

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN  
ZONE BENCH, AT CHENNAI**

**ORIGINAL APPLICATION NO. 24 OF 2023**

IN THE MATTER OF:

KOSGI VENKATAIAH & ANR.

...Applicant

v.

UNION OF INDIA & ORS.

...Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 14**

**MR. B. PRASHANT NADARAJ – MS No. 2453/18**

**COUNSEL FOR 14<sup>TH</sup> RESPONDENT**

Cell - 8861721989



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It is certified that all documents contained in the above annexures are true copies.

Date: 12.05.2023



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN  
ZONE BENCH, AT CHENNAI

ORIGINAL APPLICATION NO. 24 OF 2023

IN THE MATTER OF:

1. Kosgi Venkataiah S/o Kosgi Balaiah  
R/o H.No.2-57: Mudireddy Pally Village  
Rajapur Mandal, Mahabub Nagar District  
Telangana-509202  
Mobile No.9989323271  
Mail id: [advsravan@gmail.com](mailto:advsravan@gmail.com)
2. Kavali Pentaiah S/o K. Narayan  
aged 44 years: R/o Kranthi Nagar,  
Nandigama Village: Rajapur Mandal,  
Mahabub Nagar District,  
Telangana- 509202.  
Mobile No.9989323271  
Mail id: [advsravan@gmail.com](mailto:advsravan@gmail.com)

...Applicants

VERSUS

1. Union of India  
Rep. its Secretary  
Ministry of Environment, Forest & CC  
Indira Priyadarshini Bhavan  
Jorbagh, New Delhi-110003  
Mail: [secy-moef@nic.in](mailto:secy-moef@nic.in)  
Phone: 011-24695262, 24695265
2. State of Telangana  
Rep. by its Chief Secretary  
Secretariat, Hyderabad  
Telangana-500022  
Mail: [cs@telangana.gov.in](mailto:cs@telangana.gov.in)  
Contact No. 040-23450436



3. Central Pollution Control Board  
Rep. by its Member Secretary  
Parivesh Bhawan, CBD-Cum Office Complex  
East Arjun Nagar,  
Delhi-110032  
mscb@cpcb.nic.in  
Phone: 01122307078
4. Telangana State Pollution Control Board  
Rep. by its Member Secretary  
Sanatnagar, Hyderabad-500018  
Mail: [ms-tspcb@telangana.gov.in](mailto:ms-tspcb@telangana.gov.in)  
Mobile: 04023887600
5. Telangana State Industrial Infrastructure Corporation  
Rep. by its Managing Director  
6<sup>th</sup> Floor, Parisrama Bhavan,  
Fateh Maidan Road,  
Basheerbagh Hyderabad  
Telangana – 500 0004  
Mail: [md@tsiic.telangana.gov.in](mailto:md@tsiic.telangana.gov.in)  
Mobile No. 8096502949
6. District Magistrate & Collector  
Office of Collector,  
Mahabub Nagar, Telangana-509001  
Mail: [collector\\_mbnr@telangana.gov.in](mailto:collector_mbnr@telangana.gov.in)  
Mobile No: 08542-242210
7. M/s Hetero Drugs & Labs Ltd (Three Units)  
Rep. by its Managing Director  
Plot No. S 2A1 to SA11, S2/B, Polepally SEZ  
Jadcharla Mandal, Mahabub Nagar Dist  
Telangana - 509301  
Mobile:NA: mail: [srinivasu.metlapalli@heterodrugs.com](mailto:srinivasu.metlapalli@heterodrugs.com)
8. M/s Amneal Oncology (Epsilon Pharma) Pvt. Ltd  
Rep. by its Managing Director



Plot No. S-3-5, Polepally SEZ  
 Jadcharla Mandal, Mahabub Nagar Dist  
 Telangana - 509301  
 Mobile & mail: [ehs.hyd@amanealindia.com](mailto:ehs.hyd@amanealindia.com)

9. M/s. Arabindo Pharma Ltd (Two Units)  
 Wytells Pharma Pvt. Ltd  
 Rep. by its Managing Director  
 Plot No. S-1 & S 1P, Polepally SEZ,  
 Jadcharla Mandal, Mahabub Nagar Dist  
 Telangana - 509301  
 Mobile & mail: [jvnreddy@aurobindo.com](mailto:jvnreddy@aurobindo.com)
  
10. M/s. APL Health Care Ltd  
 Rep. by its Managing Director Plot No.  
 S-1 B, Polepally SEZ  
 Jadcharla Mandal, Mahabub Nagar Dist  
 Telangana - 509301  
 Mobile & mail: [jvnreddy@aurobindo.com](mailto:jvnreddy@aurobindo.com)
  
11. M/s. Evergreen Life Sciences (Optimus Generics) Ltd.,  
 Rep. by its Managing Director  
 Plot No. S 13, 14, S-8, S-9,  
 Jadcharla Mandal, Mahabub Nagar Dist  
 Telangana-509301  
 Mobile & mail: Not Available
  
12. M/s. Mylon Laboratories Ltd  
 Rep. by its Managing Director  
 Plot No. S-16-17/A, Polepally SEZ  
 Jadcharla Mandal, Mahabub Nagar Dist  
 Telangana-509301  
 Mobile & mail: [prasanna.hota@mylan.in](mailto:prasanna.hota@mylan.in)
  
13. M/s. Shilpa Medicare Ltd., (Three Units)  
 Rep. by its Managing Director  
 Plot No. S 20 to S 22, & S 23, S24/A  
 & S 24/B, S-25, S-26, Polepally SEZ  
 Jadcharla Mandal, Mahabub Nagar Dist



Telangana-509301

Mobile & mail: [sirisatyaenviroservices@gmail.com](mailto:sirisatyaenviroservices@gmail.com)

14. M/s. Shri Kartikeya Pharma Units-II

Rep. by its Sole Proprietor

Plot No. S-18, Sy.No.412,418-435,437-445, Polepally SEZ

Jadcharla Mandal, Mahabub Nagar Dist

Telangana-509301

Mobile: 9849697300

Mail: [bhagwati@ixoreal.com](mailto:bhagwati@ixoreal.com)

15. M/s Elan Berry Gas Company Ltd

Rep. by Managing Director

Jadcharla Mandal, Mahabub Nagar Dist

Telangana-509301

Mobile & mail: [jvnreddy@aurobindo.com](mailto:jvnreddy@aurobindo.com)

...Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 14**

I, Smt. Bhagwati Devi Baldwa, W/o Sh. Mahesh Baldwa, aged about 60 years Sole Proprietor of M/s Shri Kartikeya Pharma SEZ Unit, TSIIC LTD, SEZ, POLEPALLY, Mahabubnagar, Hyderabad-509301, Telangana do hereby solemnly affirm and state on oath as follows:

1. I am the Sole Proprietor of Respondent No.14. I am well aware of the facts and circumstances of the case and am hence competent to depose this affidavit.
2. At the outset, this answering respondent ("respondent") denies each and every averment made in the affidavit filed in support of the application as false and incorrect, save and except those that are specifically admitted herein in this counter affidavit.

**Without prejudice**



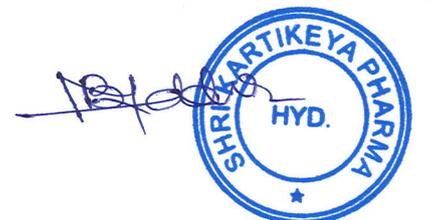
3. The averments made in the instant counter-affidavit are without prejudice to the right of the respondent to file an appeal against the report dated 12.01.2021 of the Telangana State Pollution Control Board (“TSPCB”) and/or a review of the Order dated 15.01.2021, which was passed by the Hon’ble NGT (Principal Bench), New Delhi (“NGT (PB)”).

### **Herbal product manufacturer**

4. The respondent manufactures only one herbal product with the trademark of “KSM-66 Ashwagandha”. Ashwagandha is a flagship herb of Ayurveda, used for centuries in our traditional system of medicine, with a variety of health benefits including being a powerful antioxidant and an immunity booster. During the COVID-19 pandemic, respondent supplied *pro bono* KSM-66 capsules to the frontline workers and government employees. On 29.03.2022, the Hon’ble the Prime Minister of India, Shri Narendra Modi in the program “Mann Ki Baat” has credited respondent as not only having created the awareness of the benefits of Ashwagandha but has also invested in top quality production processes to make India proud.

### **PRELIMINARY OBJECTIONS IN BRIEF:**

- 4.1. Pursuant to the order dated 15.01.2021 by the Hon’ble NGT (PB), TSPCB has issued a Show Cause Notice (“SCN”) dated 07.04.2022, which covers the subject of re-assessment of penalty for the entire violation period. The respondent has filed its reply thereto and the proceedings are *sub judice*.
- 4.2. The applicant has vide prayer (v) of the OA sought recovery of the reassessed penalty for the entire violation period even when proceedings to re-assess the penalty consequent to the directions of the Hon’ble NGT are pending at the adjudication stage. Thus, prayer (v) made in this OA is premature and hence not maintainable at this stage.



- 4.3. Vide letter dated 01.11.2022, the District Collector, Mahabubnagar, Hyderabad has issued a letter for conduct of Joint Inspection *qua* the same allegations of pollution as raised in this application. The respondent has filed his reply and further proceedings are pending.
- 4.4. It is settled by the Hon'ble NGT (Principal Bench) vide order dated 12.07.2021 passed in Review Application No. 20-23/2021 that any order passed by the TSPCB is statutorily appealable u/s 16 of the NGT Act, 2010. Thus, it is open to the Applicants to challenge the order of TSPCB or District Collector, Mahabubnagar before this Hon'ble Tribunal as and when it is passed. However, without any such orders being passed, the Applicants have no cause of action as on date.
- 4.5. In fact, a perusal of S. 31 r/w 31B of the Air Act, and S. 31B r/w S.33B(a) of the Water Act make it clear that any appeal against the decision of the TSPCB has to be preferred before the Appellate Authority and the Applicants cannot approach this Hon'ble Tribunal directly against any decision of the TSPCB.
- 4.6. Even S.33B(c) which provides for a direct appeal to the NGT requires directions to be first issued u/s 33A.
- 4.7. Thus, prayer Nos (ii), (iv) and (v) are premature at this stage and hence not maintainable.
- 4.8. The Respondent being an Ashwagandha Extraction industry is not required to obtain any Environmental Clearance under the EIA Notification, 2006.
- 4.9. Hence, prayer (i) in the OA seeking a direction that activities of the manufacturing units be stopped until Environmental clearance is granted is not maintainable *qua* the respondent.



- 4.10. Hence this application is not maintainable at this stage qua respondent and deserves to be dismissed as not maintainable.

## PRELIMINARY OBJECTIONS IN DETAIL

### Instant OA is premature

5. The Applicant has made the following prayers in this OA:

*“(ii) Direct the regulating authorities and State of Telangana, District Collector of Mahaboob Nagar to issue permanent closer orders and seal the units similar to the orders passed in the case of M/s. Sterlite Industries (I) Ltd by Tamilnadu State Pollution Control Board as the units are repeatedly violating the orders, directions of Telangana State Pollution Control Board and judgment passed by this Hon'ble Tribunal in O.A.No. 18 o 2019(PB).*

*(iv) Direct the Official Respondents such as MOEF, TSPCB and District Collector to initiate prosecution against the Private Respondents under Section 37(1) of Air (Prevention and Control of Pollution) Amendment Act, 1987 for committing repeated violations and causing loss to the environment: fertile agriculture lands: health of the people and animals in the surrounding villages of Special Economic Zone at Jadcharla of Mahaboob Nagar District of Telangana.*

*(v) Direct the Telangana PCB and District Collector to recover the reassessed penalty for entire violation period from the Respondent Units and release the same to the pollution affected farmers: residents, fishermen in accordance with the judgment of this Hon'ble Tribunal in O.A.No. 189 of 2019.”*

6. TSPCB has issued a SCN dated 07.04.2022 qua revision of environmental compensation from INR 9,00,000.00 to INR 38,50,000.00 in order to cover the entire period of the alleged default of 950 days instead of the period of 180 days for which it was levied.

Copy of Show Cause Notice dated 07.04.2022 is annexed herewith as **Annexure-1**.



7. Respondent furnished its reply dated 25.04.2022 which is *sub judice*. The Respondent submitted that it does not cause any pollution on the following grounds:

(a) Respondent is not causing any pollution as it manufactures only one product "KSM-66 Ashwagandha", and the product is based on green chemistry with no chemicals or solvents being used for the extraction process;

(b) since Ashwagandha is an organic agricultural product, the roots are enveloped with soil and while washing/cleaning the same, the water becomes brown due to the soil residue;

(c) though the Respondent's residual water after processing is much cleaner than the groundwater, with TDS of groundwater being approximately around 2000-3000 and this Respondent's TDS of processed residual water being 1200-1400, it is still forced to send this water (not sludge) to PETL since 2018;

(d) Respondent has obtained CFO effective from 17.08.2017, which has been renewed on 29.04.2022 and 23.01.2023;

(e) Respondent has 40% greenery thereby complying with the greenbelt;

(f) since the neighboring industries have severely polluted the groundwater, Respondent was forced to construct a pond with RCC and make it waterproof;

(g) the below-ground level collection tank near the tray washing area was used for soaking the trays and cleaning purposes, and was not an effluent storage tank;



(h) to meet CFO requirements, ETP was constructed, although sending the residual water to CETP is not required as it can be directly used for gardening;

(i) TSPCB's own report dated 27.07.2019 shows that Respondent's residual water is much below prescribed standards;

(j) the amount of Rs. 9,00,000/- is paid under protest only for the smooth running of the facility.

Copy of reply to SCN dated 25.04.2022 is annexed herewith as **Annexure-2.**

8. Vide letter dated 01.11.2022 the District Collector, Mahabubnagar issued a letter requesting to conduct a Joint Inspection *qua* the same allegations of pollution as raised in this OA. This letter was duly responded to by the respondent vide letter dated 19.11.2022, wherein it was requested that since respondent is not causing any pollution, it does not fall under the rubric of "polluting industries", and its name accordingly be removed from the list of polluting industries.

Copy of Letter dated 19.11.2022 addressed by the respondent to Addl. District Collector, Mahabubnagar is annexed herewith as **Annexure-3.**

9. Both the proceedings are *sub judice* as on date. Yet the applicant has vide prayer (v) of the O.A. sought recovery of the reassessed penalty for the entire violation period, even when proceedings to re-assess the penalty consequent to the directions of the Hon'ble NGT are pending at the adjudication stage. Without any orders being passed by TSPCB or the District Collector on whether the respondent is even liable to pay enhanced compensation, the



Applicants seek to short-circuit these proceedings by approaching this Hon'ble Tribunal.

10. It is pertinent to note that whilst disposing off O.A. 189/2019 vide order dated 15.01.2021, the Hon'ble NGT (Principal Bench) simply directed the TSPCB to "consider revision so as to cover the entire period of default". It did not positively direct that the Environmental Compensation has to be recovered for the entire period. Pursuant to this order, TSPCB was obligated to "consider revision" of Environmental Compensation only after hearing the submissions of all the parties against the proposed revision, which would be in compliance with the principles of natural justice. TSPCB has accordingly issued the SCN and the proceedings for considering revision are pending. Without the TSPCB taking any decision thereon, the Applicants have no cause of action on the basis of the order dated 15.01.2021.
11. It is pertinent to note that respondent was not made a party in O.A. 189/2019. As such, the only opportunity granted to establish that respondent is not a polluting industry and why compensation should not be recovered from it is before the TSPCB and District Collector, Mahabubnagar.
12. In fact, a perusal of S. 31 r/w 31B of the Air Act, and S. 31B r/w S.33B(a) of the Water Act make it clear that any appeal against the decision of the TSPCB has to be preferred before the Appellate Authority and the Applicants cannot approach this Hon'ble Tribunal directly against any decision of the TSPCB. As such, the TSPCB must decide the SCN. If the Applicants are aggrieved thereby, they must approach the Appellate Authority. The Applicants can only approach this Hon'ble Tribunal against a decision of the Appellate Authority, and cannot leapfrog directly to the NGT especially when no decision has even been taken by the TSPCB. Even S.33B(c) which provides for a direct appeal to the NGT requires directions to be first issued u/s 33A. Thus, without any such orders being passed, the Applicants have



no cause of action to approach this Hon'ble Tribunal. In this regard, reliance is placed upon the following decision:

(i) **T.N. Pollution Control Board v. Sterlite Industries (I) Ltd.**

(2019) 19 SCC 479

(Pr. 22 – *This order is an order which rejected renewal of consent to operate, and therefore, is traceable to Section 27 of the Water Act and Section 21 of the Air Act. There is no doubt whatsoever that an appeal against an order made under Section 27 of the Water Act is appealable to the appellate authority under Section 28 of the said Act. Under Section 33-B(a) of the said Act, if a person is aggrieved by an order or decision of the appellate authority under Section 28, it is then appealable to the NGT. This is made clear also by Section 16(a) of the NGT Act. Equally, an order refusing consent under Section 21 of the Air Act is appealable to the appellate authority under Section 31 of the Air Act, and thereafter, from the said appellate authority's order, to the NGT, under Section 31-B of the Air Act and Section 16(f) of the NGT Act. Pr. 24 – What becomes clear from the above narration of facts is the fact that while an appeal was still pending before the appellate authority, the NGT took up a matter directly against the original order dated 9-4-2018 which was challenged before the appellate authority even before the appellate authority could decide the same. However, Shri Sundaram referred to Section 28(4) of the Air Act and Section 31(4) of the Water Act to argue that appeals to the appellate authority must be decided expeditiously, and if they were not so decided, an appeal would lie to the NGT against a decision by the appellate authority not to decide the matter before it expeditiously. This argument must also be negatived as, in point of fact, no appeal was preferred from any orders of the appellate authority adjourning the proceedings. As we have seen, an appeal was directly filed from the order of the TNPCB dated 9-4-2018. Pr. 32 – From the above authorities, it is clear that an appeal is a creature of statute and an Appellate Tribunal has to act strictly within the domain prescribed by statute. It is obvious that an appeal would lie from an order or decision of the appellate authority under Section 28 of the Water Act to the NGT only under Section 33-B(a) of the Water Act read with Section 16(a) of the NGT Act. Similarly, an appeal would lie from an order or decision of the appellate authority under Section 31 of the Air Act to the NGT only under Section 31-B of the Air Act read with Section 16(f) of the NGT Act. Obviously, since no order or decision had been made by the appellate authority under either the Water Act or the Air Act, any direct appeal against an original order to the NGT would be incompetent. NGT's jurisdiction being strictly circumscribed by*



Section 33-B of the Water Act, read with Section 31-B of the Air Act, read with Sections 16(a) and (f) of the NGT Act, would make it clear that it is only orders or decisions of the appellate authority that are appealable, and not original orders. On the facts of the present case, it is clear that an appeal was pending before the appellate authority when the NGT set aside the original order dated 9-4-2018. This being the case, the NGT's order being clearly outside its statutory powers conferred by the Water Act, the Air Act, and the NGT Act, would be an order passed without jurisdiction. **Pr. 35** – It is, therefore, clear that no such provisions, as are contained in the UK Acts, being present in any of the Acts that we are concerned with, such leapfrog appeals to the NGT would necessarily be without jurisdiction. **Pr. 36** –...whereas Section 33-B(c) of the Water Act read with Section 16(c) of the NGT Act make it clear that directions issued under Section 33-A of the Water Act are appealable to the NGT, directions issued under Section 31-A of the Air Act are not so appealable. In fact, the statutory scheme is that directions given under Section 31-A of the Air Act are not appealable. This being the case, all the aforesaid orders, being composite orders issued under both the Water Act and the Air Act, it will not be possible to split the aforesaid orders and say that so far as they affect water pollution, they are appealable to the NGT, but so far as they affect air pollution, a suit or a writ petition would lie against such orders. Shri Sundaram's argument that these orders being substantially relatable to the Water Act would, therefore, not hold, as such orders are composite orders made both under the Water Act and the Air Act. Equally disingenuous is the reference to Section 14 of the NGT Act which only refers to the original jurisdiction of the NGT and not to its appellate jurisdiction. Also, to state generally that the subject-matter of environment lies with the NGT, is an argument of despair that must be dismissed for the reason that as held by us hereinabove, an appeal being a creature of statute, a statute either confers a right of appeal or it does not. In the present case, we have seen that so far as directions issued under Section 31-A of the Air Act are concerned, there is no right of appeal conferred by the Air Act read with the NGT Act... **Pr. 43** –...it is clear that Section 16 of the NGT Act is cast in terms that are similar to Section 14(b) of the Telecom Regulatory Authority of India Act, 1997, in that appeals are against the orders, decisions, directions, or determinations made under the various Acts mentioned in Section 16. It is clear, therefore, that under the NGT Act, the Tribunal exercising appellate jurisdiction cannot strike down rules or regulations made under this Act. Therefore, it would be fallacious to state that the Tribunal has powers of judicial review akin to that of a High Court exercising constitutional powers under Article 226 of the Constitution of



*India...we are of the view that the State Government order made under Section 18 of the Water Act, not being the subject-matter of any appeal under Section 16 of the NGT Act, cannot be “judicially reviewed” by the NGT. Following the judgment in BSNL [BSNL v. TRAI, (2014) 3 SCC 222] , we are of the view that the NGT has no general power of judicial review akin to that vested under Article 226 of the Constitution of India possessed by the High Courts of this country...” (emphasis supplied)*

Copy of judgment of Hon’ble Supreme Court in ***T.N. Pollution Control Board v. Sterlite Industries (I) Ltd.*** as reported in (2019) 19 SCC 479 is annexed herewith as **Annexure-4**.

13. Thus, prayer Nos (ii), (iv) and (v) are premature at this stage and hence not maintainable.

**No Environmental Clearance is required as per EIA Notification of 2006**

14. Vide prayer (i) of the instant O.A., the following relief has been sought:

*“(i) Direct the Union of India, CPCB and Telangana State PCB to stop highly polluting activities in the Special Economic Zone till the Environment Clearance granted from Union Ministry of Environment, Forest and CC after duly assessing the adverse impact of Pharmaceutical and other industries at TSIIC Special Economic Zone, Jadcharla of Mahaboob Nagar District in Telangana.”*

15. Para 2 of the EIA Notification, 2006 states that for the projects or activities listed in the schedule, prior Environmental Clearance from 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 is required before any construction work, or preparation of land by the project management (except for securing the land) is started on the project or activity.



Copy of EIA Notification, 2006 is annexed herewith as **Annexure-5.**

16. Cl. 7(c) of the Schedule to the EIA Notification, 2006 states that *qua* Industrial estates/parks/complexes/areas, Export Processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks and Leather Complexes, the same will fall within either Category 'A' or 'B' if:
- (i) Category 'A'
- (a) If at least one industry therein falls under Category 'A', then the entire industrial area shall be treated as Category 'A', irrespective of the area
- (b) Industrial estates with area greater than 500 ha. and housing at least one Category B industry.
- (ii) Category 'B'
- (a) Industrial estates housing at least one Category B industry and area <500 ha.
- (b) Industrial estates of area > 500 ha. and not housing any industry belonging to Category 'A' or 'B'.
17. A perusal of the Schedule would reveal that this none of the respondent's industries herein fall under either Category 'A' or 'B'. Even the Joint Committee Report dated 20.01.2020 observed that the respondent's industries fall under the orange category only. It was further observed that Pharmaceutical Formulation industries do not come under the purview of EC (which view is also supported by a joint reading of Para 2 r/w Cl. 7(c) of the Schedule of the EIA Notification, 2006).
18. It is pertinent to note that the respondent is not even a "pharmaceutical industry". Rather it is only an Ayurvedic Ashwagandha extraction industry as stands recorded in the Joint Committee Report dated 20.01.2020 as well



as SCN dated 07.04.2022 issued by TSPCB. Thus, the respondent is not required to obtain any Environmental Clearance under the EIA Notification, 2006.

19. Accordingly, prayer (i) in the O.A. seeking a direction that activities of the manufacturing units be stopped until Environmental Clearance is granted is not maintainable *qua* the answering respondent.

### PARAWISE REPLY

20. In reply the contents of Para 1, it is denied that any pollution is being caused by the respondent. As the rest of the contents do not pertain to the Respondent, no reply is being given thereto.
21. In reply to the contents of Para 2, it is denied that any air, water or soil pollution is being caused by the respondent. In fact, respondent has obtained CFO effective from 17.08.2017, which has been renewed on 29.04.2022 and 23.01.2023. It is also pertinent to note that the SCN dated 07.04.2022 by TSPCB in para 15 records that:

*“As per Joint Action committee report constituted by NGT there were no direct discharge of treated or untreated effluents outside the premises. Further, ground water samples collected from bore wells of agricultural fields from surroundings of SEZ used for irrigation meet the IS: 11624-1986 (Reaffirmed 2009).*

*The soil sample collected from agricultural fields from northern side of the sludge where complainants fields are located, reveals that the pH of the soil is slightly alkaline, salinity effect is negligible as Electrical conductivity is reported less than 1dSm-1, Micro nutrients like Zinc & Copper are less than critical levels and Heavy Metals like Cadmium, Nickel, Lead and Chromium are less than permissible limits”*

Similarly, order dated 27.07.2019 of the TSPCB specifically records that  
*“The committee noted that the process adopted by the industry does not*

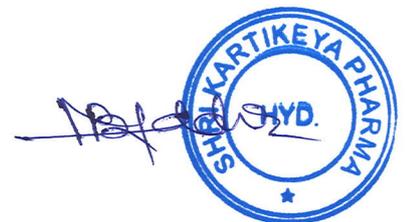


*contain any pollutants in the water*". Thus it is submitted that no pollution is being carried on by the answering Respondent.

Copy of CFO dated 23.01.2023 is annexed herewith as **Annexure-6**.

Copy of order dated 27.07.2019 of the TSPCB is annexed herewith as **Annexure-7**.

22. In reply to the contents of Para 3, it is denied that the respondent is a pharmaceutical company. It is only an Ayurvedic Ashwagandha extraction industry, as stands recorded in the Joint Committee Report dated 20.01.2020 as well as SCN dated 07.04.2022 issued by TSPCB. It is further denied that respondent is causing any pollution in violation of the directions issued by the TSPCB and this Hon'ble Tribunal. For the sake of brevity, the contents of paras 4, 4.1 to 4.7, 6 to 13 and 21 above may be read into this para.
23. In reply to the contents of Para 4, it is denied that respondent is causing any smell nuisance or releasing any chemical pollutants whatsoever. For the sake of brevity, the contents of Paras 4, 7 and 8 may be read into this para. It is admitted that the Board had on one occasion issued a closure order. However, TSPCB revoked the closure order vide order dated 16.05.2018.
24. In reply to the contents of Para 4a, it is submitted that the respondent being an Ashwagandha Extraction industry is not required to obtain any Environmental Clearance under the EIA Notification, 2006. For the sake of brevity, the contents of Paras 14 to 18 above may be read into this para.
25. In reply to the contents of Para 4b, it is denied that there is inaction on the part of the official respondents. In compliance of order dated 15.01.2021 passed in O.A. 189/2019, TSPCB issued a SCN to the respondent *qua* re-assessment of penalty for the entire violation period. Similarly, the District



Collector, Mahabubnagar has issued a letter dated 01.11.2022 for conduct of Joint Inspection *qua* the same allegations of pollution as raised in this OA. The respondent has filed its reply to both and further proceedings are pending. Thus, the contention that there is inaction on the part of the official respondents has no merit.

26. In reply to the contents of Para 4c, it is submitted that no pollution is being caused by the respondent. In compliance of S. 21 of the Air (Prevention and Control of Pollution) Act, 1981 (“**Air Act**”) respondent has also obtained CFO effective from 17.08.2017, which has been renewed on 29.04.2022 and 23.01.2023. There is no allegation made against the respondent in the SCN that it has discharged emissions of any air pollutant in excess of the standards laid down by the TSPCB. Furthermore, the respondent has duly complied with all directions of the TSPCB, and TSPCB is yet to take any decision pursuant to SCN dated 07.04.2022 as to whether the respondent has violated any of its directions. Thus, no order u/s 37 of the Air Act can be passed against the respondent.
27. The contents of Para 4. (d) do not pertain to the respondent, hence no reply is being given.
28. The contents of Para 5 are denied. For the sake of brevity, the contents of Paras 4, 4.1 to 4.7, 7, 8, 18, 22, 25 and 26 may be read into this para.
29. The contents of Paras 5(i), 6, 7 do not pertain to the respondent. Hence no reply is being given.
30. In reply to Para 8, it is denied that the respondent is a pharmaceutical company. It is also denied that any Environment Clearance is required by the respondent under the EIA Notification, 2006. For the sake of brevity, the contents of Paras 14 to 18 above may be read into this para.



31. The contents of para 9 are denied. The respondent is following all precautionary pollution control measures and discharges no harmful gases or effluents. For the sake of brevity, the contents of Paras 4, 4.1 to 4.7, 7, 8, 20, 21, 25 above may be read into this para. In response to the submission that the State PCB has imposed a penalty for only 180 days on the respondent, it is submitted that this plea is premature as the TSPCB has already issued a SCN *qua* reassessment of Environmental Compensation pursuant to the directions of the Hon'ble NGT (PB) in order dated 15.01.2021. The respondent has furnished its reply thereto and the matter is still *sub judice*. Until the time a decision is taken by the TSPCB on the issue, the Applicants submissions in this regard are premature and deserve to be dismissed. For the sake of brevity, the contents of paras 4.1 to 4.7, 6 to 13 above may be read into this para.
32. The contents of Para 10 are a matter of record. Hence no reply is being given.
33. In reply to Para 11, it is denied that the respondent has challenged the report dated 12.01.2021 of the TSPCB or the order dated 15.01.2021 which was passed by the Hon'ble NGT (PB). However, the respondent reserves the right to file appropriate appeal against report of TSPCB and/or review against order dated 15.01.2021.
34. In reply to Para 12, it is denied that respondent is illegally releasing chemical waste water into adjoining lands. In fact, the respondent's residual water after processing has a TDS of 1200-1400, whereas the TDS of the groundwater is approximately 2000-3000. Thus, the respondent's residual water after processing is much cleaner than the groundwater, so much so that it can be used for soaking the trays, cleaning purposes as well as gardening. Unfortunately, since the neighboring industries have severely polluted the groundwater, the respondent was forced to construct a pond with RCC and



make it waterproof. For the sake of brevity, the contents of paras 4, 7, 21, 22 above may be read into this para.

35. In reply to para 13, it is denied that the respondent has violated any orders of TSPCB or the directions of the Hon'ble NGT, or that it has indulged in any pollution. The rest of the contents are a matter of record, and hence no reply is being given thereto.
36. The contents of Para 14 do not pertain to the respondent. Hence no reply is being given thereto.
37. In reply to the contents of Paras 15 to 17, it is submitted that pursuant to the directions of the Hon'ble NGT (PB) in order dated 15.01.2021, the TSPCB has already issued a SCN *qua* reassessment of Environmental Compensation. The respondent has furnished its reply thereto and the matter is still *sub judice*. Until the time a decision is taken by the TSPCB on the issue, the submission of the Applicants that Environmental Compensation must be calculated from the day of inception of the units is premature and deserve to be dismissed. It is also denied that the answering Respondent is a pharmaceutical unit. For the sake of brevity, the contents of Paras 4, 4.1 to 4.7, 6 to 13, 17, 21 and 30 above may be read into this para.

#### REPLY TO GROUNDS

38. The contents of Ground A are denied. It is denied that the Respondent is causing any air, water or soil pollution in violation of directions of TSPCB. For the sake of brevity, the contents of paras 4, 7, 18, 21 and 34 above may be read into this para.
39. The contents of Ground B are denied. For the sake of brevity, the contents of Para 25 above may be read into this para.

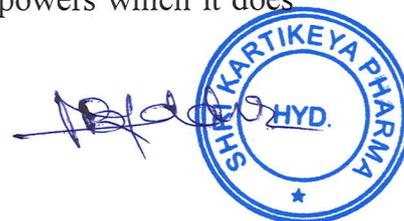


40. The contents of Ground C are denied. For the sake of brevity, the contents of Paras 4.1, 4.2, 6 to 13, 25, 31 and 37 above may be read into this para.
41. In reply to Ground D, it is denied that the respondent has indulged in any activities which are contrary to the Water Act as well as Environment Protection Rules, 1986. For the sake of brevity, the contents of paras 4.1 to 4.7, 7, 8, 18, 21 and 34 above may be read into this para.
42. The contents of Ground E do not pertain to the respondent. Hence no reply is being given thereto.
43. In reply to Ground F, it is submitted rather the help the Applicants, this judgment in fact demolishes their case as it establishes that the Applicants could not approach this Hon'ble Tribunal without awaiting decision by TSPCB. After the TSPCB renders a decision, then the second step for the Applicant is to approach the Appellate Authority against the decision of the TSPCB. As held in *Sterlite Industries supra*, the Applicants cannot leapfrog both these steps and come directly to this Hon'ble Tribunal. For the sake of brevity, the contents of para 12 above may be read into this para.
44. In reply to Ground G, it is submitted that the judgment in *Supertech Ltd. v. Emerald Court Owner Resident Welfare Assn., (2021) 10 SCC 1* does not apply to the facts of the instant case. In that case, a Writ Petition under Article 226 was filed before the Delhi High Court seeking quashing of revised plan approved by NOIDA Authority for construction of two new towers in Sector 93-A, Noida, alleging that the same was violative of NBR 2006, NBR 2010, U.P. Ownership of Flats Act, 1975 and U.P. Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010. The High Court allowed the writ petition and directed the towers to be demolished. The High Court also directed that the consideration paid by flat purchasers in the new towers be refunded, and that competent authority grant sanction to prosecute



the Authority's officials. The Hon'ble Supreme Court in light of these facts affirmed the judgment of the High Court and directed the towers to be demolished. This judgment does not apply to the facts of this case for the following reasons:

- (a) That judgment dealt with illegal and unauthorized constructions in violation of the building regulations and bye-laws. The *ratio* of the judgment is that unregulated construction materially affects the right of enjoyment of property by persons residing in a residential area, and hence, it is the duty of the municipal authority to ensure that the area is not adversely affected by unauthorised construction. In this case, there is no allegation of violation of any building/construction regulations or bye-laws in constructing the industrial units in the SEZ, or that the construction of these units has violated rights of others.
- (b) A crucial aspect on which the judgment is predicated was the collusion between the Noida Authority and the developer. In this case there are no allegations of any collusion between the officials of TSPCB and any of the Respondents. There are also no allegations that TSPCB willingly permitted any illegal and unauthorized constructions, allotments, or any other acts.
- (c) Demolition was ordered because in order to ensure illegal construction is dealt with strictly to ensure compliance with the rule of law, and developers do not violate the building regulations along with connivance of regulatory authorities. Demolition was not ordered on account of any pollution being caused.
- (d) There is no allegation in the instant case that TSPCB has acted in excess of its powers, or abused its powers, or usurped powers which it does not possess.



45. The contents of Ground H are denied. For the sake of brevity, the contents of paras 4, 4.1 to 4.7, 6 to 13, 18, 21, 25, 26, 31, 34, 37 and 43 above may be read into this para.
46. In reply to Ground I, it is submitted that the respondent is not indulging in any pollutive activities. Since TSCB is already seized of the matters raised in the O.A. and is yet to render its decision, as held in in *Sterlite Industries supra*, the Applicant cannot approach this Hon'ble Tribunal directly by leapfrogging the TSPCB and Appellate Authority. The question of whether the respondent is indulging in any polluting activities as on date and how the Environmental Compensation should be assessed has to be decided by the TSPCB. Thus, the O.A. is premature and the principle of precaution cannot be applied at this stage.
47. In reply to the Limitation para, it is denied that the respondent has caused any pollution, or that any acts of the Respondent are in derogation of the Environment (Protection) Act, 1986, Water Act or Air Act. It is further denied that any cause of action has arisen which is within the ambit of S.14 and S.15 of the NGT Act, 2010. In fact, as per the ratio of *Sterlite Industries supra*, the instant O.A. deserves to be dismissed as premature.
48. In reply to Interim Prayers, it is submitted that since the respondent is not indulging in any pollution, the interim prayers sought against the respondent are frivolous and vexatious. Moreover, this O.A. itself is premature and the Applicants could not have approached this Hon'ble Tribunal without any decision being taken by TSPCB. For the sake of brevity, the contents of paras 4.1 to 4.7, 6, 8 to 13, 21, 26, 31, 34, 37 and 46 above may be read into this para.



49. In light of the above, it is humbly prayed that the instant O.A. be dismissed with exemplary costs to secure the ends of justice.

Solemnly affirmed at Hyderabad,  
Telangana on this 12<sup>th</sup> day of May 2023

**VERIFICATION**

Verified at Hyderabad on this 12th day of May 2023 that the contents of paragraphs 1 to 49 of the above Affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Hyderabad on 12<sup>th</sup> day of May 2023.

  
  
 DEPONENT



*A. Bharathi Devi*  
 ATTESTED  
**A. BHARATHI DEVI** B.A., B.L.M.B.A.  
 ADVOCATE/NOTARY PUBLIC  
 Appointed By Govt. Of T.S. India  
 Akruthi Enclave, Shop No: 29, Road No: 5,  
 Opp: Bank of Maharashtra, KPHB, Hyd - 72.  
 G.O.M.S. NO:2747/149, Cell: 9704496575  
 My Commission Expires on 26/02/2026



**TELANGANA STATE POLLUTION CONTROL BOARD  
ZONAL OFFICE: HYDERABAD**

H.No.6-3-1219, Sy.No.TS No.1 Part, Block - C, Ward No.91, Near Country Club,  
Uma Nagar, Begumpet, Hyderabad. Phone: 040-23402495  
Email: jcaee-zhyd-tspcb@telangana.gov.in.

**BY REGD. POST WITH ACK. DUE**

**Order No. 15-MBNR/TSPCB/ZO-HYD/TF/2022- 46**

**Date: 07.04.2022**

**Sub :** TSPCB, ZOH - M/s. Shri Kartikeya Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District – Water (Prevention and Control of Pollution) Amendment Act, 1988 - Air (Prevention and control of Pollution) Amendment Act, 1987 – **Levy of Environmental compensation - SHOW CAUSE CUM HEARING NOTICE – ISSUED – Reg.**

- Ref :**
1. Industry's Consent Order No: 679-MHB/TSPCB/ZOH/CFO/2017, dated: 17.08.2017 valid up to 31.03.2022.
  2. Hon'ble NGT order dated: 15.04.2019 in OA No.189 of 2019.
  3. B.O order dated 17.05.2019.
  4. Board issued directions vide dated: 27.07.2019.
  5. Hon'ble NGT order dated: 20.09.2019.
  6. The Joint committee report dated: 20.01.2020.
  7. Hon'ble NGT Order dated 24.01.2020 in O.A. No. 189/2019.
  8. The EE, RO, Hyderabad report dated: 18.07.2020.
  9. The Task Force Committee meeting held on 31.10.2020 at TSPCB, Zonal Office, Hyderabad.
  10. T.O letter dated: 09.11.2020.
  11. Industry's reply dated: 25.11.2020.
  12. The Task Force Committee meeting held on 29.12.2020 at TSPCB, Zonal Office, Hyderabad.
  13. T.O mail dated: 30.12.2020.
  14. TSPCB, EE, RO, Hyderabad mail dated: 30.12.2020.
  15. The Task Force Committee meeting held on 02.01.2021 at TSPCB, Zonal Office, Hyderabad.
  16. T.O directions Order No. 15-MBNR/TSPCB/ZO-HYD/TF/2021-1610, dt: 05.01.2021.
  17. Hon'ble NGT order dated: 15.01.2021.

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1. **WHEREAS**, you are operating the industry located at Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District. The unit falls under Orange Category (Medium) and involved in engaged in Ashwagandha Extraction.
2. **WHEREAS**, vide reference 1<sup>st</sup> cited, the Board issued CFO to the unit vide order dated 17.08.2017 which was expired on 31.03.2022.
3. **WHEREAS**, vide reference 2<sup>nd</sup> cited, the Board has received Hon'ble NGT, New Delhi order dated 15.04.2019 in OA No.189 of 2019 based on a letter given by Sri. Sravan Kumar, Advocate to the Hon'ble NGT alleging that the pollution is being caused by Pharma Companies at TSIC SEZ in Jadcherla, Mahabubnagar District. The Hon'ble NGT passed on order vide order dated 15.04.2019 stating that:

*"Let TSPCB look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within 2 months".*

4. **WHEREAS**, vide reference 3<sup>rd</sup> cited, the Board has constituted a team vide order dated 17.05.2019 for inspection of industries located in TSIIC SEZ, Jadcherla, Mahabubnagar District and its surrounding area.
5. **WHEREAS**, vide reference 4<sup>th</sup> cited, Board issued certain directions to the industry on 27.07.2019 for non-compliances.
6. **WHEREAS**, vide reference 5<sup>th</sup> cited, as per the Hon'ble NGT order dated 20.09.2019 a Joint Committee constituted comprising of representatives from CPCB and SPCB in OA No. 189 of 2019 filed by Shravan Kumar, Advocate with regard to pollution being caused by Pharma Companies at TSIIC, SEZ Jadcherla of Mahaboobnagar, Telangana and directed to submit the factual report.
7. **WHEREAS**, vide reference 6<sup>th</sup> cited, the joint committee submitted a report to the Hon'ble NGT order on 20.01.2020 with certain recommendations.
8. **WHEREAS**, vide reference 7<sup>th</sup> cited, the above case came from hearing on 24.01.2020. The Hon'ble National Green Tribunal, Principal Bench, New Delhi, dated 24.01.2020 in O.A No. 189/2019 issued following order:
 

*“Further action may be taken by the TSPCB in terms of Joint committee recommendation and also compensation may be assessed and recovered on “polluter pay principle after following due process of hearing the concerned polluters. A further action taken may be filed before the next date.*
9. **WHEREAS**, vide reference 8<sup>th</sup> cited, the Environmental Engineer, Regional Office, Hyderabad has submitted the report to Zonal Office, Hyderabad regarding the Environmental Compensation which may be assessed and imposed on the industry for the period during which the industry was not complying, as per the guidelines issued by CPCB. As per the RO report, the number of non-compliance days is 950.
10. **WHEREAS**, vide reference 9<sup>th</sup> cited, issue was placed before the Task Force Committee meeting held at TSPCB, Zonal Office on 31.10.2020. The Committee noted that request made by the industry representatives to grant time for submitting their representation along with explanation pertaining to the non compliances of the industry. After detailed discussions, the committee considered the request of the industry and recommended to grant 15 days time for submitting their reply on the non compliances. The committee further recommended to intimate the industries regarding the non compliance of the directions issued to the industries and the number of days of violation.
11. **WHEREAS**, vide reference 10<sup>th</sup> cited, a letter was addressed to the industry and directed to submit their reply for carrying out assessment of Environmental Compensation (EC) as per CPCB guidelines and the TSPCB orders dated: 03.01.2020.
12. **WHEREAS**, vide reference 11<sup>th</sup> cited, the industry has submitted a reply on 25.11.2020 to the letter issued by the Board with regard to Environmental Compensation (EC).
13. **WHEREAS**, vide reference 12<sup>th</sup> cited, you were again given an opportunity for hearing before the Task Force Committee meeting held on 29.12.2020 for assessment and finalization of Environmental Compensation (EC) based on the report furnished by the Regional Officer, Hyderabad. You have represented that, you are manufacturing Ayurvedic Ashwagandha extraction, not discharged any waste water outside the premises. The committee, after detailed discussions, recommended the EE, RO, Hyderabad to submit the CFO details of the

industry i.e., date of issue of CFO order and validity period. Accordingly this office has directed to EE, RO, Hyderabad to submit the same, vide reference 13<sup>th</sup> cited.

14. **WHEREAS**, vide reference 14<sup>th</sup> cited, the EE, RO, Hyderabad has furnish the information pertaining to CFO status of the industry vide mail dated: 30.12.2020.

15. **WHEREAS**, , vide reference 15<sup>th</sup> cited, the committee was again reviewed the issue in the meeting held on 02.01.2021 noted the following:

- The industry is a Ayurvedic Ashwagandha Extraction industry only which falls under Orange category.
- As per Joint Action committee report constituted by NGT there were no direct discharge of treated or untreated effluents outside the premises. Further, ground water samples collected from bore wells of agricultural fields from surroundings of SEZ used for irrigation meet the IS:11624-1986 (Reaffirmed 2009).
- The soil sample collected from agricultural fields from northern side of the sludge where complainants fields are located, reveals that the pH of the soil is slightly alkaline, salinity effect is negligible as Electrical conductivity is reported less than 1dSm-1, Micro nutrients like Zinc & Copper are less than critical levels and Heavy Metals like Cadmium, Nickel, Lead and Chromium are less than permissible limits.
- The Joint Action Committee has observed the industry has partially not complied with CFO conditions and Board directions.

✓ 16. **WHEREAS**, the committee has reviewed the RO report dated: 18.07.2020 & 30.12.2020, the Joint committee report dated: 20.01.2020 constituted by the NGT, along with the reply submitted by the industry in detail. The committee noted that the No. of days of violation is 950 days as per the RO report. After detailed discussions, the committee based on the above has recommended to impose Environmental Compensation on the industry for a period of 180 days instead of 950 days.

17. **WHEREAS**, as per the Task Force committee decision, the Board issued directions to pay the Environmental Compensation (EC) of Rs. 9,00,000/- (Rupees Nine Lakhs Only). Subsequently, the industry has paid the Environmental Compensation for a period of 180 days only.

18. **WHEREAS**, the Hon'ble NGT has disposed the NGT O.A.No.189 of 2019 vide order dated 15.01.2021, directing TSPCB to recover the assessed compensation, taking coercive measures for default in payment, including closure till compliance and also consider revision so as to recover the entire period of default for i.e., for total No. of **950 days**. The industry has already paid an amount of 9,00,000/- for 180 days and has to pay Environmental Compensation for balance **770 days**.

Total nos. of days of violation (N) as **770 days (balance period)**, Pollution Index of industrial sector (PI) as 50, Scale of operation (S) as 1, Location Factor (LF) as 1 and Factor of Rupees (R) as Rs. 100/-.

$$EC = PI \times N \times R \times S \times LF$$

In view of the above, the environmental compensation is finalized as:

$$EC = 50 \times 770 \times 100 \times 1 \times 1 = \text{Rs. } 38,50,000/- \text{ (Rupees Thirty Eight Lakhs Fifty Thousand Only)}$$

In view of the above, you are hereby directed to appear before the Legal Hearing Committee of the Zonal Office, TSPCB, Begumpet, Hyderabad on 23.04.2022 at 11:00 AM along with your reply to this Show Cause Notice.

The Board will be constrained to take any legal action against your unit, if you fail to appear before the Legal Hearing Committee and fail to reply to this Show Cause Notice under the provisions of the Air (Prevention & Control of Pollution) Amendment Act, 1987, and Water (Prevention and Control of Pollution) Amendment Act, 1988 and Environment (Protection) Act, 1986, without any further notice.

  
**JOINT CHIEF ENVIRONMENTAL ENGINEER**

**To**  
**M/s. Shri Kartikeya Pharma (SEZ Unit),**  
**Sy.No.408-412, 418-435, 437-445,**  
**Polepally (V), Jadcherla (M),**  
**Mahaboobnagar District – 509301.**  
**Email Id: kartikeya999@yahoo.com**

**Copy Submitted to:**

1. The Chief Environmental Engineer, TSPCB, Board Office for kind information.
2. The Senior Environmental Engineer (Unit-II, Legal), TSPCB, Board Office for kind information.
3. The Environmental Engineer, TSPCB, Regional Office, Hyderabad for information and necessary action.



SHRI KARTIKEYA PHARMA



To  
Joint Chief Environmental Engineer  
TSPCB,  
Hyderabad, Telangana.

25<sup>th</sup> April 2022

30 APR 2022

Subject: Response to order no. 15 – MBNR/TSPCB/ZO-HYD/TF/2022 – 07.04.2022

Dear Sir,

We are writing this, in response to your letter dated 07.04.2022. We Shri Kartikeya Pharma, manufacturers of KSM-66 Ashwagandha (Ixoreal Group) would like to put forth a few facts to enable you to know about our company and our product. We are manufacturing only one product "KSM-66 Ashwagandha."

Ashwagandha is a flagship herb of Ayurveda, used for centuries in our traditional system of medicine. Ashwagandha is used for its a variety of health benefits such as reducing stress, and anxiety, improving sleep, strength, memory, and sexual wellbeing in both men and women. It is also a powerful antioxidant and an **immunity booster**. We have provided a large number of our Ashwagandha root extract capsules to the frontline workers and government employees during COVID 19 period across the nation. During this period, studies also have shown that Ashwagandha is highly beneficial in boosting immunity and wellbeing.

We are a company that also believes in science-backed research and have conducted 24 clinical studies, out of which 19 are published in high-impact factor international journals. We also have 16 studies that are ongoing including a global study involving 5 continents and 1000 participants. We take pride in informing you that no one around the world has done so much research on a single product. We are the only company that holds 41 renowned national and international quality certifications for our product "KSM-66 Ashwagandha."

Recently on 29<sup>th</sup> March 2022, our beloved PM Shri Narendra Modi Ji has mentioned in his most popular program Mann Ki Baat that "Ixoreal has not only created awareness about benefits of Ashwagandha but also has invested heavily in top quality production process." (Screenshots of the same are enclosed for your kind reference - Annexure – 1).

We would like to emphasize that **we do not use any chemicals or solvents for our extraction process**. In fact, we follow the traditional principles of extraction mentioned in our ancient texts in our manufacturing unit. In general, people opine that any residual is detrimental to the soil, but our Ashwagandha extract is completely organic and rather than being detrimental to the soil, it is highly beneficial and improves the fertility of the soil.

We would like to again reply pointwise to your letter dated 9 /11 /2020:

	Your Observation	Our Response
1	<ul style="list-style-type: none"> <li>The brown-colored sludge was observed at the outlet of the industry in the stormwater drain.</li> </ul>	<ul style="list-style-type: none"> <li>Ashwagandha is an agricultural product, the roots are enveloped with soil and while cleaning and curing the water becomes brown (due to the soil).</li> </ul>

Regd. Off.: 5-9-225, 3rd Floor, Sanali Estate, C A Lane, Abids, Hyderabad-500001, Telangana State, India.

Corporate Off.: H.No 1057F2, 3rd Floor, PBN Centre, Jubilee Hills, Road No:45, Hyderabad-500033, Telangana, India.

Ph: +91 40 23554386

e-mail:info@ixoreal.com, website: www.ksm66ashwagandhaa.com

	<ul style="list-style-type: none"> <li>• Similar type of sludge was observed in the drains within the industry due to the washing of trays which are kept in a large shed adjacent to the wall.</li> </ul>	<ul style="list-style-type: none"> <li>• The color of Ashwagandha is naturally brown and after washing and cleaning the residual left in the tray would be in brown color only. But we would like to again emphasize that if we use this residual for sprinkling and watering purposes, it will definitely increase the fertility and quality of the soil.</li> </ul>
2	<ul style="list-style-type: none"> <li>• The industry is operating without obtaining the CFO of the board.</li> <li>• The industry has not started the development of greenbelt</li> </ul>	<ul style="list-style-type: none"> <li>• We would like to inform you that we have obtained CFO which was effective from 17.08.2017.</li> <li>• Though we are not a polluting industry, we are having 40% greenery complying with the greenbelt.</li> </ul>
3	Industry has constructed below ground level collection tank for collection of sludge. The industry has provided a pipeline connection to ETP for pumping sludge.	<p>We are sorry to say that our neighboring industries are polluting the groundwater so miserably that even if dig up to 4 feet, colored water comes out. To prevent this, we were forced to construct the pond with RCC and made it waterproof. Also note that we have not provided any connection to the ETP, and the pipeline seen was not near the ETP but in the entire factory premises. This was used for gardening purposes (Watering the plants).</p> <p>With great sorrow, we would again like to bring to your kind notice, that though our residual water quality after the processing is very much better than the groundwater, we are still forced to send this water to PETL since 2018.</p>
4	As per the Board Directions dated 27.09.2019, The industry shall dismantle all the below ground effluent storage tanks. But the industry has below ground level collection tank in tank near tray washing i.e., syntax tank placed in RCC tanks.	<p>The above-mentioned below-ground level collection tank near the tray washing area was used for soaking the trays and cleaning purposes. We would like to humbly reiterate that it was not an effluent storage tank since we were using it for cleaning purposes.</p> <p>We request you to kindly note that because our neighboring industries are polluting the groundwater so miserably, we made it RCC.</p>
5	<ul style="list-style-type: none"> <li>• The industry has not dismantled below ground level storage tanks.</li> <li>• The industry has not provided storage tank before disposing to CETP.</li> <li>• The industry has not submitted revalidated Bank Guarantee.</li> </ul>	<ul style="list-style-type: none"> <li>• As you might be aware, According to Vaastu, the Northeast corner filled with water brings prosperity, hence we have not dismantled it. Also, a water fountain is placed there for beautification purposes.</li> <li>• When we talk about the conservation of water, sending our residual water to CETP is not required and we can directly use it for gardening. But still, to meet CFO requirements we have constructed ETP and followed these norms.</li> <li>• It was because of oversight and immediately we have submitted Bank Guarantee no –</li> </ul>

	<ul style="list-style-type: none"> <li>The industry has not submitted details ETP sludge lifted to TSDF.</li> </ul>	<p>F01 BGP1925500002, dated 06.09.2020 valid upto 06.09.2023. (Copy of the bank guarantee enclosed - - Annexure – 2)</p> <ul style="list-style-type: none"> <li>We reiterate and humbly submit, that though our quality of residual water is much better than the groundwater, according to your directions, though not required, we are sending only water (not sludge) to the PETL and these details were regularly sent via email and physical copies have been submitted.</li> </ul>
6	<ul style="list-style-type: none"> <li>The industry has not submitted details of ETP sludge lifted to TSDF.</li> <li>The industry has not provided a storage tank before disposing to CETP.</li> <li>The industry has not dismantled below ground level storage tanks.</li> <li>The industry has not submitted revalidated Bank Guarantee.</li> <li>The industry has below ground level collection tank in tank near tray washing i.e. syntax tank placed in RCC tanks.</li> </ul>	<ul style="list-style-type: none"> <li>We reiterate and humbly submit, that though our quality of residual water is much better than the ground water, according to your directions, though not required, we are sending only water (not sludge) to the PETL and these details were regularly sent via email and physical copies have been submitted.</li> <li>When we are talk about the conservating the water, sending our residual water to CETP is not and we can talk directly use it for gardening. But still to meet CFO requirements we have constructed ETP and following these norms.</li> <li>As you might be aware, According to Vaastu, the Northeast corner filled with water brings prosperity, hence we have not dismantled. Also, a water fountain is placed there for beautification purpose.</li> <li>It was because oversight and immediately we have submitted Bank Guarantee no – F01 BGP1925500002, dated 06.09.2020 valid upto 06.09.2023. (Copy of the bank guarantee enclosed - - Annexure – 2).</li> <li>The above mentioned below ground level collection tank near the tray washing area was used for soaking the trays and cleaning purposes. We would like to humbly reiterate that it was not effluent storage tank since we were using it for cleaning purpose. We request you to kindly note that because our neighboring industries are polluting the ground water so miserably, we made it RCC.</li> </ul>

We fall under orange category, only because we use a boiler (to conserve electricity), but we would like to bring to your kind notice that we are using LPG for boiler which is safe for the environment.

We would like to bring to your notice that fortunately or unfortunately we are surrounded by highly polluting industries, and we are suffering unnecessarily because of their violations.

We would humbly submit again that our product is based on Green Chemistry – and we do not use any chemicals or solvents for our extraction process. We request you to kindly refer to your own report dated 22.07.2019, where your people came to our premises for sudden inspection and have collected samples from the above-mentioned RCC tanks and ETP aeration. The results of your own analysis report are self-explanatory and clearly show that our residual water is much below your own prescribed standards (Copy Enclosed - Annexure – 3)

We would also like to bring to your kind notice that the TDS of groundwater is approximately around 2000 – 3000, and our processed residual water is 1200 - 1400. This clearly denotes that the quality of our residual water is much better than the groundwater. Therefore, we request to please give us clearance not to send any more water to PETL and allow us to use the water for our internal cleaning and gardening purposes.

We would also like to inform you that the CFO has been renewed on 29.04.2022. A copy of the same is enclosed (Annexure – 4).

Also, kindly note that though not necessary, we have paid Rs. 9,00,000/- under pressure and to avoid unnecessary hurdles and inconvenience for the smooth running of our facility (copy of the same enclosed - Annexure 5).

By citing the above facts, it is clear that we are not causing any kind of pollution and we do not fall under polluting industries. Hence, we request you to kindly remove our name from the list of the polluting industries and help us to conserve the water as well as the environment.

Keeping all these facts in mind, we humbly request you to revisit your order dated 07.04.2022 and waive off the amount and kindly refund the Rs. 9,00,000 which we have paid earlier under pressure, if possible.

Thanking you with regards



Authorized Signatory

Shri Kartikeya Pharma (Ixoreal Group)



SHRI KARTIKEYA PHARMA  
(SEZ UNIT)

32  
KSM-66<sup>®</sup>  
ashwagandha

DF 19-11-2022

To,  
Shri Kolanupaka Seetha Rama Rao (Rev),  
Additional collector,  
Mahabubnagar.

Subject: No.Rev/C1/POLN/0012/2022 Notice dated on 01/11/2022.

Dear Sir,

We are writing this is an response to your letter dated 01/11/2022. We Shri Kartikeya pharma Plot # S-18, Green Industrial Park, TSIC Polepally (V), Jadcherla, 509301, Mahaboobnagar, Telangana, India. Manufacturers of KSM-66 Ashwagandha (Ixoreal Group) would like to put forth a few facts to enable you to know about our company and our product .We are manufacturing only one product "KSM-66 Ashwagandha."

Ashwagandha is a flagship herb of Ayurveda, used for centuries in our traditional system of medicine. Ashwagandha id used for its variety of health benefits such as reducing stress and anxiety ,improving sleep, strength memory, and sexual wellbeing in both men and women. It is also powerful antloxldant and an **Immunity booster**. We have provided a large number of our Ashwagandha root extract capsules to the frontline workers and and government employees during Covid-19 period across the nation. During this period studies also have shown that Ashwagandha is highly beneficial in boosting immunity and wellbeing.

We are a company that also believes science backed research and have conducted 24 clinical studies, out of which 19 are published in high- impact factor international journals. We also have 16 studies that are ongoing the including the global study involving 5 continents and 1000 participants .we take pride in informing you that no one around the world has done

1/2

5-9-225, 3rd Floor, Sanali Estate, C A Lane, Abids, Hyderabad-500001, Telangana State, India.  
Tel: +91 40-66661037, 23204385, 23204386, Mobile : +91 98490 30798

**Factory:** Plot No. S-18, TSIC Ltd., SEZ Polepally Village, Jadcherla Mandal, Mahaboobnagar (Dist.), Telangana - 509301.  
e-mail: info@ixoreal.com , website: www.ksm66ashwagandhaa.com



**SHRI KARTIKEYA PHARMA**  
(SEZ UNIT)

**KSM-66**   
ashwagandha

so much research on a single product. We are the only company that holds 41 renowned national and international quality certifications for our product "KSM-66 Ashwagandha."

Recently on 29<sup>th</sup> March 2022, our beloved PM Shri Narendra Modi has mentioned in his most popular program Mann Ki Batt that Ixoreal has not only created awareness about benefits of Ashwagandha but also has invested in top quality production process.

We would like to emphasize that we do not use any chemicals or solvents for our extraction process. In fact we follow the traditional principles of extraction mentioned on our ancient texts in our manufacturing unit. In general people opine that any residual is determined to the soil but our Ashwagandha extract is completely organic and rather than being detrimental to the soil, it is highly beneficial and improves the fertility of the soil.

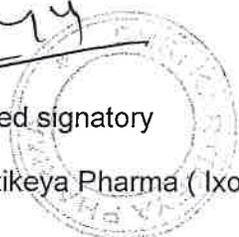
We would also like to bring to your kind notice that TDS of groundwater is approximately around 2000-3000, and our processed residual water is 1200-1400. This clearly denotes that the quality of our residual water is much better than the groundwater. Therefore, we request to please give us clearance not to send any more to PETL and allow us to use the water for our internal cleaning and gardening purposes.

By citing the above facts, it is clear that we are not causing any kind of pollution and we do not fall under polluting industries. Hence, we request you to kindly remove our name from the list of polluting industries and help us to conserve the water as well as the environment.

Thanking you with regards.

Authorized signatory

Shri Kartikeya Pharma (Ixoreal Group)



2/2

**(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)  
MINISTRY OF ENVIRONMENT AND FORESTS  
New Delhi 14<sup>th</sup> September, 2006  
Notification**

S.O. 1533(E). - Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India<sup>1</sup>, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18<sup>th</sup> May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15<sup>th</sup> September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15<sup>th</sup> September, 2005;

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

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27<sup>th</sup> January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

<sup>1</sup>Includes the territorial waters

**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, 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 and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

**3. State Level Environment Impact Assessment Authority:-** (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

<sup>1</sup>“(7) All decisions of the SEIAA shall be taken in a meeting and shall ordinarily be unanimous:

Provided that, in case a decision is taken by majority, the details of views, for and against it, shall be clearly recorded in the minutes and copy thereof sent to MoEF.”

#### **4. Categorization of projects and activities:-**

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.
- (ii) All projects or activities included as Category ‘A’ in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;
- (iii) All projects or activities included as Category ‘B’ in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, *will* require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. <sup>II</sup> “In the absence of a duly constituted SEIAA

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

or SEAC, a Category 'B' project shall be considered at Central Level as a Category 'B' project;"

#### **5. Screening, Scoping and Appraisal Committees:-**

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

- (a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;
- (b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;
- (c) The EAC and SEAC shall be reconstituted after every three years;
- (d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;
- (e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

#### **6. Application for Prior Environmental Clearance (EC):-**

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

## **7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-**

**7(i)** The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

### **I. Stage (1) - Screening:**

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

### **II. Stage (2) - Scoping:**

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form 1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

- (ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.
- (iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

### III. **Stage (3) - Public Consultation:**

- (i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

(a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
  - (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- III “(cc) maintenance dredging provided the dredged material shall be disposed within port limits.”;
- III “(d) All Building or Construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8(a) and 8(b) in the Schedule to the notification).”
- e) all Category ‘B2’ projects and activities.
  - f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
- (ii) The Public Consultation shall ordinarily have two components comprising of:-
- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
  - (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
- (iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five ) of a request to the effect from the applicant.
- (iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.
- (v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.
- (vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form, within seven days of the receipt of a written request for arranging the public hearing. Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.
- (vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

#### **IV. Stage (4) - Appraisal:**

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.
- (ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.
- (iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days .The prescribed procedure for appraisal is given in Appendix V ;

**7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:**

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

#### **8. Grant or Rejection of Prior Environmental Clearance (EC):**

- (i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.
- (ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.
- (iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

- (iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.
- (v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.
- (vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

#### **9. Validity of Environmental Clearance (EC):**

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

#### **10. Post Environmental Clearance Monitoring:**

- <sup>IV</sup> (i)(a) In respect of Category 'A' project, it shall be mandatory for the project proponent to make public the environment clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the project proponent's website permanently.
- (b) In respect of Category 'B' projects, irrespective of its clearance by MoEF / SEIAA, the project proponent shall prominently advertise in the newspapers indicating that the project has been accorded environment clearance and the details of the MoEF website where it is displayed.
- (c) The Ministry of Environment and Forests and the State/Union Territory Level Environmental Impact Assessment Authorities (SEIAAs), as the case may be, shall also place the environmental clearance in the public domain on Governmental portal.
- (d) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.”;
- <sup>IV</sup> (ii) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1<sup>st</sup> June and 1<sup>st</sup> December of each calendar year.
- <sup>IV</sup> (iii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

**11. Transferability of Environmental Clearance (EC):**

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

**12. Operation of EIA Notification, 1994, till disposal of pending cases:**

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27<sup>th</sup> January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I , or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**SCHEDULE**

(See paragraph 2 and 7)

**LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE**

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
<b>1</b>		<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>		
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
<sup>v</sup> 1(a)	(i) Mining of minerals.  (ii) Slurry pipelines (coal lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	<p>≥ 50 ha. of mining lease area in respect of non-coal mine lease.</p> <p>&gt; 150 ha of mining lease area in respect of coal mine lease.</p> <p>Asbestos mining irrespective of mining area</p> <p>All projects.</p>	<p>&lt;50 ha ≥ 5 ha .of mining lease area in respect of non-coal mine lease.</p> <p>≤ 150 ha ≥ 5 ha of mining lease area in respect of coal mine lease.</p>	<p>General Condition shall apply</p> <p>Note: Mineral prospecting is exempted.”;</p>
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p><b>Note</b></p> <p>Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(c)	River Valley projects	<p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p>	<p>(i) &lt; 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) &lt; 10,000 ha. of culturable command area</p>	<p><sup>v</sup> “General Condition shall apply. Note: Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category ‘B’ Projects.”;</p>

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
1(d)	Thermal Power Plants	v " ≥ 500 MW (coal / lignite / naphtha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW (based on biomass or non hazardous municipal waste as fuel).";	< 500 MW (coal / lignite / naphtha & gas based); <50 MW ≥ 5MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW > 15 MW (based on biomass or non hazardous municipal waste as fuel).";	v "General Condition shall apply. Note: (i) Power plant up to 15 MW, based on biomass and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (ii) Power plant up to 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.";
1(e)	Nuclear power projects and processing of nuclear fuel	All projects		
<b>2</b>		<b>Primary Processing</b>		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

<b>3</b>				
<b>(1)</b>	<b>(2)</b>	<b>Materials Production</b>		
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
3(a)	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing $\geq 200$ TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry i.) All toxic and heavy metal producing units <20,000 tonnes /annum ii.) All other non –toxic secondary metallurgical processing industries >5000 tonnes/annum	<sup>v</sup> “General condition shall apply. Note: (i) The recycling industrial units registered under the HSM Rules, are exempted. (ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electrical arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance. (iii) Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.”
3(b)	Cement plants	$\geq 1.0$ million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply
<b>4</b>				
<b>(1)</b>	<b>(2)</b>	<b>Materials Processing</b>		
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	$\geq 2,50,000$ tonnes/annum	<2,50,000 & $\geq 25,000$ tonnes/annum	<sup>v</sup> “General Condition shall apply.”
4(c)	Asbestos milling and asbestos based products	All projects	-	-

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
4(d)	Chlor-alkali industry	≥300 TPD production Capacity or a unit located out side the notified industrial area/ estate	<sup>v</sup> “(i) All projects irrespective of the size, if located in a Notified Industrial Area/ Estate. (ii) <300 tonnes per day (TPD) and located outside a Notified Industrial Area/ Estate.”	<sup>v</sup> “General as well as specific condition shall apply. No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this notification.”
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	<sup>v</sup> “General as well as specific condition shall apply.”
<b>5</b>		<b>Manufacturing / Fabrication</b>		
5(a)	Chemical fertilizers	<sup>v</sup> “All projects except Single Super Phosphate.”	<sup>v</sup> “Single Super Phosphate.”	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibers manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	<sup>v</sup> “General as well as specific condition shall apply.”

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located outside the notified industrial area/ estate	Located in a notified industrial area/ estate	<sup>v</sup> "General as well as specific condition shall apply."
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries $\geq 30$ KLD	All Cane juice / non-molasses based distilleries - <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp & Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	$\geq 5000$ tcd cane crushing capacity	General Condition shall apply
5(k)	<sup>v</sup> Omitted			
<b>6</b>	<b>Service Sectors</b>			
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks / sanctuaries / coral reefs / ecologically sensitive areas including LNG Terminal	All projects		-

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
<b>7</b>		<b>Physical Infrastructure including Environmental Services</b>		
7(a)	Air ports	<sup>v</sup> "All projects including airstrips, which are for commercial use."	-	<sup>v</sup> "Note: Air strips, which do not involve bunkering/ refueling facility and or Air Traffic Control, are exempted."
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7©	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area.  Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	Industrial estates housing at least one Category B industry and area <500 ha.  Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	<sup>v</sup> "Genral as well as special conditions shall apply.  Note: 1. Industrial Estate of area below 500 ha. and not housing any industry of Category 'A' or 'B' does not require clearance. 2. If the area is less than 500 ha. but contains building and construction projects > 20,000 Sq. mts. And or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be."
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
7(e)	<sup>v</sup> "Ports, harbours, break waters, dredging."	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	<sup>v</sup> "General Condition shall apply. Note: 1. Capital dredging inside and outside the ports or harbors and channels are included; 2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained."
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	<sup>v</sup> " i) All State Highway Project; and ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas."	General Condition shall apply. Note: Highways include expressways."
7(g)	Aerial ropeways	<sup>v(xvi)(a)</sup> "(i) All projects located at altitude of 1,000 mtr. And above. (ii) All projects located in notified ecologically sensitive areas."	<sup>v(xvi)(b)</sup> "All projects except those covered in column (3)."	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply
8		<b>Building /Construction projects/Area Development projects and Townships</b>		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**Note:-****V<sup>(xvii)</sup> “General Condition (GC):**

Any project or activity specified in Category ‘B’ will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as identified by the Central Pollution Control Board from time to time, (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Mahabaleshwar Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and (iv) inter-State boundaries and international boundaries:

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

**Specific Condition (SC):**

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre –defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**APPENDIX I**  
**(See paragraph – 6)**  
**FORM 1**

**VI(a) “(I) Basic Information**

Serial Number	Item	Details
1.	Name of the project/s	
2.	S. No. in schedule	
3.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number of wells to be drilled	
4.	New/Expansion/Modernization	
5.	Existing Capacity/Area etc.	
6.	Category of Project i.e. ‘A’ or ‘B’	
7.	Does it attract the general condition? If Yes, please specify.	
8.	Does it attract the specific condition? If Yes, please specify.	
9.	Location	
	Plot/Survey/Khasra No.	
	Village	
	Tehsil	
	District	
	State	
10.	Nearest railway station/airport along with distance in kms.	
11.	Nearest Town, city, District Headquarters along with distance in kms.	
12.	Village Panchayats, Zilla Parishad, Municipal Corporation, Local body (complete postal addresses with telephone nos. to be given)	
13.	Name of the applicant	
14.	Registered Address	
15.	Address for correspondence:	
	Name	
	Designation (Owner/Partner/CEO)	
	Address	
	Pin Code	
	E-mail	
	Telephone No.	
Fax No.		
16	Details of Alternative Sites examined, if any. Location of these sites should be shown on a topo sheet.	Village-District-State 1. 2. 3.
17.	Interlinked Projects	
18	Whether separate application of interlinked project has been submitted?	

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

19.	If yes, date of submission	
20.	If no, reason	
21.	Whether the proposal involves approval/ clearance under: If yes, details of the same and their status to be given. (a) The Forest (Conservation) Act, 1980 ? (b) The Wildlife (Protection) Act, 1972 ? (c) The C.R.Z. Notification, 1991 ?	
22.	Whether there is any Government Order/Policy relevant/ relating to the site ?	
23.	Forest land involved (hectares)	
24.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up ? (a) Name of the Court. (b) Case No. (c) Orders/directions of the Court, if any and its relevance with the proposed project.	

## (II) Activity

- 1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		
1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut And fill or excavations		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

**2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, sand / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

**3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**4. Production of solid wastes during construction or operation or decommissioning (MT/month)**

<b>S.No.</b>	<b>Information/Checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities/rates, wherever possible) with source of information data</b>
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment.		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

**5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)**

<b>S.No.</b>	<b>Information/Checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities/rates, wherever possible) with source of information data</b>
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources.		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

#### 6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

#### 7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

**9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting. lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: <ul style="list-style-type: none"> <li>• Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.)</li> <li>• housing development</li> <li>• extractive industries</li> <li>• supply industries</li> <li>• other</li> </ul>		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**(III) Environmental Sensitivity**

<b>S.No.</b>	<b>Areas</b>	<b>Name/ Identity</b>	<b>Aerial distance (within 15 km.) Proposed project location boundary</b>
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, esting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses ( <i>hospitals, schools, places of worship, community facilities</i> )		
10	Areas containing important, high quality or scarce Resources ( <i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i> )		
11	Areas already subjected to pollution or environmental damage. ( <i>those where existing legal environmental standards are exceeded</i> )		
12	Areas susceptible to natural hazard which could cause the project to present environmental Problems ( <i>earthquakes, subsidence, landslides, erosion, Flooding or extreme or adverse climatic conditions</i> )		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**(IV). Proposed Terms of Reference for EIA studies**

<sup>VI(b)</sup> “I hereby given undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance give, if any to the project will be revoked at our risk and cost.”

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Signature of the applicant  
With Name and Full Address  
(Project Proponent/Authorised Signatory)

**NOTE:**

1. The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a C.R.Z. map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z. (at the stage of TOR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C.R.Z. Notification, 1991 for the activities to be located in the CRZ.
2. The projects to be located within 10 km of the National Prks, Sancturries, Biosphere Reserves, Migratory Corridors of Wile Animals, the project proponenet shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden thereon (at the stage of EC).”
3. All correspondence with the Ministry of Environment & Forests including aubmission of application for TOR/Environmental Clearance, subsequent clarifications, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponenet shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being and authorized signatory for the specific project.”

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**APPENDIX II**  
**(See paragraph 6)**

**FORM-1 A (only for construction projects listed under item 8 of the Schedule)**

**CHECK LIST OF ENVIRONMENTAL IMPACTS**

**(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)**

**1. LAND ENVIRONMENT**

**(Attach panoramic view of the project site and the vicinity)**

- 1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.
- 1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.
- 1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).
- 1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).
- 1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)
- 1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 1.7. Give details regarding water supply, waste handling etc during the construction period.
- 1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)
- 1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

## **2. WATER ENVIRONMENT**

- 2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.
- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?

- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

### **3. VEGETATION**

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)
- 3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)
- 3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

### **4. FAUNA**

- 4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.
- 4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

## **5. AIR ENVIRONMENT**

- 5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)
- 5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.
- 5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.
- 5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.
- 5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.
- 5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

## **6. AESTHETICS**

- 6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?
- 6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?
- 6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.
- 6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

## **7. SOCIO-ECONOMIC ASPECTS**

- 7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 7.2. Give details of the existing social infrastructure around the proposed project.
- 7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

## **8. BUILDING MATERIALS**

- 8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)
- 8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?
- 8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?
- 8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

## **9. ENERGY CONSERVATION**

- 9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?
- 9.2. What type of, and capacity of, power back-up to you plan to provide?
- 9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?
- 9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.
- 9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.
- 9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?
- 9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.
- 9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

creation of heat island & inversion effects?

- 9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.
- 9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.
- 9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.
- 9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.
- 9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

## 10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

### APPENDIX III

(See paragraph 7

#### GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> <li>• Purpose of the report</li> <li>• Identification of project &amp; project proponent</li> <li>• Brief description of nature, size, location of the project and its importance to the country, region</li> <li>• Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)</li> </ul>
2.	Project Description	<ul style="list-style-type: none"> <li>• Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> <li>• Type of project</li> <li>• Need for the project</li> <li>• Location (maps showing general location, specific location, project boundary &amp; project site layout)</li> <li>• Size or magnitude of operation (incl. Associated activities required by or for the project)</li> <li>• Proposed schedule for approval and implementation</li> <li>• Technology and process description</li> <li>• Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose</li> <li>• Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope)</li> <li>• Assessment of New &amp; untested technology for the risk of technological failure</li> </ul> </li> </ul>

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

3.	Description of the Environment	<ul style="list-style-type: none"> <li>• Study area, period, components &amp; methodology</li> <li>• Establishment of baseline for valued environmental components, as identified in the scope</li> <li>• Base maps of all environmental components</li> </ul>
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> <li>• Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project</li> <li>• Measures for minimizing and / or offsetting adverse impacts identified</li> <li>• Irreversible and Irretrievable commitments of environmental components</li> <li>• Assessment of significance of impacts (Criteria for determining significance, Assigning significance)</li> <li>• Mitigation measures</li> </ul>
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> <li>• In case, the scoping exercise results in need for alternatives:</li> <li>• Description of each alternative</li> <li>• Summary of adverse impacts of each alternative</li> <li>• Mitigation measures proposed for each alternative and</li> <li>• Selection of alternative</li> </ul>
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> <li>• Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget &amp; procurement schedules)</li> </ul>
7.	Additional Studies	<ul style="list-style-type: none"> <li>• Public Consultation</li> <li>• Risk assessment</li> <li>• Social Impact Assessment. R&amp;R Action Plans</li> </ul>
8.	Project Benefits	<ul style="list-style-type: none"> <li>• Improvements in the physical infrastructure</li> <li>• Improvements in the social infrastructure</li> </ul>

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

		<ul style="list-style-type: none"> <li>• Employment potential –skilled; semi-skilled and unskilled</li> <li>• Other tangible benefits</li> </ul>
9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> <li>• Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA</li> </ul>
11	Summary & Conclusion (This will constitute the summary of the EIA Report )	<ul style="list-style-type: none"> <li>• Overall justification for implementation of the project</li> <li>• Explanation of how, adverse effects have been mitigated</li> </ul>
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> <li>• The names of the Consultants engaged with their brief resume and nature of Consultancy rendered</li> </ul>

### APPENDIX III A

(See paragraph 7)

#### **CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT**

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

## APPENDIX IV

(See paragraph 7)

### PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

#### 2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is covering more than one District or State or Union Territory, the public hearing is mandated in each District, State or Union Territory in which the project is located and the applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the official language of the state/local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/District collector/Deputy commissioner/s
- (b) Zila Parishad or Municipal Corporation or Panchayats Union
- (c) District Industries Office
- (d) Urban Local Bodies (ULBs) / PRIs Concerned / Development authorities.
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the abovementioned authorities except the Regional Office of MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

inspection in select offices or public libraries or any other suitable location etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices as given in para 2.2.

### **3.0 Notice of Public Hearing:**

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily / Official State Language. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing. In places where the newspapers do not reach, the Competent Authority should arrange to inform the local public about the public hearing by other means such as by way of beating of drums as well as advertisement / announcement on radio / television.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and then only on the recommendation of the concerned District Magistrate/District collector/Deputy Commissioner, the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances, fresh date, time and venue for the public consultation shall be decided by the Member – Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate/District collector/Deputy Commissioner and notified afresh as per procedure under 3.1 above.

### **4.0 Supervision and Presiding over the Hearing:**

4.1 The District Magistrate/District collector/Deputy Commissioner or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall Supervise and preside over the entire public hearing process.

### **5.0 Videography**

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while Forwarding it to the Regulatory Authority concerned.

### **6.0 Proceedings**

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 6.2 There shall be no quorum required for attendance for starting the proceedings.
- 6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.
- 6.4 Persons present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the local/vernacular language and the agreed minutes shall be signed by the District Magistrate/District collector/Deputy Commissioner or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.
- 6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language or the Official State language, as the case may be, and in English and annexed to the proceedings:
- 6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate/District collector/Deputy Commissioner, and the SPCB or UTPCC . The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the applicant concerned.

#### 7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Thereafter the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. Simultaneously, a copy will also be provided to the project proponent. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations incorporating the concerns expressed in the public hearing along with action plan and financial allocation, item-wise, to address those concerns.”.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category ‘A’ project or activity and the State Government or Union Territory Administration for Category ‘B’ project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

### APPENDIX –V

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(See paragraph 7)

## PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory:
  - Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy]
  - A copy of the video tape or CD of the public hearing proceedings
  - A copy of final layout plan (20 copies)
  - A copy of the project feasibility report (1 copy)
2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal.
3. Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA report, in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance.”
4. Every application shall be placed before the EAC/SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.
5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.
6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533 (E), dated 14<sup>th</sup> September, 2006 and amended vide S.O. 1737 (E), dated the 11<sup>th</sup> October, 2007.

## APPENDIX VI

(See paragraph 5)

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT`**

1. The Expert Appraisal Committees (EAC(s) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

**Professional:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy ),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

**Expert:** A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

**Age:** Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of "Experts" are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality Experts:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- **Risk Assessment Experts**
- **Life Science Experts in floral and faunal management**
- **Forestry and Wildlife Experts**

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- **Environmental Economics Expert with experience in project appraisal**
3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.
  4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.
  5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall  
preside over the EAC in the absence of the Chairman /Chairperson.
  6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.
  7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.
  8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



**TELANGANA STATE POLLUTION CONTROL BOARD  
ZONAL OFFICE: HYDERABAD**

H.No.6-3-1219, TS No.1 Part, Block - C, Ward No.91, Near Country Club,  
Uma Nagar, Begumpet, Hyderabad. Phone: 040-23402495  
Email: jcee-zhyd-tspcb@telangana.gov.in

**CONSENT & HW AUTHORIZATION ORDER – ORANGE CATEGORY**

**Consent Order No:679-MBNR/TSPCB/ZOH/TS-iPASS/CFO/2023- 653 Date:23.01.2023**

(Consent Order for Existing/New or altered discharge of sewage and/or trade effluents/outlet under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and amendments thereof and Operation of the plant under section 21 of Air (Prevention & Control of Pollution) Act, 1981 and amendments thereof) and Authorization / Renewal of Authorization under Rule 6 of the Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016.

CONSENT is hereby granted under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 (hereinafter referred to as 'the Acts') and Authorization under the provisions of HW (M & H) Rules (herein after referred to as 'the Acts' 'the Rules') the rules and orders made thereunder to:

**M/s. Shri Kartikeya Pharma (SEZ Unit),  
Sy.No.408-412, 418-435, 437-445, Polepally (V),  
Jadcherla (M), Mahaboobnagar District**

(hereinafter referred to as 'the Applicant') authorizing to operate the industrial plant, to discharge the effluents from the outlets and the quantity of Emissions per hour from the chimneys as detailed below:

**i) Outlets for discharge of effluents:**

Outlet No.	Outlet Description	Max Daily Discharge (After Expansion)	Point of Disposal	Prescribed Standards
1	Process	18.0 KLD	After pre-treatment, the treated effluents shall be sent to M/s. PETL.	Inlet parameters of CETP prescribed by the Board.
2	Washing	2.0 KLD		
3	Boiler Blow Down	0.1 KLD		
4	Cooling Bleed off	0.1 KLD		
5	Domestic	0.2 KLD	Septic tank followed by soak pit.	---

**ii) Emissions from chimneys:**

Chimney No.	Description of Chimney (After Expansion)	Quantity of Emissions at peak flow in m <sup>3</sup> /hr	Parameter Emission Standards
1.	Attached to LPG fired boiler of capacity 3.0 TPH	---	SPM – 115 mg/Nm <sup>3</sup> SO <sub>2</sub> – 600 mg/Nm <sup>3</sup> .
2.	Attached to LPG fired boiler of capacity 3.0 TPH (Standby)	---	At 6% dry O <sub>2</sub> for solid fuel and 3% dry O <sub>2</sub> for liquid fuel NOx - 600 mg/Nm <sup>3</sup> . At 6% dry O <sub>2</sub> for solid fuel and 3% dry O <sub>2</sub> for liquid fuel

**iii) Hazardous Waste Authorization: (Form – 2) [See Rule 6(2)]:**

M/s. Shri Kartikeya Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District is hereby granted an authorization to operate a facility for collection, reception, storage, transport and disposal of the following wastes with quantities as mentioned below:

S.No.	Name and quantity of the Hazardous waste (After Expansion)	Stream	Disposal option
--	--	--	--

This order is subject to the provisions of 'the Acts' and 'the Rules' and orders made thereunder and further subject to the terms and conditions incorporated in the schedule A, B and C enclosed to this order.

This consent is valid for manufacture the following products along with quantities only

S.No.	Product & By product	Capacity (After Expansion)
1	Ashwagandha Extract	3000 Kg/day (900 TPA)

This combined order of consent & Hazardous Waste Authorization shall be valid for a period ending with the **31.03.2032**. *The industry shall pay the consent fees annually from the financial year 2029-30 to till the validity of the consent order.*

*The payment of annual consent fee for every financial year (i.e., April to March) within the stipulated time period i.e., 1<sup>st</sup> quarter of every financial year (April - June) is mandatory for the industry. Failing which, the validity of the Consent Order automatically stands cancelled and operation of industry without valid Consent attracts penal action under the provision of Water Act, Air Act & Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.*

JOINT CHIEF ENVIRONMENTAL ENGINEER

Encl: Schedules A, B & C

To

M/s. Shri Kartikeya Pharma (SEZ Unit),  
Sy.No.408-412, 418-435, 437-445, Polepally (V),  
Jadcherla (M), Mahaboobnagar District  
Email: kartikeya999@yahoo.com

Copy submitted to the Member Secretary, TSPCB, Board Office, Hyderabad for information.  
Copy to the General Manager, District Industries Centre, Mahaboobnagar for information.  
Copy to the Environmental Engineer, Regional Office, Hyderabad for information and necessary action. The EE, RO, Hyderabad is further directed to ensure that the industry pays the annual consent fees for every financial year (i.e., April to March) within the stipulated time period i.e., 1<sup>st</sup> quarter of every financial year (April-June) and the EE, RO, Hyderabad shall report to this office, if any non-compliance by the industry.

**SCHEDULE - A**

1. The applicant shall make applications through online for renewal of Consent (under Water & Air Acts) and Authorization under HWM Rules at least 120 days before the date of expiry of this order, along with prescribed fee under Water and Air Acts for obtaining Consent & HW Authorization of the Board. The applicant can also apply for Auto Renewal of the CFO atleast 30 days before the expiry of this order as per the procedure and eligibility stipulated in the Board Circular dt.19.11.2015 & 08.12.2015 (available in Board's Website: <http://tspcb.cgg.gov.in/Pages/Circulars.aspx>).
2. Concealing the factual data or submission of false information/ fabricated data and failure to comply with any of the conditions mentioned in this order may result in withdrawal of this order and attract action under the provisions of relevant pollution control Acts.
3. The industry may explore the possibility of tapping the solar energy for their energy requirements.
4. Any person aggrieved by an order made by the State Board under Section 25, Section 26, Section 27 of Water Act, 1974 or Section 21 of Air Act, 1981 may within thirty days from the date on which the order is communicated to him, prefer an appeal as per Rules, to such authority (hereinafter referred to as the Appellate Authority) constituted under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 of the Air (Prevention and Control of Pollution) Act, 1981.
5. The Board reserves its right to modify above conditions or stipulate any further conditions and to take action including revoke of this order in the interest of protection of public health and environment.

**SCHEDULE - B****Special Conditions:**

1. The CFO & HWA order issued to M/s. Shri Kartikeya Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District vide Consent Order No. 679-MHB/TSPCB/ZOH/TS-iPASS/CFO/2022-593, date: 30.12.2022 which is valid upto 31.03.2032 stands cancelled.
2. The industry has paid consent fee for a period upto 31.03.2029. The industry shall pay the consent fees annually from the financial year 2029-30 to till the validity of the consent order i.e., upto 31.03.2032.
3. The industry shall pay consent fee annually as per the rates notified in GO MS No. 22. The payment of annual consent fee shall be made at the concerned RO for every financial year (i.e., April to March) within the stipulated time period i.e., 1st quarter of every financial year (April - June) is mandatory for the industry. Failing which, the validity of the Consent Order automatically stands cancelled and operation of industry without valid Consent attracts penal action under the provision of Water Act, Air Act & Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
4. The industry either paying annual fee or total fee for consented period, shall pay the balance consent fee as per the revised rates as applicable from time to time.
5. The industry shall take steps to reduce water consumption to the extent possible and consumption shall NOT exceed the quantities mentioned below

Sl No	Purpose	Quantity (After Expansion)
1	Process	36.0 KLD
2	Washing	4.0 KLD
3	Boiler Feed	3.0 KLD
4	Cooling	1.0 KLD
5	Domestic	0.7 KLD
	<b>Total</b>	<b>44.7 KLD</b>

6. The industry should comply with the National ambient air quality standards as per MoEF, GoI notification dated. 18.11.2009 along the premises of the factory as prescribed below.

S. No.	Parameters	Standards in $\mu\text{g}/\text{m}^3$
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1	Particulate Matter(PM <sub>10</sub> )	100
2	Particulate Matter (PM <sub>2.5</sub> )	60
3	SO <sub>2</sub>	80
4	NOx	80

Noise Levels: Day time (6 AM to 10 PM) - 75 dB (A)  
Night time (10 PM to 6 AM) - 70 dB (A).

7. The industry shall not increase the capacity beyond the permitted capacity mentioned in this order, without obtaining CFE/CFO of the Board.
8. The industry shall regularly operate Effluent Treatment Plant (ETP) for treatment of process and washings, boiler blow down and cooling bleed off effluents. After pre-treatment in ETP, the treated wastewater shall be lifted to M/s. PETL for further treatment and disposal.
9. The industry shall use LPG as fuel for the boiler of capacity 2 x 3 TPH ( one as Standby) and shall meet the Board prescribed standards.
10. The industry shall maintain separate energy meter for the operation of the ETP and shall submit the monthly reading to Regional Office, Hyderabad.
11. The industry shall not discharge any waste water outside the plant premises under any circumstances.
12. The industry shall maintain water meters to measure the actual water consumption and waste water discharge.
13. The industry shall not cause odour nuisance in the surrounding area.
14. The industry shall not cause any air pollution/dust nuisance\* in the surrounding environment.
15. The industry shall develop 33% of the total area as thick green belt all along the boundary of the unit and also in the vacant places with all tall growing trees with wide leaf area.
16. The industry should maintain the following records and the same should be made available to the Board Officials during the inspection.
  - a) Production details, RG-I records and Central Excise Returns.
  - b) Effluents generated, treated in ETP, recycled / PETL.
  - c) Log Books for pollution control systems.
  - d) Daily solid waste generated and disposed.
17. The industry shall maintain good housekeeping with-in the premises.
18. The industry shall submit Environmental Statement in Form V before 30<sup>th</sup> September every year as per Rule No.14 of Environmental (Protection) Act, 1986.
19. The industry shall take all precautionary and safety measures during process operations
20. The industry shall comply with all the directions issued by the Board from time to time.
21. This Order is issued to the industry without prejudice to the action taken by the Task Force of the Board.
22. The conditions stipulated in this order are without any prejudice to rights and contentions of this Board in any Hon'ble court of Law.

**SCHEDULE - C**  
**(See Rule 6(2))**

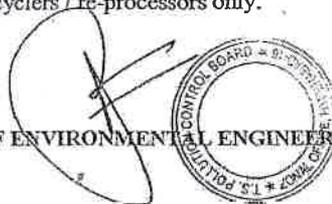
(Conditions of Authorization for occupier or operator handling hazardous wastes)

1. The industry shall give top priority for waste minimization and cleaner production practices.
2. The industry shall not store hazardous waste for more than 90 days as per the Hazardous & other wastes (Management and Transboundary Movement) Rules, 2016.
3. The industry shall store Used / Waste Oil and Used Lead Acid Batteries in a secured way in their premises till its disposal.
4. The industry shall not dispose Waste oils to the traders and the same shall be disposed to the authorized Reprocessors/ Recyclers.

5. The industry shall dispose Used Lead Acid Batteries to the manufacturers / dealers on buyback basis.
6. The industry shall take necessary practical steps for prevention of oil spillages and carry over of oil from the premises.
7. The industry shall maintain 7 copy manifest system for transportation of waste generated and a copy shall be submitted to Board Office and concerned Regional Office.
8. The industry shall maintain good housekeeping & maintain proper records for Hazardous Wastes stated in Authorisation.
9. The industry shall maintain proper records for Hazardous Wastes stated in Authorisation in FORM-3 and file annual returns in Form- 4 Rules 6(5), 13(8), 16(6) and 20(2) as per of the Hazardous & other wastes (Management, Transboundary Movement) Rules, 2016.
10. The industry shall submit the condition wise compliance report of the conditions stipulated in Schedule B & C of this Order on half yearly basis to Board Office, Hyderabad and concerned Regional Office.
11. The industry shall dispose the e-waste to authorised recyclers / re-processors only.

JOINT CHIEF ENVIRONMENTAL ENGINEER

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To  
M/s. Shri Kartikeya Pharma (SEZ Unit),  
Sy.No.408-412, 418-435, 437-445,  
Polepally (V), Jadcherla (M),  
Mahaboobnagar District.



## TELANGANA STATE POLLUTION CONTROL BOARD

Paryavarana Bhavan, A-III, Industrial Estate, Sanathnagar, Hyderabad-500 018  
Phones : 040-23887500 Fax: 040 - 23887519

BY REGD. POST WITH ACK. DUE

Order No. GEN-35/Polepally/TSPCB/U-I/TF/2019- 1058

Date: 27.07.2019

Sub : M/s. Shri Kartikeya Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District - Water (Prevention and Control of Pollution) Amendment Act, 1988 - Air (Prevention and control of Pollution) Amendment Act, 1987 - Directions - Issued - Reg.

- Ref : 1. Order No. MHB-Polepally/TSPCB/U-I/TF/2017 dated 16.05.2018.  
2. Hon'ble NGT, New Delhi orders in OA No. 189 of 2019.  
3. Inspection of your industry by the Board officials on 28.05.2019.  
4. Hearing held on 22.07.2019 at Board office.

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1. WHEREAS, you are operating the industry located at Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District and engaged in production of Ashwagandha Extract - 1000 Kgs/day.
2. WHEREAS, the Board issued CFO to your industry on 17.08.2017 with a validity upto 31.03.2022.
3. WHEREAS, the Board issued Closure Order to your industry for Non - compliance of the Board directions. Subsequently, the Board revoked the Closure Order vide order dated 16.05.2018 with certain conditions
4. WHEREAS, OA No. 189 of 2019 was filed by Sri Sravan Kumar, Advocate vs State of Telangana in Hon'ble NGT, New Delhi on pollution being caused by Pharma industries at TSIIC SEZ, Jadcherla, Mahabubnagar. Hon'ble NGT passed an order vide order dated 15.04.2019 stating the following :  
"Let TSPCB look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within 2 months"
5. WHEREAS, the Board has constituted a committee to inspect the industries in TSIIC SEZ, Jadcherla, Mahabubnagar.
6. WHEREAS, the team inspected the industry on 28.05.2019 and observed the following :

1.	Name and Address of the Industry :	M/s. Shri Kartikeya Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District
	E-mail	rajender@ixoreal.com
	Mobile	9704535627/9542821821
	Telephone	--
2	Date of Inspection	28.05.2019
3	Name and Designation of the person contacted	Sri. Rajender Guddoji, Vice President
4	Line of Activity & Category	Ashwagandha Extraction unit
5	Status of operation (operational/ non-operational/ closed/ any other-if non-operational-reason and period of non-operation	Operational.
6	Date of Commissioning	2017
7	Status of consent under the Water & Air Acts & HW Authorization. (Order date & Validity period)	The industry's obtained the CFO of the Board vide order dt.17.08.2017 for the manufacturing of Ashwagandha Extract - 1000 kg/day with a the validity upto 31.03.2022.
8	Name of the product(s) and by-products manufactured with quantity (per day or month or annum)	Ashwagandha Extract - 1000 kg/day
9	Name of the Major Raw material / material used in the Activity	Ashwagandha roots.
10	Water Consumption	Total water consumption is 22.7 KLD i.e. Process - 18 KLD, Washings - 2.0

		KLD, Boiler feed - 2.0 KLD, Cooling makeup - 0.5 KLD, Domestic - 0.2 KLD.
11	Waste Water generation	Wastewater of about 20.4 KLD from Process - 18.0 KLD, Washings - 2.0 KLD, Boiler blow down - 0.1 KLD, Cooling bleed off - 0.1 KLD and Domestic - 0.2 KLD.
12	Details of the Effluent Treatment systems and disposal	As per CFO order, After treatment in ETP, the treated effluents shall be sent to PETL. During inspection, the team observed that, the industry has constructed ETP. The industry is partially using the pretreated water onland for gardening and also disposing the waste water to CETP, PETL - Patancheru.  The industry is having below ground level concrete pit. The industry representative informed that they are storing treated water before sending to M/s, PETL and partially using for onland gardening.
13	Details of sources of Air pollution and Control equipment and systems.	HSD oil fired boiler of capacity 1.5 TPH.
14	Details of solid and hazardous waste generation, storage and disposal.	As the product is herbal, the representative informed that the solid waste are reused back.

Condition wise compliance report on the Schedule - B conditions issued by the Board Dated: 17.08.2017

S.No	Conditions issued	Compliance																					
1.	<p>The industry shall take steps to reduce water consumption to the extent possible and consumption shall NOT exceed the quantities mentioned below:</p> <table border="1"> <thead> <tr> <th>Sl No</th> <th>Purpose</th> <th>Quantity</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Process</td> <td>18.0 KLD</td> </tr> <tr> <td>2</td> <td>Washing</td> <td>2.0 KLD</td> </tr> <tr> <td>3</td> <td>Boiler Feed</td> <td>2.0 KLD</td> </tr> <tr> <td>4</td> <td>Cooling</td> <td>0.5 KLD</td> </tr> <tr> <td>5</td> <td>Domestic</td> <td>0.2 KLD</td> </tr> <tr> <td colspan="2"><b>TOTAL</b></td> <td><b>22.7 KLD</b></td> </tr> </tbody> </table>	Sl No	Purpose	Quantity	1	Process	18.0 KLD	2	Washing	2.0 KLD	3	Boiler Feed	2.0 KLD	4	Cooling	0.5 KLD	5	Domestic	0.2 KLD	<b>TOTAL</b>		<b>22.7 KLD</b>	Complied
Sl No	Purpose	Quantity																					
1	Process	18.0 KLD																					
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5	Domestic	0.2 KLD																					
<b>TOTAL</b>		<b>22.7 KLD</b>																					
2.	The industry shall file the water cess returns in Form-I as required under section (5) of Water (Prevention and Control of Pollution) Cess Act, 1977 on or before the 5 <sup>th</sup> of every calendar month, showing the quantity of water consumed in the previous month along with water meter readings. The industry shall remit water cess as per the assessment orders as and when issued by Board.	--																					
3.	<p>The industry should comply with the National ambient air quality standards as per MoEF, GoI notification dated. 18.11.2009 along the premises of the factory as prescribed below.</p> <table border="1"> <thead> <tr> <th>S. No.</th> <th>Parameters</th> <th>Standards in <math>\mu\text{g}/\text{m}^3</math></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Particulate Matter(PM<sub>10</sub>)</td> <td>100</td> </tr> </tbody> </table>	S. No.	Parameters	Standards in $\mu\text{g}/\text{m}^3$	1	Particulate Matter(PM <sub>10</sub> )	100	--															
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	2	Particulate Matter (PM <sub>2.5</sub> )	60	
	3	SO <sub>2</sub>	80	
	4	NOx	80	
4.	The industry shall comply with all the Rules and Regulations specified in Water (P&C of P) Act, 1974, Air (P&C of P) Act, 1981 and Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016.			--
5.	The industry shall not increase the capacity beyond the permitted capacity mentioned in this order, without obtaining CFE/CFO of the Board.			As per the production details submitted by the industry for the period from December, 2018 to May, 2019 - the industry has manufactured on an average of 8,052 kg/month against consented capacity 30,000 kg/day.
6.	The industry shall operate only after obtaining revocation of closure orders.			The industry has obtained Revocation of Closure Order on 16.05.2018.
7.	The industry shall provide above ground level collection tank for collection of effluents generated.			The industry is having below ground level concrete pit. The industry representative informed that they are storing treated water before sending to M/s. PETL and partially using for onland gardening.
8.	The industry shall regularly operate Effluent Treatment Plant (ETP) for treatment of process and washings, boiler blow down and cooling bleed off effluents. After treatment in ETP the treated wastewater shall be reused or send to M/s. PETL for further treatment and disposal.			During inspection, the team observed that, the industry has constructed ETP. The industry is partially using the pretreated water onland for gardening and also disposing the waste water to CETP, PETL - Patancheru.  The industry is having below ground level concrete pit. The industry representative informed that they are storing treated water before sending to M/s. PETL and partially using for onland gardening.
9.	The industry shall regularly operate the air pollution control equipment i.e, dust collector to the HSD oil fired boiler of capacity 1.5 TPH and shall meet the Board prescribed standards.			The industry has provided HSD oil fired boiler of capacity - 1.5 TPH.
10.	The industry shall provide separate energy meter for the operation of the ETP and shall submit the monthly reading to Regional Office, Hyderabad.			The industry has provided energy meter to the ETP
11.	The industry shall not discharge any waste water outside the plant premises under any circumstances.-			During inspection by the team, an outlet/pipe was observed outside the industry premises with traces of discharge.
12.	The industry shall not dispose any solid waste outside the factory premises.			Complied
13.	The industry shall install water meters to measure the actual water consumption and waste water discharge.			--
14.	The industry shall not cause odour nuisance in the surrounding area.			Pungent smell was observed within the premises.
15.	The industry shall not cause any air pollution/dust nuisance in the surrounding environment.			
16.	The industry shall develop 33% of the total area as thick green belt all along the boundary of the unit and also in the vacant places with all tall growing trees with wide leaf area.			Partially complied
17.	The industry should maintain the following records and the same should			--

	<p>be made available to the Board Officials during the inspection.</p> <p>a) Daily production details, RG-I records and Central Excise Returns.</p> <p>b) Effluents generated, treated in ETP, reused / PETL.</p> <p>c) Log Books for pollution control systems.</p> <p>d) Daily solid waste generated and disposed.</p>	
18.	The industry shall maintain good housekeeping with-in the premises.	Complied
19.	The industry shall submit Environmental Statement in Form V before 30 <sup>th</sup> September every year as per Rule No.14 of Environmental (Protection) Act, 1986.	--
20.	The industry shall take all precautionary and safety measures during process operations.	--
21.	The industry shall comply with all the directions issued by the Board from time to time.	--
22.	Concealing the factual data or submission of false information / fabricated data and failure to comply with any of the conditions mentioned in this order may result in withdrawal of this order and attract action under the provisions of relevant pollution control Acts.	--
23.	The Board reserves its right to modify above conditions or stipulate any further conditions in the interest of environment protection.	--
24.	This Order is issued to the industry without prejudice to the action taken by the Task Force of the Board.	--

Condition wise compliance report on the revocation of closure order issued by the Board Dated: 16.05.2018		
S.No	Directions	Compliance
1.	The industry shall comply with all the conditions stipulated in CFO Order of the Board	--
2.	The industry shall reuse the treated wastewater / send to M/s. PETL as per the CFO Order	<p>During inspection, the team observed that, the industry has constructed ETP. The industry is partially using the pretreated water for onland for gardening and also disposing the waste water to CETP, PETL - Patancheru.</p> <p>The industry is having below ground level concrete pit. The industry representative informed that they are storing treated water before sending to M/s. PETL and partially using for onland gardening.</p>
3.	The industry shall not discharge any effluents within / outside the plant premises	During inspection by the team, an outlet/pipe was observed outside the industry premises with traces of discharge.
4.	The industry shall submit the RG-I records to the EE.RO. Hyderabad regularly.	--

5.	The industry shall provide water meters to quantify the actual water consumption & waste water generation.	--
6.	The industry shall revalidate the Bank Guarantee of Rs.1 Lakh for another one year before its expiry till further orders from the Board.	The industry has submitted Bank Guarantee of Rs.1 Lakh which was expired on 07.09.2018.

The industry has submitted production details from Dec, 2018 to May, 2019. The details are as follows:

S. No.	Month	Manufacturing Quantity (in Kg/month)	Consented Quantity Kg/month
1.	Dec-18	6058	30000
2.	Jan-19	7035	30000
3.	Feb-19	8065	30000
4.	Mar-19	12067	30000
5.	Apr-19	8044	30000
6.	May-19	7044	30000
	<b>TOTAL</b>	<b>48313</b>	

**\*The industry on an average for six months is manufacturing 8053 Kgs which is within the consented capacity.**

Details of the effluent send to CETP, M/s. P.E.T.L Report from Dec-18 to May-19

SI No	Month	Manifest Date	Quantity in KL	Monthly Consented	Number of tankers send to PETL, CETP
1	December, 2018	11.12.2018	20KL	20.2 KLD / 606 KLM	1
2	January, 2019	01.01.2019	20KL		2
		24.01.2019	20KL		
3	February, 2019	22.02.2019	20KL		1
4	March, 2019	12.03.2019	20KL		2
		29.03.2019	20KL		
5	April, 2019	18.04.2019	20KL	1	
6	May, 2019	06.05.2019	20KL	1	

**\*As per the production details submitted by the industry, the industry shall send 8 tankers (20 KL) per month to CETP, whereas the industry is disposing less quantities of effluents to CETP.**

#### Observations & Findings:

- As per CFO order, after treatment in ETP, the treated effluents shall be reused / PETL. During inspection, the team observed that, the industry has constructed ETP. The industry is partially using the pretreated water for onland for gardening and also disposing the waste water to CETP, PETL - Patancheru.
- During inspection by the team, an outlet/pipe was observed outside the industry premises with traces of discharge, which may be used for discharging the effluents.
- The industry is having below ground level concrete pit. The industry representative informed that they are storing treated water before sending to M/s. PETL and partially using for onland gardening.
- As per the production details submitted by the industry, the industry shall send 8 tankers (20 KL) per month to CETP, whereas the industry is disposing less quantities of effluents to CETP.
- The industry shall construct separate rain water drains.
- Pungent smell was observed within the industry premises.

7. The Analysis reports of the samples collected are as follows:

Parameters	Unit	Sample collected from Equalization tank outlet	Sample collected from Aeration tank outlet	CETP Inlet Standards.
pH at 25°C	-	6.86	7.39	5.5-9.0
Total Suspended Solids	mg/L	164	148	-
Total Dissolved Solids	mg/L	1328	1381	5,000
Chemical Oxygen Demand	mg/L	504	952	15,000
Oil and Grease	mg/L	0.1	1.2	20

\* The values are within CETP Inlet standards

Parameters	Unit	Tube settler outlet discharging on land for gardening
pH at 25°C	-	7.69
Total Suspended Solids	mg/L	12
Total Dissolved Solids	mg/L	1289
Chemical Oxygen Demand	mg/L	80
BOD 3 at 27°C	mg/L	12
Oil and Grease	mg/L	BDL

\* The analysis report of Tube settler outlet discharging on land for gardening indicated TDS – 1289 mg/L & COD – 80 mg/L.

**Recommendations:**

- The industry shall not use treated water for onland for gardening and shall dispose the total waste water generated to CETP, PETL - Patancheru.
  - The industry shall construct separate rain water drains.
  - The industry shall close the outlet/pipe immediately.
  - The industry shall dismantle all the below ground level collection tanks.
  - The industry shall take measures for controlling the odour nuisance.
  - The industry shall dispose the ETP sludge generated to TSDF.
7. WHEREAS, the Board has reviewed the status of industry in the Task Force Committee meeting held on 22.07.2019. The representative of your industry attended the meeting and stated that the unit is producing only Aswagandha Extract and using tree roots and water for the process. Also informed that the unit is not discharging any waste water outside their premises.

The committee noted that the process adopted by the industry does not contain any pollutants in the water. The committee recommended to address a letter to the District Collector, Mahabubnagar to constitute a Multi Disciplinary team comprising of Representative of Revenue, TSIIC, Irrigation, Ground Water Department, Task Force Committee member of TSPCB, Board office and Regional Office official to study the impact / effects of pollution being caused by the industries located in Polepally SEZ to the surrounding villages.

The team shall assess the following :

- a. Adequacy of measures taken by the industries in SEZ, Polepally to control air & water pollution.
- b. Ground water pollution in the surrounding villages
- c. Soil & Crop damages
- d. Compensation to the affected farmers / surrounding villagers.

After detailed discussions the committee recommended to issue certain directions to the unit.