

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ)

I.A.No. 61 of 2023

In

Appeal No.6 of 2023

Uma Maheswar Dahagama & others

.... Applicants/Appellants

Versus

Union of India & others

.... Respondents/Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF THE 3RD RESPONDENT
ALONG WITH ANNEXURES.**

M/s. KING & PARTRIDGE

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COUNSEL FOR 3rd RESPONDENT

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

I.A.No. 61 of 2023

In

Appeal No.6 of 2023

Uma Maheswar Dahagama
& 2 Ors

...Applicants/Appellants

:Vs:

Union of India & 2 Ors

...Respondents/Respondents

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Dated at Chennai on this 25th day of May 2023

Dhishath Raihane. J

Counsel for 3rd Respondent

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI

I.A.No. **61** of 2023

In

Appeal No. 6 of 2023

IN THE MATTER OF

1. Uma Maheswar Dahagama
S/o Ganapathi Sharma,
5-1-270 Krishna Nagar Street,
Jyothi Nagar Post Office
Jyothi Nagar, Karim Nagar District
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2. Akula Rajaram,
S/o Narasimha Reddy,
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Ph: 9660747397, Email: tanvin.s@gmail.com
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Ph: 9660747397, Email: tanvin.s@gmail.com

...Applicant/Appellants

:Vs:

1. Union of India,
Through the Secretary,
Ministry of Environment, Forest & Climate Change,
Ali Gunj, Jor Bagh Road,
New Delhi-110 003
Ph: 11-24695262,
Email: Secy.moef@nic.in
2. Telangana State Pollution Control Board,
Through the Member Secretary,
A-3, Paryavaran Bhavan, Sanath Nagar,
Hyderabad, Telangana-500 018
Ph: 040 23887500 Email: ms.tspcb@telangana.gov.in
3. M/s.NTPC Limited,
NTPC Engineering Office Complex,
Sector-24, Noida, Gautam Buddha Nagar,
Uttar Pradesh - 201 301
Ph: 011 24360100 Email: ntpccc@ntpc.co.in

...Respondents/Respondents

टी. विशाल / TUPKARAN VISHAL
वरिष्ठ प्रबंधक / Sr. Manager (EMG)
एनटीपीसी लिमिटेड, रामगुण्डम/ NTPC Limited, Ramagundam
ज्योतिनगर / JYOTHI NAGAR-505 215.

COUNTER AFFIDAVIT FILED ON BEHALF OF THE 3RD RESPONDENT

I, T.Vishal, son of T.Jaikumar, Hindu, aged about 45 years, residing at C-11/33, NTPC Township, Jyothi Nagar, Ramagundam, Pedapally District, Telangana State, now presently come down to Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the Senior Manager – Environment Management Group (EMG) of NTPC Limited's Ramagundam and Telangana Projects. I am acquainted with the facts and circumstances of the case both from the records and from personal knowledge. The present application filed by the Applicants herein to declare that the present Appeal has been filed within limitation is completely erroneous, illegal, without any basis and liable to be dismissed in limine. I have perused the affidavit filed by the Applicants for such declaration and the Applicants are put to strict proof of the reasons and contentions set out in the affidavit. Except for those that are specifically admitted hereunder, the remaining contentions in the affidavit of the Applicants are denied.

2. It is respectfully submitted that the Applicants herein had filed the present Appeal in which an application to condone the delay of 101 days is pending in IA No.42 of 2023 in Appeal No. 06 of 2023. On 17.05.2023 this 3rd Respondent filed a detailed Counter Affidavit along with Annexures in IA No.42 of 2023 clearly demonstrating that the Appeal has been filed beyond the statutory period prescribed under section 16 of the NGT Act, 2010 and was liable to be rejected. This 3rd Respondent craves leave to treat the entire counter affidavit filed in IA No. 42 of 2023 along with Annexures as part and parcel of this Counter Affidavit.

3. It is respectfully submitted even without referring to the contents and averments in IA No. 42 of 2023, this Application for declaration has been filed. The Application to condone the delay is pending before this Hon'ble Tribunal, last taken up on 18.05.2023 and the developments of the hearing on the said date is a matter of knowledge amongst all. Till date no rebuttal by the applicants herein to the said counter in IA No. 42 of 2023 has been filed or


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presented. Thus, the contentions in the counter of this 3rd respondent in IA No. 42 of 2023 stood established beyond reasonable doubt and the Appeal was clearly filed belatedly, beyond the inclusive time limit prescribed under statute namely Section 16 of the NGT Act 2010.

4. On a perusal of the present affidavit seeking declaration, apart from such contentions mentioned in the affidavit filed in support of IA No. 42 of 2023 which has been substantially countered by this Respondent in their Counter Affidavit, one and only other submission/averment made in the present affidavit is that the impugned environment clearance dated 08.08.2022 has not been communicated to the public at large as the said environment clearance has not been published in two local newspapers. This contention was clearly inapplicable, false and an attempt to incorrectly project the process, procedure and also an attempt to twist the facts in the matter on hand.

5. It is submitted and reiterated that the 1st Applicant – Uma Maheshwar Dahagama has participated in the entire process leading to the present status of the plant of the 3rd Respondent and cannot feign ignorance or innocence in any manner whatsoever. Originally when the project was conceived, the entire process as required by law and procedure was followed. Public hearing was held in connection with the proposed project by Telangana SPCB on 23.05.2015 in which the 1st Applicant fully participated and recorded his objections. His observations and the responses of NTPC were duly considered during the accord of EC to the Project by MOEF&CC on 20.01.2016. These facts and issues in hand were also part of the proceedings in Appeal No. 46 of 2016 which culminated in the order of this Hon'ble Tribunal dated 27.05.2021 and order of the Hon'ble Supreme Court dated 20.07.2021. Thereafter TOR for additional studies was accorded by MoEF and CC on 10.09.2021 pursuant to the EAC conducted on 16.08.2021. These facts are set out in paragraph 8 of the affidavit filed by the Applicants presently. Thus, the Applicants are fully aware of the progress of the matter subsequently. Thereafter after completion of the required studies, application for EC amendment was submitted by this Respondent on 24.05.2022, EAC meeting

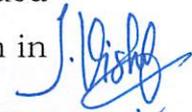

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held on 15.06.2022 and EC amendment was accorded on 08.08.2022 which is now attempted and sought to be challenged in these proceedings.

6. The uploading of the amended EC on 08.08.2022 on the Parivesh website and such other aspects have been elaborately set out in the counter affidavit of this 3rd Respondent in IA No. 42 of 2023 and the same is reiterated. It is specifically reiterated that the 3rd Respondent had also downloaded the copy of the Amended EC on 08.08.2022 from the Parivesh website only and then the same was circulated internally on 09.08.2022 through email. There has been no other mode by which the 3rd respondent obtained the copy of the Amended EC. The rest of the contentions are not repeated for the sake of brevity. The said counter affidavit shall be treated as part and parcel of this Counter Affidavit.

7. It is most respectfully submitted that MoEF and CC had originally issued the environment clearance for the expansion of Ramagundam STPP (Stage-IV, Telangana STPP, Phase -I) on 20.01.2016 and a condition in the said EC, under general conditions (x) required the project proponent to advertise in at least two local newspapers and the same was also fulfilled / complied with vide paper publication dated 23.01.2016. The original EC dated 20.01.2016 and the paper publications are enclosed as **Annexure-1** series. This original EC dated 20.01.2016 was the subject matter of challenge in Appeal No.46 of 2016 by the 1st Applicant herein. Thus, the Applicants are fully aware of the process and procedure in such matters including the uploading of the ECs in the website. Appeal No. 46 of 2016 was filed well within the time limit fixed under section 16 of the NGT Act, 2010.

8. In continuation with the above it is submitted that the EC granted to the 3rd Respondent was amended on 2 other occasions on 06.03.2017 and 21.10.2020. Thereto there was no requirement for paper publication of the amendments as the said amended ECs did not require so. These two amendments were also part and parcel of this Tribunal's proceedings in Appeal No. 46 of 2016. The present proceeding is also an amended EC issued on 08.08.2022 and a perusal of the said EC does not stipulate publication in


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any newspaper or otherwise as mandated under the original EC dated 20.01.2016. As a matter of fact in paragraph no. 7 of the amended EC dated 08.08.2022, MoEF and CC's approval for amendment of EC dated 20.01.2016 has been clearly mentioned. Thus, there was no requirement for paper publication of this amendment. The amended ECs dated 06.03.2017, 21.10.2020 and the present amendment dated 08.08.2022 are enclosed as **Annexure - 2** series.

9. It is respectfully submitted that the procedure for grant of EC is set out in the EIA notification of 2006 as amended till date under which in Sl.No.10 post environmental clearance monitoring has been provided in which advertising in two local newspapers has been provided. However, the Paragraph does not stipulate that the subsequent amendments are required to be published in the newspapers. For ready reference EIA notification of 2006 is enclosed as **Annexure - 3**.

10. It is submitted that the averments in the present application have been sufficiently addressed including in the counter affidavit of this 3rd respondent in IA No. 42 of 2023. In so far as the decision referred in para 10 of the affidavit namely Save Mon judgement, the same was fully applicable to the facts of this case and this 3rd respondent relies on the same. The uploading of the Amended EC dated 08.08.2022 on the Parivesh website, which stood clearly established with proof in the counter to IA No. 42 of 2023 was a sufficient compliance of communication set out in Section 16. Thus, the attempt to quote the Save Mon decision in an interpretation of the applicants choice cannot be allowed and permitted.

11. Thus, it is more than amply clear that the present application for a declaration that the Appeal has been filed within time is devoid of merits and liable to be dismissed with exemplary costs.

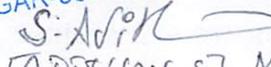

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For all the reasons stated herein above it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the application for declaration and thus render justice.

Solemnly affirmed at Chennai on this 25th day of May, 2023 and signed his name in my presence.


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वरिष्ठ प्रबंधक / Sr. Manager (EMG)
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ज्योतिनगर / JYOTHINAGAR-505 219

BEFORE ME


[ADITHAN.S] Ms.No 3119/19

ADVOCATE: CHENNAI
No.108, Armenian Street,
Chennai - 01.



J-13012/112/2010-IA.II (T)
Government of India
Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan, Jor Bagh Road,
 Aliganj, New Delhi-110003,

Dated: 20.01.2016

To

M/s NTPC Ltd.
 NTPC Bhawan, Scope Complex, 7,
 Institutional Area, Lodhi Road,
 New Delhi- 110003.

Sub: Expansion of Ramagundam STPP by addition of 2x800 MW (Stage-IV, Telangana STPP, Phase-I) at Village & Mandal Ramagundam, District Karimnagar, Telangana by M/s. NTPC Ltd. - reg. Environmental Clearance.

Sir,

This has reference to your online application dated 13.10.2015 and additional information/documents submitted vide letter dated 16.11.2015 w.r.t the aforesaid project. This Ministry has examined the proposal. It is inter-alia, noted that the ToR for preparation of EIA/EMP report was accorded by the Ministry on 16.09.2014 and an amendment of ToR for revision of capacity to 2x800 MW was accorded on 12.12.2014. Public Hearing for the project was conducted on 23.05.2015.

2. The land requirement for the proposed TPP would be about 635 acres and will be accommodated within the existing Ramagundam Thermal Power Station. No R&R issues are involved. There are no ecologically sensitive areas such as Biosphere Reserve, National Park and Wildlife Sanctuary within a radius of 10 km from the site. River Godavari flows at a distance of about 4 km from the project site. The nearest railway station, Ramagundam is about 5 km from the plant which lies on the main Kazipet - Ballarshah broad gauge railway line of South Central Railway. The cost of the expansion project is about Rs. 9,954.20 Crores, which includes about Rs. 834.81 crores for environmental protection measures.

3. The coal requirement will be 8 MTPA based on GCV of coal between 3,200-3,900 Kcal/kg. Ministry of Coal (MoC) vide letter dated 10.09.2015 has allotted Mandakini-B Coal Mine block in Odisha to the proposed TPP. Further, MoC vide its letter dated 21.09.2015 has accorded in-principle approval for grant of tapering linkage from Coal India Limited (CIL) for the proposed TPP as an exceptional case till the operation of Mandakini-B coal block. Accordingly, Coal India Limited (CIL) vide its letter dated 06.11.2015 has allotted tapering coal linkage for the proposed TPP from Western Coalfields Ltd. (WCL). The sulphur and ash content in the coal will be 0.5 % (max) and 34-43 % respectively. The transportation of coal will be by rail.

4. The water requirement of the proposed TPP is 5,825 cum/hr (about 58 Cusecs), which is proposed to be drawn from Sreepada Yellampally barrage on River Godavari at a distance of about 14 km from proposed site. Government of Telangana vide its letter dated 02.09.2015 has accorded and certified permission for drawl of 60 cusecs (2.00 TMC) water throughout the year from Sreepada Yellampally Barrage from the net available yield. COC of 5.0 shall be adopted. The plant would be designed on zero discharge concept in normal circumstances.

Om

5. The ash generation will be 3.44 MTPA. Ash utilization/management shall be done as per MOEF&CC Gazette Notification on utilization of ash dated 03.11.2009. Ash utilization plan will be implemented for 100% extraction and utilization of dry fly ash along with suitable collection, storage, segregation, loading, transportation and disposal etc. facilities. Dry form fly ash shall be pneumatically transported to fly ash silos. Loading this ash in tankers/ bulkers and also into rail wagons. Fly ash shall be taken by High Concentration Slurry Disposal system (HCSD) and bottom ash through Wet Slurry Disposal system for ultimate disposal to ash disposal area. Expressions of interests for using ash from the proposed TPP were received from Orient Cement, Kesoram Cement and Vasavadatta Cement plants.

6. Based on the information, clarification, documents submitted and presentations made by you and your consultant, viz. Vimta Labs Ltd., Hyderabad before the *Expert Appraisal Committee (Thermal Power)* in its 45th & 46th Meetings held during 29th-30th October, 2015 & 26th-27th November, 2015, respectively, the Ministry hereby accords environmental clearance to the above project under the provisions of EIA Notification dated September 14, 2006 and subsequent amendments therein subject to compliance of the following Specific and General conditions:

A. Specific Conditions:

- (i) *As the Satellite Imagery submitted was not clear, a clear satellite imagery shall be submitted to the Ministry and its R.O. Further, latest authenticated satellite imagery shall be submitted on an annual basis to the Ministry and its R.O. to monitor the alterations of the area.*
- (ii) *The PP shall ensure compliance to the Ministry's Notification dated 02.01.2014 regarding use of coal with ash content not exceeding thirty-four per cent, on quarterly average basis. This is to be ensured by incorporating a condition in the MoU/ FSA with CIL etc. Also, if required, coal washery shall be installed.*
- (iii) *The Sulphur and ash content of coal shall not exceed 0.5% and 34 % respectively. In case of variation of quality at any point of time, fresh reference shall be made to the Ministry and suitable amendments to the environmental clearance will have to be sought.*
- (iv) *FGD shall be installed as the emissions are found to be almost reaching threshold limit of 80 unit (for the worst case scenario) and also considering the cushion w.r.t NAAQS.*
- (v) *NTPC shall endeavor to enter into MoUs with NHAI, Associations of Cement Industries and Municipal Authorities for ensuring ash utilization in roads construction and cement manufacturing.*
- (vi) *The PP shall examine possibility of relocating the ash pond. In case, the relocation of ash pond is not possible, precautionary measures by providing maximum green belt between ash pond and reservoir etc. shall be undertaken.*
- (vii) *Study shall be conducted regarding the impact on agricultural fields in terms of heavy metal in food chain and ground water/soil for a period of one year and the report submitted to the Ministry.*
- (viii) *The Ash Water Re-circulation System (AWRS) shall be immediately installed for the existing TPP. Till that time, the ash pond effluent shall not be discharged into agricultural fields etc.*

- (ix) *The PP shall enhance the green belt of the existing TPP in compliance to the earlier EC conditions etc.*
- (x) *Long term monitoring of temperature shall be undertaken on-site and off-site of the TPP, as data of decrease in temperature needs to be verified. Further, requisite corrective action shall be taken based on the findings of the monitoring.*
- (xi) *As the data for the health studies was more than five years old, a fresh Occupational Health and epidemic health disorders survey of the study area (10 km radius) shall be conducted and the report submitted to the Ministry and its R.O. within one year.*
- (xii) *As committed, a minimum amount of Rs. 20 Crores shall be earmarked as capital cost for CSR activities and the recurring cost per annum shall be as per the CSR policy of GOI till the operation of the plant commences.*
- (xiii) **Vision document specifying prospective plan for the site shall be formulated and submitted to the Regional Office of the Ministry within six months.**
- (xiv) **Harnessing solar power within the premises of the plant particularly at available roof tops shall be carried out and status of implementation including actual generation of solar power shall be submitted along with half yearly monitoring report.**
- (xv) **A long term study of radio activity and heavy metals contents on coal to be used shall be carried out through a reputed institute and results thereof analyzed every two year and reported along with monitoring reports. Thereafter mechanism for an in-built continuous monitoring for radio activity and heavy metals in coal and fly ash (including bottom ash) shall be put in place.**
- (xvi) **Online continuous emission monitoring system for stack emission and ambient air shall be installed.**
- (xvii) **High Efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission does not exceed 50 mg/Nm³ or as would be notified by the Ministry, whichever is lesser. Adequate dust extraction system such as cyclones/bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided along with an environment friendly sludge disposal system.**
- (xviii) **Adequate dust extraction system such as cyclones/ bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided.**
- (xix) **COC of atleast 5.0 shall be adopted.**
- (xx) **Monitoring of surface water quantity and quality shall also be regularly conducted and records maintained. The monitored data shall be submitted to the Ministry regularly. Further, monitoring points shall be located between the plant and drainage in the direction of flow of ground water and records maintained. Monitoring for heavy metals in ground water shall also be undertaken and results/findings submitted along with half yearly monitoring report.**



- (xxi) A well designed rain water harvesting system shall be put in place within six months, which shall comprise of rain water collection from the built up and open area in the plant premises and detailed record kept of the quantity of water harvested every year and its use.
- (xxii) No water bodies including natural drainage system in the area shall be disturbed due to activities associated with the setting up / operation of the power plant.
- (xxiii) Wastewater generated from the plant shall be treated before discharge to comply limits prescribed by the SPCB/CPCB.
- (xxiv) Online continuous effluent monitoring system shall also be installed.
- (xxv) Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- (xxvi) Fly ash shall be collected in dry form and storage facility (silos) shall be provided. Mercury and other heavy metals (As, Hg, Cr, Pb etc.) shall be monitored in the bottom ash. No ash shall be disposed off in low lying area.
- (xxvii) Fugitive emission of fly ash (dry or wet) shall be controlled such that no agricultural or non-agricultural land is affected. Damage to any land shall be mitigated and suitable compensation provided in consultation with the local Panchayat.
- (xxviii) Green Belt consisting of three tiers of plantations of native species all around plant and at least 50 m width shall be raised. Wherever 50 m width is not feasible a 20 m width shall be raised and adequate justification shall be submitted to the Ministry. Tree density shall not be less than 2500 per ha with survival rate not less than 80 %.
- (xxix) CSR schemes identified based on need based assessment shall be implemented in consultation with the village Panchayat and the District Administration starting from the development of project itself. As part of CSR prior identification of local employable youth and eventual employment in the project after imparting relevant training shall be also undertaken. Company shall provide separate budget for community development activities and income generating programmes.
- (xxx) For proper and periodic monitoring of CSR activities, a CSR committee or a Social Audit committee or a suitable credible external agency shall be appointed. CSR activities shall also be evaluated by an independent external agency. This evaluation shall be both concurrent and final.
- (xxxi) An Environmental Cell comprising of at least one expert in environmental science/ engineering, ecology, occupational health and social science, shall be created preferably at the project site itself and shall be headed by an officer of appropriate superiority and qualification. It shall be ensured that the Head of the Cell shall directly report to the Head of the Plant who would be accountable for implementation of environmental regulations and social impact improvement/mitigation measures.

B) General Conditions:

- (i) The treated effluents conforming to the prescribed standards only shall be re-circulated and reused within the plant. Arrangements shall be made that effluents and storm water do not get mixed.
- (ii) A sewage treatment plant shall be provided (as applicable) and the treated sewage shall be used for raising greenbelt/plantation.
- (iii) Adequate safety measures shall be provided in the plant area to check/minimize spontaneous fires in coal yard, especially during summer season. Copy of these measures with full details along with location plant layout shall be submitted to the Ministry as well as to the Regional Office of the Ministry.
- (iv) Storage facilities for auxiliary liquid fuel such as LDO/ HFO/LSHS shall be made in the plant area in consultation with Department of Explosives, Nagpur. Sulphur content in the liquid fuel will not exceed 0.5%. Disaster Management Plan shall be prepared to meet any eventuality in case of an accident taking place due to storage of oil.
- (v) First Aid and sanitation arrangements shall be made for the drivers and other contract workers during construction phase.
- (vi) Noise levels emanating from turbines shall be so controlled such that the noise in the work zone shall be limited to 85 dB(A) from source. For people working in the high noise area, requisite personal protective equipment like earplugs/ear muffs etc. shall be provided. Workers engaged in noisy areas such as turbine area, air compressors etc shall be periodically examined to maintain audiometric record and for treatment for any hearing loss including shifting to non noisy/less noisy areas.
- (vii) Regular monitoring of ambient air ground level concentration of SO₂, NO_x, PM_{2.5} & PM₁₀ and Hg shall be carried out in the impact zone and records maintained. If at any stage these levels are found to exceed the prescribed limits, necessary control measures shall be provided immediately. The location of the monitoring stations and frequency of monitoring shall be decided in consultation with SPCB. Periodic reports shall be submitted to the Regional Office of this Ministry. The data shall also be put on the website of the company.
- (viii) Utilization of 100% Fly Ash generated shall be made from 4th year of operation. Status of implementation shall be reported to the Regional Office of the Ministry from time to time.
- (ix) Provision shall be made for the housing of construction labour (as applicable) within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (x) The project proponent shall advertise in at least two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned within seven days from the date of this clearance letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the

State Pollution Control Board/Committee and may also be seen at Website of the Ministry of Environment and Forests at <http://envfor.nic.in>.

- (xi) A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad / Municipal Corporation, urban local Body and the Local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
- (xii) The proponent shall upload the status of compliance of the stipulated environmental clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MOEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM (PM_{2.5} & PM₁₀), SO₂, NO_x (ambient levels as well as stack emissions) shall be displayed at a convenient location near the main gate of the company in the public domain.
- (xiii) The environment statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the respective Regional Offices of the Ministry by e-mail.
- (xiv) **The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment and Forests, its Regional Office, Central Pollution Control Board and State Pollution Control Board. The project proponent shall upload the status of compliance of the environmental clearance conditions on their website and update the same periodically and simultaneously send the same by e-mail to the Regional Office, Ministry of Environment and Forests.**
- (xv) Regional Office of the Ministry of Environment & Forests will monitor the implementation of the stipulated conditions. A complete set of documents including Environmental Impact Assessment Report and Environment Management Plan along with the additional information submitted from time to time shall be forwarded to the Regional Office for their use during monitoring. Project proponent will up-load the compliance status in their website and up-date the same from time to time at least six monthly basis. **Criteria pollutants levels including NO_x (from stack & ambient air) shall be displayed at the main gate of the power plant.**
- (xvi) Separate funds shall be allocated for implementation of environmental protection measures along with item-wise break-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should be reported to the Ministry.
- (xvii) The project authorities shall inform the Regional Office as well as the Ministry regarding the date of financial closure and final approval of the project by the concerned authorities and the dates of start of land development work and commissioning of plant.

(xviii) Full cooperation shall be extended to the Scientists/Officers from the Ministry / Regional Office of the Ministry / CPCB/ SPCB who would be monitoring the compliance of environmental status.

7. The Ministry reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction. The Ministry may also impose additional environmental conditions or modify the existing ones, if necessary.

8. The environmental clearance accorded shall be valid for a period of 7 years from the date of issue of this letter to start operations by the power plant.

9. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

10. In case of any deviation or alteration in the project proposed including coal transportation system from those submitted to this Ministry for clearance, a fresh reference should be made to the Ministry to assess the adequacy of the condition(s) imposed and to add additional environmental protection measures required, if any.

11. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management, Handling & Transboundary Movement) Rules, 2008 and its amendments, the Public Liability Insurance Act, 1991 and its amendments.

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

Yours faithfully,

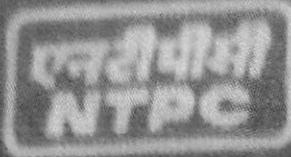

(B. B. Barman)
Scientist 'F'

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Secretary (Environment), Forests and Environment Department, Government of Telangana.
3. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
4. The Chairman, Telangana State Pollution Control Board, Paryavaran Bhawan, A-3 Industrial Estate, Sanath Nagar, Hyderabad- 500 018.
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
6. The Additional PCCF (Central), Regional Office, Ministry of Environment, Forests and Climate Change, 1st & 2nd Floors, HEPC Building, 34, Cathedral Garden Road, Nungambakkam, Chennai- 600034.
7. The District Collector, Karimnagar District, Govt. of Telangana.
8. Guard file/Monitoring file.
9. Website of MoEF&CC


(B. B. Barman)
Scientist 'F'

THE HINDU



NTPC Limited

(A Govt. of India Enterprise)

ENVIRONMENT CLEARANCE ACCORDED

Vide letter no: J-13012/112/2010-IA.II (T) dated 20.01.2016, Expansion of Ramagundam STPP by addition of 2x800 MW (Stage-IV, Telangana STPP, Phase-I) at Village & Mandal Ramagundam, District Karimnagar, Telangana by M/s. NTPC Ltd. has been accorded environmental clearance and the copies of clearance letter are available with the State Pollution Control Board/Committee and may also be seen at Website of the Ministry of Environment and Forests at <http://envfor.nic.in>

RDM/PR/2015-16/21

Contact

NTPC-Ramagundam

Registered Office: NTPC Bhawan, SCOPE Complex, 7, Institutional Area, Lodi Road, New Delhi-110003, CIN: L40101DL1975GOI007966.

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NTPC Limited

(A Govt. of India Enterprise)

పర్యావరణ క్లియరెన్స్ మంజూరు చేయబడినది

లేఖ నెం. : J-13012/112/2010-IA.II (T) తేది: 20-1-2016 ద్వారా, M/s NTPC లిమిటెడ్ కి తెలంగాణ కరీంనగర్ జిల్లా, రామగుండం గ్రామం మరియు మండలం వద్ద 2x800 MW (స్టేజ్ -IV, తెలంగాణ STPP, ఫేజ్ -I) యొక్క అవసరమైన ద్వారా రామగుండం STPP యొక్క విస్తరణకు, పర్యావరణ క్లియరెన్స్ మంజూరు చేయబడినది మరియు క్లియరెన్స్ లేఖ కాపీలు రాష్ట్ర కాలుష్య నియంత్రణ మరియు లి/కమిటీ వద్ద లభ్యమగును మరియు <http://envfor.nic.in> వద్ద పర్యావరణ మరియు ఆటవీ మంత్రిత్వ శాఖ యొక్క వెబ్ సైట్ నందు కూడా చూడవచ్చు. NTPC-రామగుండం సమోచిత కార్యాలయము: NTPC భవన్, SCOPE కాంప్లెక్స్ 7, ఇన్స్టిట్యూషనల్ ఏరియా, లోడి రోడ్, హ్యా డిల్లీ-110003, CIN: L40101DL1975GOI007966.

RDM/PR/2015-16/21

Contact

విద్యుత్ రంగంలో అగ్రగామి



J-13012/112/2010-IA.II (T)
Government of India

Ministry of Environment, Forest and Climate Change

3rd Floor, Vayu Wing,
Indira Paryavaran Bhawan, Jor Bagh Road,
Aliganj, New Delhi-110003,

Dated: 06.03.2017

To

M/s NTPC Ltd.
NTPC Bhawan, Scope Complex, 7,
Institutional Area, Lodhi Road,
New Delhi- 110003.

Sub: Expansion of Ramagundam STPP by addition of 2x800 MW (Stage-IV, Telangana STPP, Phase-I) at Village & Mandal Ramagundam, District Karimnagar, Telangana by M/s. NTPC Ltd. - reg. amendment in Environmental Clearance.

Sir,

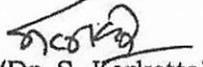
This has reference to the Environmental Clearance issued vide Ministry's letter dated 20.01.2016 w.r.t the aforesaid project.

2. This Ministry has examined the proposal in light of the OA No.315/2016 in the matter of Sunil Dahiya Vs Union of India pending before Hon'ble NGT Delhi. The matter has been placed before EAC in its 1st meeting held on 28.12.2016 and EAC recommended for amendments inline with the Ministry's notification dated 07.12.2015. Ministry accepts the recommendations and hereby amends the following conditions of the EC dated 20.01.2016 as follows:

- i. *Specific condition no.6A(xvii):* High Efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission does not exceed the standards prescribed in the MoEF&CC vide Notification S.O.3305(E) dated 07.12.2015 or any other standards notified by the Ministry which ever is stringent. Emission standards notified vide S.O.3305(E) dated 07.12.2015 shall be complied with. Adequate dust extraction system such as cyclones/bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided along with an environment friendly sludge disposal system.
- ii. *Specific condition no.6A(xxiii):* Wastewater generated from the plant shall be treated and reused for various purposes within the plant. There shall not be any discharge of wastewater. Zero liquid discharge shall be adopted and specific water consumption shall be achieved as per the MoEF&CC Notification S.O.3305(E) dated 07.12.2015.

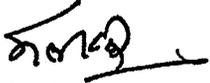
3. All other conditions specified in the EC dated 20.01.2016 shall remain the same, as applicable.

Yours faithfully,


(Dr. S. Kerketta)
Director

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Secretary (Environment), Forests and Environment Department, Government of Telangana.
3. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
4. The Chairman, Telangana State Pollution Control Board, Paryavaran Bhawan, A-3 Industrial Estate, Sanath Nagar, Hyderabad- 500 018.
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
6. The Additional PCCF (Central), Regional Office, Ministry of Environment, Forests and Climate Change, 1st & 2nd Floors, HEPC Building, 34, Cathedral Garden Road, Nungambakkam, Chennai- 600034.
7. The District Collector, Karimnagar District, Govt. of Telangana.
8. Guard file/Monitoring file.
9. Website of MoEF&CC .


(Dr. S. Kerketta)
Director



F.No.J-13012/112/2010-IA.I(T)
Government of India
Ministry of Environment, Forest and Climate Change

3rd Floor, Vayu Block,
 Indira Paryavaran Bhawan, Jor Bagh Road,
 Aliganj, New Delhi-110003

Dated: 21.10.2020

To

Dr. Vijay Prakash, General Manager
M/s NTPC Ltd., Environmental Engineering Department
 Engineering Office Complex, Plot No. A-8A, Sector - 24
 Noida - 201 301.

Tel. No. 0120-2410331; E-mail: environment.ntpc@gmail.com

Sub: 2x800 MW (Stage-IV, Telangana STPP, Phase-I) at Village & Mandal Ramagundam, District Karimnagar, Telangana by M/s NTPC Ltd.-reg. amendment in EC.

Sir,

The undersigned is directed to refer your online application Nos. IA/TG/THE/113457/2019 dated 05.08.2019 for amendment in Environmental Clearance (EC) condition regarding monitoring of Radio activity.

2. It has been noted that the Environmental Clearance to 2x800 MW Ramagundam Thermal Power Project was accorded vide Ministry's letter dated 20.1.2016. The specific condition No.xv of the said EC is as below:

"Condition No.xv: A long term study of radio activity and heavy metals contents on coal to be used shall be carried out through a reputed institute and results thereof analysed every two year and reported along with monitoring reports. Thereafter mechanism for an in-built continuous monitoring for radio-activity and heavy metals in coal and fly ash (including bottom ash) shall be put in place."

3. It has been noted that you have requested for amendment in the above mentioned conditions. It has been informed that the continuous online instruments are not available for monitoring Radio-activity and heavy metal analysis in the Coal and heavy metals.

4. The above proposal for amendment in EC have been considered by the EAC (Thermal Power) in its meeting held on 23.8.2019. In acceptance of the recommendations of the EAC (Thermal Power), **the Ministry hereby grants the amendment in EC dated 20.1.2016 with the following additional conditions:**

i. The General condition No.xv of EC dated 20.1.2016 is modified as:

"Radio activity and heavy metals' contents in coal and fly ash (including bottom ash) shall be carried out through a reputed institute once in a year and the analysis reports to be submitted to the Ministry and its Regional Office."

ii. The total Radio-activity in the working areas such as coal stock yard, flyash pond shall be calculated based on the analysis results per unit weight of coal/ash. The total radio-activity in the atmosphere is to be compared with the maximum permissible dosage levels of each person working in those areas. This is to be conducted once in a year.

- iii. While commissioning the proposed unit, the compliance of revised emission norms issued vide Notification dated 07.12.2015 and as amended time to time shall be achieved along with specific water consumption as per the notification dated 28.06.2018. The FGD System and NOX control measures such as SCR/SCNR/De-NOX burners shall be installed to achieve the revised emission norms.
- iv. As per the Revised Tariff Policy notified by Ministry of Power vide dated 28.01.2016, project proponent shall explore the use of treated sewage water from the Sewage Treatment Plant of Municipality/ local bodies/ similar organization located within 50 km radius of the proposed power project to minimize the water drawl from surface water bodies. The details of Sewage Treatment Plants located within 50 km radius along with the capacities shall be submitted.
5. All other conditions stipulated in the EC letter vide No.J-13012/112/2010-IA.I(T) dated 20.01.2016 and amendment dated 06.03.2017 shall remain the same, as applicable.

This issues with the approval of the Competent Authority.

Yours faithfully,


(Dr. S. Kerketta)
Director (IA.I)

Copy to:

1. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
2. The Deputy Director General of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office (SEZ), Ist and IInd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai-600034.
3. The Chairman, Telangana State Pollution Control Board, Paryavaran Bhawan, A-3, Industrial Estate, Sanathnagar, Hyderabad-500018.
4. Guard file/Monitoring file.
5. Website of MoEF&CC.


Director (IA.I)

F. No. J-13012/112/2010-IA.II (T)
Government of India
Ministry of Environment, Forest & Climate Change
Impact Assessment Division

Indira Paryavaran Bhawan,
Vayu Wing, 2nd Floor,
Aliganj, Jor Bagh Road,
New Delhi - 110 003

Dated: 08th August, 2022

To,

M/s NTPC Limited
NTPC Engineering Office Complex,
Sector-24, Noida,
District Gautam Buddha Nagar- 201301 (Uttar Pradesh)

Sub: Expansion of Ramagundam STPP by addition of 2x800 MW (Stage-IV, Telangana STPP, Phase-I) at village & Mandal Ramagundam, District Karimnagar, Telangana by M/s NTPC Ltd - Amendment in Environmental Clearance - reg

Sir,

This has reference to your online proposal no. IA/TG/THE/274532/2022 dated 24th May, 2022 for amendment in the Environmental Clearance (EC) to the above project.

2. The Ministry of Environment, Forest and Climate Change has examined the above proposal for amendment in the environmental clearance granted by the Ministry vide letter dated 20.01.2016 in favour of M/s NTPC Limited, to the project for expansion of Ramagundam STPP by addition of 2x800 MW (Stage-IV, Telangana STPP, Phase-I) at village & Mandal Ramagundam, District Karimnagar, Tclangana.

3. Earlier, Environment Clearance was granted by the Ministry vide letter dated 20th January, 2016 to the project for Expansion of Ramagundam STPP by addition of 2x800 MW (Stage-IV, Telangana STPP, Phase-I) at village & Mandal Ramagundam, District Karimnagar, Telangana. The said environment clearance was further amended vide letters dated 06.03.2017 and 21.10.2020 respectively.

4. Further, an appeal was filed in Hon'ble National Green Tribunal (NGT), Southern Bench, Chennai on 17.02.2016 challenging the accord of EC to the project, wherein the Hon'ble NGT passed the final order on 27.05.2021 in the appeal (appeal no 46/2016 (SZ) with the following direction:

".....So under such circumstances, we feel there is no necessity to set aside the Environment Clearance granted in toto, but it can be suspended for a reasonable period directing the Ministry of Environment Forest and Climate Change (MOEF&CC) to direct the project proponent to conduct fresh Environment Impact Assessment (EIA) study on certain aspects as detailed below and then direct the Expert Appraisal Committee (EAC) to appraise the same and impose necessary additional conditions required and then consider the same and issue necessary amendment to the Environment Clearance dated 20.01.2016 by incorporating additional conditions for that purpose. The MOEF&CC is directed to direct the project proponent to conduct following fresh studies:



- Project proponent shall be directed to conduct Radio-activity and heavy metal test of coal to be used including alternative coal which they propose to use and probable impact of the same on environment and the mitigative measures to be taken to reduce impact if any on environment.
- The project proponent shall be directed to conduct cumulative impact assessment of ambient air quality modelling for a radius of 15 kms from the project area by collecting primary data regarding air quality for another season other than the winter season during the relevant period and also taking more number of locations within 15 kms radius selecting the probable polluting industries situated and the impact of the present as the proposed projects in those areas as directed by the National Green Tribunal in T. Muruganandam & Ors. Vs. Union of India & Ors Appeal No. 50 of 2012.
- The project proponent shall be directed to conduct fresh study regarding the area for installation of Flue Gas Desulphurization (FGD) system, Hydro-geological impact assessment on account of the ash pond due to storage of ash slurry in the ash pond, its location and the mitigation measures to be taken for avoiding any possible pollution on account of the same on water quality in that area.
- They are also directed to conduct a proper study on the disposal of waste water/effluent by using methodology of Zero Liquid Discharge (ZLD) system on a scientific basis taking into account the water quality in that area including the heavy metals which were likely to be present on account of probable contamination be caused on account of breach of ash pond, if any in future.
- After getting the impact assessment report as directed, the MOEF&CC is directed to forward the same to Expert Appraisal Committee (EAC) for further appraisal and getting their recommendations of additional conditions, if any, to be imposed and then consider the same and impose necessary additional conditions for this purpose and allowing the unit to operate till then the Environment Clearance dated 20.01.2016 and other amendments granted to Environment Clearance in 2017 and 2020 relied on by the project proponent are directed to be kept in abeyance. All these exercises will have to be completed within a period of seven months.....”

5. Based on the decision on Hon'ble NGT, the Ministry vide letter dated 10.09.2021 granted additional Term of Reference (TORs) for Cumulative Impact Assessment for Telangana Super Thermal Power Project, Phase-I (2X800 MW).

6. The proposal was considered by the EAC (Thermal power projects) in its 26th meeting held on 15th June, 2022. The EAC was of the view that the additional studies conducted as per the ToR granted by the Ministry is satisfactory. The EAC after detailed deliberation on the information submitted and as presented during the meeting recommended the proposal for grant of amendment in environmental clearance to the project for expansion of Ramagundam STPP by addition of 2x800 MW (Stage-IV, Telangana STPP, Phase-I) subject to compliance of following additional specific conditions:

- (i) Area of Ash pond shall be reduced by 50%. Reduced area (200 acre) of Ash pond shall be used for Greenbelt development, out of which 30 acres land (50m width) shall be used for creating plantation barrier between water storage area and ash pond so as to avoid mixing pollutants in the water body. Plantation shall be done by Miyawaki technique with 90% survival rate.
- (ii) HDPE lining shall be provided to the Ash pond and the height of the Ash pond shall not increase beyond 16 m.

R. J. D.

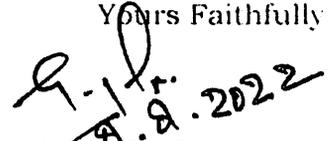
(iii) All other condition mentioned in EC dated 20.01.2016 shall remain unchanged.

7. Based on recommendations of the EAC, the Ministry of Environment, Forest and Climate Change hereby accords approval for amendments in the environmental clearance dated 20.01.2016 as stated in para 6 above, for the project expansion of Ramagundam STPP by addition of 2x800 MW (Stage-IV, Telangana STPP, Phase-I) at village & Mandal Ramagundam, District Karimnagar, Telangana.

8. All other terms and conditions stipulated in the environmental clearance dated 20.01.2016 and its amendment therein shall remain unchanged.

9. This issues with approval of the competent authority.

Yours Faithfully

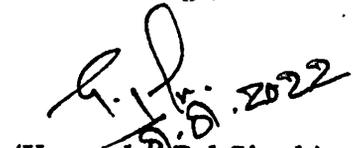

 (Yogendra Pal Singh)
 Scientist 'E'

Telefax: 011-20819364

Email Id: yogendra78@nic.in

Copy to:-

1. The Secretary, Ministry of Water Resources, RD & GR, Sharam Shakti Bhawan, Rafi Marg, New Delhi – 110 003.
2. The Principal Secretary, Environment, Forests, Science and Technology Department, Telangana Government Secretariat, Room No. 327A, D-Block, 2nd Floor, Khairatabad, Hyderabad (Telangana).
3. Deputy Director General of Forests (C), Integrated Regional Office, Hyderabad 3rd Floor, Room No. 309, Aranya Bhawan, Opp. RBI, Safiabab – 500 004, Hyderabad, Telangana
4. The Member Secretary, Central Pollution Control Board Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi – 110 032.
5. The Member Secretary, Telangana State Pollution Control Board, Paryavaran Bhawan, A-III, Industrial Estate, Sanath Nagar, Hyderabad – 500 018.
6. Monitoring Cell, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi
7. Guard File/Record File/Monitoring File/Website of MoEF&CC


 (Yogendra Pal Singh)
 Scientist 'E'

**(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS
New Delhi 14th 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, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th 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 15th 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 15th 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 27th 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

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.

¹Includes 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.

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).
- (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. " In the absence of a duly constituted SEIAA

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, constitute 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

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).

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

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:

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

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

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

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:

- IV (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.”;
- IV (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 1st June and 1st December of each calendar year.
- IV (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

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 27th 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.

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

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ)

I.A.No. 61 of 2023

In

Appeal No.6 of 2023

Uma Maheswar Dahagama & others

.... Applicants/Appellants .

Versus

Union of India & others

.... Respondents/Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF THE 3RD RESPONDENT
ALONG WITH ANNEXURES.**

M/s. KING & PARTRIDGE

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