की जानकारी के लिए, जिनके उसके द्वारा प्रभावित होने की संभावना है, प्रकाशित किया जाता है ; और सूचना दी जाती है कि उक्त प्रारूप अधिसूचना पर, उस तारीख से, जिसको भारत के राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, जनसाधारण को उपलब्ध करा दी जाती हैं, साठ दिन की अवधि की समाप्ति पर या उसके पश्चात् विचार किया जाएगा:-

ऐसा कोई व्यक्ति, जो प्रारूप अधिसूचना में अंतर्विष्ट प्रस्तावों पर कोई आक्षेप या सुझाव देने में हितबद्ध है, इस प्रकार विनिर्दिष्ट अवधि के भीतर, केंद्रीय सरकार द्वारा विचार किए जाने के लिए, आक्षेप या सुझाव सचिव, पर्यावरण और वन मंत्रालय, पर्यावरण भवन, सीजीओ काम्प्लेक्स, लोदी रोड, नई दिल्ली-110003 या ई-मेल पते: satish.garkoti@nic.in पर लिखित रूप में भेज सकेगा ।

प्रारूप अधिसूचना

उक्त अधिसूचना की अनुसूची में,-

- (i) मद 1(ग) में स्तंभ (2), स्तंभ (3), स्तंभ (4) और स्तंभ (5) में की प्रविष्टियों के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :-

"1(ग)	(iii) बृहत पेयजल आपूर्ति परियोजना जैसी गैर सिंचाई परियोजनाएं ।	(iii) \geq 5,000 है. जलमग्न क्षेत्र	(iii) $<$ 5,000 है. जलमग्न क्षेत्र	साधारण शर्त लागू होगी
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- (ii) ईंधन के रूप में गैर परिसंकटमय नगर पालिक ठोस अपशिष्ट पर आधारित तापीय विद्युत संयंत्रों से संबंधित मद 1(घ) में स्तंभ (3) और स्तंभ (4) में की प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

(i) स्तंभ (3).-

" \geq 15 मे.वा."

(ii) स्तंभ (4).-

" $<$ 15 मे.वा."

[फा. सं. जे- 11013/12/2013-आईए.II(1)(भाग)]

अजय त्यागी, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और तत्पश्चात् का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007, का.आ. 3067(अ), तारीख 1 दिसंबर, 2009, का.आ. 695(अ), तारीख 4 अप्रैल, 2011, का.आ. 2896 (अ), तारीख 13 दिसंबर, 2012, का.आ. 674(अ), तारीख 13 मार्च, 2013, का.आ. 2559(अ), तारीख 22 अगस्त, 2013, का.आ. 2731(अ), तारीख 9 सितंबर, 2013, का.आ. 562(अ); तारीख 26 फरवरी, 2014 और का.आ. 637(अ), तारीख 28 फरवरी, 2014 द्वारा संशोधित किए गए ।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 25th June, 2014

S.O. 1598(E).—The following draft of the notification, further to amend the notification of the Government of India in the Ministry of Environment and Forests number S.O.1533(E) dated the 14th September, 2006 which the Central Government proposes to issue in exercise of the powers conferred by Sub-section (1), read with clause (v) of Sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment and Forest, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110 003, or at e-mail address:- satish.garkoti@nic.in.

Draft Notification

In the said notification, in the Schedule.-

(i) in item 1(c), after the entries in columns (2), (3), (4) and (5), the following inserted, namely:-

I(c)	“(iii) Non-Irrigation projects such as large drinking water supply projects.	(iii) \geq 5,000 ha submergence area	(iii) $<$ 5,000 ha submergence of area	General Condition shall apply.”;
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(ii) in, item 1(d), for the entries in column (3) and column (4), relating to thermal power plants based on non-hazardous municipal solid waste as fuel, the following entries shall be substituted, namely.-

(i) In column(3).-
“ \geq 15MW”

(ii) In column(4).-
“ $<$ 15MW”

[F. No. J-11013/12/2013-IA-II (1) (part)]

AJAY TYAGI, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O.695(E) dated the 4th April, 2011, S.O.2896(E) dated the 13th December, 2012, S.O.674(E) dated the 13th March, 2013, S.O.2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014 and S.O.637(E) dated the 28th February, 2014.

अधिसूचना

नई दिल्ली, 25 जून, 2014

का.आ. 1599(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त नियमों के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से अभिमुक्ति देने के पश्चात्, भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्या का.आ. 1533 (अ), तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात्:-

I. उक्त अधिसूचना की अनुसूची में,-

(i) मद 1(ग) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"1(ग)	(i) नदी घाटी परियोजनाएं (ii) सिंचाई परियोजनाएं	(i) ≥ 50 मे.वा. जल विद्युत उत्पादन (ii) $\geq 10,000$ हे० खेती योग्य प्रभावित क्षेत्र	(i) $< 50 \geq 25$ मे.वा. जल विद्युत उत्पादन (ii) $< 10,000$ हे० > 2000 हे० खेती योग्य प्रभावित क्षेत्र	साधारण शर्त लागू होगी टिप्पण :- एक से अधिक राज्य में आने वाली प्रवर्ग 'ख' नदी घाटी परियोजनाओं का मूल्यांकन केन्द्रीय सरकार स्तर पर किया जाएगा।";
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(ii) मद 1(घ) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"1(घ)	तापीय विद्युत संयंत्र	≥ 500 मे.वा. (कोयला/लिग्नाइट/नेप्टा और गैस आधारित); ≥ 50 मे.वा. (जैव द्रव्यमान के सिवाय सभी अन्य ईंधन)। ≥ 20 मे.वा. (जिसमें गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट का ईंधन के रूप में उपयोग होता है)।	≥ 50 मे.वा. से < 500 मे.वा. (कोयला/लिग्नाइट/नेप्टा और गैस आधारित) < 50 मे.वा. और ≥ 5 मे.वा. (जैव द्रव्यमान और गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट के सिवाय सभी अन्य ईंधन)। < 20 मे.वा. > 15 मे.वा. (जिसमें गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट का ईंधन के रूप में उपयोग होता है)। ≥ 15 मे.वा. जैव द्रव्यमान पर आधारित संयंत्र	साधारण शर्त लागू होगी टिप्पण :- (i) जैव द्रव्यमान या गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट जिसमें कोयला, लिग्नाइट/पेट्रोलियम उत्पाद पेट्रोलियम उत्पाद जैसे सहायक ईंधन का उपयोग होता है, पर आधारित 15 मे.वा. तक के तापीय विद्युत संयंत्रों को छूट प्राप्त है। (ii) किसी सहायक ईंधन के बगैर अपशिष्ट ताप बायलरों का उपयोग करने वाले तापीय विद्युत संयंत्र छूट प्राप्त हैं।";
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(iii) मद 2(ख) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"2(ख)	खनिज सज्जीकरण	≥ 0.5 मिलियन टी पी ए का उत्पादन	> 0.5 मिलियन टी पी ए का उत्पादन	साधारण शर्त लागू होगी (अनापत्ति प्रदान करने के लिए खनन प्रस्ताव का खनिज सज्जीकरण के साथ मूल्यांकन किया जाएगा)।";
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(iv) मद 4(ख) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"4(ख)	(i) कोक भट्टी संयंत्र	$\geq 2,50,000$ टन/प्रतिवर्ष	< 2,50,000 और $\geq 2,50,000$ टन/प्रतिवर्ष	साधारण शर्त लागू होगी।";
	(ii) कोलतार इकाईयां	प्रसंस्करण	सभी परियोजनाएं	

(v) मद 4(घ) के स्तंभ (3) में की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

"उत्पादन क्षमता ≥ 300 यदि कोई इकाई अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित है।";

(vi) मद 4(च) के स्तंभ (2) में, की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

"त्वचा/खाल प्रसंस्करण जिसके अंतर्गत चर्म शोधन उद्योग भी है।";

(vii) मद 5(क) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(क)	रासायनिक उर्वरक	रासायनिक उर्वरकों के दानों के सिवाय सभी परियोजनाएं जिसके अंतर्गत H_2SO_4 उत्पादन के साथ सभी एकल सुपर फोस्फेट परियोजनाएं भी हैं।	H_2SO_4 उत्पादन और रासायनिक दानों के बगैर सभी एकल सुपर फोस्फेट परियोजनाएं	साधारण शर्त लागू होगी सुपर फॉस्फेट पाउडर के दाने बनाने को छूट दी गई है।";
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(viii) मद 5(ड) में :-

(क) स्तंभ (2) में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

"पैट्रोलियम उत्पाद और पैट्रो रसायन आधारित कार्बन ब्लैक तथा इलेक्ट्रोड ग्रेड ग्रेफाइट के उत्पादन का प्रसंस्करण (भंजन से भिन्न अन्य प्रसंस्करण तथा सुधार और जो परिसरों के भीतर समाविष्ट नहीं हैं)।";

(ख) स्तंभ (5) में की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

"साधारण और विनिर्दिष्ट शर्त लागू होगी।

टिप्पण—बहुलक दानों से उत्पादों के विनिर्माण को छूट प्राप्त होगी।";

(ix) मद 5(च) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(च)	संश्लिष्ट कार्बनिक रसायन उद्योग (रंजक और रंजक मध्यक ; थोक ओषधि और ओषधि विनिर्मितियों को छोड़कर मध्यक ; संश्लिष्ट रबर मूल कार्बनिक रसायन और अन्य संश्लिष्ट कार्बनिक रसायन मध्यक)	स्तंभ (5) में यथापरिभाषित इकाइयों के सिवाय अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित ।	(i) अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित । (ii) स्तंभ (5) में यथापरिभाषित लघु इकाइयां ।	साधारण और विनिर्दिष्ट शर्त लागू होगी लघु इकाइयां : < 25m ³ /दिन जल खपत, < 25टीपीडी ईंधन खपत के साथ और जो परिसंकटमय रसायन का प्रबंधन, भंडारण और आयात नियम, 1989 के अनुसार एमएएच इकाइयों के प्रवर्ग में नहीं आती हैं ।";
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(x) मद 5(छ) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(छ)	आसवनी	(i) सभी शीरा आधारित आसवनी । (ii) गैर शीरा आधारित आसवनी \geq 60 कि.ली.दैनिक	गैर शीरा आधारित आसवनी- < 60 कि.ली.दैनिक	साधारण शर्त लागू होगी ।";
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(xi) मद 5(झ) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(झ)	लुग्दी और कागज उद्योग	लुग्दी विनिर्माण तथा अपशिष्ट कागज से विनिर्माण के सिवाय लुग्दी तथा कागज विनिर्माण उद्योग ।	अपशिष्ट कागज से लुग्दी विनिर्माण तथा अपशिष्ट कागज लुग्दी और अन्य तैयार लुग्दी से कागज विनिर्माण ।	साधारण शर्त लागू होगी टिप्पण : रंजन, विरंजन और रंगाई के बगैर अपशिष्ट कागज लुग्दी और तैयार लुग्दी से कागज विनिर्माण को छूट प्राप्त है ।";
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II. अनुसूची के पश्चात्, साधारण शर्त से संबंधित टिप्पण में निम्नलिखित साधारण शर्त रखी जाएगी, अर्थात् :-

"साधारण शर्त (सा.श.):

प्रवर्ग 'ख' विनिर्दिष्ट किसी परियोजना या क्रियाकलाप का केन्द्रीय स्तर पर प्रवर्ग 'क' के रूप में मूल्यांकन किया जाएगा, यदि वह पूर्ण रूप से या आंशिक रूप से : (i) वन्य जीव संरक्षण

अधिनियम, 1972 (1972 का 53) के अधीन संरक्षित क्षेत्रों की ; (ii) जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 (1974 का 6) के अधीन गठित केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा समय-समय पर पहचान किए गए गंभीर रूप से प्रदूषित क्षेत्रों की ; (iii) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (2) के अधीन यथाअधिसूचित पारिस्थितिकी संवेदनशील क्षेत्रों की और (iv) अंतर राज्यिक सीमाओं और अंतराष्ट्रीय सीमाओं से पांच किलोमीटर की सीमाओं के भीतर अवस्थित है ;

परंतु 1(ग) में विनिर्दिष्ट नदी घाटी परियोजनाएं, मद 1(घ) में विनिर्दिष्ट तापीय विद्युत संयंत्र, मद 7(ग) विनिर्दिष्ट औद्योगिक संपदा/पार्क/क्षेत्र/निर्यात प्रसंस्करण जोन, विशेष आर्थिक जोन, जैव प्रौद्योगिकी पार्क, चमड़ा परिसर और मद 7(घ) में विनिर्दिष्ट सामान्य परिसंकटमय अपशिष्ट उपचार, भंडारण और निपटान सुविधाओं का मूल्यांकन केन्द्रीय स्तर पर किया जाएगा यदि वह 10 किलोमीटर के भीतर अवस्थित है ।

परंतु यह और कि उपरोक्त मद (i), मद (ii) और मद (iii) में वर्णित क्षेत्रों की, यथास्थिति, पांच किलोमीटर या दस किलोमीटर के भीतर कोई क्रियाकलाप न होने की दशा में अंतर राज्यिक सीमाओं की, यथास्थिति, पांच किलोमीटर या दस किलोमीटर की दूरी से संबंधित अपेक्षा को क्रमशः सामान्य सीमाओं वाले राज्यों या संघ राज्यक्षेत्रों की बीच करार द्वारा कम या पूर्ण रूप से समाप्त किया जा सकता है ।"

[फा. सं. जे- 11013/12/2013-आईए.II(1)(भाग)]

अजय त्यागी, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और तत्पश्चात् का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007, का.आ. 3067(अ), तारीख 1 दिसंबर, 2009, का.आ. 695(अ), तारीख 4 अप्रैल, 2011, का.आ. 2896 (अ), तारीख 13 दिसंबर, 2012, का.आ. 674(अ), तारीख 13 मार्च, 2013, का.आ. 2559(अ), तारीख 22 अगस्त, 2013, का.आ. 2731(अ), तारीख 9 सितंबर, 2013, का.आ. 562(अ), तारीख 26 फरवरी, 2014 और का.आ. 637(अ), तारीख 28 फरवरी, 2014 द्वारा संशोधित किए गए ।

NOTIFICATION

New Delhi, the 25th June, 2014

S.O. 1599(E).—In exercise of the powers conferred by Sub-section (1) and clause (v) of Sub-section (2) of Section 3 of the Environment (Protection) Act, 1986(29 of 1986) read with sub-rule(4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India, in the Ministry of Environment and Forests number S.O.1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rule, in public interest, namely:-

I. In the said notification, in the Schedule,-

- (i) for item 1(c) and the entries relating thereto, the following item and entries shall be substituted, namely:-

2589 GE/14-3

"1(c)	(i) River Valley projects	(i) ≥ 50 MW hydroelectric power generation;	(i) ≤ 50 MW ≥ 25 hydroelectric power generation;	General condition shall apply. Note:- Category 'B' river valley projects falling in more than one state shall be appraised at the central Government Level..";
	(ii) Irrigation projects	(ii) $\geq 10,000$ ha. of culturable command area.	(ii) $< 10,000$ ha. > 2000 ha. of culturable command area.	

(ii) for item 1(d) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphtha and gas based);	≥ 50 MW to < 500 MW (coal/lignite/ naphtha and gas based);	General condition shall apply Note:- (i) Thermal Power plants up to 15 MW based on biomass or non hazardous municipal solid waste using auxiliary fuel such as coal, lignite/ petroleum products upto 15% are exempt. (ii) Thermal power plants using waste heat boilers without any auxiliary fuel are exempt.";
		≥ 50 MW (all other fuels except biomass).	< 50 MW and ≥ 5 MW (all other fuels except biomass and municipal solid non hazardous waste).	
		≥ 20 MW (using municipal solid non hazardous waste, as fuel).	< 20 MW > 15 MW (using municipal solid non hazardous waste, as fuel). ≥ 15 MW plants based on biomass fuel.	

(iii) for item 2(b) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"2 (b)	Mineral beneficiation	≥ 0.5 million TPA throughput	< 0.5 million TPA throughput	General condition shall apply (Mining proposal with mineral beneficiation shall be appraised together for grant of clearance).";
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(iv) for item 4(b) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"4(b)	(i) Coke oven plants	$\geq 2,50,000$ tonnes/annum	$< 2,50,000$ and $\geq 25,000$ tonnes/annum	General condition shall apply.";
	(ii) Coaltar processing units		All projects	

(v) in item 4(d), in column (3), for the entry, the following entry shall be substituted, namely:-

" ≥ 300 TPD production capacity if a unit located outside the notified industrial area/ estate.";

(vi) in item 4(f), in column (2), for the entry, the following entry shall be substituted, namely:-

"Skin/hide processing including tanning industry.";

(vii) for item 5(a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(a)	Chemical fertilizers	All projects including all single super phosphate with H_2SO_4 production except granulation of chemical fertilizers.	All Single Super Phosphate without H_2SO_4 production and granulation of chemical fertilizers.	General condition shall apply. Granulation of single super phosphate powder is exempt.";
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(viii) in item 5(e):-

(a) in column (2), for the entry, the following entry shall be substituted, namely:-

"Petroleum products and petrochemical based processing such as production of carbon black and electrode grade graphite (processes other than cracking and reformation and not covered under the complexes).";

(b) in column (5), for the entry, the following entry shall be substituted, namely:-

"General as well as specific condition shall apply.

Note- Manufacturing of products from polymer granules is exempt.";

(ix) for item 5(f) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(f)	Synthetic organic chemicals industry (dyes and dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located outside the notified industrial area/ estate except small units as defined in column (5).	(i) Located in a notified industrial area/ estate. (ii) Small units as defined in column (5).	General as well as specific condition shall apply. Small units: with water consumption $<25m^3/day$, fuel consumption $<25TPD$ and not covered in the category of MAH units as per the Management, Storage and Import of Hazardous Chemical Rules, 1989.";
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(x) for item 5(g) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(g)	Distilleries	(i) All Molasses based distilleries (ii) Non-molasses based distilleries $\geq 60KLD$	Non-molasses based distilleries - $<60 KLD$	General condition shall apply.";
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(xi) for item 5(i) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(i)	Pulp and paper industry	Pulp manufacturing and Pulp and Paper manufacturing industry except from waste paper.	Pulp manufacturing from waste paper and paper manufacturing from waste paper pulp and other ready pulp.	General condition shall apply Note: Paper manufacturing from waste paper pulp and ready pulp without deinking, bleaching and colouring is exempt.";
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II. After the Schedule, in the Note relating to General Condition(GC), the following General Condition shall be substituted, namely:-

General Condition(GC):

Any project or activity specified in category 'B' will be appraised at the Central level as Category 'A', if located in whole or in part within 5 km. from the boundary of : (i) Protected areas notified under the Wildlife (Protection) Act, 1972 (53 of 1972); (ii) Critically polluted areas as identified by the Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) from time to time; (iii) Eco-sensitive areas as notified under sub-section (2) of section 3 of the Environment (Protection) Act, 1986, and (iv) inter-State boundaries and international boundaries; provided that for River Valley Projects specified in item 1(c), Thermal Power Plants specified in item 1(d), Industrial estates/parks/complexes/areas, export processing zones (EPZs), Special Economic Zones (SEZs), biotech parks, leather complexes specified in item 7(c) and common hazardous waste treatment, storage and disposal facilities (TSDFs) specified in item 7(d), the appraisal shall be made at Central level even if located within 10km.

Provided further that the requirement regarding distance of 5 km or 10 km, as the case may be, of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or the Union Territories sharing the common boundary in case the activity does not fall within 5km or 10 km, as the case may be of the areas mentioned at item (i), (ii) and (iii) above."

[F. No. J-11013/12/2013-IA-II (1) (part)]

AJAY TYAGI, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O. 1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O. 695(E) dated the 4th April, 2011, S.O. 2896(E) dated the 13th December, 2012, S.O. 674(E) dated the 13th March, 2013, S.O. 2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014 and S.O. 637(E) dated the 28th February, 2014.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 दिसम्बर, 2014

का.आ. 3252(अ).—एक प्ररूप अधिसूचना, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) की अपेक्षानुसार अधिसूचना, सं. का.आ. 1533 (अ) तारीख 14 सितम्बर, 2006 (जिसे इसमें इसके पश्चात् मूल अधिसूचना कहा गया है) का और संशोधन करने के लिए, सं. का.आ. 2319 (अ) तारीख 11 सितम्बर, 2014 (जिसे इसमें इसके उक्त अधिसूचना कहा गया है) द्वारा, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में प्रकाशित की गई थी, उन सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है उक्त अधिसूचना के राजपत्र की प्रतियां जनता को उपलब्ध होने की तारीख से साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 11 सितम्बर, 2014 को उपलब्ध करा दी गई थीं ;

और साठ दिन की विनिर्दिष्ट अवधि के भीतर उक्त अधिसूचना के संबंध में कोई आक्षेप या सुझाव प्राप्त नहीं हुए हैं ;

अतः अब केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ पठित उक्त पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात् :—

मूल अधिसूचना में अनुसूची में स्तंभ (1) के अधीन भवन/संनिर्माण परियोजनाएं/नगरीय और क्षेत्र विकास परियोजनाओं से संबंधित मद 8 और उपमद 8(क) तथा उपमद 8(ख) तद्विनिर्दिष्ट उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद, उपमदें और प्रविष्टियां रखी जाएंगी, अर्थात् :—

(1)	(2)	(3)	(4)	(5)
"8		भवन या संनिर्माण परियोजनाएं या नगरीय और क्षेत्र विकास परियोजनाएं		
8(क)	भवन और संनिर्माण परियोजनाएं		>20000 वर्ग मीटर और < 1,50,000 वर्ग मीटर निर्मित क्षेत्र	इस अधिसूचना के प्रयोजन के लिए "निर्मित क्षेत्र" को, सभी तलों पर इकट्ठे निर्मित या आच्छादित क्षेत्र के रूप में परिभाषित किया गया है जिसके अंतर्गत बेसमेंट और अन्य सेवा क्षेत्र भी हैं जिनका भवन/संनिर्माण परियोजनाओं के लिए प्रस्ताव किया गया है। टिप्पण 1 : परियोजना या कार्यकलापों में औद्योगिक शेड, विद्यालय, महाविद्यालय, शैक्षिक संस्थाओं के लिए छात्रावास शामिल नहीं होंगे किंतु ऐसे भवन भरणीय पर्यावरणीय प्रबंधन ठोस और द्रव अपशिष्ट प्रबंधन, वर्षा जल संरक्षण का सुनिश्चय करेंगे और वे पुनः चक्रित सामग्रियों जैसे भस्म ईटों का उपयोग कर सकेंगे। टिप्पण 2 : "साधारण शर्तें" लागू नहीं होंगी।
8(ख)	नगरीय और क्षेत्र विकास परियोजनाएं		जो >50 हेक्टेयर के क्षेत्र और या >1,50,000 वर्ग मीटर क्षेत्र को कवर कर रही हैं	इस मद के अधीन आने वाली नगरीय और क्षेत्र विकास परियोजनाओं से पर्यावरण निर्धारण रिपोर्ट की अपेक्षा होगी और उनका निर्धारण श्रेणी "ख1" परियोजना के रूप में किया जाएगा। टिप्पण : "साधारण शर्तें" लागू नहीं होंगी।

[फा. सं. 19-2-2013-आई. III]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण: मूल नियम भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और निम्नानुसार पश्चावर्ती संशोधन किए गए:—

1. का.आ. 1737(अ), तारीख 11 अक्तूबर, 2007;
2. का.आ. 3067(अ), तारीख 1 दिसंबर, 2009;
3. का.आ. 695(अ), तारीख 4 अप्रैल, 2011
4. का.आ. 2896(अ), तारीख 13 दिसंबर, 2012;
5. का.आ. 674(अ), तारीख 13 मार्च, 2013;
6. का.आ. 2559(अ), तारीख 22 अगस्त, 2013;
7. का.आ. 2731(अ), तारीख 9 सितंबर, 2013;
8. का.आ. 562(अ), तारीख 26 फरवरी, 2014; और
9. का.आ. 1599(अ), तारीख 25 जून, 2014

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd December, 2014

S.O. 3252(E).—Whereas, a draft notification further to amend the notification number S.O 1555(E), dated the 14th September, 2006 (hereinafter referred to as the principal notification), was published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 in the Gazette of India ,Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 2319, (E) dated the 11th September, 2014 (hereinafter referred to as the said notification), inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 11th September, 2014;

And whereas, no objections or suggestions have been received in response to the said notification within the specified period of sixty days;

Now, therefore, in exercise of the powers conferred by Sub-section (1) and clause (v) of Sub-section (2) of Section 3 of the said Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:—

In the principal notification, in the Schedule, under Column (1), for item 8 relating to Building/Construction Projects/Area Development Projects and Townships and sub-items 8 (a) and 8 (b) and the entries relating thereto, specified there under, the following item, sub-items and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
“8		Building or Construction projects or Area Development projects and Townships		
8 (a)	Building and Construction projects		>20000 sq.mtrs and < 1,50,000 sq. mtrs. of built up area	<p>The term “built up area” for the purpose of this notification the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects.</p> <p>Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks.</p> <p>Note 2.- “General Conditions” shall not apply.</p>
8	Townships and Area Development Projects		Covering an area of > 50 ha and or built up area > 1,50,000 sq. mtrs	<p>A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ Project.</p> <p>Note.- “General Conditions” shall not apply.</p>

[F. No. 19-2/2013-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* Notification Number S.O. 1533(E), dated the 14th September, 2006 and was subsequently amended as follows:—

1. S.O. 1737 (E), dated the 11th October, 2007;
2. S.O. 3067 (E), dated the 1st December, 2009;
3. S.O. 695 (E), dated the 4th April, 2011;
4. S.O. 2896 (E), dated the 13th December, 2012;
5. S.O.674(E), dated the 13th March, 2013;
6. S.O. 2559 (E), dated the 22nd August, 2013 ;
7. S. O. 2731 (E), dated the 9th September, 2013;
8. S. O. 562(E), dated the 26th February 2014; and
9. S. O. 1599(E), dated the 25th June, 2014.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 9 दिसम्बर, 2016

का.आ. 3999(अ).—केन्द्रीय सरकार ने भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय द्वारा पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन जारी की गई अधिसूचना संख्यांक का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा यह निदेश दिया था कि इस अधिसूचना के प्रकाशन की तारीख से ही नवीन परियोजनाओं या क्रियाकलापों के अपेक्षित संनिर्माण या उक्त अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों के विस्तारण या आधुनिकीकरण के कार्य को, जिसमें प्रक्रिया या तकनीक और/या उत्पाद मिश्रण में परिवर्तन सहित क्षमता में वृद्धि किया जाना सम्मिलित है, भारत के किसी भाग में केवल, यथास्थिति, केन्द्रीय सरकार या केन्द्रीय सरकार द्वारा उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन सम्यक् रूप से गठित राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण से, उसमें विनिर्दिष्ट प्रक्रिया के अनुसार, पूर्व पर्यावरणीय अनापत्ति लेने के पश्चात् ही आरंभ किया जाएगा ;

केन्द्रीय सरकार उत्तरदायी कारबार करने की सुगमता सुनिश्चित करने के लिए कार्य कर रही है और भवन तथा संनिर्माण सेक्टर, जो आवास की व्यवस्था करने के लिए महत्वपूर्ण है, के लिए अनुज्ञाओं को सरल बना रही है तथा इस प्रयोजन के लिए शहरी क्षेत्र में कमजोर वर्ग सस्ता आवास उपलब्ध कराने के लक्ष्य के साथ वर्ष 2022 तक सभी के लिए आवास की स्कीम में महत्वाकांक्षी लक्ष्य रखा गया है ;

और उक्त पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) में यह उपबंधित है कि जब कभी केन्द्रीय सरकार यह विचार करती है कि किसी उद्योग पर प्रतिषेध या निर्बन्धन अधिरोपित किए जाने चाहिए, तो वह अपने ऐसा करने के आशय की सूचना देगी ;

और पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में संशोधन करने के लिए एक प्रारूप अधिसूचना का.आ.1595(अ) तारीख 29 अप्रैल, 2016 द्वारा प्रकाशित की गई थी, में संशोधन करने के लिए प्रारूप अधिसूचना पर आक्षेप और सुझाव ऐसे सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है, से उक्त अधिसूचना के भारत के राजपत्र में प्रकाशन की तारीख से साठ दिन में आमंत्रित किए जाते हैं ;

और केन्द्रीय सरकार द्वारा उपरोक्त निर्दिष्ट प्रारूप अधिसूचना के संबंध में प्राप्त सभी आक्षेपों और सुझावों पर सम्यक् रूप से विचार किया जाएगा ;

अतः, अब, केन्द्रीय सरकार, उक्त पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) नियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) में खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में निम्नलिखित और संशोधन करती है, अर्थात् :--(I) उक्त अधिसूचना में,--

(1) पैरा 13 के पश्चात्, निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

“14. निर्माण उप नियमों में पर्यावरणीय शर्तों का समाकलन :-

- (1) स्थानीय प्राधिकारियों द्वारा निर्माण अनुमति सहित समाकलित पर्यावरणीय दशा प्रदान की जाएगी और आकार के अनुसार इमारतों का निर्माण परिशिष्ट XIV में दिए गए लक्ष्य और निगरानी योग्य पर्यावरणीय दशाओं के अनुसार किया जाएगा ।
- (2) राज्य जो अपनी भवन उपविधियों तथा सुसंगत राज्य विधियों में उप पैरा (1) में निर्दिष्ट इन लक्ष्यों तथा निगरानी योग्य पर्यावरणीय शर्तों को अपना रहे हैं और भवन संनिर्माण के लिए दिए गए अनुमोदनों से उन शर्तों को समाविष्ट कर रहे हैं जिससे इसे विधिक रूप से प्रवर्तनीय बनाया जा सके, व्यष्टिक इमारतों के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय से अनापत्ति की अपेक्षा नहीं होगी ।
- (3) राज्य पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को अपनी उपविधियों और नियमों में ऐसे प्रस्तावित परिवर्तन भेजेंगे जो प्रारूप की समीक्षा करेगा और सहमति देगा ।
- (4) जब राज्य सरकारों, वन और जलवायु परिवर्तन मंत्रालय द्वारा सहमति दिए गए उपविधियों और नियमों को अधिसूचित कर देती हैं तो केन्द्रीय सरकार यह आदेश जारी करेगी कि उन राज्य या स्थानीय प्राधिकारी क्षेत्रों में कोई पृथक् पर्यावरणीय अनापत्ति अपेक्षित नहीं है ।
- (5) स्थानीय प्राधिकारियों जैसे विकास प्राधिकरण, नगरपालिकाएं स्थानीय निकायों में गठित पर्यावरण प्रकोष्ठ की सिफारिशों पर किन्हीं भवनों के लिए नियत अपेक्षाओं के अनुसार यथा लागू किए गए समापन प्रमाणपत्र के जारी किए जाने से पूर्व इन पर्यावरणीय शर्तों का अनुपालन प्रमाणित करेंगे ।
- (6) राज्य सरकारें जहां उपविधि या नियम विरचित नहीं है, इस अधिसूचना में अधिकथित उपबंधों के अनुसार, व्यष्टिक परियोजनाओं के मूल्यांकन की विद्यमान प्रक्रिया तथा इमारतों और संनिर्माणों के लिए पर्यावरण अनापत्ति की मंजूरी का पालन करते रहेंगे ।”
- (7) भवनों में पर्यावरण के समावेशन के संबंध में प्रमाणीकरण के प्रयोजन के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय सक्षम अभिकरण के माध्यम से अर्हित निर्माण पर्यावरणीय संपरीक्षक से इस अधिसूचना की अपेक्षाओं के माध्यम से निर्माण परियोजना का मूल्यांकन और प्रमाणित करेगी तथा अर्हित निर्माण पर्यावरणीय संपरीक्षक का प्रत्यानन के लिए प्रक्रिया और उनकी भूमिका परिशिष्ट XV पर दी गई है ।
- (8) निर्माण उपविधि में पर्यावरण शर्तों के समाकलन के अनुपालन में राज्य सरकार या स्थानीय प्राधिकारी पर्यावरण प्रकोष्ठ (जिसे इसमें इसके पश्चात् प्रकोष्ठ कहा गया है), गठन करेगी तथा अपने क्षेत्राधिकार में पर्यावरण योजना को सुनिश्चित करेगा ।
- (9) प्रकोष्ठ इमारतों के निर्माण के लिए पर्यावरण शर्तों के समाकलित करने के लिए बनाए गई उपविधि और नियमों के अनुपालन की निगरानी करेगा और प्रकोष्ठ किसी असावधानी, यदि कोई है, के लिए तृतीय पक्षकार संपरीक्षा प्रक्रिया की भी अनुमति देगा ।
- (10) प्रकोष्ठ स्थानीय प्राधिकरणों के प्रशासनिक नियंत्रण के अधीन कार्य करेगा ।
- (11) प्रकोष्ठ का गठन और कृत्य परिशिष्ट xvi में दिया हुआ है ।
- (12) स्थानीय प्राधिकारी निर्माण उपविधि में पर्यावरण के संबंध में समाकलन करते समय परियोजना में उनकी सरकार के अनुसार नीचे दी गई प्रक्रिया का पालन करेगी :-

भवन प्रवर्ग '1' (5000 से < 20,000 वर्ग मीटर)

पर्यावरणीय शर्तों (परिशिष्ट xiv) के अनुपालन के लिए स्व घोषणा प्ररूप और अर्हित भवन पर्यावरण संपरीक्षक द्वारा प्रमाणन प्रारूप 1क के साथ परियोजना प्रस्तावक द्वारा स्थयी प्राधिकारी से निर्माण के लिए अनुमति हेतु आवेदन के अलावा पृथक् खाते में विनिर्दिष्ट फीस सहित आनलाइन प्रस्तुत करेगा । उसके पश्चात् स्थानीय प्राधिकारी इसमें पर्यावरणीय शर्तों के

समावेशन के लिए निर्माण अनुमति जारी करेगा तथा आवेदन के साथ स्व घोषणा और प्रमाणन के आधार पर परियोजना आरंभ करने के लिए अनुमति देगा। भवन के निर्माण के समापन के पश्चात् परियोजना प्रस्तावक अर्हित भवन पर्यावरण संपरीक्षक द्वारा की गई संपरीक्षा के आधार पर आनलाइन आधारित प्ररूप 1क को अद्यतन करेगा तथा पुनरीक्षित अनुपालन परिवचन स्थानीय प्राधिकारी को देगा। 20,000 वर्ग मीटर से कम के भवनों के अननुपालन संबंधी कोई मुद्दा विद्यमान यांत्रिकी के दौरान स्थानीय प्राधिकारी और राज्य स्तर पर विचार किया जाएगा।

अन्य भवन प्रवर्ग (>20,000 वर्ग मीटर)

परियोजना प्रस्तावक पर्यावरण मूल्यांकन के लिए विनिर्दिष्ट फीस सहित प्ररूप 1क में आनलाइन आवेदन तथा निर्माण अनुमति के लिए अतिरिक्त फीस प्रस्तुत करेगा। पर्यावरण मूल्यांकन के लिए फीस पृथक् खाते में जमा की जाएगी। पर्यावरण प्रकोष्ठ आवेदन पर कार्यवाही करेगा और उस स्थानीय प्राधिकारी में निर्माण अनुमति देने के लिए सक्षम प्राधिकारी के नेतृत्व वाली बैठक में प्रस्तुत करेगा। समिति परियोजना का मूल्यांकन करेगी और पर्यावरण शर्तों को निर्माण अनुमति में समावेशन के लिए शर्त रखेगा। समिति की सिफारिशों के पश्चात् निर्माण अनुमति और पर्यावरण अनापत्ति स्थानीय प्राधिकारी द्वारा समेकित आरूप में जारी करेगा।

परियोजना प्रस्तावक अर्हित निर्माण पर्यावरण संपरीक्षक से संनिर्माण के समापन के पश्चात् लागू पर्यावरणीय शर्तें मानकों के लिए परियोजना में सतत् अनुपालन के प्रमाणपत्र और अनुपालन आंकड़ें प्रत्येक पांच वर्ष में पर्यावरण प्रकोष्ठ को निम्नलिखित मानकों पर विशेष केन्द्रित करते हुए प्रस्तुत करेगा :-

- (क) ऊर्जा प्रयोग (सभी ऊर्जा स्रोतों सहित)
- (ख) साइट पर पुनर्प्रयोग ऊर्जा स्रोतों से साइट पर उत्तपन की ऊर्जा
- (ग) साइट जल प्रयोग और अपशिष्ट जल उत्पन्न, उपचारित और पुनर्प्रयुक्त
- (घ) साइट पर पृथकीकृत और उपचारित अपशिष्ट
- (ङ) पौधारोपण और रखरखाव।

परियोजना के पूर्ण होने पर, प्रकोष्ठ पांच वर्षीय संपरीक्षा रिपोर्ट सहित परियोजना अनुपालन प्रास्थिति की अचावक जांच करेगा। राज्य सरकारें पर्यावरणीय शर्तों और मानकों के अननुपालन के लिए शास्तियां लगाने के लिए समुचित विधि अधिनियमित करेगी। प्रकोष्ठ स्थानीय प्राधिकारी शर्तें या मानकों के अननुपालन के लिए सुसंगत राज्य विधि के अधीन यथा लागू वित्तीय शास्तियों की सिफारिश करेगा। प्रकोष्ठ की सिफारिशों के आधार पर स्थानीय प्राधिकारी सुसंगत राज्य विधि के अधीन शास्तियां अधिरोपित करेगा। असत्य घोषणा या प्रकाशन की दशा में प्रत्यानन निकाय को रिपोर्ट करेगा और स्थानीय निकाय अर्हित भवन पर्यावरण संपरीक्षकों को काली सूची में डाल देगा तथा मालिक और अर्हित निर्माण पर्यावरण संपरीक्षक पर वित्तीय शास्ति लगाएगा।

जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 और वायु (प्रदूषण निवारक तथा नियंत्रण) अधिनियम, 1981 के अधीन स्थापन तथा प्रचालन की सहमति राज्य प्रदूषण नियंत्रण बोर्ड से सहमति 1,50,000 वर्ग मीटर के लिए रिहायशी निर्माण हेतु अपेक्षित नहीं होगी,";

(II) अनुसूची में मद 8 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

(1)	(2)	(3)	(4)	(5)
"8.		भवन/योजना संनिर्माण/विकास योजना और नगरीय		
8(क)	भवन निर्माण और संनिर्माण परियोजना		निर्मित क्षेत्र का $\geq 20,000$ वर्ग मीटर और $\leq 1,50,000$ वर्ग मीटर	इस अधिसूचना के प्रयोजन के लिए "निर्मित क्षेत्र" पद, सभी तलों को एक साथ मिलाकर निर्मित या आच्छादित क्षेत्र जिसके अंतर्गत उसका बेसमेंट भी है, जो भवन निर्माण तथा संनिर्माण परियोजनाओं में प्रस्तावित है। टिप्पण 1- परियोजनाओं या क्रियाकलापों के अंतर्गत औद्योगिक शेड, विश्वविद्यालयों,

				महाविद्यालयों, शैक्षणिक संस्थाओं के लिए छात्रावास, किंतु ऐसे भवन पोषणीय पर्यावरणीय प्रबंधन, ठोस और तरल तथा परिशिष्ट 14 में दी गई शर्तों को सुनिश्चित करेगी। टिप्पण 2: साधारण शर्तें लागू नहीं होंगी। टिप्पण 3: टिप्पण 1 में प्रदत्त छूट स्थानीय प्राधिकारी के स्तर पर भवन अनुमति सहित पर्यावरणीय मानकों के समाकलन के पश्चात् औद्योगिक शेड के लिए ही उपलब्ध होगी।
8(ख)	नगरी और क्षेत्र विकास योजनाएं	निर्मित क्षेत्र का \geq 3,00000 वर्ग मीटर या आच्छादित क्षेत्र का \geq 150 हेक्टेयर	निर्मित क्षेत्र का \geq 1,50000 वर्ग मीटर और $<$ 3,00000 वर्ग मीटर या आच्छादित क्षेत्र का \geq 50 हेक्टेयर और $<$ 150 हेक्टेयर	टिप्पण: साधारण शर्तें लागू नहीं होंगी

[फा. सं. जे-19-2/2013-आईए-III(भाग)]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण: मूल अधिनियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में का.आ. 1533(अ), तारीख 14 सितंबर, 2006 को प्रकाशित किए गए थे और पश्चात्पूर्ति संशोधन का.आ. 1737 (अ) तारीख 11 अक्तूबर, 2007, का.आ. 3067 (अ), तारीख 1 दिसंबर, 2009, का.आ. 695 (अ) तारीख 4 अप्रैल, 2011, का.आ. 2896 (अ) तारीख 10 दिसंबर, 2012, का.आ. 574 (अ) तारीख 13 मार्च, 2011, का.आ. 2896 (अ) तारीख 13 दिसंबर, 2012, का.आ. 674 (अ) तारीख 13 मार्च, 2013, का.आ. 2559 (अ) तारीख 22 अगस्त, 2013, का.आ. 2731 (अ) तारीख 9 सितंबर, 2013, का.आ. 562 (अ) तारीख 26 फरवरी, 2014, का.आ. 637 (अ) तारीख 28 फरवरी, 2014, का.आ. 1599 (अ) तारीख 25 जून, 2014, का.आ. 2600 (अ) तारीख 9 अक्तूबर, 2014, का.आ. 3252 (अ) तारीख 22 दिसंबर, 2014, का.आ. 382 (अ) तारीख 3 फरवरी, 2015 और का.आ. 811 (अ) तारीख 23 मार्च, 2015, का.आ. 996 (अ) तारीख 10 अप्रैल, 2015, का.आ. 1142 (अ) तारीख 17 अप्रैल, 2015, का.आ. 1141 (अ) तारीख 29 अप्रैल, 2015, का.आ. 1834 (अ) तारीख 6 जुलाई, 2015 और का.आ. 2572 (अ) तारीख 14 सितंबर, 2015, का.आ. 141 (अ) तारीख 15 जनवरी, 2016, का.आ. 190 (अ) तारीख 20 जनवरी, 2016, का.आ. 648 (अ) तारीख 3 मार्च, 2016 और का.आ. 2269 (अ) तारीख 1 जुलाई, 2016 द्वारा किए गए।

परिशिष्ट – XIV

भवनों तथा निर्माण के लिए पर्यावरणीय शर्तें

(श्रेणी-'1': 5,000 से लेकर 20,000 वर्ग मीटर से कम)

माध्यम	क्र.सं.	पर्यावरणीय शर्तें
स्थलाकृति तथा प्राकृतिक ड्रेनेज	1	जल के अबाधित प्रवाह को सुनिश्चित करने के लिए प्राकृतिक ड्रेन प्रणाली का रखरखाव किया जाना चाहिए। किसी भी निर्माण कार्य को स्थल से होकर गुजरने वाले प्राकृतिक ड्रेनेज में बाधा डालने की अनुमति नहीं दी जाएगी। नम भूमि तथा जल निकायों पर निर्माण की अनुमति नहीं दी जाएगी ड्रेनेज पद्धति का रखरखाव करने तथा वर्षा जल संचयन के लिए चेक डैम, बायो-स्वेल, लैंडस्केप और अन्य वहनीय शहरी ड्रेनेज प्रणालियों की अनुमति है।
जल संरक्षण, वर्षा जल संचयन और भू-जल स्तर में वृद्धि	2	जल-सक्षम उपस्करों के प्रयोग को बढ़ावा दिया जाएगा। वर्षा जल संचयन संबंधी स्थानीय उपनियम के उपबंधों का अनुपालन किया जाएगा। यदि स्थानीय उपनियम के उपबंध उपलब्ध न हों, तो शहरी विकास मंत्रालय के मॉडल भवन उपनियम, 2016 के अनुसार भण्डारण तथा रिचार्ज के लिए उचित उपबंध का अनुपालन किया जाएगा।

		वर्षा जल संचयन की एक योजना बनाए जाने की आवश्यकता है जिसमें रिचार्ज बोर (प्रत्येक 5,000 वर्ग मीटर निर्मित क्षेत्र पर न्यूनतम एक रिचार्ज) की सिफारिश की जाती है। संचित वर्षा जल के भण्डारण तथा पुनःप्रयोग को बढ़ावा दिया जाना चाहिए। ऐसे क्षेत्रों में जहां भू-जल स्तर को बढ़ाना व्यवहार्य न हो, वर्षा जल का भण्डारण और पुनःप्रयोग किया जाना चाहिए। सक्षम प्राधिकारी की अनुमति के बिना भू-जल नहीं निकाला जाएगा। सभी रिचार्ज को उथले जलभृत तक सीमित रखा जाना चाहिए।
	2 (क)	स्थानीय भवन उपनियमों में यथा अपेक्षित कम से कम 20% खुला स्थान प्रभावनीय होगा। कम से कम 50% ओपनिंग के साथ पेवर, पेवर ब्लॉकों, लैंडस्केप इत्यादि को प्रभावनीय तल समझा जाएगा।
अपशिष्ट प्रबंधन	3	ठोस अपशिष्ट: अपशिष्ट के पृथक्करण को सुविधाजनक बनाने के लिए प्रत्येक इकाई में तथा भू-तल पर अलग-अलग नम और शुष्क बिनों की व्यवस्था की जानी चाहिए। सीवेज: ऐसे क्षेत्रों में जहां नगरीय सीवेज नेटवर्क नहीं है, वहां ऑनसाइट शोधन प्रणालियां संस्थापित की जानी चाहिए। लैंडस्केप से एकीकृत होने वाली प्राकृतिक शोधन प्रणालियों को बढ़ावा दिया जाएगा। जहां तक संभव हो शोधित बहिःस्राव का पुनःप्रयोग किया जाना चाहिए। अतिरिक्त शोधित बहिःस्राव को सीपीसीबी प्रतिमानों के अनुपालन में निस्तारित किया जाएगा। सेप्टिक टैंकों सहित ऑनसाइट सीवेज शोधन से निकले गाद को शहरी विकास मंत्रालय, केन्द्रीय लोक स्वास्थ्य और पर्यावरण अभियांत्रिकी संगठन (सीपीएचईईओ) के सीवरेज तथा सीवेज शोधन प्रणाली मैनुअल, 2013 के अनुसार एकत्रित, भेजना और निस्तारित किया जाएगा। ठोस अपशिष्ट (प्रबंधन) नियम, 2016 तथा ई-अपशिष्ट (प्रबंधन) नियम, 2016 और प्लास्टिक अपशिष्ट (प्रबंधन) नियम, 2016 का अनुपालन किया जाएगा।
ऊर्जा	4	ऊर्जा दक्षता ब्यूरो के ऊर्जा संरक्षण भवन कोड (ईसीवीसी) का अनुपालन सुनिश्चित किया जाएगा। राज्यों में ऐसे भवन जिनमें उनके अपने ईसीवीसी अधिसूचित हैं, उनमें राज्य ईसीवीसी का अनुपालन किया जाएगा। आउटडोर तथा साझा क्षेत्र की प्रकाश व्यवस्था में लाईट एमिटिंग डायोड (एलईडी) का प्रयोग होगा। डिमांड लोड के 1% समतुल्य अथवा राज्य स्तरीय/स्थानीय भवन उपनियमों की अपेक्षा अनुसार बिजली उत्पादन की पूर्ति करने हेतु सौर, पवन अथवा नवीकरणीय ऊर्जा, जो भी अधिक हो, की संस्थापना की जाएगी। वाणिज्यिक तथा संस्थागत भवनों की गर्म जल की मांग को पूरा करने के लिए अथवा स्थानीय भवन उपनियमों की आवश्यकतानुसार, जो भी अधिक हो, सोलर वाटर हीटिंग की व्यवस्था की जाएगी। आवासीय भवनों के लिए भी यथासंभव अपनी गर्म जल मांग की पूर्ति हेतु सोलर वाटर हीटिंग की सिफारिश की जाती है। भवन डिजायनों में पैसिव सोलर डिजायन की संकल्पना शामिल की जाएगी जिसमें डिजायन के तत्वों जैसे भवन अभिमुखीकरण, लैंडस्केपिंग, दक्ष भवन एन्वेलप, समुचित खिड़कियों की व्यवस्था, दिन में अधिक प्रकाश करने की व्यवस्था में सुधार और थर्मल मास इत्यादि का प्रयोग करके भवनों में ऊर्जा खपत को न्यूनतम किया जाता है। दीवारों, खिड़कियां और छत के यू-वॉल्व ईसीवीसी विशिष्टियों के अनुसार होंगे।
वायु गुणवत्ता तथा शोर	5	भवन और साथ ही स्थल के लिए धूल, धुंआ एवं अन्य वायु प्रदूषण निवारण के उपाय किए जाएंगे। इन उपायों में निर्माणाधीन भवन, स्थल के चारों ओर धूल/धूल रोकने वाली दीवारों का निर्माण (कम से कम 3 मीटर की ऊंचाई तक) के लिए आवरण में शामिल हो सकेंगे। प्लाटिक/तारपोलिन स्थल से कचरा उठाने के साथ-साथ बालू, सीमेंट, मूर्म में चलती हुई गाड़ियां तथा अन्य निर्माण सामग्रियां धूल प्रदूषण का कारण हो सकती हैं। साइट पर बालू, मूर्म, बिखरी मिट्टी, सीमेंट भंडार को उचित तरीके से ढक कर रखा जाएगा जिससे कि धूल प्रदूषण को रोका जा सके। पिसाई तथा पत्थर कटाई के लिए वेट जेट का प्रबंध किया जाएगा। धूल को दबाने के लिए

		<p>बिना पटरी बिछा हुआ धरातल तथा बिखरी मिट्टी पर उचित तरीके से पानी का छिड़काव किया जाएगा।</p> <p>निर्माण तथा विध्वंस सारे मलबे को उचित तरीके से निपटान से पहले साइट के पास इकट्ठा किया जाएगा (तथा सड़के के किनारे ढेर या बाहर खुली जगह में इकट्ठा नहीं) सभी विध्वंस तथा निर्माण अपशिष्ट को निर्माण तथा विध्वंस अपशिष्ट नियम, 2016 के उपबंधों के अनुसार प्रबंधित होगा। निर्माण स्थल पर कार्य करने वाले सभी कामगारों तथा निर्माण सामग्री की लोडिंग अनलोडिंग में शामिल, निर्माण सामग्री की ढुलाई तथा निर्माण के कचरे या धूल प्रदूषण के किसी भी क्षेत्र में कार्य कर रहे व्यक्ति को डस्ट मास्क उपलब्ध कराया जाएगा। आंतरिक वायु गुणवत्ता के लिए भारत के राष्ट्रीय भवन कोड के अनुसार वातायन के प्रावधान तैयार किए जाएंगे।</p>
	5(क)	डीजी सेट का स्थान निर्धारण तथा निकास पाइप की ऊंचाई सीपीसीबी मानदंडों के प्रावधानों के अनुसार होगा।
हरित क्षेत्र	6	प्रति 80 वर्ग मीटर की भूमि के लिए कम से कम एक पेड़ लगाकर उसकी देखभाल की जानी चाहिए। इस उद्देश्य के लिए विद्यमान पेड़ों की गिनती की जाएगी। देशीय जाति के पौधों को प्राथमिकता दी जानी चाहिए।
	6(क)	जहां पेड़ों की कटाई आवश्यक हो, 1:3 के अनुपात में प्रतिपूरक वृक्षारोपण अर्थात् प्रत्येक एक पेड़ की कटाई के लिए 3 पौधों को लगाना तथा उनका रख-रखाव करना होगा।

(श्रेणी '2' : 20,000 वर्ग मीटर से लेकर 50,000 से कम)

माध्यम	क्रम.सं.	पर्यावरणीय शर्तें
स्थलाकृति तथा प्राकृतिक जल निकास	1	<p>जल की अबाधित धारा सुनिश्चित करने के लिए प्राकृतिक जल निकास प्रणाली का प्रबंध होना चाहिए। साइट के माध्यम से प्राकृतिक जल निकास को अवरोध करने के लिए निर्माण की अनुमति नहीं होगी। नमभूमि और जल निकायों पर निर्माण की अनुमति नहीं होगी। जल निकास पैटर्न तथा वर्षा जल संचयन के लिए चेक डैम, बायो-स्वाल्स, लैंडस्केप तथा अन्य धारणीय शहरी जल निकास प्रणालियों (एसयूडीएस) की अनुमति होगी।</p> <p>जहां तक संभव हो सके, भवनों की डिजाइन में प्राकृतिक स्थलाकृति का पालन किया जाएगा। कम से कम कटाई तथा भराई होनी चाहिए।</p>
जल संरक्षण, वर्षा जल सिंचाई तथा भूमि जल को रिचार्ज करना	2	<p>जल संचयन, जल क्षमता और संरक्षण के लिए एक पूर्ण योजना तैयार की जाए।</p> <p>न्यून फिक्चर या सेंसरों वाले जल क्षमता वाले उपकरणों के उपयोग को बढ़ावा दिया जाना चाहिए। वर्षा संचयन के संबंध में स्थानीय उप नियम, उपबंधों का पालन किया जाएगा। अगर स्थानीय उप नियम उपलब्ध नहीं है तो शहरी विकास मंत्रालय का मॉडल भवन उप नियम, 2016 के अनुसार भंडारण तथा रिचार्ज के लिए पर्याप्त प्रावधानों का पालन किया जाना चाहिए।</p> <p>वर्षा जल संचयन योजना का डिजाइन बनाने की आवश्यकता है जहां 5000 वर्ग मीटर के निर्मित क्षेत्र में कम से कम एक रिचार्ज बोर हो तथा कम से कम कुल एक दिन के शुद्ध जल के प्रबंधन की भंडारण क्षमता की आवश्यकता होगी। उन क्षेत्रों, जहां भूमिगत जल को रिचार्ज करना संभव नहीं है, में वर्षा जल संचयन चाहिए तथा पुनः उपयोग के लिए भंडारण किया जाएगा। भूमिगत जल को सक्षम प्राधिकारी के अनुमोदन के बिना नहीं निकाला जाएगा।</p> <p>सभी रिचार्ज सीमित उथले जलभृत तक सीमित होनी चाहिए।</p>
	2 (क)	<p>स्थानीय भवन उप-नियमों द्वारा यथाअपेक्षित खुले स्थानों का कम से कम 20% भाग भेद्य होगा। न्यूनतम 50% खाली जगह, भूदृश्य आदि सहित हरित खंडजों, खंडज प्रखंड के उपयोग सहित यथा प्रवेश्य धरातल के रूप में विचार किया जाएगा।</p>
अपशिष्ट प्रबंधन	3	<p>ठोस अपशिष्ट: प्रत्येक इकाई में और भू तल पर पृथक-पृथक गीले और सूखे कचरे के डिब्बे, अपशिष्ट के पृथक्करण को सुविधाजनक बनाने के लिए प्रदान किए जाएंगे।</p> <p>मलजल: अपशिष्ट 100% अपशिष्ट जल के शोधन की स्थल पर मलजल शोधन क्षमता संस्थापित की</p>

		<p>जानी है। शोधित अपशिष्ट जल को स्थल पर भूदृश्य, फलशिंग, कूलिंग टावर और अन्य प्रयोजनार्थ पुनःप्रयोग किया जाएगा। अतिरिक्त शोधित जल को सीपीसीवी मानकों के अनुसार छोड़ा जाएगा। प्राकृतिक शोधन प्रणालियों को बढ़ावा दिया जाएगा।</p> <p>सेप्टिक टैंको सहित स्थल पर (ऑन साईट) शोधन से अवमल का मल-निर्यास और मलजल शोधन प्रणाली, 2013 पर शहरी विकास मंत्रालय, केन्द्रीय लोक स्वास्थ्य और पर्यावरणीय इंजीनियरिंग संगठन (सीपीएचईईओ), के मैनुअल के अनुसार संग्रहण, ढुलाई और निपटान किया जाएगा। ठोस अपशिष्ट (प्रबंधन) नियम, 2016 और ई-अपशिष्ट (प्रबंधन) नियम 2016 और प्लास्टिक अपशिष्ट (प्रबंधन) नियम 2016 के प्रावधानों का अनुपालन किया जाएगा।</p>
	3 (क)	सभी गैर-जैवक्रमणीय अपशिष्ट प्राधिकृत पुनर्चक्रणकर्ताओं को सौंपा जाएगा, जिसके लिए प्राधिकृत पुनर्चक्रणकर्ताओं के साथ लिखित में गठजोड़ किया जाना चाहिए।
	3 (ख)	जैविक अपशिष्ट कम्पोस्ट/0.3 कि./प्रति व्यक्ति/प्रतिदिन की न्यूनतम क्षमता वाला वर्मिकल्चर/पिट संस्थापित किया जाना चाहिए।
ऊर्जा	4	<p>ऊर्जा दक्षता ब्यूरो के ऊर्जा संरक्षण भवन कोड (ईसीबीसी) का अनुपालन सुनिश्चित किया जाएगा। राज्यों में जिन भवनों ने अपने स्वयं ईसीबीसी अधिसूचित किए हैं, वे भवन राज्य ईसीबीसी का अनुपालन करेंगे।</p> <p>बाहरी क्षेत्र और साझा क्षेत्र में प्रकाश व्यवस्था एलईडी की होगी।</p> <p>पैसिव सौर डिजाइन की संकल्पना, जिसमें भवनोन्मुख, भू-दृश्य निर्माण, कौशलपूर्ण भवन आवरण, उचित गवाक्षीकरण, दिन में उन्नत प्रकाश व्यवस्था डिजाइन और ताप विद्युत मास आदि का उपयोग करके भवनों में ऊर्जा उपभोग न्यूनतम किया जाता है, भवन डिजाइन में समावेशित किया जाएगा। दीवार, खिड़की और रूफ-यू-वैल्यूज, ईसीबीसी विनिर्देशों अनुसार होनी चाहिए।</p>
	4 (क)	भार की मांग के 1% के बराबर विद्युत उत्पादन अथवा राज्य स्तरीय/स्थानीय भवन उप-नियमों की अपेक्षानुसार जो भी अधिक हो, को पूरा करने के लिए सौर, पवन अथवा अन्य नवीकरणीय ऊर्जा संस्थापित की जाएगी।
	4 (ख)	वाणिज्यिक और संस्थागत भवनों की गर्म जल की 20% मांग अथवा स्थानीय भवन उप-नियमों के यथा अपेक्षा अनुसार, जो भी अधिक हो, को पूरा करने के लिए सौर जल तापक प्रदान किए जाएंगे। आवासीय भवनों को भी यथासंभव सौर जल हीटर्स से अपनी गर्मपानी की मांग पूरा करने के लिए सुझाव दिया गया है।
	4 (ग)	<p>निर्माण सामग्री की मात्रा के कम से कम 20% मात्रा हेतु ईटों, प्रखंडों और अन्य निर्माण सामग्रियों में पर्यावरण अनुकूलन सामग्री का उपयोग करना अपेक्षित होगा। इनके फ्लाई ऐश ईट, खोखली (हौलो) ईटें, एएसी, फ्लाई ऐश चूनापत्थर, जिप्सम प्रखंड, कम्प्रेसिबल मृदा प्रखंड और अन्य पर्यावरण अनुकूल सामग्रियां शामिल हैं।</p> <p>फ्लाई ऐश को समय-समय पर यथा संशोधित सितम्बर, 1999 की फ्लाई ऐश अधिसूचना के प्रावधानों के अनुसार निर्माण में भवन सामग्री के रूप में प्रयुक्त किया जाना चाहिए।</p>
वायु गुणवत्ता और ध्वनि	5	<p>भवन के साथ-साथ निर्माण स्थल के लिए धूल कण, धुंध और अन्य वायु प्रदूषण उपशमन उपाय अपनाएं जाएंगे। इन उपायों में निर्माणाधीन भवनों के लिए स्क्रीन, निर्माण स्थल के चारों ओर सतत धूलकण/पवन को मंद करने के लिए दीवारों (कम से कम 3 मीटर ऊँची) का निर्माण शामिल हैं। निर्माण स्थल में बालू, सीमेंट, लोहबान और अन्य निर्माण सामग्रियां, जिनके कारण स्थल पर धूल प्रदूषण उत्पन्न होता है, लाने वाले और निर्माण स्थल से डेबरी ले जाने वाले वाहनों के लिए प्लास्टिक/तिरपाल की शीट कवर प्रदान किए जाने चाहिए।</p> <p>स्थल पर भण्डारण किए हुए बालू, लोहबान, खुली मृदा, सीमेंट को पर्याप्त रूप से ढका होना चाहिए ताकि धूलकण से प्रदूषण की रोकथाम की जा सके।</p> <p>निर्माण सामग्री की पिसाई और पत्थरों की कटाई के लिए वेटजेट प्रदान किए जाएं।</p> <p>निर्माण और विध्वंस का समस्त कचरा उचित ढंग से निपटान किए जाने से पूर्व स्थल पर ही रखा जाएगा (सड़क अथवा बाहर खुले स्थान पर ढेर नहीं लगाया जाएगा)। समस्त विध्वंस और निर्माण अपशिष्ट का प्रबंधन निर्माण और विध्वंस अपशिष्ट नियम 2016 के प्रावधानों के अनुसार किया जाएगा।</p>

		निर्माण स्थल पर कार्यरत तथा निर्माण सामग्री और निर्माण कचरे को लादने, उतराने, ढुलाई अथवा धूल प्रदूषण वाले किसी क्षेत्र में कार्यरत सभी मजदूरों को डस्ट मास्क उपलब्ध कराए जाएं। भीतरी वायु गुणवत्ता के संबंध में भारत के राष्ट्रीय भवन क्रोड के अनुसार वायुसंचार प्रावधान किए जाएं।
	5(क)	डीजी सेट का स्थान और निकास नली की ऊँचाई सीपीसीवी मानदण्डों के प्रावधानों के अनुसार होगी।
हरित आवरण	6	प्रति 80 वर्गफुट भूमि के लिए कम से कम एक वृक्ष लगाया जाना चाहिए और उसकी देख-रेख की जानी चाहिए। इस उद्देश्य के लिए विद्यमान वृक्षों की गणना की जाएगी। स्थानिक प्रजातियों के रोपण को प्राथमिकता दी जानी चाहिए।
	6(क)	जहाँ वृक्षों को काटे जाने की आवश्यकता है, 1:3 (अर्थात् काटे गए प्रत्येक 1 वृक्ष के लिए 3 वृक्षों का रोपण) के अनुपात में प्रतिपूरक वनीकरण किया जाए और उसका रख-रखाव किया जाए।
ऊपरी मृदा का परिरक्षण और पुनः उपयोग	7	भवनों, सड़कों, पेवड क्षेत्रों और बाह्य सेवाओं हेतु प्रस्तावित क्षेत्रों से ऊपरी मृदा को 20 सेमी. की गहराई तक खोदा जाए। इसे निर्दिष्ट क्षेत्रों में उपयुक्त तरीके से संचित किया जाए तथा स्थल पर प्रस्तावित पेड़-पौधों के रोपण के दौरान पुनः उपयोग किया जाए।
परिवहन	8	एमओयूडी सर्वोत्तम पद्धतियां दिशा-निर्देश(यूआरडीपीएफआई) के अनुसार, एक व्यापक मोबिलिटी योजना बनाई जाए ताकि मोटर-सज्जित, गैर-मोटर-सज्जित, सार्वजनिक और निजी नेटवर्कों को शामिल किया जा सके। सड़क का डिजाइन पर्यावरण, और उपयोक्ताओं की सुरक्षा को पर्याप्त ध्यान में रखते हुए बनाया जाए। सड़क प्रणाली का डिजाइन इन मूलभूत मापदंडों के अनुसार बनाया जा सकता है। वाहनीय और पैदल यातायात के उचित पृथक्करण से सड़कों का अनुक्रम। यातायात शामक उपाय। प्रवेश और निकासी बिंदुओं का उचित डिजाइन। स्थानीय विनियम के अनुसार पार्किंग मानक।

(श्रेणी '3' : 50000 से 150000 वर्ग मीटर)

माध्यम	क्र.सं.	पर्यावरणीय स्थिति
स्थलाकृति और प्राकृतिक निकासी	1	जल का अबाधित बहाव सुनिश्चित करने के लिए प्राकृतिक निकासी प्रणाली का रख-रखाव किया जाना चाहिए। ऐसे किसी निर्माण की अनुमति न दी जाए जिससे कि स्थल के माध्यम से प्राकृतिक निकासी बाधित हो। आर्द्रभूमि और जल निकायों पर किसी निर्माण की अनुमति नहीं दी जाती है। निकासी पैटर्न को बनाए रखने तथा वर्षा जल संचयन के लिए चक्र बांध, बाँयो.स्वेलस, भू-दृश्य, और अन्य सतत शहरी निकासी प्रणालियां (एसयूडीएस) अनुमत हैं। भवनों का डिजाइन, जहाँ तक संभव हो, प्राकृतिक स्थलाकृति के अनुसार बनाया जाना चाहिए। पेड़ों को काटना और गिराना न्यूनतम होना चाहिए।
जल संरक्षण-वर्षा जल संचयन और भू जल रिचार्ज	2	वर्षा जल संचयन, जल के गुणवत्ता तथा संरक्षण के लिए एक पूर्ण योजना बनाई जाए। वर्षा जल संचयन के संबंध में स्थानीय उपविधि का पालन किया जाए। यदि स्थानीय उपविधि उपलब्ध न हों, तो शहरी विकास मंत्रालय के मॉडल भवन उपविधि, 2016 के अनुसार भंडारण और रिचार्ज संबंधी उपयुक्त प्रावधानों का पालन किया जाए। एक वर्षा जल संचयन योजना डिजाइन किए जाने की आवश्यकता है जहाँ निर्मित क्षेत्र के प्रति 5,000 वर्ग मीटर न्यूनतम एक रिचार्ज बोर और कुल ताजा जल आवश्यकता की न्यूनतम एक दिन की भंडारण क्षमता का रिचार्ज बोर प्रदान किया जाए। ऐसे क्षेत्र जहाँ भूजल रिचार्ज व्यवहार्य नहीं है, वहाँ वर्षा जल का संचयन और पुनःउपयोग हेतु भंडारण किया जाना चाहिए। सक्षम प्राधिकारी से अनुमोदन लिए बिना भूजल न निकाला जाए।

		सभी रिचार्ज ऊपरी जलभृत एक सीमित होने चाहिए।
	2 (क)	स्थानीय भवन उप-नियमों द्वारा का यथा अपेक्षित खुले स्थान कम से कम 20% प्रवेश्य होगा। कम से कम 50% खुले स्थान वाले ग्रास पेवर, पेवर ब्लॉक, भू-दृश्य इत्यादि को प्रवेश्य सतह माना जाएगा।
	2 (ख)	जल किफायती उपकरणों के प्रयोग को बढ़ावा दिया जाए। लो-फ्लो फिक्सरों अथवा सेंसरों का प्रयोग जल संरक्षण को बढ़ावा देने के लिए किया जाए।
	2 (ग)	दोहरी प्लंबिंग प्रणाली के प्रयोग द्वारा भूरे और काले पानी को पृथक किया जाए। सिंगल स्टेक प्रणाली के मामले में दोहरी प्लंबिंग प्रणाली द्वारा फ्लशिंग के लिए अलग पुनर्संचरण लाइनें बनाई जायेंगी।
ठोस अपशिष्ट प्रबंधन	3	ठोस अपशिष्ट: अपशिष्ट के अलग-अलग करने को आसान बनाने के लिए प्रत्येक इकाई और भूतल पर अलग-अलग गीले और सूखे कूड़े दान उपलब्ध कराए जाएं। ठोस अपशिष्ट (प्रबंधन) नियम, 2016 और ई-अपशिष्ट (प्रबंधन) नियम, 2016, और प्लास्टिक अपशिष्ट (प्रबंधन) नियम, 2016 के उपबंधों का अनुपालन किया जाएगा।
	3 (क)	सभी गैर जैव-अवक्रमणीय अपशिष्ट को प्राधिकृत पुनर्चक्रणकर्ताओं के हवाले कर दिया जाएगा जिसके लिए प्राधिकृत पुनर्चक्रणकर्ताओं के साथ लिखित समझौता किया जाएगा।
	3 (ख)	न्यूनतम 0.3 किग्रा/व्यक्ति/दिन की क्षमता वाले जैविक अपशिष्ट कम्पोस्टर/वर्मीकल्चर गड्डे बनाए जायेंगे।
मल-जल शोधन संयंत्र	4	स्थल पर 100% अपशिष्ट जल शोधन क्षमता के मल-जल शोधन की अवस्थापना किया जाना। शोधित मल-जल का पुनर्प्रयोग स्थल पर लैंड-स्केप, फ्लशिंग, कूलिंग टावर और अन्य अंतिम प्रयोक्ताओं के लिए किया जाए। अतिरिक्त शोधित जल को केंद्रीय प्रदूषण नियंत्रण बोर्ड के मानकों के अनुसार बहाया जाएगा। प्राकृतिक शोधन प्रणालियों को बढ़ावा दिया जाएगा। सेप्टिक टैंकों सहित साइट पर मल-जल शोधन से उत्पन्न तलछठ को एकत्र किया जाएगा और उसे शहरी विकास मंत्रालय, केंद्रीय लोक स्वास्थ्य और मल-जल एवं मल-जल शोधन संयंत्र, 2013 संबंधी पर्यावरणीय अभियांत्रिकी संगठन (सीपीएचईईओ) मैनुअल के अनुसार ढोकर निपटान किया जाएगा।
ऊर्जा	5	ऊर्जा दक्षता व्यरो के ऊर्जा संरक्षण भवन कोड (ईसीबीसी) का अनुपालन सुनिश्चित किया जाएगा। जिन राज्यों ने अपना स्वयं का ईसीबीसी अधिसूचित किया है, भवन अभिकल्पन में राज्य ईसीबीसी का अनुपालन करेंगे। प्रकाश व्यवस्था बाहरी और कॉमन एरिया में एलईडी की होगी। भवन अभिकल्पन में भवन अनुस्थापन, भू-दृश्यीकरण, प्रभावी भवन विकास, खिड़कियों की समुचित व्यवस्था, जिनमें प्रकाश बढ़ाने वाला अभिकल्पन और थर्मल मास इत्यादि जैसे अभिकल्पन तत्वों का प्रयोग करके भवन में न्यूनतम ऊर्जा खपत वाले पैसिव सोलर अभिकल्पन की संकल्पना को शामिल किया जाएगा। दीवार, खिड़की और छत यू-वैल्यूज़ ईसीबीसी विनिर्देशों के अनुसार होंगे।
	5 (क)	सौर, पवन या अन्य नवीकरणीय ऊर्जा की व्यवस्था ताकि मांग भार या राज्य स्तरीय/स्थानीय भवन उप-नियमों या जो भी अधिक हो, के अनुसार 1% के बराबर विद्युत उत्पादन पूरा किया जा सके।
	5 (ख)	व्यावसायिक और सांस्थानिक भवनों की 20% गर्म पानी की मांग को पूरा करने या स्थानीय भवन उप-नियमों की आवश्यकता, जो भी अधिक हो, के अनुसार सोलर वाटर हीटिंग उपलब्ध कराई जाएगी। आवासीय भवनों को भी, जहां तक संभव हो, अपनी गर्म पानी की मांग को सोलर वाटर से पूरा करने की सिफारिश की जाती है।
	5 (ग)	ईटों, ब्लॉक्स और अन्य निर्माण सामग्री में कम से कम 20% पर्यावरण अनुकूल सामग्री के प्रयोग की आवश्यकता होगी। इसमें फ्लाइ ऐश, ईटें, हॉलों ईटों, एएसी, फ्लाइ ऐश लाइम जिप्सम ब्लॉकस,

		<p>कम्प्रेस्ड अर्थ बलॉक्स और अन्य पर्यावरण अनुकूल सामग्री शामिल होगी।</p> <p>समय-समय पर यथा संशोधित सितंबर, 1999 की फ्लाइ ऐश अधिसूचना के अनुसार निर्माण में भवन सामग्री के रूप में फ्लाइ ऐश का प्रयोग किया जाना चाहिए।</p>
जल गुणवत्ता और ध्वनि	6	<p>भवन और स्थान में धूल, धुंआं और अन्य वायु प्रदूषण निवारक उपाय किए जाएं। इन उपायों में निर्माणाधीन भवन के लिए स्क्रीन, स्थल के चारों ओर सतत रूप से धूल/हवा रोकने वाली दीवारें कम से कम 3 मीटर ऊंचाई की) शामिल हैं। स्थल पर रेत, सीमेंट, लोहवान और अन्य निर्माण सामग्री, जो कि धूल प्रदूषण का प्रमुख कारण है, के साथ-साथ स्थल से मलबे को बाहर ले जाने वाले वाहनों के लिए प्लास्टिक/तिरपाल के शीट कवर उपलब्ध कराए जाएंगे। प्रयुक्त वाहनों के पहियों की धुलाई की जाएगी।</p> <p>स्थल पर भण्डारित रेत, लोहवान, खुली मृदा, सीमेंट को अच्छी प्रकार से ढका जाएगा ताकि धूल प्रदूषण को रोका जा सके।</p> <p>पिसाई और पत्थर कटाई के लिए वेट जेट उपलब्ध कराया जाएगा। धूल को दबाने के लिए कच्ची सतहों और खुली मृदा पर पर्याप्त जल छिड़काव किया जाएगा।</p> <p>सभी निर्माण और विध्वंस मलबे के समुचित निपटान (बाहर सड़कों या खुले स्थानों पर ढेर नहीं लगाया जाएगा) से पहले, स्थल पर उनका भण्डारण किया जाएगा। सभी विध्वंस और निर्माण अपशिष्ट का, निर्माण और विध्वंस अपशिष्ट नियम, 2016 के उपबंधों के अनुसार प्रबंधन किया जाएगा।</p> <p>निर्माण स्थल पर कार्यरत और निर्माण सामग्री और निर्माण मलबे की लदाई, उतराई और ढुलाई में शामिल अथवा धूल प्रदूषण से युक्त किसी भी क्षेत्र में कार्य कर रहे सभी कामगारों को धूल रोधी मास्क उपलब्ध कराए जाएंगे।</p> <p>भीतरी वायु गुणवत्ता के लिए राष्ट्रीय भारतीय भवन संहिता के अनुसार वातायान-व्यवस्था के प्रावधान।</p>
	6(क)	डीजी सेट का स्थान और निकास पाइप की ऊंचाई, सीपीसीवी मापदंडों के उपबंधों के अनुसार होगी।
हरित आवरण	7	प्रत्येक 80 वर्ग मीटर भूमि के लिए न्यूनतम 1 पेड़ लगाया जाएगा और उसका रखरखाव किया जाएगा। इस प्रयोजन से मौजूदा पेड़ों की गिनती की जाएगी। स्थानिक प्रजातियों लगाने को प्राथमिकता दी जानी चाहिए।
	7(क)	जहां पर पेड़ों को काटे जाने की आवश्यकता है वहां पर 1:3 के अनुपात (अर्थात् काटे गए प्रत्येक 1 पेड़ के लिए 3 पेड़ लगाना) में प्रतिपूरक वनीकरण किया जाएगा और रखरखाव किया जाएगा।
ऊपरी मृदा परिरक्षण और पुनर्उपयोग	8	भवनों, सड़कों, पक्के क्षेत्रों और बाहरी सेवाओं के लिए प्रस्तावित क्षेत्रों से 20 सेमी की गहराई तक ऊपरी मृदा को खोदा जाना चाहिए। इसका निर्धारित क्षेत्रों में समुचित ढंग से भण्डारण किया जाना चाहिए और स्थल पर प्रस्तावित वनस्पति के रोपण के दौरान इसका पुनर्उपयोग किया जाएगा।
परिवहन	9	<p>शहरी विकास मंत्रालय की उत्तम प्रक्रियाओं संबंधी दिशा-निर्देशों (यूआरडीपीएफआई) के अनुसार मोटरयुक्त, गैर-मोटरयुक्त, सार्वजनिक और निजी तंत्रों को शामिल करने के लिए एक व्यापक गतिशीलता योजना तैयार की जाएगी।</p> <p>सड़कों को पर्यावरण और प्रयोक्ताओं की सुरक्षा पर अपेक्षित विचार करते हुए अभिकल्पित किया जाना चाहिए। सड़क प्रणाली को इन आधारभूत मानदण्डों के साथ अभिकल्पित किया जा सकता है।</p> <ol style="list-style-type: none"> 1. वाहनीय और पैदल-पथ यातायात के उचित पृथक्करण के साथ सड़कों का वर्गीकरण 2. यातायात को सुचारू रखने के उपाय 3. प्रवेश और निकास बिंदुओं का उचित अभिकल्प 4. स्थानीय विनियमन के अनुसार पार्किंग मापदंड

पर्यावरण प्रबंधन योजना	10	उपरोक्त मद सं. 1 से 9 में विनिर्दिष्ट पर्यावरणीय शर्तों का अनुपालन सुनिश्चित करने के लिए एक पर्यावरणीय प्रबंधन योजना (ईएमपी) तैयार और क्रियान्वित की जाएगी। ईएमपी को क्रियान्वित करने के लिए परिभाषित क्रियाकलापों और उत्तरदायित्व के साथ एक समर्पित पर्यावरण निगरानी प्रकोष्ठ की स्थापना की जाएगी। यह पर्यावरणीय प्रकोष्ठ सुनिश्चित करेगा कि मलजल शोधन संयंत्र, भू-दृश्य निर्माण, वर्षा-जल संचयन, ऊर्जा दक्षता और संरक्षण, जल दक्षता और संरक्षण, ठोस अपशिष्ट प्रबंधन, नवीकरणीय ऊर्जा आदि जैसी पर्यावरण अवसंरचना प्रचालनारत है और अपेक्षित मानकों को पूरा करती है। पर्यावरणीय प्रकोष्ठ, पर्यावरण निगरानी और पर्यावरण अवसंरचना से संबंधित अभिलेखों का रखरखाव भी करेगा।
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परिशिष्ट-XV

पर्यावरणीय लेखा परीक्षकों (योग्य भवन लेखा परीक्षक) की मान्यता

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (एमओईएफसीसी) योग्य अभिकरणों के माध्यम से योग्य भवन पर्यावरण लेखा परीक्षकों (क्यूबीईए) को मान्यता देगा। योग्य भवन पर्यावरण लेखा परीक्षक फर्म/संगठन अथवा वैयक्तिक विशेषज्ञ हो सकते हैं, जो अपेक्षाओं को पूरा करते हैं। मंत्रालय, भारतीय गुणवत्ता परिषद (क्यूसीआई), राष्ट्रीय उत्पादकता परिषद अथवा सरकार द्वारा मान्यता प्राप्त किसी अन्य संगठन के माध्यम से मान्यता की इस प्रक्रिया को क्रियान्वित करेगा। भारतीय हरित भवन परिषद, उर्जा दक्षता ब्यूरो इत्यादि जैसे संगठन भी मान्यता देने, प्रशिक्षण और नवीकरण की प्रक्रिया से जोड़े जा सकते हैं। भवन क्षेत्र के लिए क्यूसीआई द्वारा मान्यता प्राप्त पर्यावरणीय परामर्शी क्यूबीईए के रूप में योग्य होंगे। क्यूबीईए निम्नलिखित मानदंड पूरा करेंगे। मान्यता देने वाला प्राधिकरण इन मानदंडों का सुधार कर सकता है।

लेखा परीक्षक की योग्यताएं :

क. शिक्षा: वास्तुकार (डिग्री अथवा डिप्लोमा), नगर नियोजक (डिग्री), सिविल इंजीनियर/मैकनिकल इंजीनियर (डिग्री अथवा डिप्लोमा), पर्यावरणीय विज्ञान में स्नातकोत्तर अथवा मान्यता की स्कीम के अनुसार कोई अन्य योग्यता

प्रशिक्षण :

ख. प्रत्यायन निकाय अथवा उनके अनुमोदित प्रशिक्षण प्रदाताओं द्वारा अनिवार्य प्रशिक्षण दिया जाएगा। यह मान्यता की स्कीम के अनुसार होगा।

अनुभव :

ग. संबंधित क्षेत्र में 3 वर्ष का कार्य अनुभव अथवा क्यूसीआई द्वारा मान्यता प्राप्त भवन और पर्यावरण प्रभाव आकलन परामर्शदाता अथवा मान्यता की स्कीम के अनुसार किसी अन्य प्रकार का अनुभव मानदंड।

अवसंरचना एवं उपकरण :

घ. मान्यता की स्कीम के अनुसार

नवीकरण:

ड. प्रत्यायन 5 वर्षों के लिए मान्य होगा और प्रत्यायन स्कीम के अंतर्गत विकसित प्रक्रिया के अनुसार नवीकृत किया जाएगा।

उत्तरदायित्व/शिकायत निवारण कार्यतंत्र: क्यूबीईएएस के कार्य की गुणवत्ता के संबंध में कोई भी शिकायत प्रत्यायन निकाय को की जाएगी। प्रत्यायन निकाय शिकायत पर विचार करेगा और काली सूची में डालने अथवा व्यापक सार्वजनिक सूचना के साथ प्रत्यायन को रद्द करने सहित उपयुक्त कार्यवाही करेगा। यह दण्ड देने और काली सूची में डालने के लिए स्थानीय प्राधिकरण के स्तर पर की जाने वाली कार्यवाही के अलावा होगा। विशिष्ट शिकायत अथवा फीडबैक के मामले में मंत्रालय भी इस प्रकार की कार्यवाही कर सकता है।

परिशिष्ट-XVI

स्थानीय प्राधिकरण के स्तर पर पर्यावरणीय प्रकोष्ठ:

भवनों में पर्यावरणीय शर्तों के अनुपालन और मानीटरी को सहायता देने के लिए स्थानीय प्राधिकरण के स्तर पर पर्यावरणीय प्रकोष्ठ की स्थापना की जाएगी। यह प्रकोष्ठ अपने क्षेत्राधिकार के तहत पर्यावरणीय आयोजना और क्षमता निर्माण में सहायता भी प्रदान करेगा। इस प्रकोष्ठ के उत्तरदायित्व, इस अधिसूचना के कार्यान्वयन की मानीटरी करना और तीसरे-पक्षकार की लेखा-परीक्षा प्रक्रिया का अनुरक्षण करना है। यह प्रकोष्ठ स्थानीय प्राधिकरण के तहत संचालित होगा।

प्रकोष्ठ का संघटन :

इस प्रकोष्ठ में निम्नलिखित क्षेत्रों में कम से कम 3 समर्पित व्यक्ति शामिल होंगे:

- क. अपशिष्ट प्रबंधन (ठोस और द्रव्य)
- ख. जल संरक्षण और प्रबंधन
- ग. निर्माण सामग्रियों सहित संसाधन की कार्यकुशलता
- घ. ऊर्जा दक्षता और नवीकरणीय ऊर्जा
- च. वायु गुणवत्ता प्रबंधन सहित पर्यावरणीय आयोजना
- छ. परिवहन आयोजना और प्रबंधन

यह प्रकोष्ठ समर्पित विशेषज्ञों की आवश्यकता और पृष्ठभूमि के अनुसार कम से कम दो बाहरी विशेषज्ञों को शामिल करेगा। स्थानीय प्राधिकरण के स्तर पर मौजूदा पर्यावरणीय प्रकोष्ठों को सह-योजित और इस प्रकोष्ठ के लिए प्रशिक्षित किया जा सकता है।

वित्तीय सहायता:

पर्यावरणीय शर्तों के समाकलन और इसकी मॉनीटरिंग के लिए निर्माण अनुमति हेतु कार्यवाही शुल्क के साथ अतिरिक्त शुल्क लिया जाएगा। स्थानीय प्राधिकरण समय-समय पर इस अतिरिक्त शुल्क को निर्धारित और संशोधित कर सकता है। इस शुल्क की धनराशि, एक पृथक बैंक खाते में जमा किया जाएगा और विशेषज्ञों के वेतन/पारिश्रमिक की आवश्यकता को पूरा करने और ऑनलाइन प्रार्थना पत्र की प्रणाली को जारी रखने, सत्यापन और पर्यावरणीय प्रकोष्ठ के लिये उपयोग में लाया जाएगा।

प्रकोष्ठ के कार्य

1. यह प्रकोष्ठ अपने क्षेत्राधिकार में उस क्षेत्र के पर्यावरण सरोकारों का मूल्यांकन और आकलन करने के लिए उत्तरदायी होगा जहां निर्माण कार्यकलाप करना प्रस्तावित है। यह प्रकोष्ठ अपेक्षाओं के अनुसार अतिरिक्त पर्यावरणीय शर्तें विकसित कर सकता है और शर्तों का प्रस्ताव रख सकता है। ये शर्तें क्षेत्र विशिष्ट हो सकती हैं तथा समय-समय पर पहले से अधिसूचित की जाएंगी। ये अतिरिक्त शर्तें परामर्श की यथा प्रक्रिया का अनुसरण करते हुए अनुमोदित की जाएंगी। ये पर्यावरणीय शर्तें अनुमोदन प्राधिकारी द्वारा निर्माण अनुमति में समेकित की जाएंगी।
2. आवेदन और शुल्क के भुगतान के लिए एक ऑन लाइन प्रणाली बनाना तथा उसकी देख-रेख करना। यह प्रकोष्ठ प्राप्त सभी आवेदनों, अनुमोदित परियोजनाओं, अनुपालन लेखापरीक्षण रिपोर्ट, किए गए औचक निरीक्षणों का एक आनलाइन डाटाबेस बनाएगा। यह प्रकोष्ठ परियोजना द्वारा पर्यावरणीय शर्तों के अनुपालन की लोगों द्वारा संवीक्षा के लिए अर्हता-प्राप्त निर्माण पर्यावरण लेखा-परीक्षकों द्वारा दर्ज लेखा-परीक्षा रिपोर्टों के स्व-प्रमाणीकरण और अनुपालन सहित परियोजना व्यौरों का सार्वजनिक प्रकटन के लिए एक पोर्टल बनाएगा।
3. अर्हता-प्राप्त निर्माण लेखा-परीक्षकों द्वारा कराई गई पर्यावरणीय लेखा-परीक्षा प्रक्रिया के कार्य की निगरानी करेगा।
4. यह प्रकोष्ठ आवेदनों की समीक्षा करेगा; स्थानीय प्राधिकरणों को आवेदन प्रस्तुत करने के 30 दिन के अंदर अतिरिक्त पर्यावरणीय शर्तों, यदि अपेक्षित हो तो, को अंतिम रूप देगा।
5. यह प्रकोष्ठ क्यूबीए के प्रमाणीकरण, पर्यावरणीय शर्तों के अनुपालन और पंच वर्षीय लेखा रिपोर्ट के लिए स्थल पर जांच करने के लिए परियोजनाओं का जोखिम आधारित औचक चयन अंगीकृत करेगा।
6. यह प्रकोष्ठ परियोजना प्रस्तावक द्वारा पर्यावरणीय शर्तों के गैर-अनुपालन के लिए वित्तीय अर्थदंड के लिए स्थानीय प्राधिकरण को सिफारिश करेगा।
7. यह प्रकोष्ठ किसी भी अर्हता-प्राप्त निर्माण पर्यावरण लेखा-परीक्षकों के विरुद्ध, यदि उनके कार्य में कोई त्रुटि पाई जाती है तो, प्रत्यायोजन निकाय और स्थानीय प्राधिकरण को सिफारिश करेगा।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 9th December, 2016

S.O. 3999(E).—Whereas, by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) read with clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 and clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the said notification entailing the capacity addition with change in process or technology and or product mix shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

And whereas, the said Ministry has received suggestions for ensuring Ease of Doing Responsible Business; and streamlining the permissions for buildings and construction sector which is important for providing houses and for this purpose the scheme of Housing for all by 2022 with an objective of making available affordable housing to weaker sections in urban area has ambitious target;

And whereas clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 issued in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 was published, vide number S.O.1595 (E) dated the 29th April 2016, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date of publication of said notification in the Gazette of India;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the Environment Impact Assessment Notification, 2006 namely:-

In the said Notification,-

(I) after paragraph 13, the following paragraph shall be inserted, namely:-

“14. Integration of environmental condition in building bye-laws.-

(1) The integrated environmental conditions with the building permission being granted by the local authorities and the construction of buildings as per the size shall adhere to the objectives and monitorable environmental conditions as given at Appendix-XIV.

(2) The States adopting the objectives and monitorable environmental conditions referred to in subparagraph (1), in the building bye-laws and relevant State laws and incorporating these conditions in the approvals given for building construction making it legally enforceable shall not require a separate environmental clearance from the Ministry of Environment, Forest and Climate Change for individual buildings.

(3) The States may forward the proposed changes in their bye-laws and rules to the Ministry of Environment, Forest and Climate Change, who in turn will examine the said draft bye-laws and rules and convey the concurrence to the State Governments.

(4) When the State Governments notifies the bye-laws and rules concurred by the Ministry of Environment, Forest and Climate Change, the Central Government may issue an order stating that no separate environmental clearance is required for buildings to be constructed in the States or local authority areas.

- (5) The local authorities like Development Authorities, Municipal Corporations, may certify the compliance of the environmental conditions prior to issuance of Completion Certificate, as applicable as per the requirements stipulated for such buildings based on the recommendation of the Environmental Cell constituted in the local authority.
- (6) The State Governments where bye-laws or rules are not framed may continue to follow the existing procedure of appraisal for individual projects and grant of Environmental Clearance for buildings and constructions as per the provisions laid down in this notification.
- (7) For the purpose of certification regarding incorporation of environmental conditions in buildings, the Ministry of Environment, Forest and Climate Change may empanel through competent agencies, the Qualified Building Environment Auditors (QBEAs) to assess and certify the building projects, as per the requirements of this notification and the procedure for accreditation of Qualified Building Auditors and their role as given at Appendix-XV.
- (8) In order to implement the integration of environmental condition in building bye-laws, the State Governments or Local Authorities may constitute the Environment Cell (herein after called as Cell), for compliance and monitoring and to ensure environmental planning within their jurisdiction.
- (9) The Cell shall monitor the implementation of the bye-laws and rules framed for Integration of environmental conditions for construction of building and the Cell may also allow the third party auditing process for oversight, if any.
- (10) The Cell shall function under the administrative control of the Local Authorities.
- (11) The composition and functions of the Cell are given at Appendix-XVI.
- (12) The Local Authorities while integrating the environmental concerns in the building bye-laws, as per their size of the project, shall follow the procedure, as given below:

BUILDINGS CATEGORY '1' (5,000 to < 20,000 Square meters)

A Self declaration Form to comply with the environmental conditions (Appendix XIV) along with Form 1A and certification by the Qualified Building Environment Auditor to be submitted online by the project proponent besides application for building permission to the local authority along with the specified fee in separate accounts. Thereafter, the local authority may issue the building permission incorporating the environmental conditions in it and allow the project to start based on the self declaration and certification along with the application. After completion of the construction of the building, the project proponent may update Form 1A online based on audit done by the Qualified Building Environment Auditor and shall furnish the revised compliance undertaking to the local authority. Any non-compliance issues in buildings less than 20,000 square meters shall be dealt at the level of local body and the State through existing mechanism.

OTHER BUILDINGS CATEGORIES (\geq 20,000 Square meters)

The project proponent may submit online application in Form 1 A alongwith specified fee for environmental appraisal and additional fee for building permission. The fee for environmental appraisal will be deposited in a separate account. The Environment Cell will process the application and present it in the meeting of the Committee headed by the authority competent to give building permission in that local authority. The Committee will appraise the project and stipulate the environmental conditions to be integrated in the building permission. After recommendations of the Committee, the building permission and environmental clearance will be issued in an integrated format by the local authority.

The project proponent shall submit Performance Data and Certificate of Continued Compliance of the project for the environmental conditions parameters applicable after completion of construction from Qualified Building Environment Auditors every five years to the Environment Cell with special focus on the following parameters:-

- (a) Energy Use (including all energy sources).
- (b) Energy generated on site from onsite Renewable energy sources.
- (c) Water use and waste water generated, treated and reused on site.
- (d) Waste Segregated and Treated on site.
- (e) Tree plantation and maintenance.

After completion of the project, the Cell shall randomly check the projects compliance status including the five years audit report. The State Governments may enact the suitable law for imposing penalties for non-compliances of the

environmental conditions and parameters. The Cell shall recommend financial penalty, as applicable under relevant State laws for non-compliance of conditions or parameters to the local authority. On the basis of the recommendation of the Cell, the local authority may impose the penalty under relevant State laws. The cases of false declaration or certification shall be reported to the accreditation body and to the local body for blacklisting of Qualified Building Environment Auditors and financial penalty on the owner and Qualified Building Environment Auditors.

No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters.”;

(II) In the Schedule, for item 8 and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
“8		Building / Construction projects / Area Development projects and Townships		
8 (a)	Building and Construction projects		≥ 20,000 sq. mtrs and < 1,50,000 sq. mtrs of built up area	The term “built up area” for the purpose of this notification is the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the buildings and construction projects. Note 1. The projects or activities shall not include industrial shed, universities, college, hostel for educational institutions, but such buildings shall ensure sustainable environmental management, solid and liquid and implement environmental conditions given at Appendix-XIV. Note 2.-General Condition shall not apply. Note 3.-The exemptions granted at Note 1 will be available only for industrial shed after integration of environmental norms with building permissions at the level of local authority.
8 (b)	Townships and Area Development projects	≥ 3,00,000 sq. mtrs of built up area or Covering an area ≥ 150 ha	≥1,50,000 sq. mtrs and < 3,00,000 sq. mtrs built up area or covering an area ≥ 50 ha and < 150 ha	Note.- General Condition shall not apply”.

[F. No. 19-2/2013-IA-III (Pt.)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) vide number S.O. 1533(E), dated the 14th September, 2006 and subsequently amended vide numbers S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E), dated the 1st December, 2009, S.O.695(E), dated the 4th April, 2011, S.O.2896(E), dated the 13th December, 2012, S.O.674(E), dated the 13th March, 2013, S.O.2559(E), dated the 22nd August, 2013, S.O. 2731(E), dated the 9th September, 2013, S.O. 562(E), dated the 26th February, 2014, S.O.637(E), dated the 28th February, 2014, S.O.1599(E), dated the 25th June, 2014, S.O. 2601 (E), dated 7th October, 2014, S.O. 2600(E) dated 9th October, 2014, S.O. 3252(E) dated 22nd December, 2014, S.O. 382 (E), dated 3rd February, 2015, and S.O. 811(E), dated 23rd March, 2015, S.O. 996 (E) dated 10th April, 2015, S.O. 1142 (E) dated 17th April, 2015, S.O. 1141 (E) dated 29th April, 2015, S.O. 1834(E) dated 6th July, 2015 and S.O. 2572(E) dated 14th September, 2015, S.O. 141(E) dated 15th January, 2016, S.O. 190(E) dated 20th January, 2016, S.O. 648(E) dated 3rd March, 2016 and S.O. 2269(E) dated 1st July, 2016.

APPENDIX –XIV

ENVIRONMENTAL CONDITIONS FOR BUILDINGS AND CONSTRUCTIONS

(CATEGORY '1': 5,000 to less than 20,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
Water Conservation, Rain Water Harvesting, and Ground Water Recharge	2	Use of water efficient appliances shall be promoted. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-Laws, 2016. A rain water harvesting plan needs to be designed where the recharge bores (minimum one recharge bore per 5,000 square meters of built up area) is recommended. Storage and reuse of the rain water harvested should be promoted. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer.
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Sewage: In areas where there is no municipal sewage network, onsite treatment systems should be installed. Natural treatment systems which integrate with the landscape shall be promoted. As far as possible treated effluent should be reused. The excess treated effluent shall be discharged following the CPCB norms. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013. The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
Energy	4	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be Light Emitting Diode (LED). Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.

Air Quality and Noise	5	<p>Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.</p> <p>Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.</p> <p>Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.</p> <p>All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.</p> <p>For indoor air quality the ventilation provisions as per National Building Code of India shall be made.</p>
	5 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	6	A minimum of 1 tree for every 80 square meters of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	6 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.

(Category '2': 20,000 to less than 50,000 Square meters)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	<p>The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.</p> <p>Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.</p>
Water Conservation, Rain Water Harvesting, and Ground Water Recharge	2	<p>A complete plan for rain water harvesting, water efficiency and conservation should be prepared.</p> <p>Use of water efficient appliances should be promoted with low flow fixtures or sensors.</p> <p>The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016.</p> <p>A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.</p> <p>All recharge should be limited to shallow aquifer</p>
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.

Waste Management	3	<p>Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste.</p> <p>Sewage: Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted.</p> <p>Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.</p> <p>The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.</p>
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
	3(b)	Organic waste compost/ Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Energy	4	<p>Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.</p> <p>Outdoor and common area lighting shall be LED.</p> <p>Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design.</p> <p>Wall, window, and roof u-values shall be as per ECBC specifications.</p>
	4 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	4 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
	4 (c)	<p>Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flyash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.</p> <p>Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.</p>
Air Quality and Noise	5	<p>Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.</p> <p>Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.</p> <p>Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.</p> <p>All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.</p> <p>All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with</p>

		dust pollution shall be provided with dust mask. For indoor air quality the ventilation provisions as per National Building Code of India.
	5 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	6	A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	6 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.
Top Soil preservation and reuse	7	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
Transport	8	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria. <ol style="list-style-type: none"> 1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. 2. Traffic calming measures. 3. Proper design of entry and exit points. 4. Parking norms as per local regulation.

(Category '3': 50000 to 150000 m²)

MEDIUM	S.N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
Water conservation - Rain Water Harvesting, and Ground Water Recharge	2	A complete plan for rain water harvesting, water efficiency and conservation should be prepared. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provisions are not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-laws, 2016. A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer.
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
	2 (b)	Use of water efficient appliances should be promoted. Low flow fixtures or sensors be used to promote water conservation.

	2 (c)	Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
Solid Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.
	3 (a)	All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
	3(b)	Organic waste composter/Vermiculture pit with a minimum capacity of 0.3 kg /person/day must be installed.
Sewage Treatment Plant	4	Onsite sewage treatment of capacity of treating 100% waste water to be installed. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per CPCB norms. Natural treatment systems shall be promoted. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
Energy	5	Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC. Outdoor and common area lighting shall be LED. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.
	5 (a)	Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
	5 (b)	Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.
	5 (c)	Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include flyash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials. Fly ash should be used as building material in the construction as per the provisions of the Fly Ash Notification of September, 1999 as amended from time to time.
Air Quality and Noise	6	Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site. Wheel washing for the vehicles used be done. Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution. Wet jet shall be provided for grinding and stone cutting. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction

		and Demolition Waste Rules 2016. All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask. For indoor air quality the ventilation provisions as per National Building Code of India.
	6 (a)	The location of the DG set and exhaust pipe height shall be as per the provisions of the CPCB norms.
Green Cover	7	A minimum of 1 tree for every 80 sq.mt. of land should be planted and maintained. The existing trees will be counted for this purpose. Preference should be given to planting native species.
	7 (a)	Where the trees need to be cut, compensatory plantation in the ratio of 1:3 (i.e. planting of 3 trees for every 1 tree that is cut) shall be done and maintained.
Top Soil Preservation and Reuse	8	Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
Transport	9	A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria. <ol style="list-style-type: none"> 1. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic. 2. Traffic calming measures. 3. Proper design of entry and exit points. 4. Parking norms as per local regulation.
Environment Management Plan	10	An environmental management plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified in item number 1 to 9 above. A dedicated Environment Monitoring Cell with defined functions and responsibility shall be put in place to implement the EMP. The environmental cell shall ensure that the environment infrastructure like Sewage Treatment Plant, Landscaping, Rain Water Harvesting, Energy efficiency and conservation, water efficiency and conservation, solid waste management, renewable energy etc. are kept operational and meet the required standards. The environmental cell shall also keep the record of environment monitoring and those related to the environment infrastructure.

APPENDIX-XV

Accreditation of Environmental Auditors (Qualified Building Auditors)

The Ministry of Environment, Forest and Climate Change (MoEFCC), through qualified agencies shall accredit the Qualified Building Environment Auditors (QBEAs). The Qualified Building Environment Auditors could be a firm / organization or an individual expert, who fulfils the requirements. The Ministry will implement this process of accreditation through Quality Council of India (QCI), National Productivity Council or any other organization identified by the Government. The organizations like Indian Green Building Council, Bureau of Energy Efficiency etc. can also be associated in the process of accreditation, training, and renewal. The environmental consultants accredited by the QCI for building sector will be qualified as QBEAs. The QBEAs will meet the following criteria. The accrediting agency can improvise on these criteria.

Qualifications of the Auditor:

- a. Education: Architect (Degree or Diploma), Town Planners (Degree), Civil Engineer / Mechanical Engineer (Degree or Diploma), PG in Environmental Science or any other qualification as per the scheme of the accreditation.

Training:

- b. Mandatory training to be given by the accreditation body or their approved training providers. This will be as per the scheme of the accreditation.

Experience:

- c. At least 3 years of work experience in the related field or building sector Environment Impact Assessment consultants accredited by QCI or any other experience criteria as per the scheme of the accreditation.

Infrastructure and equipment:

- d. As per the scheme of the accreditation

Renewal:

- e. The accreditation will be valid for 5 years and will be renewed as per the process developed under the accreditation scheme.

Accountability/Complaint redressal mechanism: Any complaints regarding the quality of the work of QBEAs shall be made to the accreditation body. The accreditation body shall evaluate the complaint and take appropriate action including black listing or cancellation of the accreditation with wide public notice. This will be in addition to the action at the level of local authority for penalty and blacklisting. The Ministry can also take such action in case of specific complaint or feedback.

APPENDIX-XVI**Environmental Cell at the level of Local Authority:**

An Environmental Cell shall be setup at the local authority level to support compliance and monitoring of environmental conditions in buildings. The Cell shall also provide assistance in environmental planning and capacity building within their jurisdiction. The responsibility of this cell would be monitoring the implementation of this notification and providing an oversight to the Third-Party Auditing process. The cell will operate under the local authority.

Constitution of the cell:

The cell will comprise of at least 3 dedicated experts in following fields:

- a. Waste management (solid and liquid)
- b. Water conservation and management
- c. Resource efficiency including Building materials
- d. Energy Efficiency and renewable energy
- e. Environmental planning including air quality management.
- f. Transport planning and management.

The Cell shall induct at least two outside experts as per the requirements and background of dedicated experts. Existing environmental cells at the level of local authority can be co-opted and trained for this Cell.

Financial Support:

An additional fee may be charged along with processing fee for building permission for integrating environmental conditions and it's monitoring. The local authority can fix and revise this additional fee from time to time. The amount of this fee shall be deposited in a separate bank account, and used for meeting the requirement of salary / emoluments of experts and running the system of online application, verifications and the Environmental Cell.

Functions of the Cell:

1. The cell shall be responsible for assessing and appraising the environmental concerns of the area under their jurisdiction where building activities are proposed. The Cell can evolve and propose additional environmental conditions as per requirements. These conditions may be area specific and shall be notified in advance from time to time. These additional conditions shall be approved following a due consultation process. These environmental conditions will be integrated in building permissions by the sanctioning authority.
2. Develop and maintain an online system for application and payment of fees. The Cell shall maintain an online database of all applications received, projects approved, the compliance audit report, random inspections made. The Cell shall maintain a portal for public disclosure of project details including self certification and compliance audit reports filed by the Qualified Building Environment Auditors for public scrutiny of compliance of environmental conditions by the project.
3. Monitoring the work of Environmental Audit process carried by the Qualified Building Auditors.

4. The Cell shall review the applications; finalize the additional environmental conditions if required within 30 days of the submission of the application to the local authority.
5. The Cell shall adopt risk based random selection of projects for verifying on site for certification of QBA, compliance of environmental conditions and five yearly audit report.
6. The Cell shall recommend to the local authority for financial penalty for non-compliance of environmental conditions by the project proponent.
7. The Cell shall recommend to the accrediting body and the local authority against any Qualified Building Environment Auditor, if any lapse is found in their work.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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अधिसूचना

नई दिल्ली, 15 नवम्बर, 2018

का.आ.5736(अ).--भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितम्बर, 2006 का और संशोधन करने के लिए पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए का.आ. 1132(अ), तारीख 13 मार्च, 2018 द्वारा प्रकाशित किए गए थे, भारत के राजपत्र में उक्त अधिसूचना के प्रकाशन की तारीख से 60 दिनों की अवधि के भीतर, उन व्यक्तियों के जिनके उससे प्रभावित होने की संभावना थी, आक्षेप और सुझाव आमंत्रित किए गए हैं ;

और केंद्रीय सरकार द्वारा उक्त प्रारूप अधिसूचना के संबंध में प्राप्त सभी आक्षेपों और सुझावों पर सम्यक् रूप से विचार कर लिया गया है ;

अतः, अब केंद्रीय सरकार, पठित पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात् :-

(i) उक्त अधिसूचना में, पैरा 14 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :-

"14 स्थानीय निकाय यथा-नगरपालिका, विकास प्राधिकरण और जिला पंचायत भवन की अनुमति देते समय पर्यावरण परिस्थितियों को निर्धारित करेंगे, अधिसूचना का.आ. 5733(अ) तारीख 14 नवम्बर, 2018 में विनिर्दिष्ट भवन या निर्माण परियोजना के लिए निर्मित क्षेत्र \geq 20,000 वर्ग मीटर और $<$ 50,000 वर्ग मीटर होगा तथा औद्योगिक शेड, शैक्षणिक संस्थानों, अस्पतालों और शैक्षणिक संस्थाओं के लिए निर्मित क्षेत्र \geq 20,000 वर्गमीटर से $<$ 1,50,000 वर्ग मीटर होगा।"

(ii) अनुसूची में, मद 8 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :--

(1)	(2)	(3)	(4)	(5)
"8	भवन निर्माण और संनिर्माण परियोजनाओं या क्षेत्र विकास परियोजनाओं और नगरी के साथ औद्योगिक शेड, शैक्षणिक संस्थानों, अस्पतालों और शैक्षणिक संस्थानों के लिए छात्रावास			
8(क)	भवन निर्माण और संनिर्माण परियोजना		निर्मित क्षेत्र \geq 50,000 वर्गमीटर से $<$ 1,50,000 वर्गमीटर	<p>टिप्पण 1 : इस अधिसूचना में प्रयोजन के लिए "निर्मित क्षेत्र" पद, सभी तलों को एक साथ मिलाकर निर्मित या आच्छादित क्षेत्र, जिसके अंतर्गत उसका बेसमेंट भी है, जो भवन निर्माण तथा संनिर्माण परियोजनाओं में प्रस्तावित है।</p> <p>टिप्पण 2 : परियोजनाओं या क्रियाकलापों के अंतर्गत औद्योगिक शेड, औद्योगिक संस्थान, अस्पताल और शैक्षणिक संस्थानों के लिए छात्रावास नहीं आएंगे।</p> <p>टिप्पण 3: साधारण शर्तें लागू नहीं होगी।</p>
8(ख)	नगरी और क्षेत्र विकास परियोजनाओं के साथ-साथ शैक्षणिक संस्थाओं के लिए औद्योगिक शेड, शैक्षणिक संस्थाएं, अस्पताल तथा शैक्षणिक संस्थानों के लिए छात्रावास		निर्मित क्षेत्र का \leq 1,50,000 वर्गमीटर क्षेत्र और या आच्छादित क्षेत्र का \geq 50 हेक्टेयर	<p>इस मद के अधीन आच्छादित बोर्ड नगरी परियोजना और क्षेत्रीय विकास परियोजना के लिए पर्यावरण निर्धारण स्थिति और 'बी' परियोजना श्रेणी के रूप में आंकन।</p> <p>टिप्पण : साधारण शर्तें लागू नहीं होगी।</p>

[फा. सं. 3-49/2017-आई.ए.।।।-पीटी]

जिगमेट टकपा, संयुक्त सचिव

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण, भाग II, खंड 3 उपखंड (ii) में का.आ. 1533(अ), तारीख 14 सितंबर, 2006 में प्रकाशित किए गए थे और तत्पश्चात् निम्नलिखित संख्याओं के द्वारा संशोधित किए गए :--

- का.आ. 1949(अ), तारीख 13 नवम्बर, 2006;
- का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007;
- का.आ. 3067(अ), तारीख 1 दिसम्बर, 2009 ;
- का.आ. 695(अ), तारीख 4 अप्रैल, 2011 ;
- का.आ. 156(अ), तारीख 25 जनवरी, 2012 ;
- का.आ. 2896(अ), तारीख 13 दिसम्बर, 2012 ;
- का.आ. 674(अ), तारीख 13 मार्च, 2013 ;
- का.आ. 2204(अ), तारीख 19 जुलाई, 2013 ;
- का.आ. 2555(अ), तारीख 21 अगस्त, 2013 ;
- का.आ. 2559(अ), तारीख 22 अगस्त, 2013 ;
- का.आ. 2731(अ), तारीख 9 सितम्बर, 2013 ;
- का.आ. 562(अ), तारीख 26 फरवरी, 2014 ;
- का.आ. 637(अ), तारीख 28 फरवरी, 2014 ;
- का.आ. 1599(अ), तारीख 25 जून, 2014;
- का.आ. 2601(अ), तारीख 7 अक्टूबर, 2014 ;
- का.आ. 2600(अ), तारीख 9 अक्टूबर, 2014 ;
- का.आ. 3252(अ), तारीख 22 दिसम्बर, 2014 ;
- का.आ. 382(अ), तारीख 3 फरवरी, 2015 ;
- का.आ. 811(अ), तारीख 23 मार्च, 2015 ;
- का.आ. 996(अ), तारीख 10 अप्रैल, 2015 ;
- का.आ. 1142(अ), तारीख 17 अप्रैल, 2015 ;
- का.आ. 1141(अ), तारीख 29 अप्रैल, 2015 ;
- का.आ. 1834(अ), तारीख 6 जुलाई, 2015 ;
- का.आ. 2571(अ), तारीख 31 अगस्त, 2015,

25. का.आ. 2572(अ), तारीख 14 सितम्बर, 2015, 30. का.आ. 3518(अ), तारीख 23 नवम्बर, 2016 ;
 26. का.आ. 141(अ) 15 जनवरी, 2016, 31. का.आ. 3999(अ), तारीख 9 दिसम्बर, 2016 ;
 27. का.आ. 648(अ) तारीख 3 मार्च, 2016 ; 32. का.आ. 4241(अ) तारीख 30 दिसम्बर, 2016 ; और
 28. का.आ. 2269(अ) तारीख 1 जुलाई, 2016 ; 33. का.आ. 3611(अ) तारीख 25 जुलाई, 2018 ।
 29. का.आ. 2944(अ) तारीख 14 सितम्बर, 2016 ;

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 15th November, 2018

S.O. 5736(E).—Whereas, a draft notification further to amend the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533(E) dated the 14th September 2006 was published in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 *vide* S.O. 1132(E) dated the 13th March, 2018, inviting objections and suggestions from all the persons likely to be affected there by, within a period of 60 days from the date of publication of the said notification in the Gazette of India;

And whereas, all objections and suggestions received in response to the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the said notification, namely: -

- (i) in the said notification, for paragraph 14, the following shall be substituted, namely:-

“14 Local bodies such as Municipalities, Development Authorities and District Panchayats, shall stipulate environmental conditions while granting building permission, for the Building or Construction projects with built-up area $\geq 20,000$ sq. mtrs and $< 50,000$ sq. mtrs and industrial sheds, educational institutions, hospitals and hostels for educational institutions from built-up area $\geq 20,000$ sqm to $< 1,50,000$ sq.m as specified in Notification S.O. 5733(E) dated 14th November, 2018”.

- (ii) in the Schedule, for item 8 and the entries relating thereto, the following item and entries shall be substituted, namely: -

(1)	(2)	(3)	(4)	(5)
“8	Building or Construction projects or Area Development projects and Townships as well as for industrial sheds, educational institutions, hospitals and hostels for educational institutions			
8 (a)	Building or Construction projects		$\geq 50,000$ sq. mtrs. and $< 1,50,000$ sq. mtrs. of built-up area	Note-1: The term “built-up area” for the purpose of this notification is the built-up or covered area on all the floors put together including its basement and other service areas, which are proposed in the buildings or construction projects. Note 2: The projects or activities shall not include industrial sheds, educational institutions, hospitals and hostels for educational institutions. Note 3: General Conditions shall not apply.
8 (b)	Townships and Area Development projects as well as industrial sheds,		$\geq 1,50,000$ sq. mtrs. of built-up area and or covering an area ≥ 50 ha.	A project of Township and Area Development Projects covered under this item shall require an Environment Assessment Report and be appraised as Category ‘B ₁ ’ Project. Note: - General Conditions shall not apply.

	educational institutions, hospitals and hostels for educational institutions			
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[F. No. 3-49/2017-IA.III-Pt.]

JIGMET TAKPA, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended *vide* the following numbers:-

- | | |
|--|--|
| 1. S.O. 1949 (E) dated the 13th November, 2006 | 18. S.O. 382 (E) dated the 3rd February, 2015; |
| 2. S.O. 1737 (E) dated the 11th October, 2007; | 19. S.O. 811 (E) dated the 23rd March, 2015; |
| 3. S.O. 3067 (E) dated the 1st December, 2009; | 20. S.O. 996 (E) dated the 10th April, 2015; |
| 4. S.O. 695 (E) dated the 4th April, 2011; | 21. S.O. 1142 (E) dated the 17th April, 2015; |
| 5. S.O. 156 (E) dated the 25th January, 2012; | 22. S.O. 1141 (E) dated the 29th April, 2015; |
| 6. S.O. 2896 (E) dated the 13th December, 2012; | 23. S.O. 1834 (E) dated the 6th July, 2015; |
| 7. S.O. 674 (E) dated the 13th March, 2013; | 24. S.O. 2571 (E) dated the 31st August, 2015; |
| 8. S.O. 2204 (E) dated the 19th July 2013; | 25. S.O. 2572 (E) dated the 14th September, 2015; |
| 9. S.O. 2555 (E) dated the 21st August, 2013; | 26. S.O. 141 (E) dated the 15th January, 2016; |
| 10. S.O. 2559 (E) dated the 22nd August, 2013; | 27. S.O. 648 (E) dated the 3rd March, 2016; |
| 11. S.O. 2731 (E) dated the 9th September, 2013; | 28. S.O. 2269(E) dated the 1st July, 2016; |
| 12. S.O. 562 (E) dated the 26th February, 2014; | 29. S.O. 2944(E) dated the 14th September, 2016; |
| 13. S.O. 637 (E) dated the 28th February, 2014; | 30. S.O. 3518 (E) dated 23rd November 2016; |
| 14. S.O. 1599 (E) dated the 25th June, 2014; | 31. S.O. 3999 (E) dated the 9th December, 2016; |
| 15. S.O. 2601 (E) dated the 7th October, 2014; | 32. S.O. 4241(E) dated the 30th December, 2016;
and |
| 16. S.O. 2600 (E) dated the 9th October, 2014 | 33. S.O. 3611(E) dated the 25th July, 2018. |
| 17. S.O. 3252 (E) dated the 22nd December, 2014; | |



Service in Dr. Bina Basnett Vs. State of Sikkim & Ors. [O.A. No. 38 of 2022/EZ]

1 message

ELDF <eldflegal@gmail.com>

Wed, Jan 22, 2025 at 3:46 PM

To: Legal Consultus <legalconsultus@gmail.com>, Amrita Pandey <amritalegal@gmail.com>, Advocate KS Thupden <Thupden2009@gmail.com>, Saumitra Jaiswal <saumitra.jaiswal@gmail.com>, "advocateshubhamupadhyay@gmail.com" <advocateshubhamupadhyay@gmail.com>, Office of Sameer Abhyankar <contactadvsa@gmail.com>, Mansi Bachani <mansi.bachani08@gmail.com>

Cc: Surya Gupta <surya@eldfindia.com>

Dear Sir/Ma'am

Please find attached copy of the Sur-Rejoinder and Reply to IA dated 11.11.2024 on behalf of Respondent No. 12 in the abovementioned case.

Thanks & Regards

--

Sameer Manher

Clerk

Enviro Legal Defence Firm

29, Presidential Estate LGF,

Nizamuddin East New Delhi – 110013

Ph. No. 011-40573181

2 attachments**Reply R-12 to IA for Direction.pdf**

1242K

**Sur Rejoinder R-12.pdf**

2112K