

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 165 OF 2025**

**IN THE MATTER OF:
KISHAN LAL**

APPLICANT

VERSUS

**STATE OF UTTAR PRADESH &
ORS.**

RESPONDENTS

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THROUGH

Priyanka...

Place: New Delhi

Priyanka swami

Date: 13.05.2026

Advocate

Standing Counsel for SEIAA, U.P.

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**ADDITIONAL REPLY ON BEHALF OF RESPONDENT NO.10-STATE
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA),
U.P.**

MOST RESPECTFULLY SHOWETH:

1. That at the outset, it is respectfully submitted that the present Status Report is being filed on behalf of the State Environment Impact Assessment Authority, Uttar Pradesh (SEIAA, U.P.) in compliance with the Order dated 03.12.2025 passed by this Hon'ble Tribunal, and the same is being tendered with utmost respect to assist this Hon'ble Tribunal in the adjudication of the present matter in accordance with law.
2. That it is respectfully submitted that an Affidavit dated 29.11.2025 on behalf of the Member Secretary, SEIAA, Uttar Pradesh had already been filed before this Hon'ble Tribunal on in the instant matter.

- 3.** That the submissions made therein on behalf of SEIAA, are reiterated by reference and continue to apply to the present proceedings. The same are therefore not being reproduced herein again, for the sake of brevity, without prejudice to the rights and contentions of the answering respondent.
- 4.** That SEIAA, U.P., is a statutory body constituted under the Environmental Impact Assessment (EIA) Notification, 2006, with the primary responsibility of evaluating and granting Environmental Clearances (ECs) to projects falling within its jurisdiction. Its role is confined to assessing the potential environmental impacts of proposed projects and ensuring compliance with applicable laws at the time of granting clearances. The Office Memorandum dated 29.06.2010 issued by the MoEF&CC clearly designates the Regional Offices of the Ministry as the competent authority for post-clearance monitoring, enforcement of compliance, and regulatory inspections. SEIAA, U.P., functions strictly within its jurisdiction and provides necessary inputs to the regulatory authorities as and when required.
- 5.** That as per the Ministry of Environment and Forests Notification dated 14.09.2006 (as amended), prior Environmental Clearance (EC) is mandatory for all new projects or activities listed in the

Schedule, for expansion or modernization of existing projects crossing the prescribed threshold limits, and for any change in product mix beyond the specified range, with the objective of regulating activities based on their potential environmental impacts, such clearance must be obtained before commencement of construction or land preparation, from the Central Government for Category 'A' projects and from the State Environment Impact Assessment Authority (SEIAA) for Category 'B' projects, based on the recommendations of the State Level Expert Appraisal Committee (SEAC).

- 6.** That it is submitted that as per the Notification dated 14.09.2006 (as amended) issued by the Ministry of Environment, Forest and Climate Change, Government of India, the following provisions are applicable to projects falling under Item 8 – Building or Construction Projects and Townships and Area Development Projects:

8		Building or Construction projects or Area Development projects and Townships		
Project or Activity		Category with threshold limit		Conditions if any
		A	B	
8(a)	Building and Construction projects		≥ 20,000 sq.m. and < 1,50,000 sq. m. of built up area	The term "built up area" for the purpose of this notification is defined as the built up or covered

				<p>area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects.</p> <p>Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks. Note 2.- General Conditions shall not apply.</p>
8(b)	Townships and Area Development Projects		Covering an area \geq 50 ha and/or built up area \geq 1,50,000 sq. m.	A project of Township and Area Development Projects covered under this item shall require an Environment Impact

7. That furthermore regarding the validity of an Environmental Clearance, it is pertinent to mention that the MoEF&CC vide Notification No. S.O. 1807(E) dated 12.04.2022 amended the provisions of the EIA Notification, 2006. Subsequently, to clarify the said amendment, the Ministry issued an Office Memorandum bearing F.No. 1A3-22/28/2022-1A.III dated 13.12.2022. The relevant extract of the said OM is reproduced below:

"The Ministry of Environment, Forest and Climate Change (MoEF&CC) vide notification no. S.O. No. 1807(E) dated 12/04/2022 amended the provisions of EIA

Notification, 2006 regarding validity of Environment Clearance as mentioned below:

<i>Type of Project</i>	<i>Earlier EC validity (Years) (A)</i>	<i>Further extendable for (Years) (B)</i>	<i>Increased EC validity (Years) (C)</i>	<i>Further extendable for (Years) (D)</i>
<i>River Valley projects</i>	<i>10</i>	<i>3</i>	<i>13</i>	<i>2</i>
<i>Nuclear projects</i>	<i>7</i>	<i>3</i>	<i>15</i>	<i>5</i>
<i>Projects other than River Valley, Nuclear and Mining Projects</i>	<i>7</i>	<i>3</i>	<i>10</i>	<i>1</i>
<i>Mining Projects</i>	<i>30</i>		<i>30 (Subject to adequacy of EIA/EMP to be reviewed every 5 years after 30 Years)</i>	<i>20</i>

2. The Ministry is in receipt of representations from different stakeholders seeking clarification on the validity of Environment Clearance for different developmental projects in pursuance to the aforementioned Notification. The matter has been examined and it is to clarify that the applicability of the Notification is as under:

i. The validity of the Environmental Clearances, which had not expired as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically

extended to respective increased validity as mentioned at para no. 1 column (C) above:

Provided that the period of validity of Environmental Clearance with respect to the type of Projects and Activities listed at Para 1 above may be extended in respect of valid Environmental Clearance, by the regulatory authority concerned, by a maximum period of years as indicated at Para No. 1 Column (D) above, if an application is made in the laid down proforma to the regulatory authority by the applicant as per the provisions of EIA Notification 2006:

Provided further that the regulatory authority may also consult the concerned Expert Appraisal Committee before grant of such extension.

ii. The Environment Clearances for which the project proponents have submitted the application for extension of validity as per the provisions of the EIA Notification 2006 as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically extended to respective increased validity as mentioned at Para no. 1 column (C) above.

3. This is issued with the approval of Competent Authority."

True Copy of the Office Memorandum letter dated 13.12.2022 is attached herewith and marked as Annexure P/1.

8. That it is respectfully submitted in terms of the I.A. No. 782/2025 filed by the Respondent No.2, that SEIAA, Uttar Pradesh, receives

numerous proposals for Environmental Clearance under the EIA Notification, 2006 (as amended), and tracing any specific application requires complete particulars, including the name of the project proponent/applicant, project details, complete address, proposal number and file number and since the present matter pertains to the year 2011 and concerns FSI developers, and in the absence of precise identifying information, no Environmental Clearance could be traced in the name of the newly impleaded Respondent Nos. 15 to 23 through the I.A. No. 782/2025, as per the available records.

- 9.** That it is further submitted that the further verification of records for the purpose of I.A. No. 782/2025, may be undertaken upon receipt of complete details and details including the name of the project proponent/applicant, project details, complete address, proposal number and file number, plot number and it's not feasible to per se find relevant records by way of Names of the impleaded respondents and the responsibility lies with the Respondent Nos. 15 to 23 to place on record relevant documents and clarify whether any Environmental Clearance has been obtained by them.

10. That it is most respectfully submitted that the State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh has at all times acted fairly, impartially, and strictly in accordance with the provisions of the EIA Notification, 2006, and continues to discharge its statutory functions in a transparent and lawful manner; it is further submitted that the SEIAA remains fully committed to the objectives of environmental protection and sustainable development, and to ensuring scrupulous compliance with the directions and orders passed by this Hon'ble Tribunal.

Through

SEIAA, U.P.

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RESPONDENTS

AFFIDAVIT

I, Vidhyotma Bharti, aged about 49 years W/o Dr. G.L. Nigam is presently posted as Assistant Director, Regional Office, Noida, Directorate of Environment & Climate Change, U.P., having an office at E-12/1, Noida, U.P., presently at New Delhi, do hereby solemnly affirm and declare as under: -

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of Member Secretary, SEIAA before this Tribunal.
2. That the accompanying reply has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.
4. That the Deponent will continue to extend her full cooperation and shall abide by any further directions that the Hon'ble Tribunal may issue.



V. Shashi

DEPONENT

VERIFICATION

Verified on solemn affirmation at New Delhi on 13 MAY 2026..... day of 2026 that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

A.A.
MP/5638/25
I identified the deponent who has signed in my presence



V. Shashi

DEPONENT

ATTESTED

**NOTARY PUBLIC
(INDIA)**

13 MAY 2026

F.No. 1A3-22/28/2022-1A.111 [E 181584]

Government of India

Ministry of Environment, Forest and Climate Change

Impact Assessment Division

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

Dated: 13th December, 2022

OFFICE MEMORANDUM

Subject: Clarification on the amendment to EIA Notification 2006 issued vide S.O. No. 1807(E) dated 12/04/2022 with regard to validity of Environment Clearance - regarding.

The Ministry of Environment, Forest and Climate Change (MoEF&CC) vide notification no. S.O. No. 1807(E) dated 12/04/2022 amended the provisions of EIA Notification, 2006 regarding validity of Environment Clearance as mentioned below:

Type of Project	Earlier EC validity (Years) (A)	Further extendable for (Years) (B)	Increased EC validity (Years) (C)	Further extendable for (Years) (D)
River Valley projects	10	3	13	2
Nuclear projects	7	3	15	5
Projects other than River Valley, Nuclear and Mining Projects	7	3	10	1
Mining Projects	30		30 (Subject to adequacy of EIA/EMP to be reviewed every 5 years after 30 Years)	20

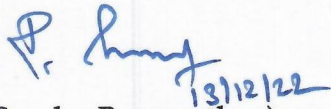
2. The Ministry is in receipt of representations from different stakeholders seeking clarification on the validity of Environment Clearance for different developmental projects in pursuance to the aforementioned Notification. The matter has been examined and it is to clarify that the applicability of the Notification is as under:

- i. The validity of the Environmental Clearances, which had not expired as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically extended to respective increased validity as mentioned at para no. 1 column (C) above:

Provided that the period of validity of Environmental Clearance with respect to the type of Projects and Activities listed at Para 1 above may be extended in respect of valid Environmental Clearance, by the regulatory authority concerned, by a maximum period of years as indicated at Para No. 1 Column (D) above, if an application is made in the laid down proforma to the regulatory authority by the applicant as per the provisions of EIA Notification 2006:

Provided further that the regulatory authority may also consult the concerned Expert Appraisal Committee before grant of such extension.

- ii. The Environment Clearances for which the project proponents have submitted the application for extension of validity as per the provisions of the EIA Notification 2006 as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically extended to respective increased validity as mentioned at Para no. 1 column (C) above.
3. This is issued with the approval of Competent Authority.


(Sundar Ramanathan)
Scientist 'E'

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 IA 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. Sr.PPS to Secretary (EF&CC)
4. Sr.PPS to AS (TK) / AS (NPG)
5. Sr.PPS to JS (SKB)
6. Website, MoEF&CC
7. Guard file.