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**Me. Sarashwathy**

**Standing Counsel for MoEF&CC**

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE,  
CHENNAI

Appeal No. 33 of 2022 (SZ)  
(Through Video Conference)

**IN THE MATTER OF:**

Meenava Thanthai K.R. Selvaraj Kumar,  
Meenavar Nala Sangam, Royapuram,  
Chennai.

... Applicant(s)

Versus

Union of India, Ministry of Environment, Forest and Climate change,  
Rep. by its Secretary, Indira Paryavaran Bhavan, Jorbagh Road,  
New Delhi - 110 003 and Ors.

...Respondent(s)

**REPORT ON BEHALF OF THE MOEF&CC IN COMPLIANCE TO THE  
ORDER DATED 10.04.2023**

1. The Hon'ble National Green Tribunal vide its order dated 10.04.2023 has directed that:

*“Let the MoEF&CC file a detailed response as to how the project proponents will be dealt with in the event of any of the conditions in the EC are not complied with and within what time such action is being taken. Let the MoEF&CC also state whether they have taken any such action by recalling or cancelling the EC granted earlier, atleast in a few of the cases and furnish the particulars.”*

2. In this regard, it is submitted that the Ministry follows the Standard Operating Procedure (SOP) issued vide Office Memorandum (O.M.) dated 25.11.2022 for Post Environmental Clearance (EC for short) Monitoring and Compliance of the project and takes action in the event of any non-compliance, as per the said O.M. **(Annexure-1)**

3. The Monitoring Cell of the Ministry examines the inspection report submitted by the Integrated Regional Offices (IROs) and if non-compliance observed with respect to any of the prescribed EC condition, the Ministry seeks clarification/Action Taken Report (ATR) on such non-compliance from the Project Proponent (PP). Based on the submission of ATR by the PP and subsequent comments of IRO on the ATR, relevant action is taken by the Ministry which includes Show Cause Notice under the Section 5 and other provisions which may include Section 15 and 19 of the Environment (Protection) Act, 1986.

4. In the instance of proven non-compliance of EC conditions after following the prescribed procedure enumerated in the SOP dated 25.11.2022, following are the major actions taken by the Ministry:

- (i) Imposition of compensation as per CPCB guidelines; and/or

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(ii) Direction to SPCB to take action against the PP under section 15 and 19 of Environment (Protection) Act, 1986.

5. If it is observed that the non-compliances are not rectifiable, the Ministry provides an opportunity to the PP for clarification during personal hearing.

6. With reference to the direction of this Hon'ble Tribunal regarding "*Let the MoEF&CC also state whether they have taken any such action by recalling or cancelling the EC granted earlier, atleast in a few of the cases and furnish the particulars*", such action has been taken by this Ministry and following are few cases wherein, the Ministry has revoked the EC (**Annexure-2**):

- i. Revocation order dated 20.09.2018 issued u/sec 5 of the Environment (Protection) Act, 1986 in view of violations pertaining to the EC of Integrated Steel Plant of M/s Electrosteel Steels Limited at Bokaro District, Jharkhand.
- ii. Direction u/sec 5 of the Environment (Protection) Act, 1986 for revocation of EC issued to M/s Hindalco Industries Limited, Kolhapur, Maharashtra.

7. Further, it is submitted that in this case, the Certified Compliance Report of EC dated 31.03.2022 granted to the instant project has been sought from the IRO, Chennai vide letter dated 08.05.2023 (**Annexure-3**).

8. The above said facts are submitted before the Hon'ble Tribunal for consideration.

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*O. Pannady.*

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