

## PRINCIPAL BENCH AT NEW DELHI

APPEAL NO. 11 OF 2025

**IN THE MATTER OF:-**

HARISH KUMAR

...APPELLANT

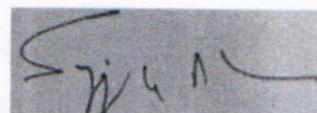
VERSUS

STATE OF HARYANA &amp; ORS.

...RESPONDENTS

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**THROUGH****SANJAY KUMAR PANDEY****Advocate**

Counsel for the Appellant

A-335, Second Floor, Defence Colony

New Delhi-110024

Mobile No. 09717371892

**PLACE: NEW DELHI****DATE: 6.02.2025**

**IN THE MATTER OF:-**

HARISH KUMAR

...APPELLANT

VERSUS

STATE OF HARYANA &amp; ORS.

...RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPELLANT**

I, Harish Kumar, aged about 39 years, S/o Rattan Singh, R/o House No. 730/E/2, Patel Nagar, Sector-15, Near Jyoti Hospital, Gurgaon, Haryana 122001, do hereby solemnly affirm and declare as under:

1. That the Deponent herein is the Appellant in the above-titled Appeal and conversant with the facts and circumstances of the case and competent to swear this affidavit
2. That the contents of the Additional Affidavit are true and correct and nothing material has been concealed therefrom.
3. That the deponent herein had filed the above-titled Appeal No. 11 of 2025 titled *Harish Kumar v. State of Haryana & Ors.*. It is submitted that by way of this Appeal, the Appellant has challenged Environment Clearance dated 6.12.2024 granted by SEIAA, Haryana to Respondent No. 4 i.e. M/s Forever Buildtech Pvt. Ltd.
4. That in Para 17 of the Appeal, the Deponent is relying on OM dated 29.03.2022 issued by MoEF&CC titled which is mentioned to be annexed as Annexure A-12 of the Appeal.
5. It is submitted that by way of inadvertent error and oversight, the Deponent has filed a different Office Memorandum (OM) of same date i.e. 29.03.2022 of MoEF&CC titled "Procedure to be followed by the project proponent while surrendering the prior Environment Clearances

accorded by MoEF&CC/SEIAA for developmental projects-regarding".



6. That now by this Affidavit, the Appellant wants to place on record the correct OM dated 29.03.2022 titled "Clarification regarding activities which can be undertaken for securing the land prior to grant of Environmental Clearance-regarding".

A copy of the OM dated 29.03.2022 titled "Clarification regarding activities which can be undertaken for securing the land prior to grant of Environmental Clearance-regarding" is annexed herewith as

**ANNEXURE A-1.**

7. It is submitted that the error happened in filing of the Annexure A-12 is bonafide, neither deliberate nor intentional and grave prejudice will be caused to the Deponent, if the OM dated 29.03.2022 filed along with this affidavit is not taken on record. This Hon'ble Tribunal may consider the above-mentioned submission on behalf of the Deponent for further adjudication of the matter.

*Harish Kumar*

**DEPONENT**

**VERIFICATION**

- 6 FEB 2025

Verified on this \_\_\_\_ day of \_\_\_\_\_ 2025 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

I, IDENTIFIED THE  
DEPONENT WHO HAS  
SIGNED IN MY PRESENCE

*Harish Kumar*

**DEPONENT**

NOTARY PUBLIC APPOINTED BY GOVT. OF INDIA G. S. KHARBANDA		
Notary Reg. No. 785	6 FEB 2025	ADVOCATE ENL. No. D 287/81
ATTESTED 9899422266		

**ATTESTED**

NOTARY PUBLIC

F. No. IA3-22/10/2022-IA.III [E 177258]

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Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

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

Dated: 29<sup>th</sup> March, 2022**OFFICE MEMORANDUM**

**Subject: Clarification regarding activities which can be undertaken for securing the land prior to grant of Environmental Clearance-regarding.**

As per the provisions of Environment Impact Assessment (EIA) Notification 2006, the project or activities [New/Expansion/ Modernization/ change of product-mix or raw material mix] listed in the Schedule to the said Notification would require prior Environment Clearance (EC) from the concerned Competent Authority before undertaking any construction work or preparation of land by the project proponent, except for securing the land.

2. In this regard, Office Memorandum No. J-11011/41/2006-IA.II(I) dated 19/08/2010 clarified that while securing the land, no activity relating to any project covered under EIA Notification, 2006 including civil construction can be undertaken at the site without prior EC except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s).

3. Over a period of time, various options other than conventional barbed wire and wall fencing, have come into existence, viz., use of pre-fabricated structures, pre-cast compound wall etc. Further, in order to secure the land, the project proponent may need to have water and electricity connection. In view of the same, it has been decided by the Competent Authority in the Ministry to explicitly clarify that following activities can be undertaken by the project proponent for securing the land.

- i. Fencing of the project site by boundary wall using civil construction, barbed wire or precast/ prefabricated components.
- ii. Construction of temporary sheds using pre-fabricated / modular structure, for site office/guards and storing material and machinery.
- iii. Provision of temporary electricity and water supply for site office/guards only.

4. The above activities shall be undertaken subject to the following:

- i. The land should be in the legal possession of the project proponent and all statutory approvals in respect of the project site should have been obtained.
  - ii. In case of involvement of any forest land, no activity shall be initiated at the site till the Stage II Forest Clearance is obtained under the relevant provisions of Forest (Conservation) Act, 1980. In case of applicability of Wildlife Clearance, necessary permission from Standing Committee for National Board for Wildlife (SCNBWL) shall be obtained under the provisions of Wildlife Protection Act, 1972.
  - iii. In case of felling of trees if any, requisite permission from the Forest Department/Statutory Authorities of the concerned State Government shall be obtained.
  - iv. The investment made by the Project Proponent on the above, in anticipation of the applicable clearances under the relevant provisions of the Acts/Rules, shall be entirely at the cost and risk of the proponent.
5. However, the above dispensation would not entitle the project proponent to claim ***fait accompli*** with regard to grant of EC or any other applicable permission from any concerned statutory authority and further, the works of the aforesaid nature shall have no bearing on appraisal of the project for grant of EC which shall follow the due process and procedure as laid down in EIA Notification 2006, as amended.
6. This O.M. is being issued in supersession of the earlier O.M. dated 19/08/2010 and with the approval of the Competent Authority.



(A.K. Agrawal)  
Director

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of I.A. Division

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DG (FC) & SS
5. PPS to AS(TK) / AS (NPG)/ AS(RS)
6. PPS to JS (SKB)
7. Website, MoEF&CC/Guard file.