

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Appeal No. 01/2026/EZ

IN THE MATTER OF: -

M/s. Stalwart Project Pvt. Ltd.-----Appellant(s)

Versus

The State Level Environment Impact
Assessment Authority (SEIAA), Odisha-----Respondent(s)

**AFFIDAVIT ON BEHALF OF THE OPPOSITE
PARTY/RESPONDENT NO.01 STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY (SEIAA), ODISHA**

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Place: Bhubaneswar
Date: 21/05/2026

Mrs. Rashmi Singhee
Advocate for Respondent No.01
(SEIAA), Odisha
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Kolkata -700019
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AFFIDAVIT ON BEHALF OF THE OPPOSITE PARTY/RESPONDENT NO.01 STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA), ODISHA

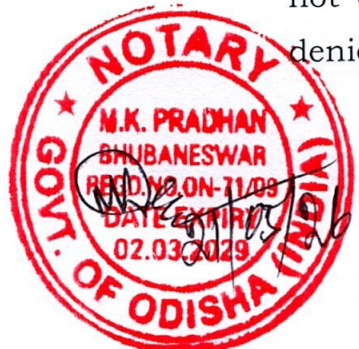
Shri K. S. Pradeep, IFS, son of late K. Sivaraman aged about 46 years, at present working as Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.

1. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opposite Party No.01 before this Hon'ble National Green Tribunal.
2. That, I have gone through the appeal petition and Hon'ble NGT, EZ order dated. 30.01.2026 and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.



21 MAY 2026

Pradeep
MEMBER SECRETARY
State E.I.A Authority
 Orissa, Bhubaneswar

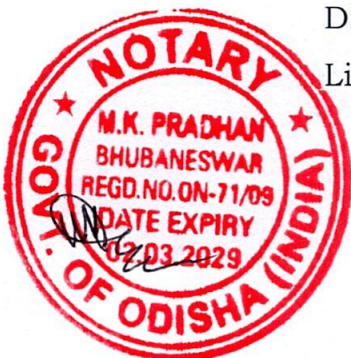




3. That in response to the averments made in the Para-01 of the original appeal petition, the deponent humbly submits that this appeal petition filed against the rejection of amendment in Environmental Clearance (EC) letter of SEIAA, Odisha dated 17.11.2025. This is matter regarding that present petitioner/project proponent, M/s. Stalwart Projects Private. Limited has submitted application to SEIAA, Odisha for regularization of already constructed and increase built-up area from 22,555.99 square meter to 22,803.45 square meter for a B+G+8 and B+S+5 Residential Apartment cum Commercial Complex located at Mouza-Bermunda, Bhubaneswar, Dist-Khurda, Odisha over Revenue plot no.-1483, 1119, 1220 & others, Mouza-Baramunda under Bhubaneswar Municipal Corporation, Bhubaneswar, Dist.-Khurda of M/s. Stalwart Projects. In this regard, the following facts is submitted for the kind consideration and better appreciation of the Hon'ble NGT, EZ, Kolkata.

- a) **10.12.2020**: The Bhubaneswar Municipal Corporation, Bhubaneswar vide letter no. 89618 dated 10.12.2020 approved the Building Plan for construction of (B+G+6) Commercial-cum-Residential Apartment and (B+S+5) Storied Residential Apartment Building over revenue plot no.-1483, 1119, 1220 & others for total built-up area **19,489.69 square** meter in Mouza-Baramunda under Bhubaneswar Municipal Corporation, Bhubaneswar, Dist-Khurda in favour M/s. Stalwart Projects Private. Limited.


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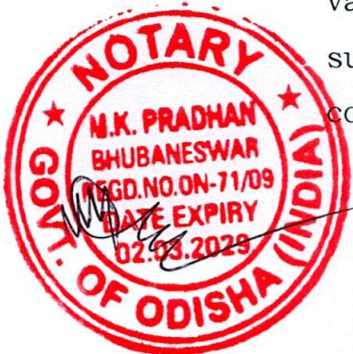
The copy of the Bhubaneswar Municipal Corporation, Bhubaneswar approved letter no. 89618 dated 10.12.2020 is attached in **Annexure-I**.

- b) **27.07.2021**: The project proponent, M/s. Stalwart Projects Private limited submitted a proposal to SEIAA, Odisha for Environmental Clearance (EC) vide online proposal no. SIA/OR/MIS/221493/2021 dated 27.07.2021 for construction of (B+S/G+8) commercial-cum-Residential Apartment and (B+S+5) Storied Residential Apartment Building project, 'Stalwart Height' over revenue plot no-1483, 1119, 1220 & others having built-up area **22,555.99 square meter (existing built-up area 19,489.69 square meter + proposed built-up area 3,066.3 square meter)** over plot area 4,912.80 square meter at-Soubhagyanager, Mouza-Baramunda under Bhubaneswar Municipal Corporation, Bhubaneswar, District-Khurda, Odisha.


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The copy of the online EC application no SIA/OR/MIS/221493/2021 dated 27.07.2021 is attached in **Annexure-II**.

- c) **25.02.2022**: The project proposal was placed in State Expert Appraisal Committee (SEAC) meeting held on 25.02.2022 and after appraisal, the SEAC recommended the proposal for grant of environmental clearance (EC) valid for a period of 7 years under EIA Notification and subsequent amendments thereto subject to strict compliance of all standard and specific condition.



d) **07.04.2022:** After the recommendation of State Expert Appraisal Committee (SEAC), the EC proposal was placed in SEIAA, Odisha Authority Meeting and the Authority approved the SEAC recommendation and accordingly issued EC vide Identification no. EC22B038OR184486 dated 07.04.2022 for construction of (B+S/G+8) commercial-cum-Residential Apartment and (B+S+5) Storied Residential Apartment Building project, 'Stalwart Height' over Rev plot no-1483, 1119, 1220 & others having built-up area 22,555.99 square meter over plot area 4,912.80 square meter at-Soubhagyanager, Mouza-Baramunda under Bhubaneswar Municipal Corporation, Bhubaneswar, DistKhurda to M/s. Stalwart Projects Private limited.

The copy of the EC letter Identification no. EC22B038OR184486 dated 07.04.2022 is attached in **Annexure-III.**


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e) **09.12.2024:** The Bhubaneswar Municipal Corporation, Bhubaneswar vide letter no. BLR/BMC/000493 dated 09.12.2024 regularized the Building Plan for additional constructed (B+G+6) Commercial-cum-Residential Apartment and (B+S+5) Storied Residential Apartment Building over revenue plot no-1483, 1119, 1220 & others for built-up area **22,803.45 square** meter in Mouza-Baramunda under Bhubaneswar Municipal Corporation,



Bhubaneswar, District-Khurda in favour M/s Stalwart Projects Private Limited.

The copy of the Bhubaneswar Municipal Corporation, Bhubaneswar vide letter no. BLR/BMC/000493 dated 09.12.2024 is attached in **Annexure-IV**.

- f) **24.03.2025:** Further, the project proponent submitted proposal for Amendment in Environmental Clearance (EC) to SEIAA, Odisha vide proposal no. SIA/OR/INFRA2/531056/2025 dated 24.03.2025 for regularization of the increased build-up area from 22,555.99 square meter to 22,803.45 square meter which was already constructed by M/s. Stalwart Projects Private Limited.
- g) **11.07.2025:** The proposal for regularization of built-up area from 22,555.99 square meter to 22,803.45 square meter for Environmental Clearance (EC) was placed in the SEAC meeting held on 11.07.2025 and the considering the information furnished and the presentation made by the consultant, M/s. Centre for Envotech & Management Consultancy Pvt. Ltd, Bhubaneswar along with the project proponent, the SEAC opined that change in built-up area is un-intentional and is not changing any additional occupancy or rooms including environmental settings and recommended for modification in EC issued earlier for total built-up area of 22,803.45 m² instead of 22,555.99 m² with same general and specific conditions as stipulated in earlier EC.


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h) 25.07.2025: The Proposal was placed in 222nd SEIAA, Odisha Authority meeting held on 25.07.2025. The Authority opined that the document submitted by the project proponent and observation made by SEAC, it is observed that this is a clear case of violation. In accordance with Order dated 16th May, 2025 of the Hon'ble Supreme Court, EC cannot be granted for any violation involved therein. After detailed deliberation, the authority referred back the proposal to SEAC for necessary reappraisal to this project proposal.

i) 03.11.2025: Further, the proposal was placed in SEAC meeting held on 03.11.2025. The SEAC reiterated its earlier recommendations for the proposal with the following observation: This is a typical case where one Government Entity (Bhubaneswar Development Authority) has a regulation / bylaw to amend or regularise a built-up area deviation up to 10% and the present case is about 1% in one tower with reasons outlined in details in the Proceedings. This does not seem to be a case of Violation as the 1% does not result in change in built-up area for: Extra apartment, flat or amenity, environment settings etc. Even the environment parameters like water requirement, power requirement etc. is not changing. Based on site visit conditions, EC may be recommended as done earlier by SEAC. However, SEIAA may seek clarification to MOEF & CC that 1% minor deviation in built up area due to minor structural adjustment (without affecting environmental parameters)


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can be treated as violation or not.

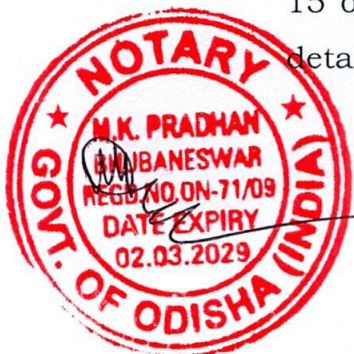
j) **11.11.2025**: Finally, the proposal for EC in respect of regularization of built-up area from 22,555.99 square meter to 22,803.45 square meter was placed in 250th SEIAA, Odisha meeting held on 11.11.2025. After detailed deliberation, the authority decided to reject the EC proposal for regularisation of built-up area due to the following reasons:

- a) EC was issued for 22,555.99 square meter on 07.04.2022. The PP has applied for regularization of EC for violation of 247.46 square meter over an above the built-up area granted.
- b) In compliance with order dated 16.05.2025 of Hon'ble Supreme Court of India violation case cannot be regularized and hence the amendment of EC proposal is rejected.


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State E.I.A Authority
Orissa, Bhubaneswar

The copy of the rejection of Amendment in EC letter issued vide Identification No. EC25C3801OR5274389A dated 17.11.2025 is attached in **Annexure-V**.

- 4. That, in reply to the averments made in the Para-02 to Para-04 of the appeal petition, deponent humbly submits that the averments are matters on record and this deponent has no comments to offer.
- 5. That, in reply to the averments made in the Para-05 to Para-15 of the appeal petition, deponent humbly submits that the details are mentioned in para-01 of the above.



6. That, in reply to the averments made in the Para-16 to Para-18 of the appeal petition, deponent humbly submits the facts on following:

a. The SEIAA, Odisha issued environmental clearance (EC) dated 07.04.2022 to M/s. Stalwart Projects Private Limited for the building and construction project of (B+S/G+8) commercial-cum-Residential Apartment and (B+S+5) Storied Residential Apartment Building project, 'Stalwart Height' over revenue plot no-1483, 1119, 1220 & others having built-up area 22,555.99 square meter (existing/already constructed built-up area 19,489.69 square meter + proposed built-up area 3,066.3 square meter) over plot area 4,912.80 square meter at-Soubhagyanagar, Mouza-Baramunda under Bhubaneswar Municipal Corporation, Bhubaneswar, District-Khurda, Odisha.

b. The Bhubaneswar Municipal Corporation (BMC), Bhubaneswar vide letter no. BLR/BMC/000493 dated 09.12.2024 have regularized the Building Plan for constructed (B+G+6) Commercial-cum-Residential Apartment and (B+S+5) Storied Residential Apartment Building over revenue plot no-1483, 1119, 1220 & others from built-up area 22,555.99 square meter to 22,803.45 square meter in Mouza-Baramunda under Bhubaneswar Municipal Corporation, Bhubaneswar, District-Khurda in favour M/s. Stalwart Projects Private


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Orissa, Bhubaneswar





Limited. The BMC has regularized the deviation built-up area of 247.46 square meter through building approval plan dated 09.12.2024 after realizing required penalty amount.

c. The SEIAA, Odisha has considered the proposal as a violation case, as a is deviation in the built-up area of 247.46 square meter has already been constructed without prior Environmental Clearance (EC). The project proponent (PP) submitted a proposal to SEIAA, Odisha, for regularization of EC in respect of this deviated built-up area. The SEIAA, Odisha rejected the proposal for the following reasons:

- i. EC was initially issued for 22,555.99 Sqmtr on 07.04.2022. The PP has applied for regularization of a violation involving of **247.46 Sqmtr.** over and above the granted built-up area.
- ii. In accordance with the Hon'ble Supreme Court of India, order dated 16.05.2025, violation cases cannot be regularized; therefore, the proposal is rejected.

d. The Hon'ble Supreme Court vide its Order dated 16.05.2025 in W.P. (C) No. 1394/2023 in the matter of Vanasakti Vrs. Union of India have struck down the Notification dated 14.03.2017 and the Office Memorandum dated 07.07.2021 as well as all Circulars / Orders / OMs / Notification issued by MoEF & CC, GoI for giving effect to these Notifications and hold them to be illegal. The


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Hon'ble Supreme Court vide its order dated 16.05.2025 further have restrained the Central Government from issuing circulars/orders/OMs/notifications providing for grant of ex post facto EC in any form or manner or for regularizing the acts done in contravention of the EIA notification.

- e. There is no such type of provision before this Authority for regularization of violation case unless until specific order/direction issued by the Hon'ble Supreme Court of India/ MoEF & CC, Government of India.

The copy of the Hon'ble Supreme Court vide its order dated 16.05.2025 in W.P. (C) No. 1394/2023 in the matter of Vanasakti Vrs. Union of India is attached in **Annexure-VI**.

- f. The MoEF & CC, Government of India has issued Office Memorandum (OM) dated 05.05.2022 regarding clarification with regard to non-requirement of EC amendment due to change in conceptual plan arising out of statutory requirement in building and construction sector on the following point as follows:

- i. **Para-04 of the OM dated 05.05.2022:** The ministry is in receipt of representation from various stakeholders requesting that amendment of prior EC for building construction/area development projects may not be insisted upon for minor changes

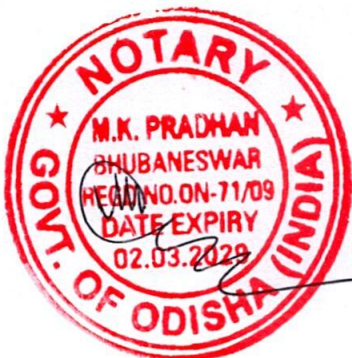


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in building projects at the time of execution/implementation of the project so long as they do not adversely impact the environment and are within the scope of already approved Environmental Management Plan (EMP).

- ii. **Para-05 of the OM dated 05.05.2022:** The Matter has been examined and it has been decided that any change in configuration/planning/design of the appraised building project for which EC was granted shall not require amendment of EC, subject to no change in (i) Built-up area (ii) Floor Area Ratio (FRA) (iii) change in exterior space/green belts, parking walkways and driveways that area covered including attics and outdoor sports courts. Further, there shall be no change in the designated use of the building, number of dwelling units, height of the building, number of floors & basement and total excavation of earth of the building/construction/township/area development project so as not to require any changes in the already approved Environmental Impact Analysis (EIA) and Environmental management Plan (EMP).
- iii. **Para-06 of the OM dated 05.05.2022:** The above dispensation shall be applicable subject to Project Proponet filing an


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State E.I.A Authority
Orissa, Bhubaneswar



application in prescribed format on PARIVESH portal and obtaining a self-generated acknowledgment to this effect from the portal.

- iv. **Para-06 of the OM dated 05.05.2022:** Any addition, alteration, modification in the conceptual plan, as stated at para-6 of the EIA Notification, 2006, for which prior EC was granted other than the changes falling under the category of permissible changes as explained in para-5 above which results in the increase in pollution of any type beyond the approved levels necessitating fresh EIA/EMP shall be treated as Violation and shall be dealt with accordingly as per the provisions of the Office Memorandum dated 7th July, 2021.

In this case, the project proponent has obtained EC on 07.04.2022 for the built-up area 22,555.99 square meter and applied proposal for regularization of EC for violation of 247.46 square meter over and above the built-up area. The already constructed and the increase built-up area 247.46 square meter and proposed the same for regularization in proposed EC application dated 24.03.2025 which has been rejected by the Authority SEIAA, Odisha on 17.11.2025 in accordance with MoEF & CC, Govt. Of India OM dated 05.05.2022 and as per the order dated 16.05.2025 of Hon'ble Supreme Court of India



Ad
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH-9437627149 (M)

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21/05/26

violation case cannot be regularized and hence the amendment in EC proposal is rejected.

The copy of the MoEF & CC, Govt. of India OM dated 05.05.2022 is attached in **Annexure-VII**.

- 7. That the deponent reserves the right to file further affidavit as and when necessary.
- 8. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.



Identified by
[Handwritten signature]
21/05/26

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21/05/26

Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

VERIFICATION

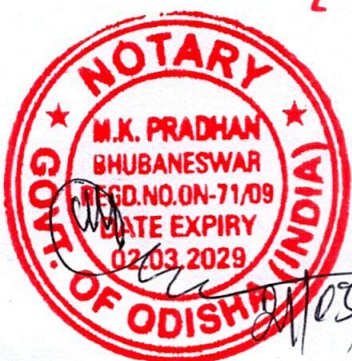
Verified at Bhubaneswar on this day of **21 MAY 2026**

that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

Date: **21 MAY 2026** **SWORN BEFORE ME**

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21/05/26



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH-9437627149 (M)

Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

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21/05/26

STALWART PROJECTS PVT. LTD

Ref No. stl/bmc/sh/001Date 28/06/2021

To
The Commissioner,
Bhubaneswar Municipality Corporation,
Bhubaneswar, Odisha.

Sub: Request for Facilitating Necessary Arrangements upto Battery Limit for our Proposed Residential and Commercial Project "STALWART HEIGHT" at- Soubhagyanagar, Mouza - Baramunda, Bhubaneswar, Odisha-

Dear Sir,

Our Proposed Residential and Commercial Project "STALWART HEIGHT" At- Soubhagyanagar, Mouza - Baramunda, Bhubaneswar over revenue plot no.- 1483, 1119, 1120, 1118/3115, 1118/2940/5188, 1118, 1118/2950, 1118/2940, 1118/2562, 1484/2563, 1104/2241/6460, 1105/3493, 1105/2619/3401, 1105/3400, 1105, 1105/2285, 1103/2984, 1105/3400/6171, 1105/2619/3401/6172, 1105/2285/3900, 1106&1105/2619 has already been approved by Bhubaneswar Municipal Corporation vide letter no. 89618, Dtd. 10.12.2020 having built up area 19489.69 sqm.

Now we need Agreement letter from BMC for disposal solid waste and discharge of Treated Waste Water to existing municipal drainage system.

We request your good self to kindly give us the same by BMC or its Authorized agent at the earliest.

Thanking You.
Yours faithfully

For Stalwart Projects (P) Ltd

Director

M/s. Stalwart Projects Pvt Ltd.





Bhubaneswar Municipal Corporation Bhubaneswar

No. 2968 /dt. 10/12/2020

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FORM-II
[See Regulation-9 (4)]

File No - MBP/BMC-02-0144/2019.

Permission Under Sub-Section (3) of the Section-16 of the Orissa Development Authorities Act'1982(Odisha Act, 1982) is hereby granted in favour of Smt. Santilata Mohapatra, Bibhuti Bhusan Mohapatra, Smt. Rasmita Mohapatra, SBI Employee Co. Society, Smt. Jayanti Mandal, Sri. Chitranjan Pattnaik, Sri. Soumya Ranjan Pattnaik, Ujjaini Baral, Sri. Simanchal Dash, Damburdhar Panda, Ranjan Kumar Swain, Ramakanta Swain, Sharat Ku. Sahu represented through its GPA holder Sri Sharat Kumar Sahu Managing Director of M/s Stalwart Projects Pvt. Ltd. for construction of B+G+6 - Commercial cum-Residential Apartment & B+S+5 storey Residential Apartment building over Rev- Plot No- 1483, 1119, 1120, 1118/3115, 1118/2940/5188, 1118, 1118/2950, 1118/2940, 1118/2562, 1484/2563, 1104/2241/6460, 1105/3493, 1105/2619/3401, 1105/3400, 1105, 1105/2285, 1103/2984, 1105/3400/6171, 1105/2619/3401/6172, 1105/2285/3900, 1106 & 1105/2619 in., Mouza-Baramunda, under Bhubaneswar Municipal Corporation in the Development Plan area of Bhubaneswar with the following parameters and conditions;

1. Parameters:

Plot area-4912.80 sqm

<u>Covered area approved</u>		<u>Proposed use</u>	<u>No of dwelling Units</u>
Basement	3682.78 Sq.mtr	Parking	Block -A+ Block-B
Stilt Floor Parking area	831.66sqm		
Ground Floor Parking area	395.63sqm		
	Block -A		
Total Ground Floor area	1760.79 sqm	Commercial	13 nos
Parking area	395.63sqm		
Service area	61.53sqm		
Commercial area	1303.63sqm		
First floor	1740.53SQM		
	1242.23sqm	Commercial	15 nos
	498.30sqm	Residential	04 nos
Second floor	1795.80SQM		
	1297.50sqm	Commercial	16 nos
	498.30sqm	Residential	04 nos
Third floor	1596.70sqm	Residential	12 nos
Fourth floor	1584.34sqm	Residential	12 nos
Fifth Floor	1584.34sqm	Residential	12 nos
Sixth floor	1584.34sqm	Residential	12 nos
	Block-B		
Total Stilt Floor area	873.24 Sq.mtr	Parking +Service	
Stilt Floor service area	41.58sqm		
Stilt Floor Parking area	831.66sqm		

For Stalwart Projects (P) Ltd.

(Signature)

Director

Bhubaneswar Municipal Corporation Bhubaneswar

No. _____/dt. _____

First floor	805.40 Sqm	Residential	8nos
Second floor	805.40 Sqm	Residential	10 nos
Third floor	805.40 Sqm	Residential	10 nos
Fourth floor	805.40 Sqm	Residential	10 nos
Fifth Floor	805.40 Sqm	Residential	10 nos
F.A.R.	2.955	-	
Height(Block-A)	21.00 Mtr		
Height(Block-B)	14.98Mtr		
Covered-Parking	4910.07 Sqm	-	-
F.A.R.area	14518.09sqm	-	-
Total Built up area	19489.69 Sq.m -	-	Total units-104 nos

Set backs approved to be provided

Front Set back	7.00 Mtr.
Rear Set back	3.00mtr
Left side	6.00 Mtr. & 3.00mtr
Right side	6.00 Mtr. & 3.00mtr

2. The building shall be used exclusively for **Commercial-cum-Residential** purpose and the use shall not be changed to any other use without prior approval of this Authority.
3. The development shall be undertaken strictly according to plans enclosed with necessary permission endorsement.
4. Parking space measuring **4910.07Sq.m** as shown in the approved plan shall be left for parking of vehicles and no part of it will be used for any other purpose.
5. The land over which construction is proposed is accessible by an approved means of access of **30.00 M (Thirty meter)** in width.
6. The land in question must be in lawful ownership and peaceful possession of the applicant.
7. The applicant shall free gift xxx sft/sq.mtr wide strip of land to the xxxx Corporation/Municipality for further widening of the road to the standard width.
8. The permission granted under these regulations shall remain valid upto three years from the date of issue .However the permission shall have to be revalidated before the expiry of the above period on payment of such fee as may be prescribed under rules and such revalidation shall be valid for one year.
9. (i) Approval of plans and acceptance of any statement or document pertaining to such plan shall not exempt the owner or person or persons under whose supervision the building is constructed from their responsibilities imposed under BDA (Planning & Building Standards)Regulations, or under any other law for the time being in force.
 - (ii) Approval of plan would mean granting of permission to construct under these regulations in force only and shall not mean among other things;
 - (a) The title over the land or building;
 - (b) Easement rights;
 - (c) variation in area from recorded area of a plot or a building;
 - (d) Structural stability

For Stewart Projects (P) Ltd.



Director



Bhubaneswar Municipal Corporation Bhubaneswar

No. _____/dt. _____

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ANNEXURE-2

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- (e) Workmanship and soundness of materials used in the construction of the buildings
- (f) quality of building services and amenities in the construction of the building.
- (g) the site/area liable to flooding as a result of not taking proper drainage arrangement as per the natural lay of the land, etc and
- (h) Other requirements or licenses or clearances required to be obtained for the site /premises or activity under various other laws.

10. In case of any dispute arising out of land record or in respect of right, title, interest after this permission is granted, the permission so granted shall be treated as automatically cancelled during the period of dispute.

11. Neither granting of the permit nor the approval of the drawing and specifications, nor inspections made by the Authority during erection of the building shall in any way relieve the owner of such building from full responsibility for carrying out the work in accordance with the requirements of NBC 2016 and these regulations.

12. The owner /applicant shall;

- (a) Permit the Authority to enter the building or premises, for which the permission has been granted at any reasonable time for the purpose of enforcing the regulations.
- (b) Obtain, wherever applicable, from the competent Authority permissions/clearance required in connection with the proposed work.
- (c) Obtain an Occupancy Certificate from the Authority prior to occupation of building in full or part.

13. The persons to whom a permit is issued during construction shall keep pasted in a conspicuous place on the property in respect of which the permit was issued;

- (a) A copy of the building permit; and
- (b) a copy of approved drawings and specifications.

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If the Authority finds at any stage that the construction is not being carried on according to the sanctioned plan or is in violations of any of the provisions of these regulations, it shall notify the owner and no further construction shall be allowed until necessary corrections in the plan are made and the corrected plan is approved.

14. This permission is accorded on deposit /submission of the following;

item	Amount (in Rs) Previously deposited	Amount (in Rs) Presently deposited	Total Amount (in Rs) deposited	Amount in words
Form fee	3000.00	3000.00	6000.00	(Six Thousand) only
Scrutiny fee & Land dev. fee		2,45,126.00	2,45,126.00	(Two Lakh Forty Five Thousand one Hundred Twenty Six) only.
Sanction fee	6,13,341.00	4,54,951.00	10,68,292.00	(Ten Lakhs Sixty Eight Thousand Two Hundred Ninety Two) only.
Construction Worker Welfare Cess(CWWC)	23,10,699.00	1 st installment =503,757, out of 15,11,270.00	28,14,456.00	(Twenty Eight lakhs Fourteen Thousand Four Hundred Fifty Six) Only deposited
Compounding fee for	24,29,490.00	-----	24,29,490.00	(Twenty Four Lakh Twenty Nine Thousand Four

For: Stewart Projects (P) Ltd.

[Signature]
Director



Bhubaneswar Municipal Corporation Bhubaneswar

No. _____/dt. _____

regularization of unauthorized Sub-plot				Hundred Ninety)only.
Shelter fee	37,76,819.00	34,36,853.00	72,13,672.00	(Rupees Seventy Two Lakhs Thirteen Thousand Six Hundred Seventy Two) only towards shelter fee in the CIDF fund.
User Charges	54,05,426.00	1,43,472.00	55,48,898.00	(Rupees Fifty Five lakhs Forty Eight Thousand Eight Hundred Ninety Eight)only.
Purchase able FAR Fees		1 st installment =90,14,729, out of 3,60,58,915.00	90,14,729.00	(Rupees Ninety Lakh Fourteen Thousand Seven Hundred Twenty Nine)only
Retention Fee	2000.00		2000.00	(Rupees Two Thousand)only

15. Other conditions to be complied by the applicant are as per the following:

- (i) The owner/applicant/Technical Person shall strictly adhere to the terms and conditions imposed in the NOC/Clearances given by Fire Prevention officer/National Airport Authority/ PHED & BMC.
- (ii) Rain water from the premises of roof top of the building shall be conveyed and discharged to the rain water recharging pits as per ODA(Planning & Building Standards) Rules, 2020.
- (iii) Plantation as required under the provision under regulation 30 of ODA (Planning & Building Standards) Rules'2020 shall be strictly adhered.
- (iv) The space which is meant for parking shall not be changed to any other use and shall not be partitioned /closed in any manner.
- (v) 10% of the parking space in group housing/apartment building shall be exclusively earmarked for ambulance, fire tender, physically handicapped persons and outside visitors with signage as per norms under Regulation-37(12) of ODA(Planning & Building Standards) Rules-2020.
- (vi) The Owner/ Applicant/Architect/Structural Engineer are fully and jointly responsible for any structural failure of building due to any structural/construction defects, Authority will be no way be held responsible for the same in what so ever manner.
- (vii) The concerned Architect / Applicant / Developer are fully responsible for any deviations additions & alternations beyond approved plan/ defective construction etc. shall be liable for action as per the provisions of the Regulation.
- (viii) **No storm water/water shall be discharged to the public road/public premises and other adjoining plots.**
- (ix) **Adhere to the provisions of ODA (Planning & Building Standards) Rules-2020 strictly and conditions thereto.**

For Stewart Projects (P) Ltd.


 Director



Bhubaneswar Municipal Corporation Bhubaneswar

No. _____/dt. _____

- x) The Authority shall in no way be held responsible for any structural failure and damage due to earthquake/cyclone/any other natural disaster.
- xi) The applicant has deposited the 1st installment of the CWWC out of total three equal installments; however the remaining two installments have to be deposited before the commencement of second and third year from the date of issue of this letter. In case of default in payment of installments within the due period, interest at the rate of SBI PLR shall be imposed. No Occupancy shall be issued without realizing the total CESS amount.
- xii) The applicant has deposited the 1st installment of the Purchasable FAR out of total Four equal installments; and balance installments to be submitted as per **sub rule-(4) of Rule - 8 of ODA (Planning & Building Standard) Rules-2020.**

The number of dwelling units so approved shall not be changed in any manner.

By order

Chhaya
10/12/20
Sr. Municipal planner
Bhubaneswar Municipal Corporation

Memo No. 89619 /BMC, Bhubaneswar, Dated 10/12/2020
Copy forwarded along with **two copies** of the approved plan to **M/s Stalwart Projects Pvt. Ltd.** by its Managing Director **Sri Sharat Kumar Sahu Plot No.1, Tulsivihar Complex Chandresekharpur Bhubaneswar**, for information and necessary action.

Chhaya
10/12/20
Sr. Municipal planner
Bhubaneswar Municipal Corporation

Memo No. _____/BMC, Bhubaneswar, Dated _____
Copy with a copy of the approved plan forwarded to the Commissioner, Bhubaneswar Municipal Corporation for information.

| Sr. Municipal planner
Bhubaneswar Municipal Corporation

Memo No. _____/BMC, Bhubaneswar, Dated _____
Copy forwarded to the Land Officer, G.A. Department, Bhubaneswar (in case of lease plot)/Director of Town Planning, Orissa, Bhubaneswar.

| Sr. Municipal planner
Bhubaneswar Municipal Corporation

For Stalwart Projects (P) Ltd.

[Signature]
Director



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S.No	Proposal Details	Location	Important Dates	Category	Company/Proponent	Current status	* Attached Files	View TimeLine Details
1	<p>Proposal No : SIA/OR/MIS/221493/2021</p> <p>File No : 221493/47-MIS/07-2021</p> <p>Proposal Name : Proposed B+S/G+8 Commercial-cum-Residential Apartment & B+S+5 storey Residential Apartment building over Rev plot no-1483, 1119, 1220 & others, Mouza-Baramunda under Bhubaneswar Municipal Corporation, Bhubaneswar, DistKhurda of M/s Stalwart Projects</p>	<p>State : Orissa</p> <p>District : Khordha</p> <p>Tehsil : Bhubaneswar</p>	<p>Date of Submission for EC : Jul 2021</p> <p>Date of Ec Granted : Apr 07 2022</p>	INFRA-2	M/S STALWART PROJECTS PVT. LTD.	EC Granted		



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For any Technical support, Please Contact EFCCID, NIC, New Delhi, monitoring-fc(at)nic(dot)in



Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), Orissa)

**ENVIRONMENTAL
CLEARANCE**

To,

The Managing Director
M/S STALWART PROJECTS PVT. LTD.
Plot No. 01, Tulsi Vihar Complex, near HIG Durga Mandap, Sailashree
Vihar, Bhubaneswar Orissa -751021

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity
under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC)
in respect of project submitted to the SEIAA vide proposal number
SIA/OR/MIS/221493/2021 dated 27 Jul 2021. The particulars of the environmental
clearance granted to the project are as below.

1. EC Identification No.	EC22B038OR184486
2. File No.	221493/47-MIS/07-2021
3. Project Type	New
4. Category	B2
5. Project/Activity including Schedule No.	8(a) Building and Construction projects
6. Name of Project	Proposed B+S/G+8 Commercial-cum- Residential Apartment & B+S+5 storey Residential Apartment building over Rev plot no-1483, 1119, 1220 & others, Mouza -Baramunda under Bhubaneswar Municipal Corporation, Bhubaneswar, DistKhurda of M/s Stalwart Projects
7. Name of Company/Organization	M/S STALWART PROJECTS PVT. LTD.
8. Location of Project	Orissa
9. TOR Date	N/A

The project details along with terms and conditions are appended herewith from page
no 2 onwards.

Date: 07/04/2022

(e-signed)
Dr. K Murugesan
Member Secretary
SEIAA - (Orissa)

*Note: A valid environmental clearance shall be one that has EC identification
number & E-Sign generated from PARIVESH. Please quote identification
number in all future correspondence.*

This is a computer generated cover page.

PARIVESH

**(Pro-Active and Responsive Facilitation by Interactive,
and Virtuous Environmental Single-Window Hub)**





STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY ODISHA, BHUBANESWAR

(Constituted under the EP Act, 1986 and EIA Notification, 2006 by the MoEF & CC, Govt. of India)
5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-2541029, E-mail-seiaaorissa@gmail.com

Letter No _____

Dt. _____

SEIAA File No. 221493/47-MIS/07-2021

Project: Application of M/s Stalwart Projects Pvt. Ltd for Proposed Construction of (B+S/G+8) Commercial-cum-Residential Apartment & (B+S+5) Storied Residential Apartment Building Project, "Stalwart Height" over Rev plot no-1483, 1119, 1220 & others, having plot area of 4912.80Sqmt.with Total Builtup Area of 22555.99 Sqmt. at -Soubhagyanagar, Mouza-Baramunda, Tahasil- Bhubaneswar, Dist-Khordha of Sri Sharat Kumar Sahu, Managing Director - Environmental Clearance reg.

Ref: Your online application dated 27.07.2021 for issue of EC vide File No: SIA/OR/MIS/221493/2021

Sir,

This has reference to your online application seeking environmental clearance for the above mentioned project. The proposal falls under category "B" or activity 8 (a)'Building & Construction projects' in the schedule of EIA Notification, 2006 as amended from time to time. The proposal has been appraised on the basis of the documents enclosed with the application, such as Form-1, Form-IA, Conceptual Plan (EMP) and clarifications furnished to SEAC in response to their observations.

The Project Proposal in nutshell:

1. This is a proposal of M/s Stalwart Projects Pvt. Ltd for Proposed Construction of (B+S/G+8) Commercial-cum-Residential Apartment & (B+S+5) Storied Residential Apartment Building Project, "Stalwart Height" having plot area of 4912.80Sqmt.and Total Builtup Area of 22555.99 Sqmt.(total existing & proposed) located at -Soubhagyanagar, Mouza-Baramunda, Tahasil-Bhubaneswar, Dist-Khordha filed Sri Sharat Kumar Sahu, Managing Director.
2. The proposed project comprises of B+S/G+8 floors building (Block-A) is coming under "Commercial-Cum-Residential Building" as per Odisha Development Authorities (Planning and Building Standards) Rules, 2020 and mixed occupancy of "Mercantile-Cum-Residential" building as per NBCI-2016 and the proposed B+S+5 floors building (Block-B) is coming under "Residential Building" as per Odisha Development Authorities (Planning and Building

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Standards) Rules, 2020 and Residential Apartment (Group-A, Sub-Division A-4) as per NBCI-2016..

3. The proposed building plan (Existing) has been approved by Bhubaneswar Municipal Corporation vide letter no. 89618, dtd. 10.12.2020 having built-up area 19,489.69 sqmt (<20,000 Sqmt as per 2006 EIA Notification, for which environmental clearance is not required). Now the proponent is willing to increase the built-up area from 19,489.69 sqm to 22,555.99 sqm. for which environment clearance is mandatory.
4. **Location and Connectivity:** The Project Site is a part of the Survey of India Toposheet No. F45T11, F45T12, F45T15 & F45T16. The Geographical coordinates of the project site is: Latitude: 20°16'10.90"N to 20°16'11.15"N and Longitude: 85°48'10.04"E to 85°48'9.26"E. The project site is well connected with NH-16/NH-5 at a distance of 1.16 KM in north direction. Bhubaneswar Railway Station is at a distance of about 4.16 Km in the east direction from the project site. The project site has two gates that serve the dual purpose of entry and exit. The same service road acts as connecting link between one part of the city with the other which is used by the visitors and tenant. Biju Patnaik International Airport at a distance of about 2.08 Km in SSE direction from the project site. Nearest protected forest is Bharatpur PF – 2.07 km (NE). Nearest Reserve forest is Dasapur RF – 9.91 km (NW). Nearest River is Kuakhai River – 8.80 km (NE) Nearest canal is Daya Canal – 5.04 km (ESE).
5. The Detailed Area Statement of the project:

Particular	Proposed
Project Name	M/s. Stalwart Projects Pvt. Ltd
Plot Area	4912.80 Sqm.
Ground Coverage	2833.32 sqm (57.7 %)
FAR (Floor Area Ratio)	Block A – 13476.64sqm and Block B – 4068.58sqm = 17605.05sqm
Built up Area	22555.99sqm
Total Parking Area	5037.3sqm
Green Belt Area	1165sqm (23.7 %), as proposed by PP.
Power/Electricity Requirement & Sources	Total - 1167 KW
No. of DG sets	1x400 KVA + 1x320 KVA Transformers – 1x630 KVA + 1x400 KVA + 1x315 KVA
Water requirement	72 KLD (Fresh)
Sewage Treatment Plant	STP Capacity - 100 KLD
Total Dwelling Units	116 nos.

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Requirement for the Project:

6. **Water requirement:** The total fresh water requirement will be 72 KLD, whereas flushing water requirement will be 39 KLD for the project. Therefore, Total water requirement for the project will be 111 KLD. Water will be sourced from ground water sources (Public Health Department).
7. **Wastewater Generation & Treatment:** The PP has submitted that the project will generate approx. 89 KLD (sewage load) of wastewater. The wastewater will be treated in an onsite STP of 100 KLD capacity. Out of which 78 KLD will be recycled within the project, for flushing (40 KLD), landscaping (15 KLD), other purposes(15) and 8 KLD surplus water will be discharged to external sewer during non-monsoon period and 23 KLD of surplus water will be discharged to external sewer during monsoon period .
8. **Power requirement:** The total power requirement for the purpose project is 1167kW. The power will be entirely supplied by Tata Power Central Odisha Distribution Limited (TPCODL). For this purpose a diesel generator having 400KVA (1 Nos.) & 320KVA (1 nos.) capacity will be provided and Stack height of the D.G Set is 34. 15kW of solar power will be used for common purpose out of 60 kW meant for common use.
9. **Rain Water Harvesting:** The project proponent has submitted that rain water will be harvested through 03 nos. of recharging pits.
10. **Parking Requirement:** Total parking area required 5037.3sqm will be provided.
11. **Firefighting Installations:** Firefighting system will be installed as per recommendation of the Firefighting Officer, Odisha and as per the guideline of NBC (part-4).
12. **Green Belt Development:** As proposed, out of the total area, green belt will be developed over an area of 1165Sq.mt i.e. (23.7 % of the plot area) by using the local species like Neem, Karang, Golden Champa, Bakul, Bela, Bottle Palm, Cheekoo, Guava etc.
13. **Solid Waste Management:** The solid waste generated from the project shall be approx. 557 kg per day. The generated solid waste from the residential complex will be segregated as biodegradable and non-biodegradable. This will be collected in separate coloured bins. Proper waste management practices will be adopted during the collection, storing and disposal of the generated solid waste.
14. The total estimated population of the project will be 116 persons (including Residents & visitors).
15. The estimated project cost is Rs.45.06 Crores and environment management cost is Rs.69.7 lakhs.(capital cost) and recurring cost is 3.1 lakhs/year.
16. The project proponent along with the consultant M/s Visiontek Consultancy Services Pvt. Ltd., Bhubaneswar made a detailed presentation on the proposal on 24.09.2021.
17. The sub-Committee of SEAC visited the project site on dated 16.12.2021.
18. The project proponent furnished additional information / documents on the project to SEAC & also on the observations of the sub-committee of SEAC on 16.11.2021 & 31.01.2022.

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19. The SEAC considered the proposal for EC on 25.02.2022 and recommended for grant of Environmental Clearance for the project valid for a period of 7 years, stipulating various conditions.

The State Environment Impact Assessment Authority (SEIAA), Odisha after considering the appraisal report and recommendations of SEAC, hereby accords Environmental Clearance to the project valid for a period of 7 years under the provisions of EIA Notification 2006 and subsequent amendments thereto, subject to strict compliance of all conditions stipulated below.

Detailed half yearly compliance report of the following conditions has to be submitted by the project proponent to SEIAA on the 1st June and 1st December each year.

Stipulated Conditions:

Part 'A' : General Conditions: -

1. The project proponent shall ensure that the guidelines for building and construction projects issued vide MoEF & CC's OM No.19-2/2013-IA.III dated 9th June, 2015, are followed to ensure sustainable environmental management.
2. The approval of the Competent Authority shall be obtained in regard to structural safety of buildings against earthquake, adequacy of fire fighting equipment as per National Building Code including protection measures from lightning.
3. The project proponent shall obtain all necessary clearance/ permission from all concerned agencies including Bhubaneswar Development Authority before commencement of work.
4. Consent to Establish/Operate for the project shall be obtained from the State Pollution Control Board.
5. Provisions shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, creche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
6. A First Aid Room shall be provided in the project both during construction and operations of the project.
7. The company shall draw up and implement corporate social Responsibility plan as per the Companies Act of 2013.
8. As per the MoEF&CC, Govt. of India Office Memorandum dated 30.09.2020, the project proponent is required to prepare and implement Corporate Environment Responsibility (CER) Plan. Appropriate funds shall be earmarked for the activities such as infrastructure creation for drinking water supply, sanitation, health, skill development, cross drains, solid waste management facilities, rain water harvesting, soil moisture conservation works, avenue

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plantation, etc. The activities proposed under CER shall be restricted to the affected area around the project. The activities proposed for CER shall be implemented and to be completed within three years and annual report of implementation of the same along with documentary proof viz. photographs, purchase documents, latitude & longitude of infrastructure developed & road constructed needs to be submitted to Regional Office MoEF&CC annually along with audited statement and to the District Collector. It should be posted on the website of the project proponent.

9. A copy of this Environmental Clearance letter shall be displayed on the website of the Odisha State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tehsildar's office for 30 days.
10. Officials from the Regional Office of MoEF&CC, Bhubaneswar/SPCB, Odisha who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents/data by the project proponents during their inspection.
11. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by the SEIAA, Odisha.
12. The SEIAA, Odisha reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
13. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, the Forest Conservation Act, 1980 and the Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.
14. All EC condition stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and the EIA Notification, 2006.
15. The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the SEIAA, Odisha. The advertisement shall be made within Seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of MoEF&CC, Bhubaneswar.
16. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, ZillaParisad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were

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received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.

17. The proponent shall submit/upload six monthly reports on the status of compliance of the stipulated Environmental Clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, Govt. of India, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
18. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the Odisha State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF & CC, Govt. of India by E-mail.

Part 'B' : Specific Conditions:

1. "Khatian" (Patta after Mutation) for the entire land from the appropriate Revenue Authority with 'Kisam' as Gharabari shall be obtained along with ownership before which construction work shall not start. The Proponent before implementation of the project shall convert the land to Gharabari and shall take the ownership of the land if not already taken.
2. The Proponent shall obtain permission from the appropriate authority for discharge of excess treated water if any to the nearest existing drain. Also in case of the connecting drain passing through others land (Govt. or Private land), the Proponent shall obtain the permission and possession as the case may be.
3. The proponent shall use solar energy of 5% as proposed.
4. Trees located within the project area shall be de-rooted and re-rooted / transplanted to alongside the boundary green development area instead of cutting. If there will be any tree cutting required, requisite permission for the same shall be obtained from the Forest Department.
5. To reduce discharge of treated water to open drain, the proponent shall use more water for increased number of trees proposed to be planted in the green belt area & shall also utilize this treated water for car washing, floor washing to minimize the surplus discharge to drain.
6. The proponent shall implement the Pollution Control Measures and safeguards as proposed in the Environment Management Plan (EMP) of project report.
7. All the compliances submitted/ committed by PP (s) shall be strictly adhered to by them. DH

(I) Natural Drainage:

8. 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, 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.
9. The permission from competent authority will be obtained to discharge the excess storm water to drain if any. The proponent shall renovate the existing drain to accommodate the discharge and maintain it perennially.
10. Permission for construction of drain alongside the adjacent NH under construction for allowing the proponent to discharge the treated waste water as well excess runoff water during monsoon from NH Authority shall be obtained. The construction of drains shall be synchronized with the completion of the construction of the Housing Project.

(II) Water Requirement and Rain Water Harvesting:

11. No ground water shall be extracted for the project work at any stage during the construction phase without obtaining the permission from the Water Resources Department, Govt. of Odisha/ CGWB.
12. For meeting the total water requirement upto maximum 111 KLD (fresh makeup water requirement is approx. 72 KLD) from ground water source necessary prior permission has to be obtained from the Water Resources Department, Govt. of Odisha/ CGWB, failing which no ground water is allowed to be tapped. PP shall install water meter at the ground water drawal point.
13. A certificate shall be obtained from the local body supplying water, specifying the total annual water availability with the local authority, the quantity of water already committed the quantity of water allotted to the project under consideration and the balance water available. This should be specified separately for ground water and surface water sources, ensuring that there is no impact on other users.
14. The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC and SEIAA, Odisha along with six monthly Monitoring reports.
15. Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc. and other for supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling, conditioning etc. shall be done.
16. Use of water saving devices/ fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc.) for water conservation shall be incorporated in the building plan.

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17. 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.
18. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
19. Any ground water dewatering should be properly managed and shall conform to the approvals and the guidelines of the CGWA in the matter. Formal approval shall be taken from the CGWA for any ground water abstraction or dewatering. The proponent shall also obtain permission from Water Resources Department, Govt. of Odisha for drawl of water.
20. The proponent shall keep one bore well as standby domestic water source once municipal water supply is made available in the project area.
21. A complete plan for rainwater harvesting at the proposed site shall be drawn up and implemented. The complete rainwater harvesting plan shall be submitted to SEIAA within one month from this day. As proposed, 03 nos. of rain water harvesting pits for artificial ground water recharge shall be installed as per CGWB guidelines.

(III) Solid Waste :

22. The provisions of the Solid Waste (Management) Rules, 2016, E-Waste (Management) Rules, 2016, and the Plastics Waste (Management) Rules, 2016 shall be followed.
23. Disposal of muck during construction phase shall not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
24. Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials. Wet garbage shall be composted in Organic Waste Converter. Adequate area shall be provided for solid waste management within the premises which will include area for segregation, composting. The inert waste from group housing project will be sent to dumping site.
25. Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
26. A certificate from the competent authority handling municipal solid wastes, indicating the existing civic capacities of handling and their adequacy to cater to the Municipal Solid Waste generated from project shall be obtained.

(IV) Sewage Treatment Plant:

27. STP of 100 KLD capacity shall be installed before start of the operation phase of the building. Treatment of 100% grey water by decentralized treatment should be done. The treated waste water from STP shall be recycled / reused to the maximum extent possible. Flushing, washing, watering of the lawns and

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gardening, filter backwash, cleaning of the floors, etc facilities are to be met by recycled water. Discharge of unused treated waste water shall conform to the norms and standards of the Odisha State Pollution Control Board. Necessary measures should be taken to mitigate the odour problem from STP. The sewage treatment plant shall be made functional before the completion of Building Complex.

28. The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the SEIAA, Odisha before the project is commissioned for operation. Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from STP.
29. Excess treated water shall be discharged to the drain only after getting the permission from the concerned authority. The proponent shall renovate the existing drain to accommodate the discharge and maintain it perennially. To this effect the proponent has to give a legal affidavit before going for construction activity.
30. A certificate from the competent authority shall be obtained for discharging treated effluent/ untreated effluents into the Public sewer/disposal/drainage systems along with the final disposal point.
31. The wastewater generated shall not be allowed to mix with storm water. The Project Proponent shall ensure separate approved line for discharge of treated waste water and that of storm water. No sewage or untreated effluent water would be discharged through storm water drains.
32. 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 Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.
33. The proponent shall obtain permission from the concerned authority to discharge the liquid waste to any drain i.e. the competent authority of the drain and "Nala" before commencement of any activity at the project site.

(V) Energy Conservation:

34. 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.
35. Energy conservation measures like installation of CFLs / LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning. Used CFLs, TFL and LED

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shall be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination.

36. The proponent shall use renewable energy/ solar power of at least 5% of projected power requirement for the building premises.
37. Solar energy shall be installed to meet electricity generation equivalent to 5% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher. Follow super ECBC requirement of ECBC 2017 and provide compliance report.
38. Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. 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.
39. 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 Fly Ash 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 provision of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 and 25th January, 2016. Ready mixed concrete must be used in building construction.
40. A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project shall be submitted.

(VI) Air Quality Management and Noise Management:

41. Construction site shall be adequately barricaded before the construction begins. 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. 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.
42. 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

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construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.

43. Notification GSR 94(E) dated 25.01.2018 of MoEF&CC regarding Mandatory Implementation of Dust Mitigation Measures for Construction and Demolition Activities for projects requiring Environmental Clearance shall be complied with.
44. The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets (as proposed height of the DG Set stack shall be 86m) to mitigate the noise pollution. Low sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.
45. For indoor air quality the ventilation provisions as per National Building Code of India shall be provided.
46. Ambient noise levels shall conform to residential standard both during day and night as per Noise Pollution (Control and Regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality shall be closely monitored during construction phase. Adequate measures shall be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB / SPCB.

(VII) Green cover:

47. Green-belt & avenue plantation of trees over the area of 1165 Sqmt. i.e. (23.7 % of plot area) shall be done using native tree species/shrubs improving greenery & keeping in view aesthetics considerations in the whole complex. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Professional landscape architects should be engaged to design the green layout to provide for multi-tier plantation and green fencing all around, mitigating various environmental pollutants like dust, noise, emissions etc. At the project site, at least 100 numbers of trees shall be planted and maintained at the site.
48. Rainwater from open spaces shall be collected and reused for landscaping and other purposes. Roof top rain water harvesting shall be adopted for the proposed Buildings. Rainwater harvesting at the proposed site shall be implemented. Before recharging the surface runoff, pre-treatment must be done to remove suspended matter, oil and grease.

(VIII) Top Soil Preservation and Reuse:

49. 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.

(IX) Traffic & Transportation:

50. A comprehensive mobility plan, as per Ministry of Urban Development best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due

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consideration for environment, and safety of users. The road system can be designed with these basic criteria.

- Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.
 - Traffic calming measures
 - Proper design of entry and exit points.
 - Parking norms as per local regulation
51. A detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of service of the roads within a 01 km radius of the project is maintained and improved upon after the implementation of the project. This plan should be based on cumulative impact of all development and increased habitation being carried out or proposed to be carried out by the project or other agencies in this 01 km radius of the site and the traffic management plan shall be duly validated and certified by the State Urban Development department and the P.W.D./ competent authority for road augmentation and shall also have their consent to the implementation of components of the plan which involve the participation of these departments.
 52. Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards be operated only during non-peak hours.
 53. A dedicated entry/exit and parking shall be provided for commercial activities.
 54. Barricades shall be provided around project boundary.
 55. Speed of the vehicles shall be restricted upto 15 kmph by erecting speed bumps at regular intervals at project site and proper signage shall be provided for guided vehicular movement and speed restrictions.
 56. Parking shall be prohibited on the access road to the proposed project site.
 57. Footpath shall be seamless with sufficient width.
 58. No vehicles shall be allowed to stop and stand in front of the gate on main access.
 59. A buffer of minimum 10 m shall be maintained between the entry/exit gate and the road to avoid traffic congestion.
 60. The Traffic Management Plan prepared by the proponent shall be duly validated and certified by the State Concerned Competent Authority and shall have also their consent before implementation.

(X) Environment Management Plan:

61. An Environmental Management Plan (EMP) shall be prepared and implemented to ensure compliance with the environmental conditions specified 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

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cell shall also keep the record of environment monitoring and those related to the environment infrastructure.

62. It shall be mandatory for the project management to submit six (06) monthly compliance reports on post environmental monitoring in respect of the stipulated terms and conditions in this Environmental Clearance to the State Environment Impact Assessment Authority (SEIAA), Odisha, SPCB & Regional Office of the Ministry of Environment & Forest, Odisha in hard and soft copies on 1st June and 1st December of each calendar year. The proponent shall also upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions.

Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,



Member Secretary

Memo No _____ / Dt. _____

Copy to

1. **Joint Secretary (Environment)**, Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. **Additional Chief Secretary**, Forests & Environment Dept., Government of Odisha for information.
3. **Member Secretary**, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
4. **Additional Principal Conservator** of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
5. **Member Secretary**, CGWA, 18/11, Jamnagar House, ManSingh Road, New Delhi-110011 for information.
6. **Collector, District Magistrate**, Khordha, for kind information and necessary action.
7. **Secretary**, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for kind information.
8. Guard file for record.

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Member Secretary



Bhubaneswar Municipal Corporation

FORM-II

[See Rule - 10 (5) of ODA (P&BS) Rules, 2020]

Letter No. BLR/BMC/000493, Bhubaneswar, Dated: 09/12/2024

Sujog-OBPS APPLICATION NO. BLR-BMC-2024-06-11-000778

Permission under sub-section (3) of the Section-16 of the Odisha Development Authorities Act, 1982 (Act 14 of 1982) is hereby granted in favour of Land Owner

Plot Number	Plot Area	Khata No	Kisam	Village	Land Owner Name	GPA Holder Name
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1483/6363, 1119, 1120, 1118/3115,1 118/2940/51 88, 1118/2940, 1118, 1118/2950, 1118/2562, 1484/2563, 1105/3493, 1104/2241/6 460, 1105/2619/3 401, 1105/3400, 1105, 1105/2285, 1103/2984, 1105/2619/3 401/6172, 1105/3400/6 171, 1105/2285/3 900, 1106 & 1105/2619	4912.45	765, 165,813/245 4,813/2504,8 13/2544,813/ 1287,813/40 1,813/74,813 /890,813/260 3,813/2528, 813/2597,81 3/2515,813/2 589,813/223 4,813/1210,8 13/1296,813/ 808	GHARABARI	Baramunda	SURENDRA NATH MOHAPATR A, GANGADHA R SWAIN,JAY ANTI MANDAL, CHITARANJ AN PATTNAIK, SOUMYA RANJAN PATTNAIK, UJJAINI BARAL, SIMANCHAL DASH ,DAMBRUD HAR PANDA, RANJAN KU. SWAIN, RAMAKANT A SWAIN, M/S STALWART PROJECT	STALWART PROJECTS PVT LTD DIRECTOR SHARAT KUMAR SAHU
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Building Regularization of a 8 storeyed building within the Development Plan Area of Bhubaneswar subject to following parameter and conditions/restrictions.

Total plot area (As per document) : **4912.45 SQM**

Total plot area (As per Possession) : **4912.45 SQM**

Block-No.1	Approved (BUA Area)	Existing (BUA Area)	Deviation (BUA Area)	Proposed use
Floor--1	3742.61	3742.61	0.00	Apartment Building

Signature Not Verified
Digitally Signed.
Name: Bipul Nayak
Date: 09-Dec-2024 07:55:44
Location: Odisha

Floor-0	1760.79	1760.79	0.00	Apartment Building
Floor-1	1740.53	1740.53	0.00	Apartment Building
Floor-2	1795.8	1795.8	0.0	Apartment Building
Floor-3	1596.7	1596.7	0.0	Apartment Building
Floor-4	1584.34	1584.34	0.00	Apartment Building
Floor-5	1584.34	1584.34	0.00	Apartment Building
Floor-6	1584.34	1584.34	0.00	Apartment Building
Floor-7	1584.34	1584.34	0.00	Apartment Building
Floor-8	681.96	681.96	0.00	Apartment Building
Total BUA Area	17655.75	17655.75		
Block-No.2	Approved (BUA Area)	Existing (BUA Area)	Deviation (BUA Area)	Proposed use
Floor-0	873.24	921.10	47.86	Apartment Building
Floor-1	805.4	845.32	39.92	Apartment Building
Floor-2	805.4	845.32	39.92	Apartment Building
Floor-3	805.4	845.32	39.92	Apartment Building
Floor-4	805.4	845.32	39.92	Apartment Building
Floor-5	805.4	845.32	39.92	Apartment Building
Total BUA Area	4900.24	5147.70		

Total no. of Dwelling Units -114

Bye Laws Provisions	Required	Proposed
No.of staircases	2	2
No.of Lifts	4	4
Visitor parking (in Sqm.)	0	0

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Plantation(no of tree per 80Sqm.)	62	62
F.A.R	6 (Max. Permissible) 2 (Base FAR)	ACHIEVED- 3.62(1.62 Purchasable FAR)
Height (mtr.)	B1-27.02 , B2-14.95	
Parking	Basement-3682.78+ Stilt- 886.22 + Ground (Open Parking)-489.58 Total =5058.58 Sqm.	
Grand Total FAR Area - 17797.95 Sqm.		
Grand Total BUA - 22803.45 Sqm.		

Block No.	Item	Provided (in Mtr)
1	Front Set back	7
	Rear Set back	6
	Left side	6
	Right side	6
2	Front Set back	6.0
	Rear Set back	3.0
	Left side	2.7
	Right side	2.7

- The building shall be used exclusively for **Apartment Building** purpose and the use shall not be changed to any other use without prior approval of this Authority.
- The development shall be undertaken strictly according to plans enclosed with necessary permission endorsement.
- Total Parking space measuring **5058.58 Sqm.** as shown in the approved plan shall be left for parking of vehicles and no part of it will be used for any other purpose.
- The land over which construction is proposed is accessible by an approved means of access of **30.48 Mtr.** in width.
- The land in question must be in lawful ownership and peaceful possession of the applicant.
- The applicant shall free gift **0 Sqm.** wide strip of land to Bhubaneswar Municipal Corporation for further widening of the road to the standard width as per **CDP-2010, BDA.**
- The permission granted under these regulations shall remain valid upto **three years** from the date of issue. However the permission shall have to be revalidated before the expiry of the above period on payment of such fee as may be prescribed under rules and such revalidation shall be valid for one year.

- 8.
- (A) Approval of plans and acceptance of any statement or document pertaining to such plan shall not exempt the owner or person or persons under whose supervision the building is constructed from their responsibilities imposed under ODA (Planning & Building Standards) Rules 2020, or under any other law for the time being in force.
- (B) Approval of plan would mean granting of permission to construct under these regulations in force only and shall not mean among other things-
1. The title over the land or building
 2. Easement rights
 3. Variation in area from recorded area of a plot or a building
 4. Structural stability
 5. Workmanship and soundness of materials used in the construction of the buildings
 6. Quality of building services and amenities in the construction of the building,
 7. The site/area liable to flooding as a result of not taking proper drainage arrangement as per the natural lay of the land, etc and
 8. Other requirements or licenses or clearances required to be obtained for the site /premises or activity under various other laws.
9. In case of any dispute arising out of land record or in respect of right, title, interest after this permission is granted, the permission so granted shall be treated as automatically cancelled during the period of dispute.
10. Neither granting of the permit nor the approval of the drawing and specifications, nor inspections made by the Authority during erection of the building shall in any way relieve the owner of such building from full responsibility for carrying out the work in accordance with the requirements of NBC 2005 and these regulations.
- 11. The owner /applicant shall:**
- A. Permit the Authority to enter the building or premises, for which the permission has been granted at any reasonable time for the purpose of enforcing the regulations;
 - B. Obtain, wherever applicable, from the competent Authority permissions/clearance required in connection with the proposed work;
 - C. Give written notice to the Authority before commencement of work on building site in Form-V, periodic progress report in Form-VIII, notice of completion in Form-VI and notice in case of termination of services of technical persons engaged by him.

- D. Obtain an Occupancy Certificate from the Authority prior to occupation of building in full or part.
12. **The applicant shall abide by the provisions of Rule no.15 of ODA (P&BS) Rules, 2020 with regard to third party verification at plinth level, ground level & roof level. Any deviation to the above shall attract penalty as per the provision of the same.**
- 13.
- A. In case the full plot or part thereof on which permission is accorded is agricultural kism, the same may be converted to non-agricultural kism under section- 8 of OLR Act before commencement of construction.
- B. The owner/applicant shall get the structural plan and design vetted by the institutions identified by the Authority for buildings more than 30 mtr height before commencement of construction.
14. Wherever tests of any material are made to ensure conformity of the requirements of the regulations in force, records of the test data shall be kept available for inspection during the construction of building and for such period thereafter as required by the Authority.
15. The persons to whom a permit is issued during construction shall keep pasted in a conspicuous place on the property in respect of which the permit was issued;
- A. A copy of the building permit; and
- B. A copy of approved drawings and specifications.
16. If the Authority finds at any stage that the construction is not being carried on according to the sanctioned plan or is in violations of any of the provisions of these regulations, it shall notify the owner and no further construction shall be allowed until necessary corrections in the plan are made and the corrected plan is approved. **The applicant during the course of construction and till issue of occupancy certificate shall place a display board on his site with details and declaration.**
17. **This permission is accorded on deposit /submission of the following:**

Sl No.	Item	Amount (Rs)
i	Regularization Building EIDP Fee	50450.0
ii	Regularization Building Compounding FAR Fee	74238.0
iii	Regularization Sanction Fee Adjustment Amount 1	261431.0
iv	Regularization Building Shelter Fee	0.0
v	Regularization Sanction Fee Adjustment Amount 2	25479.0

vi	Regularization Building Sanction Fee	12373.0
vii	Regularization Building Compounding Setback Fee	171840.0
viii	Regularization Building Security Deposit	0.0
ix	Regularization Building Temporary Retention Fee	0.0
x	Regularization Building Construction Worker Welfare Cess (CWWC)	50450.0
xi	Regularization Building Purchasable FAR	1613267.0
xii	Land Development Fee	24563.0
xiii	Regularization Building Operation Fee	10860.0

Other conditions to be complied by the applicant are as per the following:

1. The Owner/Applicant/Technical Person shall strictly adhere to the terms and conditions imposed in the NOC from CGWA vide letter No- CGWA/NOC/INF/ORIG/2021/13659, dtd.- 08/11/2021, Final NOC from BMC vide letter No- 9446, dtd.-21/02/2024, Fire Safety Certificate vide Certificate No- FIRCER1204130012024004310, dtd- 10/04/2024 & FIRCER1204130012024004309, dtd- 10/04/2024, NOC from Airport Authority of India vide letter No- BHUB/EAST/B/123120/520229, dtd.- 12/01/2021, ORERA Registration Certificate vide Project Registration No- MP/19/2022/00798 (valid from 21/10/2022 to 21/06/2025) and Environmental Clearance from SEIAA vide EC Identification No- EC22B038OR184486 dtd.-07.04.2022.
2. Ground water recharging pits shall be provided @ 6 cubic meters for every 100 square meter of roof area.
3. Roof top rain water shall be conveyed and discharged to the rain water harvesting structure in the premises as per Rule-47 of ODA (P & BS) Rules-2020.
4. Provisions of Green building norms are to be strictly followed as per Rule-51 of ODA (P & BS) Rules, 2020.
5. Plantation as required under Rule 30 of ODA (P & BS) Rules, 2020 shall be strictly adhered.
6. Adequate ventilation shall be provided for the Basement floor as per Rule 41 (8) (ii) of ODA (P & BS) Rules-2020.
7. The space which is meant for parking shall not be changed to any other use and shall not be partitioned /closed in any manner. Violation/misuse of parking spaces may lead to revocation of permission/ Occupancy Certificate.
8. All physical infrastructures like water supply, electricity, sewerage and drainage system and water harvesting structures shall be maintained adhering the norms prescribed by the concerned utility Agencies.
9. The applicant shall make own arrangement for solid waste management through segregation of waste within the project premises.

10. At least 10% of the parking shall be ear marked for visitors and such facilities shall be open to all visitors.
11. All the passage around the building shall be developed with permeable pavers block for absorption of rainwater and seepage into the ground.
12. The Owner/ Applicant/Architect/Structural Engineer/PMO are fully and jointly responsible for any structural failure of building due to any earthquake/ cyclone/any other natural disaster, structural/construction defects. Authority will be no way be held responsible for the same in what so ever manner.
13. The no. of dwelling units so approved shall not be changed in any manner without prior approval under section-16 of the ODA Act, 1982.
14. The applicant shall submit Environmental Clearance from SEIAA before occupancy of the building.

Date: 09/12/2024

BY ORDER OF
Bipul Nayak
Authorized Officer
Bhubaneswar Municipal Corporation



सत्यमेव जयते

File No.: 531056/89-INFRA2/03-2025

Government of India

Ministry of Environment, Forest and Climate Change

(Issued by the State Environment Impact Assessment Authority (SEIAA),
ODISHA)



Dated 17/11/2025



To,

M/S STALWART PROJECTS PVT. LTD.
Plot No. 01, Tulsi Vihar Complex, Near HIG Durga Mandap, Sailashree Vihar, Bhubaneswar ,
Bhubaneswar, KHORDHA, ODISHA, Hig Durga Mandap, 751021
stalwartprojects@gmail.com

Subject: Amendment in prior EC granted to the project under the provision of the EIA Notification 2006 and as amended thereof regarding.

Sir/Madam,

This is in reference to your application submitted to Ministry vide proposal number SIA/OR/INFRA2/531056/2025 dated 24/03/2025 for grant of an amendment in prior EC to the project under the provision of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC25C3801OR5274389A
(ii) File No.	531056/89-INFRA2/03-2025
(iii) Clearance Type	Amendment in EC
(iv) Category	B2
(v) Schedule No./ Project Activity	8(a) Building / Construction
(vi) Name of Project	Regularisation of B+G+8 and B+S+5 Residential Apartment cum Commercial Complex located at Mouza- Bermunda, Bhubaneswar, Dist- Khurda, Odisha
(vii) Location of Project (District, State)	KHORDHA, ODISHA
(viii) Issuing Authority	SEIAA
(ix) Applicability of General Conditions	No

1. In view of the particulars given in the Para 1 above, the project proposal interalia including Application for Application for amendment in ToR (for categories A & B1)/Amendment in EC (for category B2)- Form-3 were submitted to the SEAC, Odisha for an appraisal by the State Expert Appraisal Committee (SEAC) under the provision of EIA notification 2006 and its subsequent amendments.

2. The above-mentioned proposal has been considered by State Environmental Impact Assessment Authority,

Odisha (SEIAA, Odisha) in 250th meeting held on 11/11/2025 to 11/11/2025 . Based on the recommendations of the State Expert Appraisal Committee, Odisha (SEAC, Odisha), information & clarifications provided by the project proponent and after detailed deliberations the authority decided “After detailed deliberation, the authority decided to reject the EC due to the following reasons:

1. EC was issued for 22555.99 Sqmtr on 07.04.2022. The PP has applied for regularization of EC for violation of 147.46 Sqmtr. over an above the built up area granted.
2. In accordance with order dated 16.05.2025 of Hon'ble Supreme Court of India violation case cannot be regularized and hence the proposal is rejected. “
3. The minutes of the meeting and all the Application and documents submitted are available on PARIVESH portal which can be accessed by scanning the QR Code above.
4. This issues with the approval of the Competent Authority.

Copy

To

1. Principal Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Integrated Regional Office (IRO), Ministry of Environment & Forests, A31, Chandrasekharpur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-Office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. Chairman/Member/Member Secretary, SEIAA for information.
7. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
8. Collector & DM, Khordha, Sub-Collector, Khordha, Deputy Director of Mines, Khordha, DFO, Khordha, RO, SPCB, Khordha, Tahasildar, Bhubaneswar/Mining Officer, Khordha for Information and necessary action.
9. Guard file for record/Website/Parivesh Portal

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F. No. IA3-3/7/2024-IA.III(PartI) [E- 254652]
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110 003

Dated: 26th May, 2025

OFFICE MEMORANDUM

Subject: Circulation of the Judgement dated 16.05.2025 of Hon'ble Supreme Court in W.P. 1394/2023 in the matter of Vanashakti vs. Union of India. – reg.

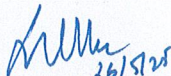
The Ministry issued the Notification S.O.804(E) dated 14/03/2017 providing a window period for the projects which were in violation to apply for the grant of EC.

2. Subsequently, the Ministry issued a Standard Operating Procedure (SoP) dated 07/07/2021 for identification and handling of violation cases under the EIA Notification 2006, in compliance to the order of the Hon'ble National Green Tribunal in Appeal No. 34/2020 (WZ) titled Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra.

3. The Hon'ble Supreme Court, vide its judgment dated 16.05.2025, in W.P. 1394/2023 titled Vanashakti vs. Union of India and connected matters, i.e. WP (C) 118 of 2019 titled Ajay Jajodia vs. Union of India; WP(C) 115 of 2024 titled One Earth One Life vs Union of India and Civil Appeal 381-382 of 2025 titled Fatima vs. Union of India has struck down the above mentioned Notification S.O. 804(E) dated 14/03/2017 and SoP dated 07/07/2021.

4. The copy of the order which is self-explanatory is enclosed herewith for compliance.

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


(Dr. J. D. Marcus Knight)
Scientist E

Encl: As above.

To

1. The Chief Secretaries of all the States / UTs
2. Chairperson/ Member Secretaries of all Expert Appraisal Committees
3. Chairperson/Member Secretaries of all SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/ UTPCCs
5. All Officers of IA Division

Copy for information to

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (AG)/JS (RA)
5. Website, MoEF&CC /Guard file

**REPORTABLE****IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION****WRIT PETITION (C) NO.1394 OF 2023****VANASHAKTI****...PETITIONER****Vs.****UNION OF INDIA****...RESPONDENT****WITH
WRIT PETITION (C) NO.118 OF 2019
WRIT PETITION (C) NO.115 OF 2024
AND
CIVIL APPEAL NO.381-382 OF 2025****J U D G M E N T****ABHAY S. OKA, J.**

1. Part IV-A of the Constitution of India containing fundamental duties as set out in Article 51A was incorporated in the Constitution by the 42nd Amendment Act with effect from 3rd January 1977. Clause (g) of Article 51A provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. This Court in several decisions has held that the right to live in a

pollution free atmosphere is a part of the fundamental right guaranteed under Article 21 of the Constitution of India.

2. The world changed rapidly after World War II. From the late 1960s and early 1970s, slowly there was a realisation about the drastic consequences of the destruction of environment and pollution of various kinds. In June 1972, at Stockholm, the United Nations Conference on Human Environment was held. In the said conference, several decisions were taken by the world community to protect the environment.

3. In our country, it took fourteen years thereafter for the legislature to come out with a law for protection and improvement of the environment. The Environment (Protection) Act, 1986 (for short, 'the 1986 Act') was brought into force with effect from 19th November 1986. As can be noticed from several orders of this Court and the High Courts, the progress of implementation of the 1986 Act has been very slow.

4. The 1970s and 1980s saw growth of industrialisation in our country. The activities such as mining, gas exploration, thermal power plants, petroleum refining industries, various other industries, building and construction projects, such as, highways started growing.

5. Again, it took twenty years after the 1986 Act came into force to exercise the power under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the 1986 Act read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 (for short, '1986 Rules') for coming out with the Environment Impact Assessment Notification, 2006 (for short, 'the EIA notification'). The EIA notification was issued on 14th September 2006. It provided that the projects or activities mentioned in clause (2) thereof shall require prior Environmental Clearance (for short, 'the EC') from the concerned regulatory authority. The concerned regulatory authority in the Central Government is the Ministry of Environment Forests and Climate Change (for short, 'the MoEFCC') for matters falling under Category 'A' in the Schedule, and at the State level, the State Environment Impact Assessment Authority (for short, 'the SEIAA') for the matters falling in Category 'B'. In the Schedule, Categories 'A' and 'B' were incorporated setting out industries and other development work. The entire controversy in this group of petitions is about ex post facto grant of EC.

6. On 14th March 2017, a notification was issued by the MoEFCC. The said notification is hereafter referred to as 'the 2017 notification'. The said notification was made applicable to the projects or activities that have

started the work on site, expanded the production beyond the limit of the EC, or changed the production mix without obtaining EC. The 2017 notification provided that in case of such works, ex post facto EC can be granted. It provided that the projects or activities which are in violation of the EIA notification as on 14th March 2017 were eligible to apply under the 2017 notification for ex post facto EC within a period of six months from 14th March 2017.

7. The National Green Tribunal (for short, 'the NGT') vide order dated 24th May 2021 directed the MoEFCC to prepare a Standard Operating Procedure (for short, 'the SOP') for grant of EC in the cases of violation so as to address the gap in the binding law and practice being currently followed. In purported compliance with the said direction, Office Memorandum dated 7th July 2021 (for short, 'the 2021 OM') was issued.

8. In the meanwhile, the 2017 notification was challenged by way of a writ petition before the High Court of Madras in the case of Puducherry Environment Protection Association v. Union of India¹, which was decided by order dated 13th October 2017. During the course of hearing of the case before the Madras High Court, when it was pointed out that the outer limit for making applications for grant of ex post facto EC have

¹ 2017 SCC OnLine Mad 7056

been repeatedly extended, the Union of India gave a categorical undertaking that the 2017 notification was only a one-time measure. By recording the said submission made on behalf of the Union of India that the 2017 notification was certainly and clearly only a one time measure, the High Court disposed of the petition. Later on, by order dated 14th March 2018 passed by the High Court of Madras in another case, the time period under the 2017 notification for submission of proposals by project proponents was extended by a further period of thirty days.

9. In Writ Petition (C) No.1394 of 2023, the first prayer is for quashing the 2021 OM on the ground that it was arbitrary, illegal and ultra vires the provisions of the 1986 Act. The second prayer is for issuing a writ of mandamus directing the MoEFCC and SEIAA/SEACs not to process and entertain any application for ex-post facto EC after 13th May 2018. As stated earlier, the time granted under the 2017 notification to apply was lastly extended till 13th April 2018.

10. In Writ Petition (C) No.118 of 2019, the challenge is to the 2017 notification issued by the MoEFCC. A prayer was made seeking directions to the respondents to produce a list of real estate projects and project proponents who have undertaken real estate development

projects without obtaining EC under the 2006 notification.

11. In Writ Petition (C) No.115 of 2024, the challenge is to the 2017 notification and the 2021 OM. A prayer for writ of prohibition is made for restraining the MoEFCC from issuing any notification or office memorandum permitting ex-post facto EC.

12. The High Court of Madras by judgment and order dated 30th August 2024 quashed the 2021 OM and another OM dated 19th February 2021. The challenge in Civil Appeal No.381-382 of 2025 is to this decision of the High Court of Madras. In the judgment and order dated 30th August 2024, the Madras High Court declared that its order will operate only prospectively and applications under consideration will remain unaffected. The challenge in this appeal is only to the extent of giving prospective effect to the impugned judgment.

THE EIA NOTIFICATION

13. Firstly, we come to the EIA notification. It has been issued in exercise of powers under sub-Section (1) and clause (v) of sub-Section (2) of Section 3 of the 1986 Act read with clause (d) of sub-Rule (3) of Rule 5 of the 1986 Rules. Section 3 of the 1986 Act reads thus:

“3. Power of Central Government to take measures to protect and improve environment.—(1) Subject to the provisions

of this Act, **the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.**

(2) In particular, and without prejudice to the generality of the provisions of subsection (1), such measures may include measures with respect to all or any of the following matters, namely:—

(i) co-ordination of actions by the State Governments, officers and other authorities

—

(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of

environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in subsection (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.”

(emphasis added)

13.1 Sub-section (1) of Section 3 sums up the very object of the 1986 Act. Therefore, the EIA notification has been issued not only for the purposes of protecting and improving the quality of the environment but also for preventing and abating environmental pollution. Sub-section (1) of Section 3 confers general power of taking measures on the Central Government. Sub-section (2) confers specific power for taking measures in the matters set out in clauses (i) to (ix) thereof. Clause (v) of sub-section (2) of Section 3 empowers the Central Government to take measures for putting restrictions of areas in which any industries, operations or processes shall not be carried out or shall be carried out subject to safeguards.

14. Rule 5 of the 1986 Rules reads thus:

“5. Prohibition and restriction on the location of industries and the carrying on of processes and operations in different areas.—(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:

(i) Standards for quality of environment in its various aspects laid down for an area.

(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

(iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.

(iv) The topographic and climatic features of an area.

(v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.

(vi) Environmentally compatible land use.

(vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.

(viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

(ix) Proximity to human settlements.

(x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the

Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication in the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may [within [seven hundred and twenty-five days [,and in respect of the States of Assam, Meghalaya, Arunachal

Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim and Jammu and Kashmir in exceptional circumstance and for sufficient reasons within a further period of one hundred and eighty days,]] from such date of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area:

[Provided that on account of COVID-19 pandemic, for the purpose of this clause, the period of validity of the notification expiring in the financial year 2020-2021 and 2021-2022 shall be extended up to [30th June, 2022] or six months from the end of the month when the relevant notification would have expired without any extension, whichever is later.]

[(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).]

14.1 For issuing the EIA notification, power has been exercised under clause (d) of sub-rule (3) of Rule 5 which empowers the Central Government to impose prohibition or restrictions on location of such industries and the carrying on any process or operation in an area. There is a power to impose complete prohibition on carrying on any process or operation in an area. Clause (2) of the EIA notification reads thus:

“2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining minerals in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion, modernization or any change in the product mix or raw material mix in existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector in the said Schedule, subject to conditions and procedure provided in the sub-paragraph (ii) of paragraph 7.”

14.2 Therefore, without prior EC, construction of new projects or activities, expansion or modernisation of existing projects or activities listed in the Schedule entailing capacity addition with change in process or

technology, cannot be undertaken. Entire procedure for grant of prior EC is laid down in the EIA notification.

LEGALITY OF THE 2017 NOTIFICATION

15. The 2017 notification refers to the OMs dated 12th December 2012 and 27th June 2013 by which a process was sought to be established for grant of EC in the cases of violation of the EIA notification. It also refers to the judgment of the High Court of Jharkhand holding these two OMs as illegal. The same OMs were also quashed by the NGT as mentioned in the said notification. There are three recitals in the said notification which are relevant. Recital Nos.9 to 11 read thus:

“9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving

the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;”

15.1 Thus, what was sought to be done was to protect the project proponents who committed gross illegality by commencing construction or commencing operation or process without obtaining prior EC as provided in the

EIA notification. The 2017 notification was a one-time measure. Moreover, this Court in the case of **Common Cause v Union of India & Ors.**², held in no uncertain terms that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence including the EIA notification. The decision in the case of **Common Cause**² was delivered on 2nd August 2017. Notwithstanding the clear declaration of law which was made on 2nd August 2017, the Central Government did not withdraw the 2017 notification.

16. We may note here that this is not the first time that the concept of prior EC was brought into force. For this purpose, useful reference can be made to a decision of this Court in the case of **Alembic Pharmaceuticals v. Rohit Prajapati**³. It records that there was a notification of 27th January 1994 mandating prior EC for setting up and expansion of industrial projects falling within thirty categories. The issue before this Court was about the legality and validity of the circular dated 14th May 2002, which permitted obtaining of *ex post facto* EC. This Court specifically dealt with the challenge to the circular dated 14th May 2002. In paragraph 12, this Court noted the issue to be decided:

“**12.** The issue to be adjudicated is whether in view of the requirement of a prior EC

² 2017 (9) SCC 499

³ 2020 (17) SCC 157

under the EIA Notification of 1994, a provision for an ex post facto EC to industrial units could be validly made by means of the Circular dated 14-5-2002.”

16.1 Thereafter, this Court considered Section 3(1) of the 1986 Act. In paragraph 21 this Court held thus:

“**21.** The omission in the appeal to make any attempt to sustain the Circular dated 14-5-2002 with reference to the provisions of Section 3 of the Environment (Protection) Act, 1986 is significant. For an action of the Central Government to be treated as a measure referable to Section 3 it must satisfy the statutory requirement of being necessary or expedient “for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution”. The Circular dated 14-5-2002 in fact does quite the contrary. It purported to allow an extension of time for industrial units to comply with the requirement of an EC. The EIA Notification dated 27-1-1994 mandated that an EC has to be obtained before embarking on a new project or expanding or modernising an existing one. The EIA Notification of 1994 has been issued under the provisions of the Environment (Protection) Act, 1986 and the Environment Protection Rules, 1986, with the object of imposing restrictions and prohibitions on setting up of new projects or expansion or modernisation of existing project. The measures are based on the precautionary principle and aim to protect the interests of

the environment. The Circular dated 14-5-2002 allowed defaulting industrial units which had commenced activities without an EC to cure the default by an ex post facto clearance. Being an administrative decision, it is beyond the scope of Section 3 and cannot be said to be a measure for the purpose of protecting and improving the quality of the environment. The circular notes that there were defaulting units which had failed to comply with the requirement of obtaining an EC as mandated. The circular provided for an extension of time and inexplicably introduced the notion of an ex post facto clearance. In effect, it impacted the obligation of the industrial units to be in compliance with the law. **The concept of ex post facto clearance is fundamentally at odds with the EIA Notification dated 27-1-1994. The EIA Notification of 1994 contained a stipulation that any expansion or modernisation of an activity or setting up of a new project listed in Schedule I “shall not be undertaken in any part of India unless it has been accorded environmental clearance”. The language of the notification is as clear as it can be to indicate that the requirement is of a prior EC. A mandatory provision requires complete compliance. The words “shall not be undertaken” read in conjunction with the expression “unless” can only have one meaning : before undertaking a new project or expanding or modernising an existing one, an EC must be obtained.** When the EIA Notification of 1994 mandates a prior EC, it

proscribes a post activity approval or an ex post facto permission. What is sought to be achieved by the administrative Circular dated 14-5-2002 is contrary to the statutory Notification dated 27-1-1994. The Circular dated 14-5-2002 does not stipulate how the detrimental effects on the environment would be taken care of if the project proponent is granted an ex post facto EC. The EIA Notification of 1994 mandates a prior environmental clearance. The circular substantially amends or alters the application of the EIA Notification of 1994. The mandate of not commencing a new project or expanding or modernising an existing one unless an environmental clearance has been obtained stands diluted and is rendered ineffective by the issuance of the administrative Circular dated 14-5-2002. This discussion leads us to the conclusion that the administrative circular is not a measure protected by Section 3. Hence there was no jurisdictional bar on NGT to enquire into its legitimacy or vires. Moreover, the administrative circular is contrary to the EIA Notification 1994 which has a statutory character. The circular is unsustainable in law.”

(emphasis added)

16.2 Ultimately, in paragraph 23, this Court held thus:

The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA Notification dated 27-1-1994. It is, as the judgment

in Common Cause [Common Cause v. Union of India, (2017) 9 SCC 499] holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision-making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development.”

(emphasis added)

16.3 In fact, as noted in paragraph 22.1, the word ‘prior’ was not used in the EIA notification dated 27th January 1994. However, the words ‘shall not be undertaken’ were used. In the 2006 EIA notification, the word ‘prior’ appears at multiple places.

17. The issue of *ex post facto* EC was dealt with in the case of **Common Cause**², In paragraph 108, a submission was recorded that the possibility of getting *ex post facto* EC was a signal to the mining leaseholders that obtaining an EC was not mandatory or that if it was not obtained, the default was retrospectively condonable. In paragraph 125, this Court held thus:

“125. We are not in agreement with the learned counsel for the mining leaseholders. **There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long-term impact. EIA 1994 is therefore very clear that if expansion or modernisation of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in *M.C. Mehta* [*M.C. Mehta v. Union of India*, (2004) 12 SCC 118] even for the renewal of a mining lease where there is no expansion or modernisation of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an *ex post facto***

environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an ex post facto or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant.”

(emphasis added)

18. Therefore, there is already a concluded finding of this Court that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence and the EIA notification. This view was reiterated by this Court in the case of ***Electrosteel Steels Ltd. v. Union of India and Ors.***⁴. In paragraph 72, this Court held thus:

“72. There can be no doubt that the need to comply with the requirement to obtain environment clearance is non-negotiable.

A project can be set up or allowed to expand subject to compliance of the requisite norms. Environmental clearance is granted on condition of the suitability of the site to set up the project from the environmental angle, and existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations, it is imperative that pollution laws be strictly enforced. Under no circumstances, can industries which pollute

⁴ (2023) 6 SCC 615

be allowed to operate unchecked and degrade the environment.”

(emphasis added)

18.1 In this case, as well as in the case of ***Alembic Pharmaceuticals***³, this Court exercised its jurisdiction under Article 142 of the Constitution and permitted *ex post facto* EC in particular cases considering the peculiar factual situation.

19. It is in this context that the legality and validity of the 2017 notification will have to be tested. Interestingly, in paragraph 10 of the notification, it is recorded that the MoEFCC deems it necessary for the purpose of protecting and improving the quality of environment and abating environmental pollution that all the entities not complying with the environmental regulation under EIA notification be brought under compliance within the environmental laws in an expeditious manner. The object of protecting and improving the environment and preventing and abating environmental pollution was achieved by the EIA notification. The object of the 2017 notification appears to be to protect the industries and entities which violated the EIA notification. In fact, paragraph 14 of the 2017 notification is material which reads thus:

“**14.** The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental

clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.”

20. Moreover, the 2017 notification is completely in violation of the law laid down by this court in the case of ***Common Cause***² and ***Alembic Pharmaceuticals***³. From the recitals of the 2017 notification, it is apparent that it was a one-time measure to protect those who were in violation as on the date of the 2017 notification. In view of the settled law, even a ‘one-time measure’ or ‘one-time relaxation’ was illegal. The 2021 OM encourages the entities who contributed to pollution by not obtaining prior EC. Whenever EC is granted, it is always conditional. Certain conditions are imposed to abate or reduce the pollution. Such one-time measures add to air and/or water pollution. Such measures infringe the right to live in a pollution free environment guaranteed by Article 21. Thus, the 2017 notification was completely illegal.

21. The Division bench of Madras High Court by judgment dated 13th October 2017, in the case of ***Puducherry Environment Protection Association***¹ dealt with the issue regarding the legality of the 2017 notification which was subject matter of challenge in a Public Interest Litigation. A very specific submission was

made before the Madras High Court on behalf of the Central Government by the learned Additional Solicitor General, which is recorded in paragraph 4(i) of the judgment. Relevant portion of paragraph 4(i) reads thus:

“4(i) With regard to precautionary principle, faced with the situation that ex post facto clearance and regularization dates have been repeatedly extended time and again by series of notifications, **learned Additional Solicitor General at the bar, on instructions, submits that this impugned notification shall clearly and certainly be only a one time measure. We record this submission also.**

.....”

(emphasis added)

21.1 This statement was treated as an undertaking of the Central Government, which is clear from paragraph 4(n) of the said judgment:

“4(n) We are convinced that paragraphs 3,4 and 5 of the impugned notification alluded to supra coupled with the two undertakings made on instructions by learned Additional Solicitor General that (a) public hearing can be read into paragraph 5 of the impugned notification and **(b) this shall certainly and clearly be a one time measure, this writ petition can be closed and disposed of recording the above submissions. We do so.**”

(emphasis added)

21.2 It is in view of this undertaking that the High Court did not interfere. The Central Government is bound by this undertaking. It is the duty of the Central Government to comply with the undertaking in its true letter and spirit.

22. The period provided in the 2017 notification to apply for *ex-post facto* EC ended on 13th September 2017. In the case of ***Appaswamy Real Estates Limited v. Puducherry Environment Protection Association***⁵, the request of the MoEFCC for extending the time provided in the 2017 notification was accepted. As a result, the OM dated 16th March 2018 was issued which permitted the project proponents to apply under the 2017 notification within thirty days from the date of the High Court order. What is pertinent to note is that notwithstanding the grant of extension of time to apply, there was no modification made to paragraph 14 of the 2017 notification which clarified that it is applicable only to those projects and activities which were in violation on the date of the said notification. Therefore, any project or activity or process which required EC under the EIA notification commenced after 14th March 2017 was not protected by the 2017 notification.

23. Apart from the fact that the very concept of grant of *ex-post facto* EC is illegal, it is not possible to understand

⁵ 2018 SCC OnLine Mad 1283

why the Central Government made efforts to protect those who committed illegality by not obtaining prior EC in terms of the EIA notification. As the EIA notification was eleven years old when the 2017 notification was issued, there was no equity in favour of those who committed such gross illegality of not obtaining prior EC. The persons who acted without prior EC were not illiterate persons. They were companies, real estate developers, public sector undertakings, mining industries, etc. They were the persons who knowingly committed illegality. We, therefore, make it clear that hereafter, the Central Government shall not come out with a new version of the 2017 notification which provides for the grant of *ex-post facto* EC in any manner.

LEGALITY AND VALIDITY OF THE 2021 OM

SUBMISSIONS

24. The learned senior counsel appearing for the Petitioner submitted that post a series of judgments of this Court in ***Alembic***³ and ***Common Cause***², it is not permissible to grant *ex post facto* EC. He further submits that the 2021 OM is in violation of the 1986 Act and the EIA notification. He submits that EC must be prior and cannot be granted *ex post facto*. While the 2021 OM does not expressly extend the timeline under the 2017 notification or mention *ex post facto*, the 2021 OM and its

application has effectively allowed grant of *ex post facto* EC.

25. The main submission of the learned Additional Solicitor General is that the 2021 OM does not seek to grant *ex-post facto* EC. It is only an SOP. The learned ASG invited our attention to the contents of the SOP. Her submission is that it provides for the demolition of projects not allowable or permissible for want of EC. It also provides for the closure of projects allowable/permissible, if prior EC has not been taken as per the EIA notification. She submitted that even if EC is granted, it will be effective from the date of the issue, and therefore, it is not *ex post facto*. She submitted that before such EC is granted, the project proponent will have to pay certain amounts as provided therein based on Polluter Pays Principle. Moreover, the project proponents will have to undertake activities relating to remedial plan and community accommodation plan. She also pointed out that the projects which are not allowable or permissible, shall be demolished. She also pointed out provisions regarding penalty, project proponents furnishing bank guarantee, etc. Thus, in short, her submission is that the object of the 2021 OM is to protect those projects and industries which could have been granted an EC under EIA notification before the date of commencement of activities, but proceeded to commence

activities without EC. Her submission is that this measure has been taken to ensure that the huge spending on constructions is not lost and wasted.

OUR VIEW

26. The basic submission by learned ASG is based on a premise that what is provided under the 2021 OM is not grant of *ex-post facto* EC. The relevant part of the 2021 OM is in paragraph 10 and 11, which read thus:

“10. Standard Operating Procedure-Guiding Principles:

- i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**
- ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**
- iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**
- iv. **Polluter pays:** Violators to pay for violation period proportionate to the scale of project and extent of commercial transaction.
- v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2	If prior EC is available for existing/old unit	Order to revert the activity /production to permissible limits.
3	If prior EC was not required for earlier production level but is now required	Restrict the activity /production to the extent to which prior EC was not required

Step 2: Action under Environment (Protection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

Step: 3: Appraisal under EIA Notification, 2006

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

A. If not permissible:

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

Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of

*commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished**.*

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

B. If permissible:

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

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

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

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluter Pays principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

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

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present form/configuration/features** then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

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

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the**

amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA). The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation Plan and Natural & Community Resource Augmentation Plan.”**

27. In short, it provides for grant of EC to category of ‘allowable/permissible’ projects. We must remember that the 2021 OM is applicable even to the completed projects. The 2021 OM says that grant of EC to such projects shall be effective from the date of issue. If the project proponent goes ahead with construction which requires EC under the EIA notification, it will amount to violation of the provisions of 1986 Act and 1986 Rules. It will attract penalty under Section 15 of the 1986 Act. Perusal of the provisions of Section 15 shows that even if the penalty is paid by the project proponent, it will not regularise the project. Therefore, even after the payment of penalty, if the project is under construction, the same has to be stopped and demolished and even if operation has already commenced, the same has to be stopped and demolished. Therefore, the construction work has to be demolished.

28. Now, we will consider what is the meaning of “*ex post facto*”. Various dictionary meanings can be summarised as under:

- a)** Having retrospective effect or force;
- b)** From a thing done afterwards;
- c)** Retroactive or affecting something that has already happened.

29. Now, we will take a case of *ex post facto* EC provided under the 2017 notification. The effect of grant of *ex post facto* clearance is that if without obtaining EC, construction is in progress, the same is allowed to continue. If the construction is complete and operation and processes are going on, the same can go on after *ex post facto* EC is granted. Effect of grant of EC under clause (11) of 2021 OM will be grant of permission to complete the construction of the project, though construction had commenced without prior EC. Where the construction is already complete which is being used for processes etc., by grant of EC, the process/activities can continue. Thus, in effect, the EC granted under clause (11) of 2021 OM regularises something which was illegal with retrospective effect. In effect, the EC granted under clause (11) of 2021 OM will regularise the illegality done by commencing the construction or commencing the project without prior EC. Therefore, in substance, what is provided is grant of *ex post facto* EC. In other

words what is granted is EC with retrospective effect as it regularises illegality committed earlier. The grant of EC under the 2021 OM, no doubt, is subject to making payment of compensation determined based on Polluter Pays Principle and undertaking activities relating to remedial plan. Once there is a violation of the EIA notification, the project proponent has to compensate following the Polluter Pays Principle. Even if, EC is not granted to him he has to pay for remedial plan to remedy the damage done to the environment. He has to also pay the penalty under Section 15 of the 1986 Act. Therefore, what is done by the 2021 OM is something which was completely prohibited by this Court in the cases of **Common Cause²** and **Alembic Pharmaceuticals³**. It is an attempt to bring in an *ex-post facto* or retrospective regime by craftily drafting the SOP. The grant of EC under the 2021 OM in substance and in effect amounts to *ex post facto* grant of EC. The Court must come down very heavily on the attempt of the Central Government to do something which is completely prohibited under the law. Cleverly, the words *ex post facto* have not been used, but without using those words, there is a provision to effectively grant *ex post facto* EC. The 2021 OM has been issued in violation of the decisions of this Court in the cases of **Common Cause²** and **Alembic Pharmaceuticals³**. Therefore, we have no manner of

doubt that the 2021 OM which permits grant of EC is completely arbitrary and illegal. Moreover, the 2021 OM does not refer to exercise of any power under the 1986 Act or the 1986 Rules.

30. There is one more aspect which is required to be noted. As per paragraph 14 of the 2017 notification, provision for grant of *ex post facto* EC was made only in relation to projects or activities which were in violation as of 14th March 2017. Therefore, grant of *ex post facto* clearance was not permitted under 2017 notification for the projects and activities which were commenced or continued after 14th March 2017. The window which was initially for a period of six months was eventually extended till completion of 30 days from 14th March 2018. Therefore, the 2021 OM is brought in to do something which was not permissible under the 2017 notification, the law laid down by this Court, and the solemn undertaking given by the Central Government to the Madras High Court. We must deprecate such effort on the part of the Central Government.

31. The EIA notification is of 14th September 2006. When the 2021 OM was issued, it was nearly 15 years old. Therefore, all project proponents were fully aware of the stringent requirements under the EIA notification. The 2021 OM seeks to protect the violations of the EIA notification which have taken place or continue to take

place 15 years after the EIA notification came into force. Thus, the 2021 OM seeks to protect violators who have acted with full knowledge of consequences of violating the EIA notification. Those who violate the law regarding obtaining prior EC are not only committing gross illegality, but they are acting against the society at large. The violation of the condition of obtaining prior EC must be dealt with heavy hands. In environmental matters, the Courts must take a very strict view of the violations of the laws relating to the environment. It is the duty of the Constitutional Courts to do so.

32. Under Article 21 of the Constitution of India, the right to live in a pollution free environment is guaranteed. In fact, the 1986 Act has been enacted to give effect to this fundamental right. In 1977, fundamental duties of all citizens were incorporated in the Constitution which enjoined every citizen of India to protect and improve the environment as provided in clause (g) of Article 51A. Therefore, even the Central Government has a duty to protect and improve the natural environment.

33. Today, in the year 2025, we have been experiencing the drastic consequences of large-scale destruction of environment on human lives in the capital city of our country and in many other cities. At least for a span of two months every year, the residents of Delhi suffocate due to air pollution. The AQI level is either dangerous or

very dangerous. They suffer in their health. The other leading cities are not far behind. The air and water pollution in the cities is ever increasing. Therefore, coming out with measures such as the 2021 OM is violative of fundamental rights of all persons guaranteed under Article 21 to live in a pollution free environment. It also infringes the right to health guaranteed under Article 21 of the Constitution.

34. The 2021 OM talks about the concept of development. Can there be development at the cost of environment? Conservation of environment and its improvement is an essential part of the concept of development. Therefore, going out of the way by issuing such OMs to protect those who have caused harm to the environment has to be deprecated by the Courts which are under a constitutional and statutory mandate to uphold the fundamental right under Article 21 and to protect the environment. In fact, the Courts should come down heavily on such attempts. As stated earlier, the 2021 OM deals with project proponents who were fully aware of the EIA notification and who have taken conscious risk to flout the EIA notification and go ahead with the construction/continuation/expansion of projects. They have shown scant respect to the law and their duty to protect the environment. Apart from violation of Article 21, such action is completely arbitrary

which is violative of Article 14 of the Constitution of India besides being violative of the 1986 Act and the EIA notification.

35. We are, however, conscious of the fact that *ex post facto* EC may have been granted in certain cases both under the 2017 notification and the 2021 OM. ECs already granted under 2017 notification and the 2021 OM, at this stage, should not be disturbed.

36. Hence, we pass the following order:

- a) We hold that the 2017 notification and the 2021 OM as well as all circulars/orders/OMs/notifications issued for giving effect to these notifications are illegal and are hereby struck down;
- b) We restrain the Central Government from issuing circulars/orders/OMs/notifications providing for grant of *ex post facto* EC in any form or manner or for regularising the acts done in contravention of the EIA notification;
- c) We clarify that the ECs already granted till date under the 2017 notification and the 2021 OM shall, however, remain unaffected.

37. The writ petitions and civil appeals are accordingly allowed on the above terms.

.....J.
(Abhay S. Oka)

.....J.
(Ujjal Bhuyan)

**New Delhi;
May 16, 2025**



F. No. IA3-22/10/2022-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110 003
Dated 5th May, 2022

OFFICE MEMORANDUM

Sub.: Clarification with regard to non-requirement of EC amendment due to change in conceptual plan arising out of statutory requirements in building and construction sector- regarding.

The EIA Notification 2006 as amended from time to time states that the construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after prior environmental clearance.

2. Building or Construction projects or Area Development projects and Townships are covered under the schedule 8 of the above Notification and require prior Environmental Clearance (EC) from the State Environment Impact Assessment Authority (SEIAA) for projects with built up area of 20,000 sq. mts., and above.
3. The projects under Schedule 8 of the Notification are appraised for the grant of EC, based on the building plan, which may undergo further changes necessitated because of local site conditions before the final building/construction/ township/ area development project is undertaken by the project proponent.
4. The Ministry is in receipt of representations from various stakeholders requesting that amendment of prior EC for building construction/area development projects may not be insisted upon for minor changes in building projects at the time of execution/implementation of the project so long as they do not adversely impact the environment and are within the scope of already approved Environmental Management Plan.
5. Accordingly, matter has been examined and it has been decided that any change in configuration/planning/design of the appraised building Project for which EC was granted shall not require amendment of EC, subject to no change in (i) Built Up Area (ii) Floor Area Ratio (FAR) (iii) change in exterior spaces/green belts, parking, walkways and driveways that are covered including attics and outdoor sports courts. Further there shall be no change in the designated use of the building, number of



dwelling units, height of the building, number of floors & basements and total excavation of earth of the building/construction/ township/ area development project so as not to require any changes in the already approved Environmental Impact Analysis (EIA) and Environmental Management Plan (EMP).

6. The above dispensation shall be applicable subject to the Project Proponent filing an application in prescribed format on PARIVESH portal and obtaining a self-generated acknowledgement to this effect from the portal.

7. Any addition, alteration, modification in the conceptual plan, as stated at para-6 of the EIA Notification 2006, for which prior EC was granted other than the changes falling under the category of permissible changes as explained in para 5 above which results in the increase in pollution of any type beyond the approved levels necessitating fresh EIA/EMP shall be treated as Violation and shall be dealt with accordingly as per the provisions of the Office Memorandum dated 7th July 2021.

8. This issues with the approval of the Competent Authority.

Ashish
05.05.2022

(Dr. Ashish Kumar)
Additional Director

To

1. Chairman/Member Secretary, Central Pollution Control Board
2. Chairman/ Member Secretaries of all Expert Appraisal Committees
3. Chairperson/Member Secretaries of all SEIAAs/SEACs
4. Chairmen/Member Secretaries, all PCBs and PCCs
5. All Officers of IA Division, MoEF&CC

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6. Website, MoEF&CC
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