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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 681/2023
(I.A. NO. 800/2023)**

ABHINAY KUMAR RAI

APPLICANT

VERSUS

BLISS DELIGHT & ORS.

RESPONDENT(S)

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THROUGH



**Place: New Delhi
Date:03/01/2026**

**Priyanka swami
Standing Counsel For SEIAA, U.P.
Advocate
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**ADDITIONAL REPLY ON BEHALF OF SEIAA. U.P.
ALONGWITH AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

- 1.** That the Ministry of Environment and Forests, Government of India, vide Notification dated 14.09.2006 (as amended from time to time), has made it mandatory to obtain Prior Environmental Clearance (EC) prior to the establishment or expansion of any project or activity listed in the Schedule appended thereto.
- 2.** That as per the aforesaid Notification, Environmental Clearance is required in respect of:
 - a)** all new projects or activities listed in the Schedule to the Notification

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SEIAA is required to base its decision on the recommendations of the State Level Expert Appraisal Committee (SEAC).

- 5.** That the SEIAA, Uttar Pradesh and SEAC, Uttar Pradesh were constituted vide Notification S.O. 2276(E) dated 11.06.2021 and were subsequently reconstituted vide Notification S.O. 3921(E) dated 26.08.2025 issued by the MoEF&CC, and that the Directorate of Environment, Government of Uttar Pradesh, has been designated as the Secretariat for both bodies. That all proposals for grant of Prior Environmental Clearance received by SEIAA-UP are processed strictly in accordance with the provisions of the EIA Notification, 2006 (as amended), wherein the SEAC is mandated to make categorical recommendations to the concerned regulatory authority, and the SEIAA takes a final decision based on such recommendations.
- 6.** That an application dated 24.06.2024 was submitted by the Project Proponent, M/s R.R. Civil Tech Pvt. Ltd., seeking grant of Environmental Clearance for the Group Housing Project titled "*Bliss Delight*" located at GH-2, Sector-G, Pocket-5, Sushant Golf City, Hi-Tech Township, Lucknow, Uttar Pradesh, bearing Proposal No. SIA/UP/INFRA2/483427/2024, under Item 8(a)

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(Building/Construction Projects) of the EIA Notification, 2006 (as amended).

- 7.** That the said proposal was considered in the 864th SEAC-2 Meeting dated 12.07.2024, wherein the Committee opined that the Project Proponent should submit a detailed timeline of the project proposal along with supporting documents and clarify the status of Original Application No. 681/2023 (IA No. 800/2023) pending before the Hon'ble National Green Tribunal, New Delhi.
- 8.** That thereafter, the matter was placed before the 830th SEIAA Meeting dated 12.08.2024, wherein SEIAA took note of the observations made by the SEAC.
- 9.** That the proposal was again considered in the 879th SEAC-2 Meeting dated 17.09.2024, wherein, upon examination of the reply submitted by the Project Proponent, the Committee directed the Project Proponent to submit a detailed timeline of construction activities undertaken, supported by a notarized affidavit, and observed that the matter would be discussed only after submission of the said information.
- 10.** That subsequently, the matter was placed before the 847th SEIAA Meeting dated 18.10.2024, wherein SEIAA noted the

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recommendation of SEAC that the matter would be discussed only after submission of the requisite reply on the prescribed portal.

- 11.** That the case was thereafter considered in the 891st SEAC-2 Meeting dated 24.10.2024, wherein the Committee deliberated upon the matter and recommended grant of Environmental Clearance for the project, subject to specific conditions in addition to the standard conditions prescribed by the MoEF&CC.
- 12.** That thereafter, the proposal was placed before the 858th SEIAA Meeting dated 13.12.2024, wherein SEIAA opined that the Project Proponent shall clarify and/or provide the following information online:
 - a)** copy of the previous Environmental Clearance issued for the project in the name of the previous promoter;
 - b)** whether such Environmental Clearance, if available, was transferred in favour of M/s R.R. Civil Tech Pvt. Ltd.;
 - c)** whether the Environmental Clearance, if issued for Sushant Golf City, Hi-Tech Township, included the present project, along with proof;

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d) details of construction carried out by M/s Ansal Properties and Infrastructure Limited and by M/s R.R. Civil Tech Pvt. Ltd.;

and

e) approved building plans corresponding to the Environmental Clearance.

13. That the matter was further considered in the 865th SEIAA Meeting dated 06.01.2025, wherein SEIAA recorded that construction had been undertaken in the project based on the Township Environmental Clearance and without obtaining a separate Environmental Clearance for the project, in violation of Condition No. 5 of the specific conditions stipulated in EC Letter No. 1323/Parya/SEAC/621/2011/TA(J) dated 09.06.2011, and further observed that the project fell in the violation category and Environmental Clearance could not be granted in view of the Hon'ble Supreme Court's order dated 02.01.2024 in Writ Petition (Civil) No. 1394 of 2023 and the MoEF&CC Office Memorandum dated 08.01.2024.

14. That pursuant to the aforesaid decision taken in the 865th SEIAA Meeting dated 06.01.2025, SEIAA issued a letter bearing No. 88/Parya/9079/2023 dated 15.01.2025 addressed to Shri Rahul

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Agarwal, Director, M/s R.R. Civil Tech Pvt. Ltd., Lucknow. **That a copy of the said letter dated 15.01.2025 is annexed herewith and marked as Annexure-01.**

- 15.** That thereafter, the matter was considered in the 888th SEIAA Meeting dated 15.04.2025, wherein SEIAA examined the letter dated 01.04.2025 seeking reconsideration and, in light of the Hon'ble Supreme Court's order dated 06.01.2025 and the MoEF&CC Office Memorandum dated 28.03.2025, opined that the proposal be referred back to SEAC for comments and reconsideration.
- 16.** That the proposal was thereafter considered in the 936th SEAC-2 Meeting dated 05.05.2025, wherein neither the Project Proponent nor its consultant appeared, and the Committee directed that the Project Proponent shall appear in the next meeting to make a presentation along with a detailed chronology of the project.
- 17.** That subsequently, the matter was placed before the 903rd SEIAA Meeting dated 26.05.2025, wherein SEIAA agreed with the recommendation of SEAC to close/delist the file, with liberty to reopen the same only upon submission of an online request on the prescribed portal.

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- 18.** That the matter was thereafter considered in reference to Writ-C No. 3518 of 2025 pending before the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, in the 955th SEAC-2 Meeting dated 29.09.2025, wherein the Committee was informed of the Hon'ble High Court's order dated 29.05.2025 and sought guidance from SEIAA for compliance thereof. **That a copy of the Hon'ble High Court's order dated 29.05.2025 passed in Writ-C No. 3518 of 2025 is annexed herewith and marked as Annexure-02.**
- 19.** That thereafter, the matter was considered in the 919th SEIAA Meeting dated 10.11.2025, wherein SEIAA opined that the matter be remitted to SEAC for fresh reconsideration in light of the Hon'ble High Court's order dated 29.05.2025 and the judgment of the Hon'ble Supreme Court in *Vanashakti* (supra).
- 20.** That pursuant to the aforesaid opinion recorded by SEIAA, the Project Proponent submitted a fresh online application on the Parivesh Portal on 06.12.2025 bearing Proposal No. SIA/UP/INFRA2/560844/2025 seeking grant of Environmental Clearance for the project "*Bliss Delight*".

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- 21.** That the said proposal has been taken up expeditiously and listed in the agenda of the SEAC-2 Meeting dated 18.12.2025 for further necessary action.
- 22. That** the answering Respondent craves leave of this Hon'ble Tribunal to rely upon and place on record such further documents, records and submissions as may be necessary and permissible under law, and to raise all such legal and factual submissions as may be advised at the time of hearing

THROUGH



Place: New Delhi
Date:03/01/2026

Priyanka swami
Standing Counsel For SEIAA, U.P.
Advocate
F-13, Jangpura, New Delhi 110014
E-mail: advpriyankaswami@gmail.com

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ORIGINAL APPLICATION NO. 681/2023

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APPLICANT

VERSUS

BLISS DELIGHT & ORS.

RESPONDENT(S)

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, 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.

I identified the deponent who has signed in my presence
Adv. Priyanka Saxena
D/4476/10.

VERIFICATION



V. Bhanu

DEPONENT

Verified on solemn affirmatin at New Delhi on this 05 JAN 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

V. Bhanu
DEPONENT

ATTESTED
[Signature]
NOTARY PUBLIC
(INDIA)

05 JAN 2026

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प्रेषक,

सदस्य सचिव,
एस0ई0आई0ए0ए0,
पर्यावरण निदेशालय, उ0प्र0,
विनीत खण्ड-1, गोमती नगर, लखनऊ-226010

सेवा में,

Shri Rahul Agarwal,
Director,
M/s R.R. Civiltech Pvt.Ltd,
Ground Floor, Raja Ram Kumar Plaza,
75 Hazratganj Luknow.

पत्रांक : 88 / पर्या./ 9079 / 2023

दिनांक 15 जनवरी, 2025

विषय:- Group housing "Bliss Delight" at GH - 2 Sector - G, Pocket - 5, Sushant Golf City, Hi-Tech Township, Lucknow, Uttar Pradesh by M/s R.R. Civiltech Pvt Ltd. Proposal No.: SIA/UP/INFRA2/483427/2024 File No.: 9079 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त प्रस्ताव पर राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ0प्र0 की 865वीं बैठक दिनांक 06.01.2025 में विचार कर निम्नवत् संस्तुति की गई :-

SEIAA noted that the above project was taken in its 858th meeting in which SEIAA opined that the project proponent shall submit clarification online on the following points in the next meeting. Hence the project proponent was present along with his consultant virtually in SEIAA meeting dated 06.01.2025 and has also submitted his reply vide letter dated 13.12.2024 which is as follows:-

S. No	ADS Point	Reply
1	Copy of previous EC issued to the above project in the name of previous promoter	Initially, the environmental clearance was issued to the original promoter [M/s Ansal Properties and Infrastructure Limited] in the year 2007 bearing file no. 21-549/2006-IA.III dated June 06, 2007 for the total plot area measuring 1967.755 acres and considering the density of 1,55,000 people. [Copy enclosed as annexure 01] Further, EC for expansion was applied and granted vide ref no vide ref no. 1323/ Parya/ SEAC/ 621/2011/TA (J) dated 09 June 2011 for the additional area of 1976.77 acres having a

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S. No	ADS Point	Reply
		<p>built-up area of 7033797.52 sqm and a density of 2,93,016 people. [Copy enclosed as annexure 02]</p> <p>Wherein point no 01 of the EC issued in 2011 categorically mentions and covers the name of the village Hasanpur Kheveli and the project "Bliss Delight" comes under the limits of the said village. The same can be substantiated by the Khasra letter.[Copy enclosed as annexure 03].</p> <p>Further, the residential area, dwelling unit and density mentioned in the EC covers the built-up area and density for the project bliss delight as mentioned in point no 5 and 6 of EC 2011.</p> <p>Conceptual DPR was submitted in 2010 on the basis of which EC was granted in 2011. The project bliss delight is clearly depicted in the said DPR and the said DPR was approved in 2015 by LDA. Copy of the Final DPR earmarking the said project is enclosed as annexure 04.</p>
2	<p>If the EC is available for the above project, whether it was transferred to M/s R.R. Civiltech Pvt Ltd</p>	<p>As per the EIA Notification 2006, point no 11 –</p> <p>Transferability of Environmental Clearance (EC): -</p> <p><i>"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</i></p>

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S. No	ADS Point	Reply								
		<p>Appraisal Committee concerned is necessary in such cases"</p> <p>Accordingly, the EC can be transferred for the entire project and not only for a part of the project. In the Instant case, therefore, current promoter (M/s R.R. Civiltech Pvt Ltd) has applied separate EC for the completion of the project.</p>								
3	If the EC is available is for Sushant Golf City, Hi-Tech Town Ship, then whether this project was included or not, with proof	Yes, EC is available for the entire township including bliss delight project. Details already mentioned in point no 1.								
4	<p>Details of constructions done by M/s Ansal Properties and Infrastructure Limited [primary promoter] and details of constructions done by M/s R.R. Civiltech Pvt Ltd</p>	<p>Status of the work done by M/s Ansal Properties & Infrastructure Limited</p> <table border="1"> <thead> <tr> <th>Tower 1</th> <th>Tower 2</th> <th>Tower 3</th> <th>Tower 4</th> </tr> </thead> <tbody> <tr> <td>G+7</td> <td>Foundation work done</td> <td>G+5 floors</td> <td>Foundation work done</td> </tr> </tbody> </table> <p>M/s R.R. Civiltech Pvt Ltd has not started the construction work. Affidavit regarding the same has already been submitted to the hon'ble committee during the appraisal of the project.</p>	Tower 1	Tower 2	Tower 3	Tower 4	G+7	Foundation work done	G+5 floors	Foundation work done
Tower 1	Tower 2	Tower 3	Tower 4							
G+7	Foundation work done	G+5 floors	Foundation work done							
5	Approved building plans for the project mentioned in EC	<p>The building plan was sanctioned by the Lucknow Development Authority in the name of M/s Ansal Properties & Infrastructure Ltd. after the approval of the DPR in 2015. (Copy of sanction plan enclosed as annexure 05)</p> <p>A memorandum of Understanding was executed between the primary promoter (Ansals) and the current promoter</p>								



S. No	ADS Point	Reply
		<p>(R.R. Civiltech Pvt Ltd) on dated 30.06.2021 and subsequently the transfer was approved by Uttar Pradesh Real Estate Regulatory Authority vide its order dated 13.04.2022 bearing no. UPRERAPRJ4754.</p> <p>Furthermore, after the approval from UPRERA, the primary promoter i.e. M/s Ansal Properties & Infrastructure limited executed the sale deed in favour of the current promoter i.e. M/s R.R. Civiltech Pvt Ltd for Tower 1 & 3 on 19.07.2022 and for tower 2 & 4 on 10.03.2023.</p> <p>Since the validity of the approved plans expired in Dec 2022, therefore, M/s R.R. Civiltech applied for extension of the plans of bliss delight with the LDA and the Extension letter of the approved layout has been granted by the LDA vide letter 28/EE/HTIG/2024 dated 24/07/2024 in favour of M/s R.R. Civiltech Pvt Ltd valid up to 21.06.2026. (Copy enclosed as annexure 06)</p> <p>Simultaneously M/s R.R. Civiltech has also applied for environmental clearance for the said project.</p>

The project proponent has also submitted that as per half yearly compliance report dated 14.09.2017 submitted to RO, MoEFCC Lucknow point no. 05 states that: -

5.	No buildings except those required for infrastructure shall be constructed. Individual projects such as group housing construction projects, hospital etc. will have to separately apply environmental clearance as per rules.	<p>Only those buildings required for infrastructure are being constructed.</p> <p>As per MoEF & CC's latest amendment of the EIA Notification 2006, vide S.O.3999(E) dated 9th December 2016, no separate environmental clearance is required for building & construction projects having built-up area less than equal to 1,50,000 sq. meters.</p>
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It is clear from the above that contention of the project proponent is that since the EC was granted to M/s Ansal for built-up area of 7033797.52 sqm and 293016 population and

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 the project under consideration is well within village Hasanpur Khevli with its built-up area 41,371.93 sqm hence G+7 floor in Tower 1, Foundation work done in Tower 2, G+5 floors in Tower 3, Foundation work done in Tower 4 was constructed based on interpretation that EC for township included EC for this project as well.

File of *M/s Ansal properties & Infrastructure Ltd*, Township project was examined by SEIAA and it was noted that *M/s Ansal properties & Infrastructure Ltd* wrote letters in July, 2016 requesting clarification regarding requirement of EC for individual Group Housing project developed by same builder. SEIAA considered the matter in its 167th meeting held on 26.08.2016. Minutes of the meeting were as follows:-

"The SEIAA was informed that M/s Ansal properties & Infrastructure Ltd has submitted a letter no- AP/P (Sanc)/ENV/SGC Extn/16/559 dated 12-08-2016 to the SEIAA. Through this letter the project proponent has informed that the Environmental Clearance has been issued by the SEIAA vide Letter No. 1323/Parya/SEAC/621/2011/TA(J) dated 09-06-2011 to the title project for the Plot Area of 1,765 acres. Built-up Area of 7033,797.52 sqm and 29,469 nos. of Dwelling Unit. Through the same letter the project proponent has also informed that separate EC was being sought for the individual group housing project within the township, although proposed by the same developer. This action was the outcome of misunderstanding of point no-5 of specific condition in the E.C. letter on their part. On the other hand, with due time, this resulted in a lot of ambiguity in handling all the separate clearance, consent to Establish (CTE) Applications, consent to operate (CTO) applications, their compliances and renewal especially given the fact that the STP for the whole township is common along with other Environmental management plan (EMP) measures.

The SEIAA directed the project proponent to follow the specific condition no- 5 of the E.C. letter No. 1323/Parya/SEAC/621/201/TA(J) dated 09-06-2011 and directed that no construction should be done without obtaining the E.C., failing which the matter shall be considered under violation of EP act 1996 and action shall be taken against the Board of Directors of the proposed project proponent under the law."

As regards the MoEFCC notification S.O. 3999(E) dated 09.12.2016 referred to in "half yearly compliance report", it had assigned the responsibility of implementing environmental conditions to local authorities by directing to include these conditions in building bye laws required for building & construction projects of built-up area equal to or less than 1,50,000 sqm. Based on this *M/s Ansal properties & Infrastructure Ltd* constructed the housing project under question as the built-up area was well below 150000 sq meter mandated for EC. This notification, however, was quashed vide Hon'ble NGT order dated 08.12.2017 in OA no. 677 of 2016, followed by issuance of MoEFCC OM F No-3-150/2017-IA-III dated 03.04.2018 transferring all cases with local bodies back to respective SEIAA. This essentially brought the situation back to pre- December 2016 when environmental clearance was required for projects having built up area more than 20000 sq meters.

On perusal of SEIAA minutes available in record and Hon'ble NGT judgment dated 08.12.2017 it is clear that individual projects having built up area more than 20000 sq meters required separate ECs and the previous developer was suitably informed about it. Now *M/s Ansal properties & Infrastructure Ltd* after partly constructing this project having built-up area of 41,371.93 sqm transferred the whole project to *M/s R.R. Civiltech Pvt Ltd*.

It is clear that construction was done in the project, based on the Township EC and without obtaining separate EC for the project which is clear violation of point no- 5 of specific conditions of EC Letter No. 1323/Parya/SEAC/621/2011/TA(J) dated 09-06-2011. The

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developers had ample time to get a post-facto EC but they never applied for EC. The project is therefore, in violation category because EC was never obtained for this project. Hon'ble Supreme Court vide its order dated 02.01.2024 In Writ Petition(s) (Civil) No(s). 1394/2023 stayed post-facto grant of EC followed by issuance of MoEFCC OM F No-IA/3-3/4/2024-IA III (E230791) dated 08.01.2024 in this regard. Since the above project is in violation category hence EC cannot be granted in light of Hon'ble Supreme Court's Order.

प्राधिकरण की बैठक में लिये गये निर्णय के आलोक में सम्बन्धित कार्यवृत्त की प्रति संलग्न है।

संलग्नक- यथोक्त।

भवदीय,

(अजय कुमार शर्मा)
सदस्य सचिव,
एस0ई0आई0ए0ए0

प्रतिलिपि- निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – psforest2015@gmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – roc.lko-mef@nic.in)
4. District Magistrate, Lucknow.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.in)
6. Copy for Guard File.



(अजय कुमार शर्मा)
सदस्य सचिव,
एस0ई0आई0ए0ए0

Neutral Citation No. - 2025:AHC-LKO:32623-DB

High Court of Judicature at Allahabad

Lucknow

Reserved on : 23.05.2025

Delivered on : 29.05.2025

Court No. - 2

Case :- WRIT - C No. - 3518 of 2025

Petitioner :- M/S R.R.Civil Tech Private Limited Thru. Authorized Representative Rajesh Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Environment Forest And Climate Change Deptt. Lko. And 2 Others

Counsel for Petitioner :- Amit Jaiswal Ojus Law

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy,J.

Hon'ble Om Prakash Shukla,J.

- (1) Heard Shri Abdhesh Chaudhary and Shri Aditya Singh, learned Counsel for the petitioner and Shri Rajesh Tewari, learned Additional Chief Standing Counsel for the State.
- (2) The petitioner by virtue of the instant petition has sought to assail the order dated 15.01.2025 passed by the State Environment Impact Assessment Authority (SEIAA) on the grounds of jurisdictional error and material irregularity.
- (3) Apparently, by the impugned order, SEIAA has denied Environmental Clearance to the Group Housing Project developed by the petitioner in the name and style of "Bliss Delight" at GH-2, Sector - G, Pocket-5, Sushant Golf City, HI-Tech Township, Lucknow, being built on an area of 41,371.93

Sqare Metre, even though, the State Level Environmental Appraisal Committee (SEAC), vide its 891st Meeting dated 24.10.2024, has recommended to grant environmental clearance for the said Group Housing Project, in favour of the Petitioner.

- (4) The present writ petition was listed on 15.04.2025, wherein this Court issued notices both to the SEIAA, enumerated as opposite party No.2 and SEAC, enumerated as opposite party No.3, to the petition. However, on the subsequent date of listing i.e. on 01.05.2025, none appeared on their behalf and as such this Court, while adjourning the matter to 23.05.2025, passed the following orders, relevant to the context :-

“Affidavit of service has been filed, according to which, the notices has been served in the office of opposite party No.2 and 3 on 22.04.2025 but none has put in appearance, nevertheless, as a measure of abundant caution, let notice be issued to opposite party no. 2 and 3 by regular mode returnable at an early date”

- (5) However, when the matter was called on 23.05.2025, none have appeared for the opposite party No. 2 and 3 and the Office Report says that notices were issued to opposite parties No.2 and 3 vide dispatch No. 4736/3.5.2025 and 4737/3.5.2025 booked through speed post on 09.05.2025. The office report further says that they are not in receipt of any non-delivery cover nor any Vakalatnama has been filed by the opposite parties. Be that as it may, opposite parties have been sufficiently served and we are of the view that this Court may

not await any further for representation of the opposite parties no.2 and 3.

- (6) Coming back to the facts of the present case, learned counsel for the petitioner has submitted that the Project in question forms a part of the Hi-Tech City, which was earlier being developed by Ansal Properties & Infrastructure Limited. It is the case of the petitioner that they have stepped into the shoes of Ansal's qua the project in question by virtue of sale deed dated 18.07.2022 for Tower No. 1 & 3 and sale deed dated 10.07.2023 for Tower No. 2 & 4. According to him, in the said four towers, it has been proposed to develop almost 448 units against which 247 units have already been allotted to home buyers by the Ansal's itself way back in the year 2016-17 and the petitioner has executed the sale deeds in the context '*as is where is basis*'.
- (7) It has been submitted by the petitioner's Counsel that ever since the petitioner have bought the said project, the construction in the project could not be re-started by them owing to environmental issue and that as such, the fate of large numbers of home buyers are hanging in fire for quite some time.
- (8) As far as the Environmental Clearance (EC) is concerned, it has been submitted by the learned counsel for the petitioner that the Environmental Clearance had been obtained by the erstwhile developers i.e. Ansal's for the proposed Hi-Tech City on

06.06.2007 and the same was extended to the present project in question vide another letter dated 09.06.2011 by the State Environment Impact Assessment Authority (SEIAA), which contained various general and specific conditions, including specific condition No. 5, which inter-alia stated that no buildings except those required for infrastructure shall be constructed and individual projects such as housing construction project, hospital etc. will have to separately apply environmental clearance as per rules.

- (9) Learned Counsel has taken this Court to the half-yearly compliance report dated 14.09.2017 filed by Ansal's, wherein in reply to the special condition No.5 mentioned in the Environmental Clearance dated 09.06.2011, it has been replied by stating that only those building required as infrastructure are being constructed. The reply further says that as per MoEF & CC latest amendment to the EIA notification 2006, vide S.O. 3999 (E) dated 9th December, 2016, no separate environmental clearance is required for building and construction projects having built-up area less than equal to 1,50,000 square meters. It has been submitted by the learned counsel for the petitioner that as the total construction by the Project in question is for an area of 41,371.93 square meters and since they have been constructed during the said intervening period, no separate or specific environmental clearance was required for the project in question. It has been submitted that the general extended

Environmental Clearance issued on 09.06.2011 was valid for the project in question, which came to lapse only in 2018.

(10) Thus, the fulcrum of the argument of the learned Counsel for the petitioner is that no separate Environmental Clearance was required for the project in question at the time when it was constructed and since the Environmental Clearance came to lapse only in 2018, the application of the petitioner seeking issuance of Environmental Clearance was for renewal of Environmental Clearance and not for issuance of fresh Environmental Clearance post construction and, as such, the same cannot be rejected by SEIAA on the ground that an interim order dated 02.01.2024 has been passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 1394 of 2023 : **Vanashakti Vs. Union of India**', staying the operation of the Office Memoranda dated 7th July, 2021 and 28th January, 2022 by virtue of which post-facto Environmental Clearance could had been granted by the Authority.

(11) The learned Counsel has, thus, submitted that the judgment passed by the Hon'ble Supreme Court in Vanashakti (supra) was not applicable to the project in question as the same is distinguishable on facts as pointed towards the clarificatory order passed by the Hon'ble Court vide order dated 02.02.2024 and 17.12.2024. In any case, it has been submitted that the SEIAA has refused to issue the Environmental Clearance on

absolutely new grounds and submitted that no doubt the order passed by the SEAC is recommendatory in nature, however, the EIA Notification of 2006 at paragraph No. 8 specifically provided that the recommendation by SEAC would be normally followed by the SEIAA and in case of any disagreement, SEIAA should remand the same to SEAC with request for reconsideration, which has not been done in the present case. According to him, the proprietary of the impugned order goes to the root of Jurisdiction and validity of the order passed by SEIAA.

- (12)** Learned Additional Chief Standing Counsel appearing for the State has supported the impugned order and submitted that the application for grant of Environmental Clearance was rightly rejected by the SEIAA as the application was for a post-facto regime, which although had been allowed by the authority for a limited period window as is apparent from the Notification dated 2016 and SOP dated 17.07.2021. However, in the wake of the judgment of the Hon'ble Supreme Court, the notifications have been set-aside and as such, there could not be any post-facto environmental clearance. However, the learned Counsel for the State could not deny the provisions of EIA Notification of 2006 relating to the nature of power and responsibility vested with the SEAC and the SEIAA.

- (13) Having heard the learned counsel for the parties, this Court is of the view that no doubt after passing of the judgment in the case of Vanashakti (Supra), the Hon'ble Supreme Court has not only struck down the notification of 2017 and SOP of 17.07.2021, but has also restrained the Central Government from issuing circulars/orders/OMs/notifications providing for grant of *ex post facto* Environmental Clearance in any form or manner or for regularising the acts done in contravention of the EIA notification. However, as submitted and highlighted by the petitioner that the present case is not related to issuance of *ex post-facto* Environmental Clearance but is related to renewal of Environmental Clearance, which may or may not be covered by the notification of 2017 and the SOP dated 17.07.2021.
- (14) Be that as it may, this Court in its exercise of writ jurisdiction does not wish to enter the arena of factual disputes and test the veracity of the sets of allegations and counter-allegation of the parties, which has to be left to the experts of the field. This Court finds that although the SEAC has given a recommendation in favour of the petitioner vide their meeting dated 24.10.2024, however, the SEIAA chose not to agree with the said recommendation and passed the Impugned order. This Court finds that in view of the EIA notification of 2006, the moment SEIAA thought of disagreeing with the recommendation of SEAC, SEIAA ought to have requested the SEAC for reconsideration of its recommendation and should

not have passed the impugned order dated 15.01.2025. Thus, the impugned order passed is without proper Jurisdiction.

- (15)** In view of the aforesaid, the impugned order dated 15.10.2015 is hereby set-aside and the matter is remitted to the SEAC for fresh reconsideration, keeping in view the order passed by the SEIAA relating to the facts of the present case, as well as, the judgment passed by Hon'ble Supreme Court in Vanashakti (supra) and its applicability to the case of the petitioner.
- (16)** Needless to say that the petitioner shall have a right to be heard and submit all relevant documents during the hearing before SEAC.
- (17)** For all the aforesaid reasons, the writ petition is **allowed** in the above terms. It is expected that both, SEAC and SEIAA, would take steps to decide the matter, expeditiously, preferably within two months from the date of receipt of a certified copy of this order.

(Om Prakash Shukla, J.) (Rajan Roy, J.)

Order Date : 29th May, 2025

Ajit/-